

TASB POLICY UPDATE 105

BJCF SUPERINTENDENT: NON RENEWAL

Recommended changes better align the list of protected characteristics with those in legal precedent regarding freedom from discrimination, harassment, and retaliation. Changes to the list of protected characteristics are to better align with those in legal precedent regarding freedom from discrimination, harassment, and retaliation.

- 18. **Behavior that presents a danger of physical harm to a student or other individual.**
- 24. Failure to fulfill **or maintain** requirements for Superintendent certification, **unless granted a waiver by the commissioner of education.**
- ~~25. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit or a Special Assignment Permit.~~
- 26. **Any reason that makes the employment relationship void to voidable, such as a violation of federal, state, or local law.**

NOTICE OF PROPOSED NONRENEWAL

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent ~~by hand or certified mail, return~~

BQ PLANNING AND DECISION MAKING PROCESS

Revisions reflect Title 1 terminology updated by ESSA, which now refers to a “parent and family engagement policy” rather than the former “parent involvement policy” required as part of District and campus improvement plans.

The first paragraph has been revised to include Board approval of the District’s “vision” in addition to the mission and goals.

The Board shall approve and periodically, review the District’s vision, mission and goals to improve student performance. The vision, mission, goals and the approved District and campus objectives shall be mutually supportive and shall support the state goals and objectives under Education Code, chapter 4.

ADMINISTRATIVE PROCEDURES AND REPORTS

The District-level and campus-level committees shall be involved in the development of these procedures. [See BQA and BQB]

CLB BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT MAINTENANCE

Recommended changes to this policy address the District’s integrated pest management program. Reference to relevant laws were updated.

INTEGRATED PEST MANAGEMENT PROGRAM

The District is committed to following integrated pest management (**IPM**) guidelines **as required by chapter 1951 of the Occupations code and Title 4, Chapter 7 of the Administrative Code** in all pest control activities that take place on District property.

IPM COORDINATOR

The IPM coordinator(s) shall receive training in accordance with law **and shall provide training to District employees, as necessary.**

A statement has been added to clarify that the IPM coordinator is a licensed applicator and may apply pesticides in accordance with law.

NO UNAUTHORIZED APPLICATION

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law.

CLE BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: FLAG DISPLAYS

New policy recommended to provide evidence that the Board requires the prominent display of the U.S. and Texas flags.

The U. S. and Texas flags shall be prominently displayed in each classroom to which a student is assigned during the time that the pledges of allegiance to those flags are recited.

CPC OFFICE MANAGEMENT: RECORDS MANAGEMENT

The Texas State Library and Archives Commission (TSLAC) requires a District to submit the records management policy, including the designation of the records management officer.

LEGAL GOVERNMENT RECORDS ACT “LOCAL GOVERNMENT RECORD”

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act.

RECORDS MANAGEMENT OFFICER

The Superintendent shall serve as and perform the duties of the District’s records management officer as prescribed by Local Government code 204.023 and shall administer the District’s records management program pertaining to local government records in compliance with the local Government Records Act.

NOTIFICATION

The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

The Local Government Records Act gives a District options in establishing its RECORDS CONTROL SCHEDULE.

RECORDS CONTROL SCHEDULES

The records management officer shall file with TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

This policy also includes clarification at RECORDS DESTRUCTION PRACTICES that all local government records are considered District property that can only be destroyed or removed as authorized.

RECORDS ~~DOCUMENT~~ DESTRUCTION PRACTICES

All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited. The District shall follow its records control schedules, records management program, and all applicable laws regarding records ~~document~~ destruction. However, the District shall preserve records ~~documents~~, including electronically stored information, and suspend routine record destruction practices **where appropriate and in accordance with as applicable according to** procedures developed by the records management officer. **Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained.**

TRAINING recommendations for the records management office and custodians of records has been added.

TRAINING

The records management officer shall receive appropriate training regarding the Local government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

DBA EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

Changes are recommended to this policy to remove text regarding parent notification requirements when a teacher is not “highly qualified”. The federal requirement for teachers and paraprofessionals to be “highly qualified” was repealed with the passage of ESSA and replaced with a new federal requirement for teachers to meet state licensure and certification standards.

~~PARENT NOTIFICATION~~

~~The District shall notify parents of students in classrooms in which the regular teacher is not “highly qualified,” as required by law.~~

~~However, notification shall not be required when:~~

- ~~1. The home campus teacher of a secondary school student assigned to a disciplinary~~

REASONS

Recommended changes better align the list of protected characteristics with legal precedent regarding freedom from discrimination, harassment, and retaliation.

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, **gender**, national origin, **age**, disability, **or any other basis prohibited by law**age.

Following the changes in law, TEA instructed campuses that were previously identified for improvement to develop turnaround plans in accordance with HB 1842. As a result, it is recommended we delete references to the previous laws and have updated item 11 to address when an employee is not retained at a campus in accordance with the provisions of a campus turnaround plan.

~~11. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]~~

12. The employee is not retained at a campus ~~that has been repurposed~~ in accordance with the **provisions of a campus turnaround plan**law. [See AIC]

Item 29 has been adjusted to refer to the failure to fulfill requirements for state licensure or certification, including passing certification or licensing exams.

29 Failure to fulfill requirements for **state licensure** or certification, including passing certification **or licensing** examinations required by state **or federal** law **or by the District** for the employee's assignment.

Item 30 has been revised to refer to the failure to maintain licensing and certification requirements for the employee's assignment, including completion of continuing education requirements.

30. Failure to ~~achieve or~~ maintain **licensing and certification requirements, including the completion of "highly qualified" status as** required **continuing education hours**, for the employee's assignment.

