

Explanatory Notes

Community College Policy Reference Manual Update 37

Community College Policy Reference Manual

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Changes at Update 37 are based almost exclusively on legislation from the 86th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

A25(INDEX)

CROSS-INDEX

The cross index has been updated to incorporate information security at CS and tobacco use at FLBD.

AFA(LEGAL)

INSTITUTIONAL EFFECTIVENESS: PERFORMANCE AND INSTITUTION REPORTS

HB 2110 expands upon existing requirements that each college district report Customer Service information when requested by the governor's Office of Budget and Policy (OBP) and the Legislative Budget Board (LBB). The bill also adds mobile and web applications as methods of collection.

BB(LEGAL)

BOARD MEMBERS

HB 305 requires a college district to post each elected officer on its website.

BBA(LEGAL)

BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

At Residence, effective January 1, 2020, HB 831 amends eligibility provisions related to establishing a continuous residency to address when a person may establish an intent to return to a residence after a temporary absence.

BBB(LEGAL)

BOARD MEMBERS: ELECTIONS

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- At Elections Generally—Publication of Election Date and Location Online and at Filing Information—Publication of Filing Information Online, HB 305 requires a college district to post certain election information on its website.
- HB 1241 requires that the Contents of an election notice include specific polling place location information.
- At Election Notice—Posting, HB 933 permits, but does not require, a college district to post the election notice if the county maintains a website. The college district must post the notice if the county does not have a website. The bill also requires the college district to provide Notice to the County Clerk and Voter Registrar of the polling place location.
- At Late Request, HB 4129 permits a candidate's name to be omitted from a ballot following an untimely withdrawal request if public notice of the test of logic and accuracy of an electronic voting machine has not yet been published.
- At Death of Candidate, HB 1067 permits election authorities to remove a deceased candidate's name from a ballot if the candidate dies on or before the filing deadline and to extend the filing deadline.
- HB 1048 requires a college district to designate a Polling Place for Early Voting that is an eligible county polling place located at the college district with limited exceptions.

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- HB 1888 amends provisions addressing the hours of operation for Temporary Branch polling places.
- HB 4181 amends the list of individuals required to take the Oath of Office before entering office.
- Statutory citations are amended in accordance with HB 4170.

BBD(LEGAL)

BOARD MEMBERS: ORIENTATION AND TRAINING

HB 3834 requires officials of state agencies and local governments to complete Cybersecurity Training. According to the Department of Information Resources (DIR), college districts are considered state agencies for the purposes of this bill. See DIR, Security Awareness Training Certification (HB3834), dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154

Under HB 3834, a college district must require each board member to annually complete a certified Cybersecurity Training program.

BBI(LEGAL)

BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

SB 944 requires a current or former officer of the college district who maintains Public Information on a Privately-Owned Device to forward or transfer the information to the college district or preserve the information in accordance with law.

BD(LEGAL)

BOARD MEETINGS

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- SB 1640 attempts to clarify situations that constitute a Deliberation by board members to describe what constitutes a Prohibited Series of Communications.
- At Internet Posting—Generally, HB 305 requires a college district to post each meeting notice required by the OMA and the meeting minutes on its website.
- SB 494 amends the deadline for notice of an Emergency Meeting or Emergency Addition to an Agenda to one hour and adds a list of situations considered an emergency or urgent public necessity. The bill also adds a one-hour deadline for notifying the news media of the Emergency Meeting or Emergency Item.

BDB(LEGAL)

BOARD MEETINGS: PUBLIC PARTICIPATION

HB 2840 requires a college district board of trustees to allow each member of the public who wants to comment on an item on the agenda of any open meeting, including the open meeting portion of a special meeting or board workshop, to address the body at the meeting before or during consideration of the item. The college district may adopt reasonable rules governing how the public may comment but may not prohibit public criticism of the college district unless the criticism is otherwise prohibited by law.

For more information on the implementation of the bill, see the Frequently Asked Questions About House Bill 2840 at <http://www.tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/hb-2840-faq.pdf>.

