

Explanatory Notes

TASB Localized Policy Manual Update 112

Wylie ISD-Taylor County

BBFA(LEGAL)

ETHICS: CONFLICT OF INTEREST DISCLOSURES

Revisions at Annual Financial Management Report on page 7 reflect amended Administrative Code rules, effective August 1, 2018, addressing financial accountability ratings.

BBFB(LEGAL)

ETHICS: PROHIBITED PRACTICES

This legally referenced policy has been revised to improve accessibility, add some existing statutory provisions, and better match statutory text.

In addition, we have removed a provision addressing conflicts of interest for depository contracts, as the provision is already included in BDAE(LEGAL).

BJA(LOCAL)

SUPERINTENDENT: QUALIFICATIONS AND DUTIES

Recommended formatting revisions to this local policy are to improve accessibility for individuals with disabilities.

BJCD(LEGAL)

SUPERINTENDENT: EVALUATION

Added to this legally referenced policy is an existing statutory provision requiring the board to adopt policy providing that the board employs and evaluates the superintendent. This is already addressed by the district's BJCD(LOCAL) policy.

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

We have revised the C section table of contents to add two new policy codes, CCGA, Exemptions and Payments, and CCGB, Economic Development, the content of which was previously addressed at CCG. In addition, the CO series has been retitled Food and Nutrition Management, COA has been renamed Procurement, and COB has been renamed Free and Reduced-Price Meals.

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Based on changes in federal law that increased the micro-purchase and simplified acquisition thresholds for small purchases under the EDGAR procurement rules, this legally referenced policy has been updated to delete the old threshold amounts and include links to an Office of Management and Budget memorandum and a TEA [To the Administrator Addressed letter](#) dated August 28, 2018, which provide additional information on this issue.

CCE(LEGAL)

LOCAL REVENUE SOURCES: ATHLETIC STADIUM AUTHORITY

Additional detail regarding the board's authority to create an Athletic Stadium Authority has been added.

CCG(LEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

Update 112 includes a significant restructuring of the policies on ad valorem taxes to break up the lengthy content into multiple policy codes, reorganize the provisions for better flow, and better match statutory text.

CCG(LEGAL) now focuses on adoption of the tax rate and conducting an election to ratify taxes.

Provisions on exemptions and payments of ad valorem taxes have been updated and moved to CCGA. Provisions on economic development have been updated and moved to CCGB.

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CCG(LOCAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

For consistency with the recoding of legal provisions, the district's local policy provisions on exemptions and payments of ad valorem taxes have been moved from CCG to CCGA.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

As mentioned above, provisions on exemptions and payments of ad valorem taxes have been updated and moved from CCG to CCGA. In addition, two constitutional amendments have been added:

- As allowed by Senate Joint Resolution 1 and Senate Bill 15 (85th Texas Legislative Session), voters approved an exemption of all or part of the value of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty. See Surviving Spouse of First Responder.
- As allowed by House Joint Resolution 21 and House Bill 150, voters approved an exemption of part of the value of the residence homestead of a partially disabled veteran or surviving spouse if the homestead was donated to the veteran by a charitable organization for less than market value. See Veteran Exemptions.

Please note that the board of a district that adopted a local option homestead exemption for all taxpayers under Tax Code 11.13(n) may not reduce or repeal the exemption before December 31, 2019.

CCGA(LOCAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

For consistency with the recoding of legal provisions described above, the district's local policy provisions on exemptions and payments of ad valorem taxes have been moved from CCG to CCGA.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

As mentioned above, provisions on economic development have been moved from CCG to CCGB and have been updated with additional detail.

CCH(LEGAL) LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

This legally referenced policy has been revised to add some existing statutory provisions, delete nonessential provisions, and better match statutory text.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective August 1, 2018, addressing financial accountability ratings. The rules revised the notice provisions for the public hearing on the Financial Management Report. Other changes are to better match statutory wording.

CFC(LEGAL) ACCOUNTING: AUDITS

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective August 1, 2018, allowing the commissioner to change a financial accountability rating in disaster situations and addressing the appeal process.

CH(LEGAL) PURCHASING AND ACQUISITION

References to COA(LEGAL) have been added to align with newly added material on food purchases at that code. In addition, the board delegation provision applicable in disaster circumstances has been updated for completeness. (See page 3.)

