

Update 120

Local Policy Overview

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

Update 120 Local Policy Overview Introduction

Hello, and welcome to a brief overview of the local policy recommendations included in Update 120, presented by TASB Policy Service. While not covered in this overview, many of the legal policies included in this update were affected by legislative and regulatory changes.

Most of the local policy recommendations in this update are intended to clarify current policy language. If your district was one of the early districts to adopt an innovation plan, some of your policy provisions regarding certain exemptions are no longer necessary due to changes in state law.

BBB(LOCAL) Board Elections

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Local policy recommendations

- Revise text for at-large election method only.
- Change term “position” to “seat.”



BBB: Board Members, Elections

If your district elects any board members on an at-large basis, policy BBB(LOCAL) is included in your district’s Update 120. This policy revision replaces the term “position” with the term “seat.” This revision will help to eliminate any potential for confusing the district’s at-large method of election with election by position. The change was suggested by election officials who frequently review districts’ policies when responding to questions about board elections. If your district elects board members by single-member districts only or at-large by position or place, then you will not see any recommended changes to this policy.

State and Federal Revenue Sources

Local policy recommendations

- Add provisions on public notice of federal grants.
- Include text addressing approval of federal grant award plans.



CB: State and Federal Revenue Sources

In 2021, the Texas Education Agency issued guidance regarding Elementary and Secondary School Emergency Relief III (or ESSER III) funding. The guidance recommended that districts develop policy language to address how the district will give public notice of federal grants and awards.

In response to the TEA guidance, TASB Policy Service sent out a Policy Alert to all districts in May 2021 requesting that districts provide us with the appropriate information to prepare a policy draft for their district. While many districts responded to that Policy Alert and updated their policies, some districts are currently missing the recommended provisions. For those districts, CB(LOCAL) is included in Update 120.

In addition to the public notice provisions, new language authorizes the superintendent to approve any required plans for use of the grant award. If the board retains authority to approve any plans for use of federal funds, please contact your policy consultant for an appropriate revision.

CKC(LOCAL) Emergency Plans

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Local policy recommendations

- Add text to address response to train derailment in emergency plan when applicable.
- Revise any existing text on “guardian plan.”



CKC: Safety Program/Risk Management, Emergency Plans

For all districts, new text is included in policy CKC(LOCAL) that reflects current law. This change requires a district’s multihazard emergency plan to include responding to a train derailment near a district school if a district facility is within 1,000 yards of a railroad.

If your policy currently includes text that permits the board’s authorization of certain employees or board members to possess firearms on district property, we have recommended additional revisions to this policy. One key change establishes the authority of both the superintendent and the board to revoke an employee’s authorization to possess firearms on district property. Another recommended revision includes firearms among the equipment that requires district approval. The last major change to the policy clarifies that the procedures to implement this security program are detailed in the district’s emergency operations plan.

CRD(LOCAL)

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Health and Life Insurance

Local policy recommendations

- Remove exemption from Education Code 22.004 from applicable district of innovation policies.



CRD: Insurance and Annuities Management, Health and Life Insurance

Districts of innovation who exempted themselves from Education Code 22.004 will find recommended revisions to CRD(LOCAL). Education Code 22.004 prohibited a district from offering group healthcare plans comparable to TRS ActiveCare. Many districts exempted themselves from this law with their innovation plans.

In 2021, the 87th Texas Legislature revised the Insurance Code and prohibited districts participating in TRS ActiveCare from offering competing coverage. Since districts cannot exempt themselves from the Insurance Code, any exemption from Education Code 22.004 is ineffective and is recommended for removal from CRD(LOCAL).

DC(LOCAL) Employment Practices

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Local policy recommendations

- Remove exemption from state law on minimum number of contract days from applicable district of innovation policies.



DC: Employment Practices

Districts of innovation who exempted themselves from Education Code 21.401 will find recommended revisions to DC(LOCAL).

In 2019, the 86th Texas Legislature revised this law to permit districts that anticipate providing fewer than 180 days of instruction to reduce the minimum number of contract days proportionally. It is no longer necessary to address this exemption in policy, and the exemption language is recommended for removal.

EC(LOCAL) School Day

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Local policy recommendations

- Remove exemption from state law regarding minimum number of minutes in a school day from applicable district of innovation policies.



EC: School Day

In EC(LOCAL), many districts of innovation included an exemption from Education Code 25.081(e) and Education Code 25.082(a). These sections of the law required a school day to be at least 420 minutes or seven hours.

In 2017, the 85th Texas Legislature repealed this requirement. It is no longer necessary to address this exemption in policy, and the exemption language is recommended for removal.

Student and Parent Complaints and Grievances

Local policy recommendations

- Clarify other complaint processes regarding special education.
- Reference the hearing procedures regarding eligibility for school nutrition programs.



FNG: Student Rights and Responsibilities, Student and Parent Complaints/Grievances

The revisions to FNG(LOCAL) can be found at Other Complaint Processes. The recommendations clarify other processes regarding special education complaints and hearing procedures to resolve disputes regarding eligibility under the school nutrition programs. If applicable, an individual would first attempt to resolve concerns using the process referenced in this section before filing a complaint under FNG(LOCAL).

FO(LOCAL) Student Discipline

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Local policy recommendations

- Clarify when restraint may be used in disciplining students.



FO: Student Discipline

In FO(LOCAL), the recommended revisions clarify when restraint may be used and address more prominently restraint of a student receiving special education services.