



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: October 19, 2020

AGENDA ITEM: Consider Approval of TASB Policy Update 115
BF(LOCAL)– Board Policies
DED(LOCAL)– Compensation and Benefits: Vacations and Holidays
DIA(LOCAL)– Employee Welfare: Freedom from Discrimination, Harassment, and Retaliation
DMD(LOCAL)– Professional Development: Professional Meetings and Visitations
EI(LOCAL)– Academic Achievement
FB(LOCAL)– Equal Educational Opportunity
FD(LOCAL)– Admissions
FEB(LOCAL)- Attendance: Attendance Accounting
FFG(LOCAL)– Student Welfare: Child Abuse and Neglect
FFH(LOCAL)– Student Welfare: Freedom from Discrimination, Harassment, and Retaliation
FMF(LOCAL)- Student Activities: Contests and Competition
FNG(LOCAL)- Student Rights and Responsibilities: Student and Parent Complaints/Grievances
GF(LOCAL) – Public Complaints

PRESENTER: Lynn McKinney, Deputy Superintendent

BACKGROUND INFORMATION:

Impacted Board Policy summary:

- BF(LOCAL) – Board Policies: *Revision clarifies that a district's legally referenced policies are not adopted by the board.*
- DED(LOCAL) – Compensation and Benefits: Vacations and Holidays: *Revisions address the board's authorization of these programs, including which employees are eligible for the benefits, and refer to administrative procedures for details to promote consistent application and prevent conflict between policy and administrative procedures.*
- DIA(LOCAL) – Employee Welfare: Freedom from Discrimination, Harassment, and Retaliation: *Revisions incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held and adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.*

Recommendations include:

- *Definition of Prohibited Conduct has been revised.*
- *Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to the new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations.*
- *Added a new provision at Notice of Report requires any employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator.*
- *Revised text at Response to Sexual Harassment – to address legally required actions when the district receives notice or allegation of conduct that would meet the definition of sexual harassment under Title IX.*
- *Directs superintendent to develop Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations in FFH(LEGAL).*
- *To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district use a preponderance of the evidence standard. This standard must be used for the investigation of all formal Title IX complaints, including complaints by students.*
- *Provision on retaliation and records retention have been updated.*
- *DMD(LOCAL) – Professional Development: Professional Meetings and Visitations: Recommend deletion of this policy as board-adopted policy is not required.*
- *EI(LOCAL) – Academic Achievement: Provisions on partial credit have been updated to reflect revised Administrative Code rules. Recommend deletion of statement concerning how to regain credit as board policy is not required to specify a particular method used. Wording for highly mobile students is recommended for deletion from this policy.*
- *FB(LOCAL) – Equal Educational Opportunity: Title IX coordinator has been updated in response to new regulations.*
- *FD(LOCAL) – Admissions: New Administrative Code rules address transition assistance for highly mobile students for awarding credit.*
- *FEB(LOCAL) - Attendance: Attendance Accounting: Recommended revisions address Administrative Code rules that delete the reference to taking attendance during second or fifth instructional hour. Superintendent is responsible for designating the official attendance-taking time.*
- *FFG(LOCAL) – Student Welfare: Child Abuse and Neglect: Revisions reflect the amended Administrative Code rules. Wording has been revised and provisions moved from FFG(EXHIBIT) into this local policy and deletion of the exhibit is recommended.*
- *FFH(LOCAL) – Student Welfare: Freedom from Discrimination, Harassment, and Retaliation:
Recommendations include:*
 - *Definition of Prohibited Conduct has been revised.*
 - *Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to the new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations.*

- *The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.*
- *Revised text at Response to Sexual Harassment – to address legally required actions when the district receives notice or allegation of conduct that would meet the definition of sexual harassment under Title IX.*
- *Directs superintendent to develop Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations in FFH(LEGAL).*
- *To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district use a preponderance of the evidence standard. This standard must be used for the investigation of all formal Title IX complaints, including complaints by students.*
- *Provisions on retaliation and false claims have been updated and moved to the end of the policy.*
- **FMF(LOCAL) – Student Activities: Contests and Competition:** *recommendation is to delete this policy as there is no requirement for board policy on these issues.*
- **FNG(LOCAL) –Student Rights and Responsibilities: Student and Parent Complaints/Grievances:** *The list of revised protected characteristics at Other Complaint Processes has been with the list at FFH(LOCAL). There is a revision for complaint regarding refusal of entry to or ejection from property shall be permitted to address the board within 90 “calendar” days instead of “business” days.*
- **GF(LOCAL) – Public Complaints:** *Revision specifies that person filing a complaint regarding refusal of entry to or ejection from property shall be permitted to address the board within 90 “calendar” days instead of “business” days.*

FISCAL INFORMATION: None

ATTACHMENTS: TASB Board Policy Update 114 Draft Proposed Board Policies:

- **BF(LOCAL) – Board Policies**
- **DED(LOCAL) – Compensation and Benefits: Vacations and Holidays**
- **DIA(LOCAL) – Employee Welfare: Freedom from Discrimination, Harassment, and Retaliation**
- **DMD(LOCAL) – Professional Development, Professional Meetings and Visitations**
- **EI(LOCAL) – Academic Achievement**
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- **GF(LOCAL) – Public Complaints**

ADMINISTRATIVE RECOMMENDATION: This is the second reading of Board Policy changes related to Update 115. The Administration recommends approval of the board polices in Update 115 as presented.