

LEGAL POLICY REVIEW & IMPLEMENTATION CHART

**TASB UPDATE 119**

<p>Legal Policy</p> <p><u>Update Packet</u></p>	<p>Location in Explanatory Notes (Page #)</p>	<p>Person(s) Responsible</p>	<p>Administrator Acknowledged &amp; Implemented</p>	<p>Brief Summary of Legal Policy Update</p>
<p><u>AIB(LEGAL)</u></p> <p>ACCOUNTABILITY: PERFORMANCE REPORTING</p>	<p>Page 25</p>	<p>A.Kirchner (Lead)</p> <p>N. Keith</p>		<p>Quality of learning indicators for remote instruction performance reporting have been added from SB 15 (Second Called Session). (See page 6.)</p>
<p><u>BBB(LEGAL)</u></p> <p>BOARD MEMBERS: ELECTIONS</p>	<p>Page 33</p>	<p>A.Kirchner (Lead)</p>		<p>Provisions have been added to this legally referenced policy on elections for a more complete presentation of applicable legal content..</p>
<p><u>BBBA(LEGAL)</u></p> <p>ELECTIONS: CONDUCTING ELECTIONS</p>	<p>Page 39</p>	<p>A.Kirchner (Lead)</p>		<p>Upon the board's receipt of certification that a candidate is unopposed in an election, SB 1 (Second Called Session) requires the board to cancel the election and declare each unopposed candidate elected to office. SB 1 also changed the definition for eligible county polling places. Other revisions are to better match legal sources.</p>
<p><u>BBE(LEGAL)</u></p> <p>BOARD MEMBERS: AUTHORITY</p>	<p>Page 51</p>	<p>A.Kirchner (Lead)</p>		<p>Provisions on board authority that are addressed at other codes have been removed to eliminate duplication</p>

<p><a href="#"><u>BBG(LEGAL)</u></a></p> <p>BOARD MEMBERS: COMPENSATION AND EXPENSES</p>	Page 55	A.Kirchner (Lead)		A revision clarifies that an officer or employee may participate in the comptroller's contract for travel services when traveling for official business. The comptroller can no longer charge fees for these services.
<p><a href="#"><u>BBI(LEGAL)</u></a></p> <p>BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS</p>	Page 57	A.Kirchner (Lead)		Revisions are to update citations and better reflect legal sources.
<p><a href="#"><u>BDAA(LEGAL)</u></a></p> <p>OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS</p>	Page 59	A.Kirchner (Lead)		Revisions are to better reflect legal sources.
<p><a href="#"><u>BDB(LEGAL)</u></a></p> <p>BOARD INTERNAL ORGANIZATION: INTERNAL COMMITTEES</p>	Page 61	A.Kirchner (Lead)		Provisions on board committees have been revised based on current legal authority.
<p><a href="#"><u>BE(LEGAL)</u></a></p> <p>BOARD MEETINGS</p>	Page 63	A.Kirchner (Lead)		This legally referenced policy on board meetings has been revised to reorder and add some existing legal provisions, delete nonessential provisions, and better reflect legal sources.
<p><a href="#"><u>BQ(LEGAL)</u></a></p> <p>PLANNING AND DECISION-MAKING PROCESS</p>	Page 75	A.Kirchner (Lead)		Revised Administrative Code rules resulted in changes to shared services arrangements for DAEP services

<p><a href="#"><u>CCGA(LLEGAL)</u></a></p> <p>AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS</p>	<p>Page 81</p>	<p>S.Adrian (Lead) L.Fisher</p>		<p>As provided by SB 611 (Regular Session) and Senate Joint Resolution 35 and approved by voters in November 2021, the surviving spouse of a member of the U.S. armed forces who is fatally injured in the line of duty is entitled to the residence homestead property tax exemption as long as the surviving spouse remains unmarried. (See page 5.)</p>
<p><a href="#"><u>CDB(LLEGAL)</u></a></p> <p>OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL OWNED PROPERTY</p>	<p>Page 91</p>	<p>S.Adrian (Lead) L.Fisher</p>		<p>Revisions are to better reflect statutory sources.</p>

<p><a href="#"><u>CDC(LLEGAL)</u></a></p> <p>OTHER REVENUES: GIFTS AND SOLICITATIONS</p>	<p>Page 97</p>	<p>S.Adrian (Lead) L.Fisher</p>		<p>SB 3 (Second Called Session) revised the provisions on prohibited use of private funding for certain curriculum and professional development purposes.</p>
<p><a href="#"><u>CH(LLEGAL)</u></a></p> <p>PURCHASING AND ACQUISITION</p>	<p>Page 99</p>	<p>S.Adrian (Lead) L.Fisher</p>		<p>We have added a reference on page 12 to amended rules from the Texas Department of Information Resources on purchasing information technology commodity items.</p>
<p><a href="#"><u>CI(LLEGAL)</u></a></p> <p>SCHOOL PROPERTIES DISPOSAL</p>	<p>Page 115</p>	<p>S.Adrian (Lead) L.Fisher</p>		<p>Revisions are to better reflect statutory sources.</p>

