

Employee Notification: 2019–20 School Year

Policy Alert

Issued: April 11, 2019

State and federal laws require certain information to be distributed to school district employees. When the law does not specify a communication method, such as giving employees copies or posting the information, 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 2019–20 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 distributed 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 distribution?

Electronic distribution may include sending an email with embedded internet links or providing URLs to the policies. Electronic distribution 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. The sign-off sheet will give each employee the option to receive hard copies 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

For all employees

Discrimination, harassment, and retaliation

Office for Civil Rights (OCR) complaints and lawsuits alleging discrimination, harassment, and retaliation have underscored the need to distribute 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 should 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, the district improvement plan, and be 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, which 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 publish a statement notifying employees about the district's drug-free workplace. This statement is found in the policy manual at DH(LOCAL), which must be provided to employees.

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 web page](#).

We also recommend that each district make its 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.

In May 2019, Policy Service will release its annual update to the [TASB Model Student Handbook](#) for the 2019–20 school year. A post-legislative update will be released in July 2019.

The [TASB Model Student Code of Conduct](#), which is updated after each legislative session ends, will be issued in July 2019.

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

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. If the district has a website, this section also requires the district to post its employment policies online. 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.

Since there is not 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, the teacher will receive a copy of each document that begins with the two or three letters in that policy code series.

Policy Code	Policy Title
DA series	Equal employment opportunity, genetic nondiscrimination, criteria for personnel decisions
DBAA (U111)	Criminal history and credit reports
DBD (U112)	Conflict of interest
DC (U111)	Employment practices
DCB (U112)	Term contracts
DEA series (U111)	Salaries and wages; incentives and stipends
DEC series (U113)	Leaves and absences
DF (U111)	Termination of employment
DFA series	Termination of, or return to, probationary contracts
DFB series	Termination of term contracts
DFD	Hearings before hearing examiner
DFE (U113)	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 (U112)	Employee standards of conduct
DHB (U112)	Reports to State Board for Educator Certification
DHE (U112)	Searches and alcohol/drug testing
DI	Employee welfare
DIA (U112)	Freedom from discrimination, harassment, and retaliation
DK	Assignment and schedules
DN series	Performance appraisal

For employees who enforce meal policies

The United States Department of Agriculture (USDA) requires districts to provide their 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, homeless student liaisons 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](#).

Mandated postings

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

- The [HR Services Resource Library](#), which 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*, which are available in English and Spanish from the [TASB Store](#) (cataloged under the "District Operations" topic or found by searching "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 their own handbook. Any recent Policy Service updates affecting the listed codes are in parentheses, below.

District Goals and Planning

Policy code	Topic
AE	District educational philosophy
BQ series	District- and campus-level planning

Instruction and Students

Policy code	Topic
EF	Instructional resources

Policy code	Topic
EHBAF (U113)	Video cameras in special education settings
EIA	Grading standards and grade reporting
EIE	Promoting and retaining students
FB series	Protection of students from unlawful discrimination
FE series (U111)	Student attendance
FFAC (U112)	Providing medical treatment or medication to students [Please note: If your district provides and administers unassigned epi-pens for use in an emergency, please contact your policy consultant for revisions to FFAC(LOCAL).]
FFAD	Excluding students with communicable diseases
FFAF	Care plans for students at risk for anaphylaxis
FFG (U113)	Mandated reporting of child abuse and neglect
FFH (U111)	Freedom from discrimination, harassment, and retaliation
FFI	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 (U112)	Handling student/parent complaints; parents' rights
FO	Student discipline
GRA (U112)	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 (U111)	Employee safety practices and crisis management
CQ (U112)	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 (U112)	Conflict of interest
DC series (U112)	Employment practices
DEA series (U111)	Salaries, wages, incentives, and stipends
DEC (U113)	Employee leaves and absences

Policy code	Topic
DECA	Family and medical leave
DECB	Military leave
DEE	Requirements for expense reimbursement
DF series (U113)	Termination of employment
DGBA	Process for employee complaints and grievances
DH (U112)	Employee standards of conduct
DHE (U112)	Alcohol/drug screening and other searches of employees
DI	Drug-free workplace
DIA (U112)	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 (U111)	Confidentiality of personnel records; public and nonpublic information
GBBA	News media relations and communications during a crisis
GKA (U112)	Community relations and conduct on school premises
GKD series	Nonschool use of school facilities and distribution of nonschool literature

Copyright and Disclaimer

For in-district use by subscribers to TASB Policy Service only. Further duplication or distribution of this material, in whole or in part, is prohibited without written permission of TASB Policy Service.

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 adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.