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CH(LOCAL) PURCHASING AND ACQUISITION

At Purchasing Method, we recommend adding a reference to CBB(LEGAL), addressing procurement requirements for federal awards, as a reminder that other requirements may be applicable if federal funds are involved in a purchase.

Likewise, at Competitive Bidding and Competitive Sealed Proposals, we recommend an adjustment to acknowledge that any rejection of bids or proposals shall be in accordance with state or federal law, as some purchases with federal funds may require a sound, documented reason for rejecting a bid.

CHF(LEGAL) PURCHASING AND ACQUISITION: PAYMENT PROCEDURES

This legally referenced policy on payment procedures has been revised to reorder provisions and better match statutory text.

CHG(LEGAL) PURCHASING AND ACQUISITION: REAL PROPERTY AND IMPROVEMENTS

This legally referenced policy on real property and improvements has been revised to add some existing statutory provisions and better match statutory text.

CNA(LEGAL) TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION

New Administrative Code rules effective July 12, 2018, have been added at Hazardous Conditions or High Risk of Violence. The rules include definitions, eligibility and local policy requirements, and reporting requirements for districts seeking additional funds for transportation of students living within two miles of the school.

Districts with TASB-recommended policy text at CNA(LOCAL) have the necessary policy provisions for seeking the additional transportation funding. If your district has a community walking transportation program but does not have policy provisions at CNA(LOCAL), please contact your policy consultant for an adjustment to the district's policy.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

Additional existing federal and state provisions have been added to this legally referenced policy on food services management to provide more thorough coverage of the school nutrition compliance and professional standards, fundraiser standards, and unpaid meal policy requirements.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

This legally referenced policy on food purchasing has been extensively revised to include federal regulations applicable to the operation of and purchasing of food under the national school lunch and breakfast programs.

COB(LEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

Additional existing federal provisions have been added to this legally referenced policy on free and reduced-price meals to provide more thorough coverage of the claim for reimbursement and on-site review processes, record retention requirements, and the Community Eligibility Provision program.

CQ(LOCAL) TECHNOLOGY RESOURCES

State law permits a district to accept electronic signatures that comply with rules adopted by the board. The board's rules, to the extent practicable, must be consistent with rules adopted by the Department of

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Information Resources. To comply with state law and align with most districts' practice of accepting electronic signatures, we recommend new policy language permitting electronic signatures as outlined in the policy.

CV(LOCAL) FACILITIES CONSTRUCTION

At Construction Contracts, we recommend adding references to CBB(LEGAL), addressing purchasing requirements for federal awards, as a reminder that if federal funds are involved in the contract other requirements may be applicable.

DBB(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

Details on the bloodborne pathogen exposure control plan developed by the Texas Department of State Health Services have been added.

DBD(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CONFLICT OF INTEREST

This legally referenced policy has been revised to improve accessibility, add some existing statutory provisions, and better match statutory text.

DCB(LEGAL) EMPLOYMENT PRACTICES: TERM CONTRACTS

Changes to this legally referenced policy on term contracts include:

- The addition of a commissioner of education decision explaining that if a district requires a person, by policy, job description, or contract, to hold certification, the district must employ that person under a Chapter 21 contract (see District-Required Certification); and
- Revisions to better match statutory wording.

DCB(LOCAL) EMPLOYMENT PRACTICES: TERM CONTRACTS

Reorganization of provisions in this local policy on term contracts is recommended to better distinguish the provisions applicable when SBEC requires certification versus when the district requires certification. An adjustment clarifies that, when the district requires SBEC certification for a position, only full-time professional employees in those positions are entitled to a term contract.

We continue to reflect in your policy that full-time registered nurses are the only nurses eligible for a term contract.

DFE(LEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

Revisions at Report by Principal reflect amended Administrative Code rules, effective March 8, 2018, providing that a principal is subject to sanctions for failing to notify the superintendent within seven days after an educator resigns following an alleged incident of misconduct as required by law.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

So as not to deter reports of discrimination, harassment, and retaliation, we recommend moving to DH(LOCAL) a provision previously at DIA(LOCAL) subjecting employees to discipline for making false claims of discrimination, harassment, and retaliation or refusing to participate in an investigation. Placement at DH(LOCAL), addressing the broader topic of employee standards of conduct, makes it clear that the district may discipline employees for such conduct in any circumstance, not just in relation to claims of discrimination, harassment, and retaliation. See Violations of Standards of Conduct.