BI(LEGAL)

REPORTS

This legally referenced policy has been revised to reflect current Administrative Code rules addressing reporting on field of study curriculum.

Other changes are as follows:

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- HB 2110 requires a college district to report customer service information upon request of the LBB or the governor's office.
- SB 212 requires the college district chief executive officer to certify to the Coordinating Board the college district's compliance with Title IX reporting requirements established by the bill.
- SB 38 requires a college district to report on and off campus hazing incidents to each student.

CAD(LEGAL) APPROPRIATIONS AND REVENUE SOURCES: BOND ISSUES

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- HB 440 prohibits a college district from issuing General Obligation Bonds to purchase one or more pieces of personal property; to improve, construct, or purchase one or more real property improvements; or both in certain circumstances. It also limits a college district's use of unspent bond proceeds. The bill requires a political subdivision to publish a sample ballot prepared for a bond election on the college district's website.
- SB 933 requires the college district to include the location of each polling place in the Notice of Election delivered to the county clerk and voter registrar.
- At Posting the Election Order, HB 477 amends the definition of debt obligation and the contents of the Election Order for an election to authorize a debt obligation election. The bill requires college districts with at least 250 registered voters on the day the board adopts the election order to publish a Voter Information Document. Additionally, this bill and SB 30 amend the requirements for the wording of Propositions to require more detail than in existing law. Instead of requiring a general description of the bond purpose, the ballot must include each single, specific purpose as a separate proposition.

CAI(LEGAL) APPROPRIATIONS AND REVENUE SOURCES: AD VALOREM TAXES

HB 1883 removes the requirement that an active duty U.S. armed services member be serving during war or a declared emergency to qualify for a postponed Delinquency Date.

At Reinvestment Zones—Tax Abatement, HB 3143 requires the college district board of trustees to provide proper notice and hold a public hearing on the proposed adoption, amendment, reauthorization, or repeal of tax abatement agreement criteria and guidelines before final action. The college district must post the current criteria and guidelines on its website. The bill also describes the contents of the notice of the meeting to approve the agreement. A tax abatement agreement in a county reinvestment zone must be approved by the college district in the same way a city authorizes an agreement in a municipal reinvestment zone.

CAK(LEGAL) APPROPRIATIONS AND REVENUE SOURCES: INVESTMENTS

HB 2706 amends several existing provisions of Government Code 2256 addressing authorized investments, including Repurchase Agreements and Commercial Paper, and adds provisions on Investment of Bond Proceeds and Pledged Revenue.

CC(LEGAL) ANNUAL OPERATING BUDGET

HB 1495 and SB 65 require a college district to include in its proposed budget a line item indicating the college district's proposed Advocacy Expenditures.

CF(LEGAL) PURCHASING AND ACQUISITION

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

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- Effective January 1, 2020, SB 943 establishes requirements for Contracts Valued at or Above \$1 Million regarding the preservation of contracting information by the contracting entity and provision of the information to the college district.
- HB 793 provides exceptions from contracting with Companies that Boycott Israel for small entities and contracts.
- HB 1495 and SB 65 require a business entity that contracts with a college district to submit a Disclosure of Interested Parties for contracts requiring the services of a registered lobbyist.
- HB 2868 adds to the definition of *Professional Services* for the purposes of the Professional Services Procurement Act services provided by a person lawfully engaged in the practice of interior design, even if the person is not a registered interior designer.
- HB 2325 permits a public safety entity, including a law enforcement agency, to purchase commodity items through the Department of Information Resources.
- At Contingent Fee Contracts for Legal Services, HB 2826 amends existing requirements for contracts entered into by a college district.
- At Recycled Products—Exception, SB 1376 permits the Texas Commission on Environmental Quality to grant college districts an exception from the requirement to give preference in purchasing products made of recycled materials.

CG(LLEGAL)

SAFETY PROGRAM

SB 11 requires a college district to follow procedures for a Safety and Security Audit developed by a person in the Texas School Safety Center (TxSSC) registry if it does not follow the procedures published by TxSSC. The report of the audit results must be signed by the college president.

