

Vantage Points

A Board Member's Guide to Update 89

Vantage Points is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. The description of policy changes in **Vantage Points** is highly summarized and should not substitute for careful attention to the significantly more detailed, district-specific Explanatory Notes and the policies within the localized update packet.

PLEASE NOTE: This Update 89 **Vantage Points** and the Localized Update 89 packet may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

We welcome your comments or suggestions for improving **Vantage Points**. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

For further information about Policy Service, check out our Web site at <http://www.tasb.org/services/policy>.

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A main component of Update 89 is the reorganization of the E section of the policy manual, concerning instruction, with a new policy series addressing alternative methods for earning credit that now contains policies on credit by examination, correspondence courses, and distance learning, including the Texas Virtual School Network (TxVSN). This Update also addresses board member vacancies, appraisal districts, student admissions, academic assessments for students in DAEPs, school health advisory councils (SHAC), and eye and face protection for accident prevention purposes.

Instruction

With the reorganization of the E section of the manual, provisions previously at codes EEJA and EEJB, concerning credit by examination with prior instruction and credit by examination without prior instruction, have been moved to EHDB and EHDC, respectively, as part of a new policy series on alternative methods for earning credit.

Credit by Examination with Prior Instruction

EHDB(LOCAL) POLICY CONSIDERATIONS:

We have moved to this code text from EEJA on credit by examination with prior instruction. A recommended change to the text is the inclusion of a list of the circumstances under which a student who has had prior instruction in a subject may be given an opportunity to demonstrate mastery or earn course credit through an examination. Those circumstances include when the student is enrolling in a district from a nonaccredited school, when the student has failed a subject or course, and when the student has earned a passing grade in a subject or course but has failed to earn credit because of excessive absences.

We recommend deleting provisions regarding the minimum grade a student must score on an exam to earn credit, which is addressed at EHDB(LEGAL), and provisions prohibiting the use of credit by examination to gain eligibility for participation in extracurricular activities, which is governed by UIL rules.

Credit by Examination without Prior Instruction

EHDC(LOCAL) POLICY CONSIDERATIONS:

This code now contains provisions on credit by examination without prior instruction, previously at EEJB, and we are recommending significant revisions to the text.

We have revised and reordered provisions addressing fees and requests for alternative examinations or dates to clarify that, while districts are still prohibited from charging fees for examinations administered on the published or alternative dates, a district can require a parent to pay for an alternative examination purchased from a source approved by the State Board of Education.

The text now references board approval of kindergarten acceleration procedures to comply with the statutory requirement that a district develop board-approved procedures, and we have clarified that these procedures are used to determine whether a child who is five years old at the beginning of the school year may be assigned to first grade.

Rather than specifying that a district will publish test dates in the student handbook, the text now includes a more flexible requirement to publish the test dates in “appropriate District publications or on the District’s Web site.” A provision requiring students to register for examinations by a specific deadline is recommended for deletion, since that information is better suited for administrative regulations.

Distance Learning
Texas Virtual School Network

The Texas Virtual School Network (TxVSN) was established by the 80th Legislature as a supplement to the instructional programs of public school districts, allowing students to take courses from educational providers such as other school districts and colleges in an online environment. For more information about the TxVSN, see the TxVSN Web site at www.txvsn.org.

EHDD(LOCAL) POLICY CONSIDERATIONS:

This policy on college coursework and dual credit has been revised to include information about college-level courses available through the TxVSN. The recommended text states that, in accordance with guidelines published by the TxVSN and the course provider, students may enroll in dual-credit courses through the TxVSN. When a student successfully completes a course, credit will be applied toward graduation requirements.

We recommend for deletion from this policy the list of the types of partnership programs that a district may enter into with a college or university, as this information is at EHDD(LEGAL).

