

Vantage Points

A Board Member's Guide to Update 107

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the brief descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

For more information about Policy Service, visit our website at <http://policy.tasb.org>.

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.



Update 107 contains recommended changes to local policies on topics including gifts and fundraising, employee and contractor misconduct, employee suspension and expense reimbursement, and student compulsory attendance and wellness policies. Revisions to legal policies incorporate various administrative rules and additional provisions from the Every Student Succeeds Act (ESSA).

**Gifts,
Fundraising, and
Solicitations**

Policies CDC (Gifts and Solicitations) and FJ (Student Fundraising) have been renamed to better reflect the topics addressed in those codes.

CDC(LOCAL) AND FJ(LOCAL) POLICY CONSIDERATIONS

CDC(LOCAL) addresses unsolicited gifts and donations as well as gifts and donations solicited by the district or its employees. For most districts, the policy indicates that authority is delegated to the superintendent to accept gifts and donations, except when the potential gift is real property or when the donor has made a gift conditional on a specific use by the district.

For solicited gifts, such as online fundraising campaigns or platforms, an employee must receive approval before using the name or image of the district, a campus, or any student, and must comply with any district administrative regulations.

FJ(LOCAL) addresses student fundraising, and significant revisions are recommended to simplify the policy. It is recommended that details of fundraising plans, approval of activities, and any required reports be addressed in administrative regulations.

GE(LOCAL) POLICY CONSIDERATIONS

Revisions are also recommended at GE(LOCAL) to clarify when and under what conditions district-affiliated school support or booster organizations, and other parent groups, can solicit donations or fundraise on behalf of the district.

Personnel Issues

**Paraprofessional
Qualifications**

ESSA requires a state's standards for paraprofessionals working in programs supported with Title I funds to include the qualifications that were in place on the day before ESSA was enacted (December 10, 2015). For reference purposes, DBA(LEGAL) has been updated to include those standards that were effective before December 10, 2015.

Employee and Contractor Misconduct

ESSA requires districts that receive Title I funds to have regulations or policies that prohibit assisting a school employee, contractor, or agent in obtaining a new job if there is knowledge or probable cause to believe that the individual engaged in sexual misconduct with a minor or student. CJ(LEGAL) and DC(LEGAL) have been updated with these statutory requirements.

CJ(LOCAL) AND DC(LOCAL) POLICY CONSIDERATIONS

To satisfy the policy requirement of this ESSA provision, local policy language is recommended for inclusion in your manual at CJ(LOCAL), regarding contractors and agents, and at DC(LOCAL), regarding employees.

The State Board for Educator Certification also addressed this ESSA requirement in recent amendments to the Educators' Code of Ethics. See DH(EXHIBIT).

Suspension/ Termination

DFAA, DFBA, AND DFCA(LOCAL) POLICY CONSIDERATIONS

Revisions for clarity are recommended to the local policies addressing the authority to place a probationary or term contract employee on administrative leave, sometimes referred to as suspension with pay. A new local policy addressing the authority to place continuing contract employees on administrative leave is recommended for those districts that still have employees on continuing contracts.

Expense Reimbursement

DEE(LOCAL) POLICY CONSIDERATIONS

Several changes are recommended at policy DEE(LOCAL) on employee expense reimbursement. In addition to recommended changes for clarity and policy style, two provisions are also recommended for deletion, as these are either already covered by law or are not required for all types of reimbursements.

Instruction

Legally referenced policies have been updated to reflect:

- Current State Board of Education rules on instructional materials [see EFAA(LEGAL) and CMD(LEGAL)],
- Administrative Code rules regarding how state funding is generated for off-campus programs [see EHDD(LEGAL) and FEB(LEGAL)], and

- Recent Administrative Code amendments related to endorsements under the foundation program [see EIF(LEGAL)].

Student Issues

Homeschool and Compulsory Attendance

FEA(LOCAL) POLICY CONSIDERATIONS

Recent guidance from TEA prompted recommended revisions at FEA(LOCAL) to align with the documentation requirements for a student who is homeschooled or is thought to be homeschooled.

Student Wellness

Current Administrative Code rules prompted changes to both FFAA(LEGAL), on physical examinations, and FFAB(LEGAL), on required immunizations. Final federal rules on district wellness policies under the Healthy, Hunger-Free Kids Act have been added at FFA(LEGAL).

FFA(LOCAL) POLICY CONSIDERATIONS

Note that some districts' Update materials will contain recommended revisions for FFA(LOCAL) to accommodate recently adopted federal regulations related to the required student wellness policies. If this policy is not included in a district's Update materials, we encourage you to contact your policy consultant to determine whether revisions are necessary to your local student wellness policy.

Exhibits

Please note: In this update, most districts will see recommendations to delete several exhibits from the policy manual. In our ongoing effort to provide districts more flexibility for customizing and formatting forms, we are recommending that many current exhibits containing forms be deleted from the local policy manual in favor of the district modifying them and housing them with the district's other administrative materials. The forms recommended for deletion in Update 107 will be available in the *TASB Regulations Resource Manual* when Update 53 to that publication is released in March.