



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** Consideration for Approval of Second and Final Reading of Policies in TASB Update 117

**SUBMITTED BY:** Gloria S. Rendon **OF:** Deputy Superintendent for Administration & Operations

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** July 21, 2021

**RECOMMENDATION:** It is recommended that the UISD Board of Trustees approve the Second and Final Reading of Policies in TASB Update 117

- AIC (LEGAL) – ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS
- BBC (LEGAL) – BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE
- BJCE (LEGAL) – SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT
- C (LEGAL) – BUSINESS AND SUPPORT SERVICES
- CBB (LEGAL) – STATE AND FEDERAL REVENUE RESOURCES: FEDERAL
- CH (LEGAL) – PURCHASING AND ACQUISITION
- CHE (LEGAL) – PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS
- CL (LEGAL) – BUILDINGS, GROUNDS AND EQUIPMENT MANAGEMENT
- CV (LEGAL) – FACILITIES CONSTRUCTION
- CVA (LEGAL) – FACILITIES CONSTRUCTION: COMPETITIVE BIDDING
- CVB (LEGAL) – FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS
- CVC (LEGAL) – FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT
- CVD (LEGAL) – FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK
- CVE (LEGAL) – FACILITIES CONSTRUCTION: DESIGN BUILD
- CVF (LEGAL) – FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS
- EHAA (LEGAL) – BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTIONAL (ALL LEVELS)
- EHBA (LEGAL) – SPECIAL PROGRAMS: SPECIAL EDUCATION
- EHBAA (LEGAL) – SPECIAL EDUCATION: IDENTIFICATION, EVALUATION AND ELIGIBILITY
- EHBAB (LEGAL) – SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM
- EHBAC (LEGAL) – SPECIAL EDUCATION: STUDENTS IN NON-DISTRICT PLACEMENT
- EHBAD (LEGAL) – SPECIAL EDUCATION: TRANSITION SERVICES
- EHBC (LEGAL) – SPECIAL PROGRAMS: COMPENSATORY ACCELERATED SERVICES
- EIF (LEGAL) – ACADEMIC ACHIEVEMENT: GRADUATION
- EKB (LEGAL) – TESTING PROGRAMS: STATE ASSESSMENTS
- EL (LEGAL) – CAMPUS OR PROGRAMS CHARTERS
- FFAC (LEGAL) – WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

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#### **AIC(LEGAL)**

#### **ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS**

Administrative Code provisions amended effective January 5, 2021, address program performance regarding certain special student populations. The rules address supervision and monitoring reviews and require the commissioner to assign districts an annual determination level based on performance of the special student populations.

#### **BBC(LEGAL)**

#### **BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE**

We have streamlined the reference to CH(LEGAL) regarding board member removal for purchasing violations.

#### **BBD(EXHIBIT)**

#### **BOARD MEMBERS: TRAINING AND ORIENTATION**

As approved by the State Board of Education in November 2020, the Framework for School Board Development has been extensively revised.

#### **BJCE(LEGAL)**

#### **SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT**

Changes to this legally referenced policy on suspension of the superintendent without pay and termination during the contract term were prompted by Administrative Code revisions effective January 11, 2021.

#### **C(LEGAL)**

#### **BUSINESS AND SUPPORT SERVICES**

The C Section table of contents has been revised to rename CHE to Vendor Disclosures and Contracts.

#### **CBB(LEGAL)**

#### **STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

The federal Department of Education issued correcting amendments to the Uniform Guidance for Grants and Agreements, effective February 22, 2021, resulting in a change to the provisions on cooperative purchasing in this legally referenced policy. Citations have also been updated.

#### **CH(LEGAL)**

#### **PURCHASING AND ACQUISITION**

Update 117 includes a reorganization of the purchasing and facilities construction legally referenced policies in the CH and CV series.

As part of the reorganization, we have:

- Added cross-references to other pertinent policy codes to eliminate duplicated material;
- Added existing provisions on site-based purchasing;
- Reordered and adjusted provisions for clarity and to better match statutory wording;
- Moved to CHE(LEGAL) provisions on required vendor disclosures and contract provisions and lobbying restrictions; and
- Moved detailed provisions on competitive bidding to CVA(LEGAL).

Provisions on purchasing recycled products were added from new Administrative Code rules, effective July 2, 2020.

