



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: June 21, 2021

AGENDA ITEM: TASB Board Policy Update 117
CH(LOCAL)–Purchasing and Acquisition
CV(LOCAL)–Facilities and Construction
DEC(LOCAL)–Compensation and Benefits: Leaves and Absences

PRESENTER: Lynn McKinney, Deputy Superintendent

BACKGROUND INFORMATION:

Impacted Board Policy summary:

- CH(LOCAL) – Purchasing and Acquisition: *This revision provides delegating authority to the superintendent to contract for the replacement, construction, or repair of equipment or facilities in the event of a catastrophe, emergency, or natural disaster affecting the district if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff. The superintendent would be required to report to the board any contracts made under the delegated authority at the next regular meeting. The text clarifies that the delegation does not permit the superintendent to suspend any competitive purchasing requirements. As permitted by law, the board would still need to take action to waive competitive purchasing requirements.*
- CV(LOCAL) – Facilities and Construction: *For ease of reference and to align with recommended changes at CH(LOCAL) on delegation to the superintendent for emergency contracting, a note referring to CH(LOCAL) has been added.*
- DEC(LOCAL) – Compensation and Benefits, Leaves and Absences: *TASB Policy Service collaborated with TASB Legal and HR Services in developing recommended revisions to this policy to remove administrative details that are not necessary to include in board policy. Many of the removed provisions can be addressed in the employee handbook or in administrative procedures. The TASB Model Employee Handbook has been revised to assist districts in documenting these administrative details. Notable changes include:*
 1. *Provisions related to concurrent use of leave and compensatory time were moved to the sections of the policy addressing temporary disability leave and family medical leave.*
 2. *Added a provision that classifies use of state or local leave taken within the first year after a child's birth, adoption, or foster placement as nondiscretionary use of leave. When leave is used for this purpose it would not be subjected to any limits on duration of leave that are in place when leave is used for a discretionary purpose.*
 3. *Provisions were revised for discretionary use of leave to permit the district to consider how the duration of the requested absence affects the educational program and district operations.*

4. *A definition of school year was added that aligns with terminology in the TASB sample contracts and that provides context for references to the term elsewhere in the policy.*
 5. *Simplifying the statement reflecting that the district permits paid leave offset in conjunction with workers' compensation benefits.*
- This is the first reading of Board Policy changes related to Update 117. No action is requested at this time. The Administration intends to bring Update 117 to the Board for approval at the July 19, 2021 regular Board meeting.

FISCAL INFORMATION: None

ATTACHMENTS: TASB Board Policy Update 117 Draft Proposed Board Policies:
CH(LOCAL)–Purchasing and Acquisition
CV(LOCAL)–Facilities and Construction
DEC(LOCAL)–Compensation and Benefits: Leaves and Absences

ADMINISTRATIVE RECOMMENDATION: Communication item only

PURCHASING AND ACQUISITION

CH
(LOCAL)

Purchasing Authority	<p>The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000\$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.</p>
<i>Exception for Emergency Contracts</i>	<p>In the event of a catastrophe, emergency, or natural disaster affecting the District the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]</p> <p>The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]</p>
Purchasing Procedures	<p>The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]</p>
Purchasing Method	<p>The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.</p>
<i>Competitive Bidding</i>	<p>If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.</p> <p>The District may reject any and all bids in accordance with state or federal law, as applicable.</p>
<i>Competitive Sealed Proposals</i>	<p>If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time</p>

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specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

FACILITIES CONSTRUCTION

CV
(LOCAL)

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above ~~\$50,000~~ \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL)

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

Leave
Administration

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

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Note: For District contribution to employee insurance during leave see CRD(LOCAL)

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Earning Local
Leave**

An employee using full or proportionate paid leave shall be considered to be in paid status.

Deductions

Leave Without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration

**Employed for
Less Than Full
Year**

If an employee separates from employment with the District before his or her last duty day of the school year, or begins employment after the first duty day of the school year, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal and local leave the employee used beyond his or her pro rata entitlement for the school year.

If an employee uses more local leave than he or she has and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

Recording

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave. [See DEA]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave.

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	<p>2. State sick leave accumulated before the 1995-96 school year.</p> <p>3. State personal leave.</p> <p>Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.</p>
<p>Concurrent Use of Leave</p>	<p>When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.</p> <p>An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p>
<p>Medical Certification</p>	<p>An employee shall submit medical certification of the need for leave if:</p> <ol style="list-style-type: none">1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family;2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or3. The employee requests FMLA leave for the employee's serious health condition, a serious health condition or that of the employee's spouse, parent, or child; or4. The employee requests FMLA leave for military caregiver leave purposes. <p>In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]</p>
	<p>Note: For District contribution to employee insurance during leave, see GRD(LOCAL).</p>
<p>State Personal Leave</p>	<p>The Board requires employees to differentiate the manner in which state personal leave is used :</p> <p>1.4. Nondiscretionary Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]</p>

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	<p>NondiscretionaryNon-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.</p>
Discretionary Use	<p>2.5. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.</p>
<p>Limitations</p> <p>Request for Leave</p>	<p>In deciding whether to approve or deny a request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.</p> <p><u>Discretionary use of state personal leave shall not exceed three consecutive workdays.</u></p> <p>Use of discretionary personal leave shall be considered granted unless the principal or designee notifies the employee to the contrary within 48 hours of receipt of the request.</p>
Schedule Limitations	<p>Discretionary use of leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year examinations, days scheduled for state-mandated assessments, or professional or staff development days.</p>
<p>Duration of Leave</p>	<p>Discretionary use of state personal leave shall not exceed three consecutive workdays.</p>
Local Leave	<p>Each employeeAll employees shall earn five paid local leave days per school year in accordance with administrative regulations.</p> <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of state personal leave. [See <u>State Personal Leave</u>STATE PERSONAL LEAVE, above]</p>
Sick Leave Bank	<p>The District shall establish a sick leave bank that employees may join through a contribution of local leave.</p> <p>Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may</p>

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request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time.

~~If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.~~

The Superintendent ~~or designee~~ shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision ~~All decisions~~ regarding the sick leave bank ~~may be appealed~~ in accordance with DGBA(LOCAL), beginning with the Superintendent or ~~appropriate administrator~~ ~~designee~~.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

Combined Leave for Spouses

~~When~~ If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. ~~[See DECA(LEGAL)]~~

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Intermittent or Reduced Schedule Leave	The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]
Certification of Leave	When If an employee requests leave, the employee shall provide certification, in accordance with as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]
Fitness-for-Duty Certification	In accordance with administrative regulations. when If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.
Leave at the End of Semester Leave	When If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]
Failure to Return	If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]
Temporary Disability Leave	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave</p>
Workers' Compensation	<p>Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. [See</p>

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(LOCAL)

~~CRD(LOCAL) regarding payment of insurance contribu-
tion during employee absences.~~

Paid Leave Offset	<p>An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p> <p>The District shall permit the option An employee eligible for paid leave offset in conjunction with workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial day increments of paid leave to make up the difference between the employee's income benefits and the pre injury wage. [See CRE]</p>
Court Appearances	<p>Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.</p> <p>The employee shall provide to his or her direct supervisor a copy of the court ordered subpoena or notice of jury duty.</p>
Neutral Absence Control	<p>If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave, regardless of the reason for the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act (ADA) [see DAA(LEGAL)], shall be considered before termination. If terminated, the employee may apply for reemployment with the District.</p>