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Policy Alert

Employee Notification: 2012-13 School Year

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This *Policy Alert* document is provided to Policy Service subscribers for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. **It is important for you to consult with the district's attorneys in order to apply these legal principles to specific fact situations.**

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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 2012–13 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 imbedded 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)—“Exhibit B”—in the [TASB Regulations Resource Manual](#), available on myTASB to superintendents, superintendents’ secretaries, and policy contacts.
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Required Information . . .

1. For all employees

Discrimination, harassment, and retaliation: U.S. Department of Education Office for Civil Rights (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 FNC—Policies and exhibits addressing standards of conduct for employees and students.
- DIA(LOCAL) and FFH(LOCAL)*—Policies regarding discrimination, harassment, and retaliation, including contact information for reporting such behavior, for employees and students.

These policies 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. House Bill 1942 requires that each district adopt a policy that prohibits bullying and that establishes procedures for reporting, investigating, and disciplining bullying of district students. HB 1942 further requires that the policy and necessary procedures be included in the student and employee handbooks and posted on the district’s Web site to the extent practicable. Because bullying 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).

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. 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) and (EXHIBIT), addressing child abuse and neglect; and
- GRA(LEGAL) and (LOCAL), addressing child abuse investigations.

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

Drug-free workplace: Federal law requires districts to provide all new employees with copies of policies establishing a drug-free workplace, including DH(LOCAL)* and DI(LOCAL) and (EXHIBIT).

* Indicates a policy affected by Update 93, issued in March 2012.

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 37.021, 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.

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 Web site 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 20, 2012, Policy Service released its annual update to the [TASB Model Student Handbook](#), as well as an updated [TASB Model Student Code of Conduct](#). Both documents are made available 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 Web site. 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:

Policy Code	Policy Title
DAA*	Equal employment opportunity
DAB*	Genetic nondiscrimination
DBAA	Criminal history and credit reports
DBD	Conflict of interest
DC	Employment practices
DCB	Term contracts
DEA series	Salaries and wages; incentives and stipends
DEC series*	Leaves and absences
DF*	Termination of employment
DFAC	Return to probationary status
DFB series	Termination of term contracts
DFD	Hearings before hearing examiner
DFE*	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*	Employee standards of conduct
DHE	Searches and alcohol/drug testing
DI	Employee welfare
DIA	Freedom from discrimination, harassment, and retaliation
DK	Assignment and schedules
DN series	Performance appraisal

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

* Indicates a policy affected by Update 93, issued in March 2012.

4. 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.
- *Federal and State Work-Site Posters* are available in English and Spanish from the [TASB Store](#).

Other Important Information . . .

While the law does not require distribution 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*, next issued in mid-May, to assist districts in developing a handbook.

Policy code	Topic
	District Goals and Planning
AE	District educational philosophy
BQ series*	District- and campus-level planning
	Instruction and Students
EFA*	Handling complaints regarding instructional materials
EIA†	Grading standards and grade reporting
EIE†	Promoting and retaining students
FB series	Protection of students from unlawful discrimination
FFAC	Providing medical treatment or medication to students
FFAD	Excluding students with communicable diseases
FFG	Mandated reporting of child abuse and neglect
FFH*	Freedom from discrimination, harassment, and retaliation
FFI*	Freedom from bullying

Policy code	Topic
FL*	Safeguarding privacy of student records
FNA	Student expression
FNAA*	Distribution of nonschool literature
FNAB	Use of school facilities for nonschool purposes
FNC	Student conduct
FNG	Handling student/parent complaints; parents' rights
GRA	Interaction of police and child protective services with students on campus
	Personnel
CAA	Financial ethics
CK series	Employee safety practices and crisis management
CQ*	District computers and electronic communications
CRD*	Health and life insurance
CY	Intellectual property and copyright
DAA*	Protection of employees from unlawful discrimination
DAB*	Genetic nondiscrimination
DBAA*	Criminal history and credit reports
DBD	Conflict of interest
DC series	Employment practices
DEA series	Salaries and wages
DEC series	Employee leaves and absences
DEE	Requirements for expense reimbursement
DF series*	Termination of employment
DGBA	Process for employee complaints and grievances
DGC	Employee immunity
DH*	Employee standards of conduct
DHE	Alcohol/drug screening and other searches of employees

Policy code	Topic
DI	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	Employee evaluation/appraisal
GBA series	Confidentiality of personnel records; public and nonpublic information

- * Indicates a policy affected by Update 93, issued in March 2012.
- † On February 23, 2012, TASB Policy Service released a *Policy Alert* addressing recent developments regarding STAAR end-of-course assessments and policy implications affecting EI, EIA, and EIC. The *Policy Alert*, along with the *Starting Points* policy development toolkit as revised in August 2011, can be accessed at http://www.tasb.org/services/policy/mytasb/starting_points/staar/index.aspx.