Provisions addressing correspondence courses have been moved from EEJC to EHDE to group the various types of distance learning courses in one location in the manual. At EHDE(LEGAL), we have added existing statutory provisions to provide more detail on the TxVSN. As a result of amendments to the Administrative Code, we have also added online courses and the TxVSN to the list of distance learning technologies at EHDE(LEGAL).

Information regarding a district’s statutory authority to charge fees for enrollment in a TxVSN course has been added to FP(LEGAL).

EHDE(LOCAL) POLICY CONSIDERATIONS:

Like EHDE(LEGAL), this new recommended local policy includes provisions on the TxVSN and, from EEJC, material on other distance learning and correspondence courses. Provisions regarding the TxVSN are addressed separately because of the specific legal requirements and obligations applicable to the TxVSN. The recommended policy text requires a superintendent or designee to establish separate procedures for students to enroll in TxVSN courses and maintains that enrollment in TxVSN courses is not subject to any limitations a district may impose for other distance learning courses.

We have revised the text regarding other types of distance learning to reflect that distance learning may be used to earn credit in a subject or course, not just to receive graduation credit. And for flexibility, we recommend deleting the requirement that the district publish its distance learning procedures in the student handbook, as these could be published online or in other publications.

**Institutions of
Higher
Education**

We have added an existing statutory provision at EHDD(LEGAL) requiring a public institution of higher education to assist a district in developing and implementing the district's college credit program. We have also added information from existing Administrative Code rules regarding instructional partnerships with community college districts, including detailed information about the types of partnerships and required elements of partnership agreements.

**Other
Instructional
Issues**

Changes to the E section policies also include the following:

- At EHAA(LEGAL), we have added existing statutory text requiring the board to determine the specific content of a district's human sexuality instruction.
- We have added existing statutory provisions at EHBC(LEGAL) regarding standards for intensive programs of instruction for students receiving special education services.
- We have added new Administrative Code provisions regarding graduation requirements at EIF(LEGAL), including a requirement that students receiving special education services who are on a modified curriculum be automatically placed in the minimum high school program and a provision allowing a student who took courses under the minimum program prior to the 2009–10 school year to remain in the minimum program. We have also added details regarding physical education substitutions.

- At EHBI(LEGAL), we have added a new Administrative Code provision requiring a school district’s adult education program to include as one of its components collaboration with multiple community partners to expand the services available to adult learners and prevent duplication of services.

Board Issues

Board Member Vacancies

We have extensively reorganized BBC(LEGAL), concerning board member vacancies, to reflect the various types of vacancies that may occur and to replace the term “trustee” with “board member” throughout for consistency within the policy. Existing statutory text was added to clarify that a resigning board member remains subject to nepotism provisions until the vacancy created by his or her resignation is filled. We have also added existing statutory provisions to provide more detail about legal actions used to remove a board member from office and have added more detailed provisions on conducting a special election to fill a vacancy.

Tax Officials

We have revised and reorganized text on selection and duties of chief tax officials at BDAF(LEGAL), simplifying the duties of the assessor and collector to provide a broader overview and adding existing statutory text to clarify when a district can require a new collector’s bond.

Appraisal Districts

We have added existing Tax Code provisions at CCH(LEGAL) concerning a school board’s rights and responsibilities regarding an appraisal district. The school board and other taxing units that participate in the appraisal district have the authority to approve appraisal district proposals to acquire or convey real property and allocation of proceeds from a conveyance of real property, to approve the budget and allocation of operating costs, and to disapprove actions of the appraisal district board of directors. We have also added existing statutory provisions regarding eligibility and appointment to an appraisal review board and a prohibition against school district contracts with an appraisal review board member or certain relatives of a member of an appraisal review board.

Employment

At DC(LEGAL), concerning employment practices, we have repeated from BBC(LEGAL) a provision prohibiting a board member from accepting employment with the district until one year after his or her board membership ends. We have also added an existing statutory provision referencing the civil penalties for violating the new hire reporting requirement.

We have added at DK(LEGAL) a link to the Administrative Code chart listing the certification requirements for various positions.