<p><a href="#">CPC(LEGAL)</a></p> <p>OFFICE MANAGEMENT: RECORDS MANAGEMENT</p>	Page 117	S.Adrian (Lead) L.Fisher		Revisions to this legally referenced policy are based on revised Administrative Code rules from the Texas State Library and Archives Commission (TSLAC) published in Bulletin B: Electronic Records Standards and Procedures. An overview of Bulletin B is available on the TSLAC website.
<p><a href="#">CQA(LEGAL)</a></p> <p>TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES</p>	Page 131	S.Adrian (Lead) L.Fisher		Based on HB 1525 (Regular Session) and SB 9 (Second Called Session), we have added the requirement to post curriculum materials on human sexuality instruction and instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking to the extent the materials are in the public domain. (See item 42.)
<p><a href="#">CRD(LEGAL)</a></p> <p>INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE</p>	Page 141	S.Adrian (Lead) L.Fisher		Revisions to TRS-ActiveCare provisions are based on amended Administrative Code rules. New text addresses prohibitions on offering alternative group health coverage (see page 2) and highlights the information that must be submitted with written elections to participate in TRS-ActiveCare (see page 3)

<p><a href="#">CS(LEGAL)</a></p> <p>FACILITY STANDARD</p>	Page 151	S.Adrian (Lead) L.Fisher		Changes throughout this legally referenced policy on facility standards are from new Administrative Code rules that add extensive standards for capital improvement projects on or after November 1, 2021, and revised Administrative Code rules on the standards applicable to these projects before November 1, 2021.
<p><a href="#">CV(LEGAL)</a></p> <p>FACILITIES CONSTRUCTION</p>	Page 171	S.Adrian (Lead) L.Fisher		Changes to this legally referenced policy on facilities construction are from new Administrative Code rules that add extensive facility standards for construction of capital improvement projects on or after November 1, 2021. An existing provision has been added on page 3 regarding the board's notice of delegation.

<p><a href="#">DC(LEGAL)</a></p> <p>EMPLOYMENT PRACTICES</p>	<p>Page 191</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>We have added on page 4 new Administrative Code rules addressing the monthly certified statement of employment the district must submit to TRS for retirees employed by the district.</p>
<p><a href="#">DEAA(LEGAL)</a></p> <p>COMPENSATION PLAN: INCENTIVES AND STIPENDS</p>	<p>Page 199</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>Changes reflect revised Administrative Code rules on the local optional teacher designation system and mentor teacher programs</p>
<p><a href="#">DECB(LEGAL)</a></p> <p>LEAVES AND ABSENCES: MILITARY LEAVE</p>	<p>Page 207</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>This legally referenced policy on military leave has been updated based on revisions to the Uniformed Services Employment and Reemployment Rights Act (USERRA).</p>
<p><a href="#">DFE(LEGAL)</a></p> <p>TERMINATION OF EMPLOYMENT: RESIGNATION</p>	<p>Page 213</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>Provisions on contract abandonment are revised based on amended rules from the State Board for Educator Certification. The reasons an educator may abandon a contract for good cause now include the educator's reasonable belief that the educator had written permission from the district to resign. Several new mitigating factors have also been added.</p>
<p><a href="#">DG(LEGAL)</a></p> <p>EMPLOYEE RIGHTS AND PRIVILEGES</p>	<p>Page 217</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>SB 3 (Second Called Session) broadened a provision from HB 3979 (Regular Session) so that a teacher may not be compelled to discuss a widely debated and controversial issue of public policy or social affairs for any course or subject. The provision is no longer limited to social studies courses in the required curriculum. (See page 5.)</p>
<p><a href="#">DHC(LEGAL)</a></p> <p>EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY</p>	<p>Page 225</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>Amended Administrative Code rules revise terminology from solicitation of sexual conduct to solicitation of sexual contact to better align with statute</p>

