

EMPLOYEE NOTIFICATION: 2008–09 SCHOOL YEAR

Policy Alert

4/28/2008



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 ***ALERT*** is intended to assist district and campus administrators in determining what to publish (and when to distribute it), what to post, and what to review with employees **for the 2008–09 school year**.

Please note the asterisks:

Policy codes marked with an asterisk (*) are included in Localized Policy Manual Update 83, to be issued in early summer.

Required Information . . .

1. For all employees

Discrimination, Harassment, and Retaliation: OCR complaints and litigation alleging discrimination, harassment (including sexual 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. Policies and exhibits addressing standards of conduct for employees and students are found at DH and FNC*, respectively. Material regarding discrimination, harassment, and retaliation, including contact information for reporting such behavior, is now found at DIA(LOCAL)* for employees and at FFH(LOCAL)* for 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)*, has been created at Update 83 to address student bullying. Because this conduct may rise to the level of discrimination or harassment, if based on a protected characteristic, these policies should also be distributed annually to employees and be available at each campus and at the district’s administrative offices.

Child abuse and neglect: Districts must also ensure that all employees have received policies pertaining to child abuse and neglect. The Commissioner of Education’s rule (19 TAC 61.1051) requires employees to be provided annual training and information on how and to whom to report their suspicion or knowledge of child abuse or neglect. The procedures for reporting suspected child abuse or neglect—including the toll-free phone number of the Texas Department of Family and Protective Services—must be provided to all employees at the beginning of the year and reviewed regularly in staff development programs. Policy information related to these concerns may be found at DH(LOCAL) and (EXHIBIT), FFG(LEGAL) and (EXHIBIT), and GRA(LEGAL) and (LOCAL). If the information required in FFG(EXHIBIT) is incomplete or inaccurate, please contact your policy consultant/analyst so that an up-to-date exhibit can be prepared.

Drug-free workplace: State and federal laws require that copies of policies establishing a drug-free workplace [DH(LOCAL) and DI(EXHIBIT)] be given to all new employees.

Deferred compensation: New IRS rules addressing deferred compensation arrangements apply to districts that have employees who work less than 12 months but are paid on an annualized basis. Districts need to provide employees with a clear notice of the payment arrangement before the school year begins. Notice may be given by distributing DEA(LOCAL)*, included in Update 83, which states that the district will pay all salaried employees over 12 months, regardless of the number of months the employee works. For this reason, it is critical that the board adopt this policy and distribute it or otherwise make the election and provide notice to employees before they report to work for the 2008–09 school year.

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 sections of [Chapter 37](#) (37.001 through 37.021) that deal with student discipline and with a copy of relevant local district policies [usually all (LEGAL) and (LOCAL) policies in the FN and FO series].

We recommend that districts annually provide each teacher with a copy of the district’s updated ***Student Code of Conduct*** and a copy of the appropriate student handbook, and/or make these publications available on the district’s Web site. Policy changes or amendments to the ***Student Code of Conduct*** should be provided to all teachers and administrators as soon as possible after board adoption; changes in the student handbook should be communicated promptly as well. Please remember that board adoption of the ***Student Code of Conduct*** and any (LOCAL) policy revisions are required. Education Code 37.001 also 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.

The [TASB Model Student Code of Conduct](#), which is updated only during legislative years, was last issued in 2007 and is available through myTASB. On March 28, 2008, Policy Service released its annual update to the [TASB Model Student Handbook](#), also available through myTASB.

3. For term contract employees: “Employment Policies”

Education Code 21.204(d) reads:

The board of trustees shall provide each teacher with a copy of the teacher’s contract with the school district and, on the teacher’s request, a copy of the board’s employment policies. If the district has an Internet Web site, the district shall place the board’s employment policies on that Web site. At each school in the district, the board shall make a copy of the board’s employment policies available for inspection at a reasonable time on request.