CGC(LLEGAL)

SAFETY PROGRAM: EMERGENCY PLANS AND ALERTS

SB 11 addresses the required contents of a college district's Emergency Operations Plan (EOP). The bill addresses the submission to the Texas School Safety Center (TxSSC) of the college district's EOP, including a random or need-based cycle established by TxSSC for review and verification of college district EOPs, and the confidentiality of the related documentation.

CGE(LLEGAL)

SAFETY PROGRAM: MEDICAL TREATMENT

At Policy Permitted, HB 476 requires a college district that adopts a policy on the use of epinephrine auto-injectors to publish the policy in the college district's student handbook or similar publication and on the college district's website. The college district must also submit a copy of the policy and any amendments to the Department of State Health Services.

CH(LLEGAL)

SITE MANAGEMENT

HB 241 amends provisions addressing the Reduction of Energy Consumption to require a college district to reduce consumption by five percent each year for seven years beginning on September 1, 2019.

CHA(LLEGAL)

SITE MANAGEMENT: SECURITY

In addition to changes made to more closely track statute, several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- At Apprehension of Certain Individuals, SB 1238 permits a peace officer to take certain individuals believed to have a mental illness regardless of a person's age.

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- At Diversion of Certain Individuals, HB 3540 permits a peace officer to release a person with an intellectual or developmental disability to that person's residence instead of arresting the person, if certain circumstances are met. SB 306 permits a peace officer to release a person who commits a public intoxication offense to a facility that admits the person to be supervised as the person becomes sober.
- SB 1827 permits a law enforcement agency to acquire and possess Epinephrine Auto-Injectors and permits a peace officer to possess and administer an epinephrine auto-injector.
- SB 616 requires that the security department of a college district notify the Department of Public Safety (DPS), using a prescribed form, of the security department's intent to hire an officer and to register with DPS. The security department shall also notify DPS of its contact.

CHC(LLEGAL)

SITE MANAGEMENT: TRAFFIC AND PARKING CONTROLS

Provisions from existing law addressing Speed Limits on Roads by a Campus were added to this legally referenced policy. HB 3871 amended the law to permit the county to declare lower speed limits on qualifying county roads by college districts and procedures for college districts to request a hearing or engineering and traffic investigation for a road or highway.

SB 969 regulates Personal Delivery and Mobile Carrying Devices. A college district may further regulate the devices consistent with the bill's provisions.

HB 1631 prohibits a college district from operating a Photographic Traffic Signal Enforcement System, otherwise known as a red light camera system, within the authority's jurisdiction or issuing a civil or criminal charge or citation based on an image produced by the system.

CHF(LLEGAL)

SITE MANAGEMENT: WEAPONS

At Prohibited Weapons, HB 446 provides that it is no longer an offense to possess, manufacture, transport, repair, or sell knuckles. A college district is not prohibited by the bill from regulating knuckles on campus.

At Wrongful Exclusion of Handgun License Holder, HB 1791 prohibits the college district or representative from taking any action that states or implies a handgun license holder authorized by any law to carry a concealed handgun on the college district's property is not permitted to do so, and also applies the procedure and penalty in the context of open carry.

Additional citations have been revised throughout the policy.

CIA(LLEGAL)

EQUIPMENT AND SUPPLIES MANAGEMENT: RECORDS MANAGEMENT

HB 1962 addresses the records management requirements applicable to college districts and the functions and authority of the Texas State Library and Archives Commission (TSLAC). TSLAC's role in records management is reduced by removing certain acceptance and approval duties. A records retention schedule no longer needs to be accepted by TSLAC for filing, and also the college district and records retention officer are no longer required to submit its list of obsolete records for approval by the TSLAC director or librarian. A college district need not file a request with TSLAC before destroying a record not listed on a records retention schedule. Instead, the college district must notify TSLAC at least ten days before destroying the record.

A cross reference to policy GCB has been added for information on records retention provisions under the PIA as added by SB 944.

