

Employee Notification: 2018–19 School Year

Policy Alert

Issued: 04/16/18

State and federal laws require certain information to be disseminated to school district employees. In some cases, the law specifically requires that employees be given copies of policies or notices; in other cases, notices must be posted; and yet in others, conveying the information in staff meetings, employee handbooks, or staff newsletters may suffice.

This *Policy Alert* is intended to assist district and campus administrators in complying with these requirements for the 2018–19 school year.

Distributing the Information

The district should distribute the policies discussed in this Policy Alert to employees at the beginning of the school year or upon hire. Information about policy changes should be distributed as soon as possible after the change.

Policy changes pertaining to employee rights, pay, benefits, etc., that may be construed by a court of law or the commissioner of education to “*materially affect the terms of the contract*” should be disseminated prior to the penalty-free resignation date established by law (45 calendar days before the first day of instruction of the next school year).

What about electronic dissemination?

Electronic dissemination may include sending an e-mail with embedded Internet links or providing URLs to the information. Electronic dissemination of required policies is permissible, so long as the following conditions are met:

- If employees are entitled to a copy of the policies, the employees must have easy access to both a computer and a printer and sufficient training to open and print the documents; and
- The district must document that it has offered individual employees the option of hard copy or electronic access. To accomplish this, the district might provide each affected employee with a sign-off sheet whereby the employee elects to receive hard copy of the policies or to accept responsibility for accessing the policies electronically. The sign-off sheet should list the policies and instructions for electronic access. A sample sign-off sheet may be found at DC(EXHIBIT) in the [TASB Regulations Resource Manual](#), available to superintendents, superintendents’ administrative assistants, and policy contacts through the Policy Service Resource Library on myTASB.

Required Information

1. For all employees

Discrimination, harassment, and retaliation

OCR complaints and lawsuits alleging discrimination, harassment, and retaliation have underscored the need to disseminate district policies prohibiting all such behavior. It is imperative that those who interact with students be aware of their responsibility to respond immediately and appropriately to allegations. Relevant policies include:

- DH and FO—Policies and exhibits addressing standards of conduct for employees and students.
- DIA, FB, and FFH—Policies regarding discrimination, harassment, and retaliation, including the relevant exhibits containing contact information for reporting such behavior, for employees and students.

These policies and exhibits should be distributed annually to employees and be available at each campus and at the district’s administrative offices.

Bullying

A separate policy, FFI(LOCAL), addresses student bullying, including cyberbullying, and establishes procedures for reporting, investigating, and dealing with bullying of district students. State law requires that the policy and necessary procedures be included in the student and employee handbooks and posted on the district’s website to the extent practicable. Additionally, because this conduct may also rise to the level of discrimination or harassment, if based on a protected characteristic, this policy should be distributed to employees alongside FFH(LOCAL) and (EXHIBIT).

Child abuse and neglect

At the beginning of each school year, districts must also provide all employees with policies pertaining to child abuse and neglect. Commissioner rules require that districts regularly review in staff development programs the procedures for reporting suspected child abuse or neglect [see 19 TAC 61.1051], and provide training for increasing awareness about sexual abuse and other maltreatment of children [see Education Code 38.0041].

As part of the staff development programs, districts should review with employees the plan for addressing sexual abuse of children that must be included in the district improvement plan and in the student handbook. Policy information related to these concerns may be found at:

- BQ(LEGAL), referring to the district plan for addressing sexual abuse and other maltreatment of children;
- DH(LOCAL) and (EXHIBIT), addressing employee standards of conduct;
- FFG(LEGAL), (LOCAL), and (EXHIBIT), addressing child abuse and neglect; and
- GRA(LEGAL) and (LOCAL), addressing child abuse investigations.

If the required contact information for district staff and local agencies found in FFG(EXHIBIT) is incomplete or inaccurate, please contact your policy consultant so that an up-to-date exhibit can be prepared.

Crisis intervention

If your district has adopted a regulation at FFB concerning prevention and intervention programs for student mental health, this regulation should be distributed to staff annually and included in the required training for new hires. [See DMA(LEGAL) for training requirements.]