<p><a href="#">DMA(LEGAL)</a></p> <p>PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT</p>	<p>Page 229</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.</p> <p>To meet the policy requirements, the recommended local policy text reflects that the board shall annually approve the district's professional development plan, which must be guided by the clearinghouse; note any differences from the clearinghouse recommendations; and include a schedule of required professional development.</p> <p>We have retained the district's locally developed text, with light editing for consistency with policy style.</p> <p>We recommend deletion of the provisions addressing professional learning hours and records as this is more appropriately addressed in administrative regulations. Please note: SB 1267 requires SBEC to publish the clearinghouse by June 1, 2022, and districts to adopt a professional development policy by August 1, 2022. TASB Policy and Legal Services recommend that the board adopt DMA(LOCAL) and approve the district professional development plan by August 1, or as soon as possible thereafter, to ensure compliance with the bill.</p>
<p><a href="#">DP(LEGAL)</a></p> <p>PERSONNEL POSITIONS</p>	<p>Page 241</p>	<p>P. Berry (Lead)</p> <p>M. Williams</p>		<p>Provisions on school psychological services have been updated based on revised Administrative Code rules.</p>
<p>E(LEGAL)</p> <p>INSTRUCTION</p>	<p>Page</p>	<p>N. Keith (Lead)</p>	<p><a href="#">Replace table of contents</a></p>	<p>Revised table of contents</p> <p>The E section table of contents has been updated to add the new code EHDF, which includes provisions on local remote learning programs, and to update the subtitle for EFB, Library Materials.</p>

<p><a href="#">EF(LEGAL)</a></p> <p>INSTRUCTIONAL RESOURCES</p>	<p>Page 251</p>	<p>N. Keith (Lead)</p>		<p>SB 3 (Second Called Session) requires a district to provide login credentials to parents to access learning management or online learning portals used for student instructional materials.</p>
<p><a href="#">EHAA(LEGAL)</a></p> <p>BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTIONAL (ALL LEVELS)</p>	<p>Page 255</p>	<p>N. Keith (Lead)</p>		<p>Effective with the 2022–23 school year, SB 9 (Second Called Session) provides that the SHAC must recommend the appropriate grade levels and curriculum for instruction on child abuse, family violence, dating violence, and sex trafficking. The bill also imposes several requirements regarding curriculum materials on those topics, including: Revised parental notification and new parental consent provisions; Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and New board policy on adopting curriculum materials [see EHAA(LOCAL), below]. The Regulations Resource Manual includes a sample board resolution for convening the SHAC and a sample parental consent form.</p>
<p><a href="#">EHBAA(LEGAL)</a></p> <p>SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY</p>	<p>Page 273</p>	<p>N. Keith (Lead)</p>		<p>Amended Administrative Code rules now refer to a student with an auditory impairment as a student who is deaf or hard of hearing to match the statute. (See page 5.)</p>
<p><a href="#">EHBAB(LEGAL)</a></p> <p>SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM</p>	<p>Page 283</p>	<p>N. Keith (Lead)</p>		<p>Amended Administrative Code rules revise the list of individuals who must be included in ARD committee meetings for students with deaf-blindness and revise terminology addressing students who are deaf or hard of hearing. Participating special education teachers or providers must be appropriately certified or licensed as required by federal law. The rules also address, as reflected on page 5, IEP implementation for students who enroll in a new district during the</p>

				<p>summer.</p> <p>A new Administrative Code rule prohibits consideration of eligibility for supplemental special education services when developing or revising a student's IEP, determining the appropriate educational setting, or in the provision of a free appropriate public education. (See page 8.)</p>
<p><a href="#">EHBAC(LEGAL)</a></p> <p>SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT</p>	Page 295	N. Keith (Lead)		<p>We have removed a repealed Administrative Code provision on out-of-state placement.</p>
<p><a href="#">EHBC(LEGAL)</a></p> <p>SPECIAL PROGRAMS: COMPENSATION/ACCELERAT ED SERVICES</p>	Page 303	N. Keith (Lead)		<p>Reporting provisions on expenditure of the state compensatory education allotment have been added from the Administrative Code.</p>
<p><a href="#">EHDE(LEGAL)</a></p> <p>ALTERNATIVES METHODS FOR EARNING CREDIT: DISTANCE LEARNING</p>	Page 321	N. Keith (Lead)		<p>A new provision from SB 15 (Second Called Session) explains how off-campus electronic courses or programs are counted for purposes of average daily attendance. (See page 12.)</p>
<p>EHDF(LEGAL)</p> <p>ALTERNATIVES METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM</p>	Page 333	N. Keith (Lead)	<p><a href="#">See explanatory notes</a></p>	<p><b>** New Policy Update: (Please note: This policy is new and currently unavailable in the previous UPDATE)</b></p> <p>Provisions on local remote learning programs from SB 15 (Second Called Session) are reflected in this new legally referenced policy. All provisions in the bill expire on September 1, 2023.</p>