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CJ(LEGAL)

TRANSPORTATION MANAGEMENT

Provisions from existing law addressing the prohibition on the Use of Wireless Devices were added to this legally referenced policy. HB 771 clarifies that the prohibition does not apply to a bus operator using a device in a way similar to using a two-way radio.

CK(LEGAL)

INSURANCE AND ANNUITIES MANAGEMENT

HB 1495 requires a business entity that contracts with a college district to submit a Disclosure of Interested Parties for contracts requiring the services of a registered lobbyist.

CKE(LEGAL)

INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION

HB 1090 amends the definition of *first responder* at Prohibited Discrimination to include an emergency response operator or emergency services dispatcher and other emergency response personnel employed by a college district.

CLA(LEGAL)

FACILITIES PLANNING: FACILITIES STANDARDS

At Prohibitions on Regulation of Building Products, Materials, or Methods, HB 2439 prohibits college districts from adopting or enforcing a regulation directly or indirectly prohibiting or limiting the installation or use of a building material or product in the alteration of a residential or commercial building if the material or product is approved for use by a recent, applicable national model code. College districts are also prohibited from establishing a standard for a material, product, or aesthetic method in the alteration of a residential or commercial building if the standard is more stringent than that in a recent, applicable national model code. Several exceptions to these prohibitions are included.

CM(LEGAL)

FACILITIES CONSTRUCTION

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- Effective January 1, 2020, SB 943 establishes requirements for Contracts Valued at or Above \$1 Million regarding the preservation of contracting information by the contracting entity and provision of the information to the college district.
- HB 793 provides exceptions from contracting with Companies that Boycott Israel for small entities and contracts.
- HB 1495 and SB 65 require a business entity that contracts with a college district to submit a Disclosure of Interested Parties for contracts requiring the services of a registered lobbyist.
- HB 2868 adds to the definition of *Professional Services* for the purposes of the Professional Services Procurement Act services provided by a person lawfully engaged in the practice of interior design, even if the person is not a registered interior designer.
- Under HB 985, a college district may not require, prohibit, encourage, or discourage a bidder from adhering to or entering into an agreement with a collective bargaining organization related to the project or discriminate against a person based on the person's involvement in the agreement.

CR(LEGAL)

TECHNOLOGY RESOURCES

Provisions from existing law addressing an exception, Government Code 2054.0075, to the application of Government Code Chapter 2054 have been added to this policy. SB 64 amends Section 2054.0075 to apply those provisions necessary for participation in shared technology services.

Provisions addressing the Cybersecurity Information Sharing Act have been moved to CS.

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CRA(LEGAL)

TECHNOLOGY RESOURCES: WEBSITE POSTINGS

In addition to existing law, several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- HB 305 requires a college district to post online college district contact, election, and board member information.
- HB 440 requires a college district to post on the college district's website information about a debt obligation election.
- HB 477 requires a college district with at least 250 registered voters to post a voter information document on the college district's website.
- HB 3143 requires a college district to post the current criteria and guidelines for tax abatement on its website.
- HB 473 requires a college district to post online the college district's policy, if any, regarding epinephrine auto-injectors.
- SB 18 requires a college district to post the college district's campus expression policies online by August 1, 2020.
- SB 1702 requires a college district to post online information about the college district's liaison officer for students who are or were in foster care and information regarding support services and other resources available to the students.
- SB 38 requires a college district to post online a report on hazing committed on or off campus by an organization registered with or recognized by the college district.

CS(LEGAL)

INFORMATION SECURITY

Provisions from existing law addressing an exception, Government Code 2054.0075, to the application of Government Code Chapter 2054 have been added to this policy. SB 64 amends Section 2054.0075 to require compliance with existing information security standards. The bill also amends Section 2054.0075 to apply those provisions necessary for participation in shared technology services. Existing Administrative Code provisions related to the following have been added to this legally referenced policy:

- Information Security Oversight;
- Information Security Officer;
- Information Security Program;
- Online and Mobile Applications;
- Staff Responsibilities;
- Security Controls;
- Risk Management; and
- Reporting.