Item 31 has been updated to delete the reference to special assignment permits, which are no longer issued, and to refer more broadly to the failure to complete certification or permit renewal requirements.

31. Failure to **complete certification or permit renewal requirements, or failure** to fulfill the requirements of a deficiency plan under an Emergency Permit, ~~a Special Assignment Permit~~, or a Temporary Classroom Assignment Permit.

DFFA REDUCTION IN FORCE: FINANCIAL EXIGENCY

Based on the deletion by ESSA of federal "highly qualified" requirements, it is recommended that we delete this term.

CRITERIAL FOR DECISION

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, ~~highly qualified status~~, and/or specialized or advanced content-specific training or skills for the current or projected assignment.

DFFB REDUCTION IN FORCE: PROGRAM CHANGE

Based on the deletion by ESSA of federal “highly qualified” requirements, it is recommended that we delete this term.

1. Qualifications for Current or Projected Assignment. Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, ~~highly qualified status~~, and/or specialized or advanced content-specific training or skills for the current or projected assignment.

EHBD SPECIAL PROGRAMS: FEDERAL TITLE 1

TEA’s *Title 1, Part A Comparability of Services Guidance Handbook* requires all Districts that receive Title 1, Part A funds to have a District Salary schedule and written policy ensuring comparable services among campuses. New text is recommended for inclusion in this policy to satisfy the policy requirement, and it requires the District to provide written assurance to TEA regarding the listed areas of service.

As required by law in order to receive Title 1, Part A funds, the District shall provide to TEA written assurance regarding comparability of services across the District in teachers, administrators, and other staff, as well as in the provision of curriculum materials and instructional supplies.

For information on the District salary schedule, see DEA(LOCAL)

For ease of reference, the language at COMPARABILITY OF SERVICES describing the different methods available to the District for documenting compliance has been updated to align with terminology in TEA’s *Handbook*.

COMPARABILITY OF SERVICES

~~The Board shall ensure equity in services among campus programs and shall maintain appropriate records reflecting equity.~~

As reflected in District records **and as submitted to TEA, the District shall document compliance by using**, ~~equity shall be maintained Districtwide in~~ one of the following **methods** ~~areas~~:

1. **Comparison of Expenditures of money per student from** state and local expenditures per **student funds**.
2. **Comparison of Instructional salaries** per-student **expenditures for from** state and local **base salaries funds**; or
3. **Ratio of students to full-time equivalent instructional staff whose salaries are not federally funded.** ~~Instructional staff/student ratios.~~

In special programs, such as special education, ~~and~~ bilingual education, **or English as a second language**, a lower ratio may be maintained and more money may be spent **per individual campus** as necessary to fulfill other legal requirements. **These costs shall be excluded from the comparability of services calculations.** ~~{See DEA}~~

FDC ADMISSIONS: HOMELESS STUDENTS

ESSA made several changes to the McKinney-Vento Homeless Assistance Act. Recommended revisions to this local policy incorporate those changes.

Text at LIAISON FOR HOMELESS STUDENTS addresses new requirements for a District to adopt policies and practices to ensure that the liaison participates in professional development activities. This policy also requires the liaison to provide appropriate staff members with relevant professional development and to review with campus admissions personnel the laws and procedures applicable to homeless students.

LIAISON FOR HOMELESS STUDENTS

The Superintendent shall **designate**~~appoint~~ an appropriate staff person as the District liaison for homeless students **who are homeless**. [See FFC]

The Liaison shall receive and provide to appropriate staff members professional development regarding services required by law to identify and meet the needs of students who are homeless. In addition, the liaison shall regularly review with campus admissions personnel the laws and administrative procedures applicable to students who are homeless.

At ADMISSIONS, text has been added to ensure that homeless children and youths are not stigmatized or segregated.

ADMISSIONS

The District shall not stigmatize or segregate a student who is homeless.

The principal **and campus admissions staff** shall notify the ~~homeless~~ liaison **for homeless students** within one school day of admission of a **student who is homeless**~~student~~.

Text at ENROLLMENT IN SCHOOL OF ORIGIN has been updated to reflect the presumption that keeping the student in his or her school of origin is in the student's best interest.

ENROLLMENT IN SCHOOL OF ORIGIN

In determining **the best interest**~~feasibility~~ **of the student for the purpose of continuing the student's education in the school of origin, as defined by law, the District shall presume that keeping the**~~educating a homeless~~ **student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. The District shall also** ~~The District shall~~ consider the best interests of the student with regard to the impact of moving schools on the student's achievement, education, health, and safety, including such relevant factors as:

5. The student's eligibility and ~~student's~~ need for **any specialized services and supports**~~speci~~
~~instruction,~~ such as Section 504 ~~or~~ special education and related services **or bilingual or English**
as a second language services.

Revisions at DISPUTE RESOLUTION PROCESS include the requirement for the District to provide notices regarding enrollment in writing and in a form that is understandable to the parent or student. These notices must include information on the right to appeal.

DISPUTE RESOLUTION PROCESS

~~If~~ **the District determines**~~event~~ that it is not in the student's best interest to attend the school of origin or the requested school, the District shall provide a written explanation, in a manner and form that is understandable to the parent, guardian, or unaccompanied youth of the reasons for the decision, including the right to appeal.

If the homeless student, **or his or her** parent, or guardian, has a complaint about **eligibility, school selection**~~admission, placement,~~ or **enrollment decisions made** ~~services provided~~ by the District, that person shall use the complaint resolution procedures set out in FNG(LOCAL), beginning at Level Two. **The District shall expedite local timelines in the District's complaint process, when possible, for prompt dispute resolution.**

Pending final resolution of the dispute, the District shall immediately enroll the homeless student in the school in which enrollment is sought and permit the student to attend classes, receive the requested services, and participate fully in school activities.