<p><a href="#">EIF(LEGAL)</a></p> <p>ACADEMIC ACHIEVEMENT: GRADUATION</p>	<p>Page 337</p>	<p>N. Keith (Lead)</p>		<p>Revised Administrative Code rules provide additional detail on the requirement for a student to complete a financial aid application to meet graduation requirements. The rules, beginning on page 3 of this policy, require the board to adopt the TEA-provided form a student may submit to opt out of the financial aid application requirement and require adoption of a board policy to address the methods by which a student can confirm submission of a financial aid application. See EIF(LOCAL), below.</p>
<p><a href="#">EKB(LEGAL)</a></p> <p>TESTING PROGRAMS: STATE ASSESSMENT</p>	<p>Page 363</p>	<p>N. Keith (Lead)</p>		<p>HB 3261 (Regular Session) allows a district to administer a state assessment instrument on the first instructional day of the week upon authorization by the commissioner of education.</p>
<p><a href="#">EMB(LEGAL)</a></p> <p>MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES</p>	<p>Page 381</p>	<p>N. Keith (Lead)</p>		<p>SB 3 (Second Called Session) revised provisions on instructional requirements and prohibitions, including prohibited concepts and activities.</p>
<p><a href="#">FEC(LEGAL)</a></p> <p>ATTENDANCE: ATTENDANCE FOR CREDIT</p>	<p>Page 385</p>	<p>S. Swann (Lead)</p>		<p>From SB 15 (Second Called Session) we have added a provision permitting a district to exempt students from the 90 percent attendance requirement for courses that are offered under a local remote learning program.</p>
<p><a href="#">FFG(LEGAL)</a></p> <p>STUDENT WELFARE: CHILD ABUSE AND NEGLECT</p>	<p>Page 389</p>	<p>S. Swann (Lead)</p>		<p>Revisions are to update citations and better reflect legal sources.</p>

<p><a href="#">FFH(LEGAL)</a></p> <p>STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARRASSMENT AND RETALIATION</p>	Page 397	S. Swann (Lead)		<p>From SB 9 (Second Called Session) we have added the following on page 2: New policy requirements on dating violence, including parental notification upon a report of dating violence [see FFH(LOCAL), below]; and A provision requiring districts to make available to students age-appropriate materials on the dangers of dating violence and resources for students seeking help. Other revisions are to better reflect legal sources.</p>
<p><a href="#">FM(LEGAL)</a></p> <p>STUDENT ACTIVITIES</p>	Page 425	S. Swann (Lead)		<p>Provisions from HB 25 (Third Called Session) address transgender students in athletic activities sponsored or authorized by a district and prohibit a student from participating in an athletic competition that is designated for a biological sex that differs from the biological sex stated on the student's official birth certificate. (See page 8.)</p>
<p><a href="#">FNA(LEGAL)</a></p> <p>STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION</p>	Page 443	S. Swann (Lead)		<p>We have added the recent U.S. Supreme Court case on student speech, Mahanoy Area School District v B.L. The case holds that public schools may have a special interest in regulating some off-campus student speech where the district's interest is sufficient to overcome the student's interest in free expression, such as in situations of serious or severe bullying or harassment, threats, or breaches of school security devices.</p>
<p><a href="#">FOC(LEGAL)</a></p> <p>STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING</p>	Page	S. Swann (Lead)		<p>Revisions are to better reflect legal sources.</p>
<p><a href="#">FOCA(LEGAL)</a></p> <p>PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY</p>	Page 447	S. Swann (Lead)		<p>Amended Administrative Code rules resulted in revisions to shared services arrangements for DAEP services and to provisions regarding transitions for students in DAEP</p>

ALTERNATIVE EDUCATION PROGRAM OPERATIONS				
<a href="#"><u>FOF(LEGAL)</u></a> STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES	Page 467	S. Swann (Lead)		From HB 785 (Regular Session) we have added a provision requiring the commissioner of education to adopt rules regarding the use of restraint and time-out with a student who is receiving special education services. (See page 8.)
<a href="#"><u>GKA(LEGAL)</u></a> COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES	Page 479	S. Swann (Lead)		An existing statutory provision has been added to clarify the effect of failing to post signs at each entrance to the premises or other property indicating that firearms and other weapons are prohibited. (See page 8.)
<a href="#"><u>GKD(LEGAL)</u></a> COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES	Page 493	S. Swann (Lead)		We have added existing statutory provisions regarding the use of district facilities by places of worship.
<a href="#"><u>GKG(LEGAL)</u></a> COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM	Page 497	S. Swann (Lead)		We have updated for clarification the provisions on obtaining criminal history record information.