HB 4390 requires the disclosure by a college district of a breach of system security To Residents of Texas and Certain Other States be made without unreasonable delay and not later than the 60th day after the day it is determined the breach occurred. The bill also requires the college district to disclose the breach to the attorney general.

Provisions addressing the Cybersecurity Information Sharing Act have been moved to this policy from CR. A cross reference to policies BBD and DK has been added for information on cybersecurity training.

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CT(LLEGAL) INTELLECTUAL PROPERTY

Under SB 241, a college district is no longer required to keep a copy of its Intellectual Property Policy on file with the Coordinating Board.

D(LLEGAL) PERSONNEL

The D section table of contents has been revised to reflect the merging of DGC and DGD.

DAA(LLEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

HB 1074 addresses an existing law prohibiting Age Discrimination in admissions to or participation in Job Training Programs. The existing prohibition applies to individuals between 40 and 56 years old. The bill removes the upper age limit.

DBE(LLEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: NEPOTISM

A reference to an attorney general opinion addressing nepotism issues in the college district context has been updated.

DEA(LLEGAL) COMPENSATION AND BENEFITS: SALARIES AND WAGES

This legally referenced policy has been revised to address FLSA rules, effective January 1, 2020, related to minimum wage and overtime.

DEB(LLEGAL) COMPENSATION AND BENEFITS: FRINGE BENEFITS

HB 872 requires a college district to provide Notice to the Employees Retirement System of an eligible peace officer's death for purposes of survivor benefits no later than the 30th day after the date of death.

DEC(LLEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

SB 370 and HB 504 amend provisions prohibiting a private employer from terminating an employee for serving as a juror or grand juror. The bill amends the prohibition to apply it to college district employees.

DG(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

Language related to employee free speech has been moved to DGC.

DGC(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

This legally referenced policy addresses employee expression and use of facilities.

DH(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT

HB 1325 prohibits a college district from adopting regulations that prohibit the cultivating, handling, transporting, or selling of Hemp.

HB 1518 prohibits a college district from adopting or enforcing an order, regulation, rule, ordinance, or policy governing the possession, distribution, and sale of Dextromethorphan, a cough suppressant.

SB 944 requires a current or former employee of the college district who maintains Public Information on a Privately-Owned Device to forward or transfer the information to the college district or preserve the information in accordance with law.

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DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: CHILD ABUSE AND NEGLECT REPORTING

At Adverse Employment Action Prohibited, HB 621 prohibits a college district from taking any adverse employment action against a professional who in good faith reports child abuse or neglect or participates in an investigation or proceeding related to an allegation of child abuse or neglect.

DIAA(LEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

SB 212 establishes a reporting structure, at Reporting Required, for an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to have been committed by or against an enrolled student or by or against an employee. The bill amends the definitions of *Dating Violence, Sexual Assault, and Stalking*.

DJ(LEGAL) ASSIGNMENT, WORK LOAD, AND SCHEDULES

SB 241 removes the requirement that a governing board of a college district report its rules and regulations regarding faculty academic workloads to the Coordinating Board.

DK(LEGAL) PROFESSIONAL DEVELOPMENT

HB 3834 requires officials of state agencies and local governments to complete Cybersecurity Training. According to the Department of Information Resources (DIR), college districts are considered state agencies for the purposes of this bill. See DIR, Security Awareness Training Certification (HB3834), dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154

Under HB 3834, a college district must require an employee who uses the computer for at least 25 percent of the employee's duties and each college district officer to annually complete a certified cybersecurity training program. The chief executive of the college district must verify completion of the program to DIR and periodically require internal review of compliance with the requirement.

DLA(LEGAL) EMPLOYEE PERFORMANCE: EVALUATION

HB 2410 provides that, if a nurse is unable to complete a Request for Nursing Peer Review Committee form due to immediate patient care needs, the nurse may request a committee determination by orally notifying the nurse's supervisor.