#### **CH(LOCAL)**

#### **PURCHASING AND ACQUISITION**

The major winter storms earlier this year caused extensive damage and required emergency repairs to many district facilities. A recommended revision to your district's provisions on delegating authority to the

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superintendent for emergency contracts clarifies that the superintendent will report to the board any contracts made under the delegated authority at the next regular meeting.

Another recommended revision clarifies that the delegation *does not* permit the superintendent to act under Education Code 44.031(h) to make purchases without following normal competitive purchasing requirements; the board must take action to waive any Chapter 44 provisions in accordance with law.

These changes are recommended to replace the district's locally developed text addressing emergency purchases. The rest of the district's locally developed text throughout the policy remains unchanged.

TASB Legal Services' eSource article *Emergency Management for Texas Public Schools* provides additional information on purchasing in emergency situations.

The *Legal Issues in Update 117* memo describes common legal concerns and best practices specific to this policy topic.

### CHE(LLEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

This legally referenced policy has been reorganized to focus on required vendor disclosures and contract provisions. This material has been moved from CH(LLEGAL).

In addition, we have:

- Included references to other pertinent codes and deleted material duplicated at other policy codes; and
- Reordered and adjusted provisions for clarity and to better match statutory wording.

### CL(LLEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

New Administrative Code rules, effective July 2, 2020, prompted revisions to provisions on recycling programs.

Provisions on pool sanitation and safety standards have been streamlined to refer to the relevant legal guidance.

### CV(LLEGAL) FACILITIES CONSTRUCTION

Update 117 includes a reorganization of the purchasing- and construction-related legally referenced policies in the CH and CV series.

As part of the reorganization, we have:

- Added cross-references to other pertinent policy codes to eliminate duplicated material; and
- Reordered and adjusted provisions for flow and to better match statutory wording.

### CV(LOCAL) FACILITIES CONSTRUCTION

Based on the recommended revisions at CH(LOCAL) in this update to address delegation to the superintendent for emergency contracting, Policy Service recommends deletion of the district's locally developed text addressing emergency damage or destruction. The broader delegation at CH(LOCAL) addresses both equipment and facilities and will provide additional flexibility. A new Note refers to CH(LOCAL) for the delegation provisions.

The *Legal Issues in Update 117* memo describes common legal concerns and best practices specific to this policy topic.

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#### CVA(LEGAL)

#### FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

Provisions on identical, competitive bids have been moved from CH(LEGAL). In addition, a provision on making bid evaluations public has been moved to this policy from CV(LEGAL). Other revisions are to delete material duplicated at other policy codes and adjust language for clarity and to better match statutory wording.

#### CVB(LEGAL)

#### FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

#### CVC(LEGAL)

#### FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT

Additional detail has been added regarding the construction manager-agent method. A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

#### CVD(LEGAL)

#### FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK

Additional detail has been added regarding the construction manager-at-risk method. A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

#### CVE(LEGAL)

#### FACILITIES CONSTRUCTION: DESIGN-BUILD

A cross-reference has been added to procurement processes included at other policy codes, duplicated material has been deleted, and provisions have been reordered for flow. Other revisions are to adjust language for clarity and to better match statutory wording.

#### CVF(LEGAL)

#### FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS

A cross-reference has been added to procurement processes included at other policy codes, duplicated material has been deleted, and provisions have been reordered for flow. Other revisions are to adjust language for clarity and to better match statutory wording.

#### DEC(LOCAL)

#### COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

The events of the past year have highlighted the need for additional flexibility regarding administration of leave. TASB Policy, Legal, and HR Services collaborated on the recommended revisions to this policy, which remove administrative details not required to be in board policy and that may be more appropriately addressed elsewhere, such as in the employee handbook.

To support the removal of these administrative details, a new paragraph directs the superintendent to develop administrative regulations to implement the policy. [Remember that BJA(LOCAL) permits the superintendent to delegate this responsibility as appropriate.] In addition, TASB HR Services has:

- Created a corresponding Framework for Developing Leaves and Absences Procedures, with prompts and placeholders for administrative decisions; and
- Revised the 2021–22 *Model Employee Handbook* to address administrative provisions removed from the policy.

Other changes include:

- Revising the definition of *school year* that aligns with terminology in the TASB sample contracts and that provides context for references to the term elsewhere in the policy.

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- Relocating provisions on concurrent use of leave and compensatory time to the sections addressing each type of leave.
- Streamlining of family and medical leave provisions to eliminate information not necessary in board-adopted policy.
- Adding a clear statement as to whether the district permits paid leave offset in conjunction with workers' compensation benefits.
- Revising terminology from *reimbursement* to *payment* for unused leave to reflect that employees are receiving payment annually for accumulated leave upon retirement.