Drug-free workplace

Federal law requires districts to provide all new employees with copies of policies establishing a drug-free workplace found in the policy manual at DH(LOCAL).

2. For teachers and administrators: documents pertaining to student discipline

Education Code 37.018 requires districts to provide each teacher and administrator with a copy of Chapter 37, sections 37.001 through 37.022, dealing with student discipline, as well as a copy of relevant local district policies. Therefore, in addition to the Chapter 37 sections, we recommend that districts make all (LOCAL) policies in the FN and FO series available to teachers and administrators. For your convenience, a copy of Chapter 37 may be found on the [Policy Service Student Discipline webpage](#).

We also recommend that districts make the district's student code of conduct and the applicable student handbook available to teachers and administrators by posting the documents on the district's website or providing hard copies. Policy changes or amendments to these documents made during the school year should be provided to all teachers and administrators through the same methods. Education Code 37.001 requires the student code of conduct to be posted and prominently displayed at each school campus or to be made available for review in the campus principal's office.

On March 15, 2018, Policy Service released its annual update to the [TASB Model Student Handbook](#) for the 2018–19 school year.

The [TASB Model Student Code of Conduct](#), which is updated following the end of each legislative session, was issued in July 2017.

Both documents are made available in the Policy Service Resource Library on myTASB.

3. For term contract employees

“Employment Policies”

Education Code 21.204(d) requires the board to provide each teacher with a copy of the teacher's contract and, at the teacher's request, a copy of the board's employment policies. This section also requires the district to post its employment policies on the web, if the district has a website. In addition, upon request the board must make a copy of the employment policies available for inspection at each school within a reasonable time. The law does not specify which policies are considered “employment policies.”

Although this statute applies only to employees who hold educator term contracts, TASB Policy and Legal Services recommend that the district also apply these requirements to those employed under probationary and continuing contracts.

In the absence of a statutory definition of the term, TASB Policy and Legal Services suggest that “employment policies” might include (LEGAL) and (LOCAL) policies and exhibits found at the following codes in your local policy manual. Any recent Policy Service updates affecting these codes are listed in parentheses.

Note: If a “series” is indicated, copy all documents with a policy code identifier that begins with the two or three letters shown.

| Policy Code | Policy Title |
|--------------------|---|
| DA series | Equal employment opportunity, genetic nondiscrimination, criteria for personnel decisions |
| DBAA (U111) | Criminal history and credit reports |
| DBD | Conflict of interest |
| DC (U111) | Employment practices |
| DCB | Term contracts |
| DEA series | Salaries and wages; incentives and stipends |
| DEC series (U109) | Leaves and absences |
| DF (U109) | Termination of employment |
| DFA series | Termination of, or return to, probationary contracts |
| DFB series (U109) | Termination of term contracts |
| DFD | Hearings before hearing examiner |
| DFE (U109) | Resignation |
| DFF | Reduction in force |
| DFFA | Reduction in force due to financial exigency |
| DFFB | Reduction in force due to program change |
| DG | Employee rights and privileges |
| DGBA | Employee complaints/grievances |
| DH (U111) | Employee standards of conduct |
| DHB (U111) | Reports to State Board for Educator Certification |
| DHE (U111) | Searches and alcohol/drug testing |
| DI (U111) | Employee welfare |
| DIA | Freedom from discrimination, harassment, and retaliation |
| DK | Assignment and schedules |
| DN series (U109) | Performance appraisal |

4. For employees who enforce meal policies

The United States Department of Agriculture (USDA) requires districts to provide the district’s written meal charge policy, CO(LOCAL), to all school staff responsible for policy enforcement. This includes food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy. Also, the USDA recommends that districts inform the following individuals of the policy: school social workers, school nurses, the district’s homeless liaison or other staff members who assist children in need or who may be contacted by families with unpaid meal charges, principals, and other administrators.

For more information, see the USDA’s memo, [Unpaid Meal Charges: Guidance and Q&A](#).