ECC(LEGAL) INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES

This legally referenced policy has been revised to reflect amendments to Administrative Code rules addressing the Limitation on the Number of Dropped Courses.

EFAA(LEGAL) INSTRUCTIONAL PROGRAMS AND COURSES: ACADEMIC COURSES

This legally referenced policy has been revised to reflect amendments to Administrative Code rules addressing the Evaluation of Field of Study Curricula.

EFAB(LEGAL) INSTRUCTIONAL PROGRAMS AND COURSES: CAREER TECHNICAL/WORKFORCE COURSES

Statutory citations have been updated in accordance with HB 4170.

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EFBA(LLEGAL) DEGREES AND CERTIFICATES: ASSOCIATE DEGREES AND CERTIFICATES

Provisions addressing degree plans for the Multidisciplinary Studies Associate Degree Program have been moved to EFBC.

EFBC(LLEGAL) DEGREES AND CERTIFICATES: DEGREE PLANS

SB 25 amends the Filing Requirements for student submission of degree plans by lowering the semester credit hour threshold from 45 to 30 and adjusting the filing deadlines. The bill also adds requirements specific to dual credit students.

Existing provisions addressing Multidisciplinary Studies Associate Degree Programs have been moved from EFBA and amended by SB 25.

EFCA(LLEGAL) SPECIAL PROGRAMS: STUDENTS WITH DISABILITIES

Citations have been updated in this legally referenced policy to reflect recent Administrative Code amendments.

EG(LLEGAL) ACADEMIC ACHIEVEMENT

This policy has been revised to more closely track statute.

EJA(LLEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: OTHER INSTRUCTIONAL INITIATIVES

HB 3435 designates March 1 as Texas Girls in STEM Day. The day must be regularly observed by appropriate activities, programs, and ceremonies at college districts.

F(LLEGAL) STUDENTS

In response to SB 18, the F section table of contents has been revised to reflect the merging of FLA and FLAA.

FA(LLEGAL) EQUAL EDUCATIONAL OPPORTUNITY

SB 1978 prohibits a college district from taking or threatening to take an adverse action against any person based on his or her Association with a Religious Organization.

FB(LLEGAL) ADMISSIONS

This legally referenced policy has been revised to update citations to Administrative Code rules addressing Common Admission Application Forms.

FC(LLEGAL) ATTENDANCE

This legally referenced policy has been revised to update citations to Administrative Code rules regarding policies and procedures related to Military Service.

FD(EXHIBIT) TUITION AND FEES

HB 766 makes mandatory a permissive tuition and fee exemption available to qualified peace officers who are permanently disabled. The bill also extends the exemption to fire fighters. The exemption title is amended accordingly.

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FEA(LLEGAL) FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS

At Loan Debt Disclosure, SB 241 provides that college districts receiving state financial aid administered by the Coordinating Board are not required to disclose loan debt information relating to loans issued by private entities.

FF(LLEGAL) STUDENT WELFARE

At Liaison for Students Who Are or Were in Foster Care, HB 1702 expands the role of the liaison to students who were in foster care to require that the liaison also assist students currently in foster care. A college district is required to identify students who qualify for assistance and to disseminate information about the liaison and available student-support services by January 1, 2020.

FFDA(LLEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

SB 212 establishes a reporting structure, at Reporting Required, for an incident of sexual harassment, sexual assault, dating violence, or stalking that is alleged to have been committed by or against an enrolled student or by or against an employee. The bill amends the definitions of *Dating Violence*, *Sexual Assault*, and *Stalking*.

FG(LLEGAL) STUDENT HOUSING

At Residential Advisor Overdose Awareness and Response Training, HB 3285 requires college districts that require residential advisors or student organization officers to receive training to also train for overdose awareness and response.

This legally referenced policy has also been revised to include a reference to property code provisions addressing Residential Tenancies.

FJ(LLEGAL) STUDENT RECORDS

At Release of Academic Information, SB 25 permits college districts and school districts to release, consistent with state and federal privacy laws, information to an institution for purposes of the institution awarding course credit.