Superintendent

At policy BJB(LEGAL), we have repeated, in a condensed format, statutory provisions from DC(LEGAL) requiring a district to post an employment vacancy, which includes a vacancy in the superintendent’s position.

We have renamed BJCE to reflect that the code addresses both suspension and termination during a superintendent's contract term and have added to the newly reorganized legally referenced material existing statutory text on the procedures for a hearing when a superintendent is suspended without pay. We have also added extensive Administrative Code details regarding severance payments.

Students

Admissions

FD(LOCAL) POLICY CONSIDERATIONS:

Recommended revisions to this policy on admissions now allow a minor student living apart from his or her parent, guardian, or other person having lawful control to present an authorization agreement that meets the Family Code requirements as an alternative to a power of attorney when enrolling in a district. The authorization agreement designates responsibility for a student in all school-related matters to an adult resident of the district. A minor living apart must provide either a power of attorney or an authorization agreement, but the superintendent continues to have authority to grant exceptions to this requirement based on the individual student's circumstances.

We also recommend changes to clarify that a parent, rather than a student, must provide evidence upon enrollment of the student's prior schooling outside the district. Similarly, a parent must present a signed request stating the reason for a student's withdrawal.

Finally, we recommend revisions to clarify that a district will validate courses taken by a student at a nonaccredited school before the district grants credit.

Discipline

Since provisions prohibiting seclusion apply to all students, we have repeated text on that subject at FO(LEGAL), which covers general provisions on student discipline. Provisions prohibiting seclusion were already included at FOF(LEGAL), which specifically concerns the discipline of students with disabilities.

DAEP

At FOCA(LEGAL), we have added new Administrative Code provisions regarding which academic assessments may be administered to a student in a DAEP, factors to determine the appropriate grade-level assessment, and reporting requirements to the student's locally assigned campus. The new provisions require a district to develop procedures for administering the assessments that must be given when a student is placed in and departs from a DAEP. Appropriate provisions will be included in the 2011 *Model Student Code of Conduct*, to be issued in the summer.

Physical Fitness Assessments

At BDF(LEGAL), we have added an existing statutory provision requiring a district to notify parents that they can request their child's physical fitness assessment results at the end of the school year.

**School Health
Advisory Council**

At BDF(LEGAL), we have added existing statutory provisions requiring a school health advisory council (SHAC) to meet at least four times per year and have rearranged text within the policy to group together all provisions specific to the SHAC. At EHAA(LEGAL), we have added existing statutory text addressing the SHAC’s duties regarding policy recommendations concerning daily recess for elementary school students.

Safety Program

At Update 89, we are adding to all districts’ localized policy manuals CKB(LEGAL), previously included only in the *TASB Policy Reference Manual*, addressing eye and face protection for accident prevention purposes. The policy references the Texas Department of State Health Services (TDSHS) recommended guidelines on protective eye and face equipment in schools and includes Administrative Code provisions listing when the guidelines are applicable.

CKB(LOCAL) POLICY CONSIDERATIONS:

To match the scope of CKB(LEGAL), we recommend expanding this local policy to address face protection in addition to eye protection and to add a reference to visitors in the schools.

We have also added a reference to the relevant TDSHS guidelines and have replaced the list of circumstances when eye and face protection must be worn with a cross-reference to CKB(LEGAL), where the list may now be found.

Miscellaneous

Other policy changes at Update 89 include the following:

- At AC(LEGAL), we have added existing statutory provisions regarding minor boundary adjustments made by agreement between two contiguous districts and the requirement that a district notify the appraisal office of any boundary changes.
- At CL(LEGAL), we have added existing Administrative Code language to specify that a district must provide a buyer of district property any certificate of mold remediation issued during the five years preceding the date the district sells the property.
- At CPC(LEGAL), we have added a link to the records retention schedules published by the State Library and Archives Commission.

**More
Information**

For further information on these policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district’s policies—and the policies themselves, found in your localized update packet.