New recommended provisions on state personal leave clarify that in approving or denying requests for the discretionary use of leave, the district will also consider how the duration of the requested absence affects the educational program and district operations.

**Please note:** For clarity and consistency with policy style, the district's locally developed text throughout the policy has been lightly edited and reorganized. As noted above, some of the district's unique text that is administrative in nature or repeated within the policy is recommended for deletion. Other revisions to your unique text include:

- Deleting outdated information about local leave earned prior to 1998;
- Revising the text to address bereavement leave instead of funeral leave;
- Adjusting the provision regarding the sick leave bank to clarify the IRS requirements for leave donation programs to apply to catastrophic illnesses or injuries;
- Removing text about verifying family relationships under the FMLA provision since this is required by federal regulations; and
- Changing the final margin note to Neutral Absence Control to encompass all the provisions in this section.

Please contact your policy consultant prior to board adoption if you have any questions or would like to make further edits to this policy.

The *Legal Issues in Update 117* memo describes common legal concerns and best practices specific to this policy topic.

### **EHAA(LEGAL)**

### **BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

New Administrative Code rules address the requirement for districts to provide instruction in positive character traits, which can be met through a stand-alone course or by integrating the TEKS into other courses. The rules address the frequency of instruction by grade bands and are effective for the 2021–22 school year.

### **EHBA(LEGAL)**

### **SPECIAL PROGRAMS: SPECIAL EDUCATION**

Revised Administrative Code rules, effective March 14, 2021, address various special education provisions and:

- Provide more detail on instructional arrangements;
- Include a definition of *regular school day* for the purpose of determining the instructional arrangement; and
- Update citations to funding statutes.

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#### **EHBAA(LLEGAL)**

#### **SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

Provisions on a district's obligation to refer for evaluation and the definition of a *child with a disability* have been updated based on revised Administrative Code rules, effective March 14, 2021. Other changes are to better reflect statute.

#### **EHBAB(LLEGAL)**

#### **SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM**

As a result of revised Administrative Code rules effective March 14, 2021, we have updated text regarding establishment of the admission, review, and dismissal (ARD) committee and added a provision addressing a district's overall responsibility for all of the functions of the IEP team and ARD committee. Citations have also been updated.

#### **EHBAC(LLEGAL)**

#### **SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT**

From revised Administrative Code rules effective March 14, 2021, we have added a provision requiring the district to notify TEA within 30 calendar days of an ARD committee's decision to place a student in a residential education program.

#### **EHBAD(LLEGAL)**

#### **SPECIAL EDUCATION: TRANSITION SERVICES**

Revised Administrative Code rules, effective March 14, 2021, prompted a revision to the graduation provisions and updates to cites throughout this legally referenced policy.

#### **EHBC(LLEGAL)**

#### **SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES**

Revisions regarding approval of an optional flexible school day program are from revised Administrative Code rules, effective December 6, 2020.

#### **EIF(LLEGAL)**

#### **ACADEMIC ACHIEVEMENT: GRADUATION**

Details have been added on the graduation of students receiving special education services who entered grade nine after the 2014–15 school year. The changes come from revised Administrative Code rules effective March 14, 2021.

In addition, we have replaced detailed provisions on graduation of students receiving special education services who entered grade nine before the 2014–15 school year with a reference to the relevant Administrative Code provision. Citations have been updated throughout.

#### **EKB(LLEGAL)**

#### **TESTING PROGRAMS: STATE ASSESSMENT**

In accordance with House Bill 3906 (86th Legislative Session) and effective September 1, 2021, the reference to the separate writing assessment in grades 4 and 7 has been removed.

#### **EL(LLEGAL)**

#### **CAMPUS OR PROGRAM CHARTERS**

We have added provisions that a district is entitled to additional state aid if the district was under contract during the 2017–18 school year or is under renewal of such a contract to jointly operate a campus or campus program under Education Code 11.157 (Contracts for Educational Services). Details may be found in revised Administrative Code rules, effective March 30, 2021.

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**FFAC(LLEGAL)**

**WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT**

New Administrative Code rules, effective February 18, 2021, address maintenance and administration of unassigned asthma medication for districts that choose to implement such a program. Contact your policy consultant if your district has a program but lacks local policy provisions.

See FFAC in the *TASB Regulations Resource Manual*.