HB 449 requires a college district to add a Transcript Notation of Ineligibility to Reenroll if a student is ineligible to reenroll in the college district based on a reason that is not academic or financial.

FKC(LLEGAL) STUDENT ACTIVITIES: REGISTERED STUDENT ORGANIZATIONS

HB 3285 requires college districts that require residential advisors or student organization officers to receive training to also receive Overdose Awareness and Response Training.

FLA(LLEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

SB 18 requires a college district to permit expression on campus with some limitations. College districts are prohibited from taking action against, or denying a generally available benefit to, a student organization based on the organization's academic, political, religious, ideological, or philosophical views or the organization's expressive activities. The college district must adopt a policy consistent with the bill's requirements no later than August 1, 2020.

FLBC(LLEGAL) STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING

SB 38 amends the definitions of *Hazing* and *Organization* and expands the organizations that are subject to the offense of hazing. The college district must distribute information to students about hazing on its website and at student orientation. The information must be posted online by January 1, 2020.

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FLBD(LLEGAL) STUDENT CONDUCT: TOBACCO USE

Existing law regarding restrictions on the purchase, sale, consumption, and possession of cigarettes, e-cigarettes, and tobacco products was included in this legally referenced policy at Possession and Use Prohibited. SB 21 modifies the law to raise the minimum age from 18 to 21. At Regulation Prohibited, a college district is prohibited from adopting or enforcing requirements related to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or other tobacco products that are more stringent than the requirements of the bill.

FLBE(LLEGAL) STUDENT CONDUCT: ALCOHOL AND DRUG USE

HB 1325 prohibits a college district from adopting regulations that prohibit the cultivating, handling, transporting, or selling of Hemp.

HB 1518 prohibits a college district from adopting or enforcing an order, regulation, rule, ordinance, or policy governing the possession, distribution, and sale of Dextromethorphan, a cough suppressant.

HB 1545 amends provisions regarding Alcohol Possession and Use by Minors to replace references to “beer” with “malt beverage.”

FM(LLEGAL) DISCIPLINE AND PENALTIES

At Continuation of Disciplinary Procedure, under HB 449, if a student withdraws while a disciplinary matter that could result in the student being declared ineligible to reenroll is pending, the college district must complete the discipline process. The college district must add a transcript notation if a student is determined to be ineligible to reenroll.

G(LLEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents has been revised to reflect the updated policy title for GD.

GA(LLEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

SB 1978 prohibits a college district from taking or threatening to take an adverse action against any person based on his or her membership, support, or affiliation with a religious organization. A person alleging a violation of this prohibition may sue the college district. The bill defines *Person* to include a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

At Right to Express Breast Milk, existing law was added regarding the right to breast feed to this legally referenced policy. HB 541 amends the provision to clarify that that the mother is also entitled to express breast milk.

GC(LLEGAL) PUBLIC INFORMATION PROGRAM

HB 305 requires a college district to post its contact information on its website.

GCA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- HB 65 provides that Contracts for Lobbying Services be published online and that they are subject to disclosure.
- HB 4236 permits a viewing of images from Body-Worn Cameras by a person depicted in a recording is not considered a release of public information under the PIA.

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- HB 3175 requires a college district to maintain as confidential under the PIA certain personal information regarding individuals and business entities that are Disaster Fund Recovery Recipients.
- SB 944 makes confidential Protected Health Information and Out-of-State Health-care Information provided in connection with a quality management, peer review, or best practices program.
- Effective January 1, 2020, SB 943 describes certain Contracting Information. The bill amends provisions regarding Trade Secrets and creates a new exemption for Proprietary Information under the PIA.
- HB 81 provides that information related to the expenditure or receipt of funds by a college district board of trustees for a parade, concert, or other entertainment event paid at least in part with public funds must be disclosed under the PIA, unless made expressly confidential under another law. The bill also prohibits, and voids, contract provisions related to those events that prohibit or prevent public disclosure.
- Statutory citations have been updated in accordance with HB 4173.