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No other changes have been made to the district's current policy provisions.

DH(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

Amendments effective October 21, 2018, to the Educators' Code of Ethics have been incorporated. The amendments:

- Subject educators to discipline by the State Board for Educator Certification for intentionally or recklessly diverting money, personnel, property, or equipment for personal gain;
- Clarify the language regarding an educator's illegal use of controlled substances, prescription drugs, and toxic inhalants;
- Remove from the Educators' Code of Ethics and move to a different section of the Administrative Code the standard on assisting another educator with obtaining a new job when the educator has engaged in an inappropriate relationship with a student or minor; and
- Prohibit an educator from intentionally or knowingly subjecting a colleague to sexual harassment.

DHB(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

In accordance with Administrative Code changes effective October 21, 2018, evidence of an educator's solicitation of a romantic relationship with a student may consist of the educator violating written directives from school administrators regarding the educator's behavior toward a student.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

The addition of an existing statutory provision clarifies that Department of Transportation (DOT) alcohol and drug testing must be completely separate from non-DOT testing.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been revised to add an existing statutory provision on official oppression and to better match statutory text.

DIA(LOCAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Two revisions are recommended to this local policy on discrimination, harassment, and retaliation:

- We have added the word "sex" to the statement of nondiscrimination and to the definition of discrimination for a complete listing of all the protected categories under law and for consistency throughout the policy manual.
- So as not to deter reports of discrimination, harassment, and retaliation, we have moved to DH(LOCAL) the provision subjecting employees to discipline for making false claims of discrimination, harassment, and retaliation or refusing to participate in an investigation. Placement at DH(LOCAL), addressing the broader topic of employee standards of conduct, makes it clear that the district may discipline employees for such conduct in any circumstance, not just in relation to claims of discrimination, harassment, and retaliation.

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DP(LEGAL)

PERSONNEL POSITIONS

The State Board for Educator Certification has adopted new rules for principal certification effective September 23, 2018, referenced on page 1.

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

New Administrative Code rules effective August 27, 2018, address the required instruction for all students entering grade 9 in the 2018–19 school year and thereafter on proper interaction with a peace officer. (See page 8.)

EHAD(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

This legally referenced policy on elective instruction has been updated to include existing statutory provisions permitting districts to offer:

- Courses in cybersecurity; and
- Other courses or activities, including apprenticeships or training hours needed to obtain an industry-recognized credential or certificate.

EHB(LEGAL)

CURRICULUM DESIGN: SPECIAL PROGRAMS

Revisions to the dyslexia provisions in this legally referenced policy are a result of amended Administrative Code rules effective August 27, 2018. The amendments:

- Clarify requirements for screening of students for dyslexia and related disorders;
- Address information that must be provided to parents before identification or evaluation of a student occurs;
- Add requirements for parent education programs; and
- Clarify that districts must provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.

EHBC(LEGAL)

SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Details on the Optional Extended Year Program have been deleted, as the Program has not been funded for several years.

Regarding the Optional Flexible School Day Program (OFSDP), we have deleted funding provisions and added:

- Detail on the board approval process;
- Requirements regarding parental permission; and
- A provision permitting districts to provide an OFSDP to students attending a community-based drop-out recovery education program, based on amended Administrative Code rules effective August 2, 2018.

EHBE(LEGAL)

SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

Revisions throughout this legally referenced policy on bilingual education are a result of amended Administrative Code rules effective July 15, 2018. The amendments align the rules with current TEA practice and the adopted Every Student Succeeds Act (ESSA) State Plan. Significant changes include:

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- Changes to the home language survey requirements, including designation of Vietnamese as a required language for the home language surveys;
- Clarification that participation of non-LEP students in a bilingual education program may not exceed 40 percent of the number of students enrolled in the program district-wide;
- Changes to require bilingual education programs to begin in prekindergarten rather than kindergarten;
- Strengthening of teacher certification requirements for both the content-based and pull-out ESL program models; and
- A requirement for dual language immersion programs to begin at prekindergarten or kindergarten, as applicable; implementation can no longer begin in grade 1.