The law continues to remain silent on what constitutes “employment policies.” Further, this statute applies only to employees who hold educator term contracts. TASB Policy and Legal Services recommend that the district also provide copies of employment policies 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
DBAA	Criminal history and credit reports
DBD	Conflict of interest
DC	Employment practices
DCB	Term contracts
DEA*	Salaries and wages

Policy Code	Policy Title
DEAA	Incentives and stipends
DEC*	Leaves and absences
DFAC	Return to probationary status
DFB series	Termination of term contracts
DFD	Hearings before hearing examiner
DFE	Resignation
DFF	Reduction in force
DG	Employee rights and privileges
DGBA*	Employee complaints/grievances
DH	Employee standards of conduct
DHE	Searches and drug/alcohol testing
DI	Employee welfare
DIA*	Freedom from discrimination, harassment, and retaliation
DK	Assignment and schedules
DN series	Performance appraisal

* Indicates a policy affected by Update 83.

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

4. Mandated postings

A number of worksite notices—on topics ranging from workers’ compensation rights to pest control treatments—must be posted. For further information regarding required notices, consult any of the following TASB publications:

The [*Regulations Resource Manual*](#), available to superintendents and policy contacts through myTASB. [See DI(EXHIBIT) in that manual.]

The [*HR Services Member Library*](#), available to TASB HR Services subscribers through myTASB. [A description of posting requirements and checklists may be found under the “HR Department” topic.]

Work-Site Postings for Texas Public Employers, available in English and Spanish from the TASB Store at <https://www.tasb.org/apps/tasbstore> [cataloged under the “District Operations” topic or search on “postings”].

Other Important Information . . .

While the preceding sections address required distributions and postings, employees need to be aware of other district essentials to better focus their energies and understanding.

Instructional personnel, for instance, should be very familiar with the priorities established in their Campus and District Improvement Plans. Similarly, information found in Campus Report Cards (Education Code 39.052) and the annual Performance Report published by the district (Education Code 39.053) should be readily available to instructional personnel and should underpin instructional planning at the classroom, campus, and district levels. While the law does not require it, briefing instructional staff on these reports will likely improve planning activities and advance the district's fulfillment of its mission.

On page 6 we provide a list of key policies or administrative procedures that might need to be reviewed periodically in staff training sessions or addressed within the pages of an employee handbook. TASB HR Services members annually receive an updated ***Model Employee Handbook*** to facilitate development of a handbook within each member district.

Policy code	Information to emphasize
	District Goals and Planning
AE	District educational philosophy
BQ series	District- and campus-level planning
	Instruction and Students
EFA	Handling complaints regarding instructional materials
EFE	Adherence to copyright requirements
EIA	Grading standards and grade reporting
EIE	Promoting and retaining students
FB*	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
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
DAA*	Protection of employees from unlawful discrimination
DBAA	Criminal history and credit reports
DBD	Conflict of interest
DC series	Employment practices
DEA*	Salaries and wages
DEAA	Incentives and stipends
DEC*	Employee leaves and absences
DEE*	Requirements for expense reimbursement
DF series*	Termination of employment
DGBA*	Process for employee complaints and grievances
DH	Employee standards of conduct
DHE	Alcohol/drug screening and other searches of employees
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

Frequently Asked Questions . . .

When should this information be disseminated?

Up front for new employees...and down the line when those policies change. The district should distribute (LEGAL) policies affected by Update 83 as soon as possible after reviewing the update; (LOCAL) policies should be distributed after board adoption.

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 of required policies is possible in many forms (such as sending an e-mail with imbedded Internet links or providing URLs), so long as the following conditions are met:

Employees who are entitled to a copy of the policies listed under the **REQUIRED INFORMATION** section of this **ALERT** must have easy access to both a computer and a printer and sufficient training to open the document (if sent as an e-mail attachment) or navigate to the URL (if the document is Web-published), and

A district must be prepared to 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 via computer. The sign-off sheet should list the policies and instructions for computer access. A sample sign-off sheet may be found at DC(EXHIBIT)—“Exhibit K”—in the **TASB Regulations Resource Manual**, available to superintendents, superintendents’ secretaries, and policy contacts through myTASB.

What about required “postings”?

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.

© 2008 by TASB, Inc. All Rights Reserved.

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 document is provided 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 your own attorneys in order to apply these legal principles to specific fact situations.