GCB(LEGAL) PUBLIC INFORMATION PROGRAM: REQUESTS FOR INFORMATION

Several revisions have been made throughout this policy to reflect statutory changes from the 86th Regular Legislative Session:

- SB 944 defines *temporary custodian* to the PIA to mean a current or former college district board of trustees member who creates or receives public information in the transaction of official business that has not been provided to the governmental body's public information officer or his or her agent. A temporary custodian must surrender or return public information to a governmental body no later than ten days after receiving a request for its return, and the public information officer is required to make reasonable efforts to obtain public information from a temporary custodian. The bill requires Public Information on a Privately-Owned Device by a current or former college district board of trustees member be forwarded or transferred to the college district to be preserved or preserved in its original form in a backup or archive on the privately-owned device for a time designated by the college district. SB 944 also clarifies existing law on how to properly submit a written request for public information.
- SB 943 adds provisions relating to Requests for Contracting Information that is not maintained by the college district but is in the custody or possession of an entity contracted to provide a college district goods and services for a stated amount of at least \$1 million or results in that expenditure. Provisions of the PIA were amended to include references to proprietary, economic development, and investment information.
- SB 494 permits a college district to suspend the applicability of PIA requirements if it is impacted by a catastrophe and complies with prescribed procedures up to two times.

GD(LEGAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

SB 18 requires a college district to permit expression on campus with some limitations. College districts are prohibited from taking action against, or denying a generally available benefit to, a student organization based on the organization's academic, political, religious, ideological, or philosophical views or the organization's expressive activities. The college district must adopt a policy consistent with the bill's requirements no later than August 1, 2020.

Each college district must post a Report on the college district's website regarding implementation of the bill's provisions and submit that report to the named state officials no later than December 1, 2020.

Explanatory Notes

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GDA(LEGAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES: CONDUCT ON COLLEGE DISTRICT PREMISES

SB 21 prohibits the possession, use, and sale of Tobacco and E-cigarettes to persons under the age of 21. A college district is prohibited from adopting or enforcing requirements related to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or other tobacco products that are more stringent than the requirements of the bill.

GG(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES

SB 65 requires a college district to post the Disclosure and Itemization of Lobbying Expenditures on its website if it contracts with a state agency for lobbying services.

At Cybersecurity Training for Contractors, HB 3834 requires state agency contractors to complete cybersecurity training, in accordance with standards developed by DIR. According to DIR, college districts are considered state agencies for the purposes of this bill. See DIR, Security Awareness Training Certification (HB3834), dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154

GH(LEGAL) RELATIONS WITH SCHOOLS AND DISTRICTS

This legally referenced policy has been revised to reflect amendments to the Administrative Code rules addressing dual credit, including eligibility, course composition, and Early College High Schools.

HB 3650 provides that the Dual Credit Agreements between a school district and a college district must require the entities to consider the use of free or low-cost open educational resources in the dual credit courses.

SB 1276 states that the agreements between a school district and a college district must set out common advising strategies and terminology associated with dual credit and college readiness; provide for the alignment of the available endorsements and relevant dual credit courses with credentials and pathways at the college district and with industry certifications; and describe tools to help counselors, students, and families select endorsements and dual credit courses.

Statutory citations have been amended in accordance with HB 4170.

GI(LEGAL) RELATIONS WITH OTHER COLLEGES AND UNIVERSITIES

This legally referenced policy has been amended to include a cross reference to cybersecurity training requirements of state agency contractors.

GL(LEGAL) RELATIONS WITH BUSINESSES AND THE COMMUNITY

This legally referenced policy has been amended to include a cross reference to cybersecurity training requirements of state agency contractors.

SB 65 requires a business entity that has a Qualifying Contract with a college district to submit a disclosure of interested parties for contracts requiring the services of a registered lobbyist.

At Prohibited Transactions with Abortion Providers, SB 22 prohibits a college district from entering into a taxpayer resource transaction with abortion providers or providers' affiliates.

HB 700 amends who may use the Skills Development Fund to include local workforce development boards.