5. Mandated postings

A number of worksite notices—on topics ranging from workers’ compensation rights to pest control treatments—must be posted. Posted information should be placed in areas that are accessible, perhaps in several different places at each worksite (e.g., teacher workrooms, kitchens, transportation offices, and adjacent to mailboxes), where employees are most likely to see them. For further information regarding required notices, consult any of the following TASB publications:

- The [HR Services Resource Library](#) is available to TASB HR Services subscribers on myTASB. A description of posting requirements and checklists may be found in the HR Library under the “HR Department” topic.
- The [TASB Regulations Resource Manual](#), available to superintendents and policy contacts through the Policy Service Resource Library on myTASB, includes some of the required notices.
- *Federal and State Work-Site Posters* are available in English and Spanish from the [TASB Store](#) (cataloged under the “District Operations” topic, or search on “postings”).

Other Important Information

While the law does not require distribution of all of the key policies and administrative procedures listed below, the information in these documents should be reviewed periodically in staff training or included in the employee handbook. TASB HR Services members annually receive an updated *Model Employee Handbook*, issued in mid-May, to assist districts in developing a handbook. Any recent Policy Service updates affecting these codes are listed in parentheses.

District Goals and Planning

| Policy code | Topic |
|-------------|-------------------------------------|
| AE (U109) | District educational philosophy |
| BQ series | District- and campus-level planning |

Instruction and Students

| Policy code | Topic |
|--------------------|---|
| EF (U109) | Instructional Resources |
| EHBAF (U109) | Video cameras in special education settings |
| EIA | Grading standards and grade reporting |
| EIE (U109) | Promoting and retaining students |
| FB series (U109) | Protection of students from unlawful discrimination |
| FE series (U111) | Student attendance |
| FFAC | Providing medical treatment or medication to students (Please note: If your district provides and administers epi-pens for use in an emergency, please contact your policy consultant for revisions to FFAC(LOCAL).) |
| FFAD (U109) | Excluding students with communicable diseases |
| FFAF | Care plans for students at risk for anaphylaxis |
| FFG (U109) | Mandated reporting of child abuse and neglect |
| FFH (U111) | Freedom from discrimination, harassment, and retaliation |
| FFI (U109) | Freedom from bullying (including cyberbullying) |
| FL (U111) | Safeguarding privacy of student records |
| FNA | Student expression |
| FNAA | Distribution of nonschool literature |
| FNAB | Use of school facilities for nonschool purposes |
| FNG (U109) | Handling student/parent complaints; parents' rights |
| FO (U109) | Student discipline |
| GRA | Interaction of police and child protective services with students on campus |

Personnel

| Policy code | Topic |
|--------------------|--|
| CAA (U111) | Financial ethics |
| CB | Federal conflicts of interest |
| CDC | Solicitation of gifts |
| CK series (U109) | Employee safety practices and crisis management |
| CQ (U111) | District computers and electronic communications |
| CRD (U111) | Health and life insurance |
| CY | Intellectual property and copyright |
| DA series | Equal employment opportunity and genetic nondiscrimination |
| DBAA (U111) | Criminal history and credit reports |
| DBD | Conflict of interest |

| Policy code | Topic |
|--------------------|---|
| DC series (U111) | Employment practices |
| DEA series | Salaries, wages, incentives, and stipends |
| DEC (U109) | Employee leaves and absences |
| DECA (U109) | Family and medical leave |
| DECB (U109) | Military leave |
| DEE | Requirements for expense reimbursement |
| DF series (U111) | Termination of employment |
| DGBA | Process for employee complaints and grievances |
| DH (U111) | Employee standards of conduct |
| DHE (U111) | Alcohol/drug screening and other searches of employees |
| DI (U111) | Drug-free workplace |
| DIA | Freedom from discrimination, harassment, and retaliation |
| DK | Assignment to positions; transfers |
| DMD | Attendance at professional meetings on school time |
| DN series (U109) | Employee evaluation/appraisal |
| GBA series (U109) | Confidentiality of personnel records; public and nonpublic information |
| GBBA | News media relations and communications during a crisis |
| GKD series | Nonschool use of school facilities and distribution of nonschool literature |

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