EHBI(LEGAL)

SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION

This legally referenced policy on adult and community education has been revised to add some existing statutory provisions and better match the text of statute and the Administrative Code.

EHDC(LEGAL)

ALTERNATIVE METHODS FOR EARNING CREDIT: CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

Revisions to this legally referenced policy include rule changes from the State Board of Education (SBOE) on credit by examination (CBE) effective August 27, 2018. The rules include a new requirement for districts and assessment providers to audit their CBE assessments. The district board of trustees must approve an audit process for all CBE assessments used for kindergarten–grade 5 acceleration, whether district-developed or developed by another provider, and for all district-developed assessments to be used in grades 6–12. However, a board that adopts examinations from the University of Texas at Austin or Texas Tech University for kindergarten–grade 5 does not need to create a separate audit process for those examinations and may adopt the provider’s audit process. The rules also include changes to the validation requirements and new annual reporting requirements.

TASB Policy Service sent [Policy Alerts](#) regarding these changes on August 15 and 30, 2018, and TASB Legal Services’ [Frequently Asked Questions on Credit by Exam](#) addresses what districts need to know about the CBE assessment process, including the validation and audit requirements for district-created examinations.

EI(LEGAL)

ACADEMIC ACHIEVEMENT

We have added amended rules effective August 27, 2018, addressing notations on a student's transcript for:

- Demonstrating proficiency in speech;
- Completing instruction in CPR;
- Completing instruction on proper interaction with peace officers; and
- Satisfying a graduation requirement for a language other than English by completing a dual language immersion program.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

An amended Administrative Code rule, effective August 27, 2018, permits a student to satisfy one of the two credits required in a language other than English by completing a dual language immersion program. The amended rule has been added on page 10.

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FFAC(LEGAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Revisions to this legally referenced policy on medical treatment include the following additions:

- Existing statutory provisions on nursing peer review committees;
- An existing statutory provision prohibiting a district employee from making a report of neglect based solely on a parent's refusal to administer or consent to the administration of a psychotropic drug or psychological testing, except in certain circumstances;
- Provisions on opioid antagonist medication (naloxone); and
- Provisions on maintenance and administration of epinephrine auto-injectors from new Administrative Code rules effective August 1, 2018.

TASB Legal Services' article [What Do School Districts Need to Know About Epinephrine Auto-Injectors?](#) discusses use of epinephrine to treat anaphylaxis on a school campus, including the legal requirements for a district with a policy that authorizes staff or volunteers to administer an unassigned epinephrine auto-injector.

FMA(LOCAL)

STUDENT ACTIVITIES: SCHOOL-SPONSORED PUBLICATIONS

Recommended revisions to this local policy clarify that district and campus publications are under the district's control and school-sponsored publications approved by a principal and published by students are part of the instructional program. The provision outlining the principal's administrative responsibilities for publications is recommended for deletion, as such a statement need not be included in board policy.

We also recommend:

- Replacing the text on advertising with a Note pointing to GKB, to consolidate and eliminate duplication of advertising provisions; and
- Deleting the unnecessary complaint provision.

FNG(LOCAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

A new commissioner of education rule effective August 26, 2018, addresses Education Code 37.105, which authorizes district officials to refuse entry to or eject a person from property under the district's control in certain circumstances. See GKA(LEGAL), below.

The recommended revision to this grievance policy at Complaints is to address new board policy requirements in the rule, which requires a board to adopt a policy that will allow a person refused entry to or ejected from property under the district's control to appeal by using the district's current grievance process and to permit a person appealing to address the board in person within 90 days of filing the complaint, unless the complaint is resolved before the board considers the complaint.

Update 58 to the [Regulations Resource Manual](#) includes at GKA updated exhibits in response to the new rule. TASB Legal Services' article ["Visitors to School Property and School Events"](#) provides further information on Education Code 37.105.

No other changes have been made to the district's current policy provisions.

FODA(LEGAL)

EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

This legally referenced policy on Juvenile Justice Alternative Education Programs (JJAEPs) has been revised as a result of newly adopted Administrative Code rules effective August 1, 2018. Revisions from the rules include requirements for:

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- A JJAEP to develop, in coordination with the sending district, entry and exit transition plans for each student;
- The annual memorandum of understanding between the district and the county juvenile board to be filed with the Texas Juvenile Justice Department by October 1 of each year; and
- The JJAEP to provide a copy of the JJAEP's performance report to the superintendent of each participating school district.

GF(LOCAL)

PUBLIC COMPLAINTS

A new commissioner of education rule effective August 26, 2018, addresses Education Code 37.105, which authorizes district officials to refuse entry to or eject a person from property under the district's control in certain circumstances. See GKA(LEGAL), below.

The recommended revision to this grievance policy at Complaints is to address new board policy requirements in the rule, which requires a board to adopt a policy that will allow a person refused entry to or ejected from property under the district's control to appeal by using the district's current grievance process and to permit a person appealing to address the board in person within 90 days of filing the complaint, unless the complaint is resolved before the board considers the complaint.

Update 58 to the [Regulations Resource Manual](#) includes at GKA updated exhibits in response to the new rule. TASB Legal Services' article "[Visitors to School Property and School Events](#)" provides further information on Education Code 37.105.

No other changes have been made to the district's current policy provisions.

GKA(LEGAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A new commissioner of education rule effective August 26, 2018, addresses Education Code 37.105, which authorizes district officials to refuse entry to or eject a person from property under the district's control in certain circumstances.

As reflected in this legally referenced policy, the rule requires each board to adopt a policy that will allow a person refused entry to or ejected from property under the district's control to appeal by using the district's current grievance process and must permit a person appealing to address the board in person within 90 days of the individual filing the appeal, unless the appeal is resolved before the appeal reaches the board level. Local policy recommendations are addressed at FNG(LOCAL), GF(LOCAL), and GKA(LOCAL). In addition, Update 58 to the [Regulations Resource Manual](#) includes at GKA updated exhibits in response to the new rule.

Another revision to this policy adds the separate trespass provision from the Education Code to distinguish the district's authority to pursue trespass charges from the Education Code 37.105 provisions.

TASB Legal Services' article "[Visitors to School Property and School Events](#)" provides further information on the district's authority.

Finally, federal and state provisions on drones have been added, beginning on page 11.

GKA(LOCAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A new commissioner of education rule effective August 26, 2018, addresses Education Code 37.105, which authorizes district officials to refuse entry to or eject a person from property under the district's control in certain circumstances. See GKA(LEGAL), above.

To comply with the requirements in the new rule, we recommend policy language:

- Providing that a district official will give a person refused entry to or ejected from property under the district's control written information explaining the right to appeal, and

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- Referencing the specific grievance timelines and right to address the board that apply if an individual appeals an ejection or exclusion.

Update 58 to the [Regulations Resource Manual](#) includes at GKA updated exhibits in response to the new rule. TASB Legal Services' article "[Visitors to School Property and School Events](#)" provides further information on Education Code 37.105.

Changes at Access to District Property clarify that authorized district officials may refuse to allow a person access to district property and may request assistance from law enforcement in an emergency or when a person's behavior rises to the level of criminal conduct.

GKB(LEGAL)

COMMUNITY RELATIONS: ADVERTISING AND FUNDRAISING

We have added a recent U.S. Supreme Court case to this legally referenced policy to clarify that the district's statements and actions that take the form of speech do not create a forum for private speech and the district does not engage in unconstitutional viewpoint discrimination by advancing its viewpoints on permissible goals, even if advancing those goals discourages alternative goals. (See District Communications.)

GKB(LOCAL)

COMMUNITY RELATIONS: ADVERTISING AND FUNDRAISING

Recommended revisions to the advertising provisions in this local policy are to keep the text current with evolving case law. The revisions add several new circumstances under which a district may reject advertising, including when advertising:

- Is inappropriate in the school setting;
- Presents a health hazard; or
- Adds to the district's administrative burden by exposing the district to complaints, controversy, or litigation.

Likewise, new provisions are recommended to clarify that a district's acknowledgment of sponsorships and donations may be through whatever means the district deems appropriate and the district retains full editorial control, even if donors may suggest text for the acknowledgment.

GRA(LEGAL)

RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

This legally referenced policy has been updated to provide additional detail on Department of Family and Protective Services investigations regarding allegations of child abuse or neglect in schools.