

TASB Policy Update 103

BBFA Ethics

Conflict of Interest Disclosures

- ▶ Reason for recommended modification: HB 23
- ▶ Explanation: HB 23 extended Local Government Code Chapter 176 to all employees with authority to approve contracts. Therefore, all employees who have authority to approve contracts shall be required to file disclosures as required by law.

*ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of members of the Board, ~~and~~ the Superintendent, **and, as applicable, other District employees** by Local Government Code 176.003–.004 is available on the Texas Ethics Commission Web site at <http://www.ethics.state.tx.us>. ~~See DBD(LOCAL) to determine if the Board has extended this filing requirement to other employees.~~*

BF Board Policies

- ▶ Reason for recommended modification: to provide clarity and efficiency
- ▶ Explanation:

At ORGANIZATION, new text reminds readers that legally referenced policy should be read together with the local policy to have a full understanding of a topic. This structure eliminates the need to duplicate relevant legal provisions in each Board-adopted local policy.

At TERMS, new text explains that “Board member” and “Trustee” are used interchangeably throughout the local policy manual, without any intent to distinguish between the terms. Both terms reflect all the duties and obligations of the position.

At HARMONY WITH LAW, new text explains that newly enacted is applicable when effective.

BF Board Policies

ORGANIZATION

Board-adopted local policy must be read together to further a full understanding of a topic.

TERMS

The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for District name terminology.]

HARMONY WITH LAW

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

BF Board Policies

A change at OFFICIAL POLICY MANUAL reflects that the official copy of the manual shall be kept in the central administration office, rather than the Superintendent's office.

The reference to the practice of distributing copies of the manual throughout the District has been deleted, based on the widespread use of Policy on Line.

OFFICIAL POLICY MANUAL

The Board shall designate one copy of the local policy manual as the official policy manual of the District. The official copy shall be kept in the **central administration** ~~Superintendent's~~ office, and the Superintendent or designee shall be responsible for its accuracy and integrity and shall maintain a historical record of the District's policy manual.

TASB LOCALIZED UPDATES

After board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the District. If discrepancies occur between different copies of the manual ~~distributed throughout the District~~, the version contained in the official manual shall be regarded as authoritative.

CAA Fiscal Management Goals and Objectives

Financial Ethics

- ▶ Reason for recommended modification: change in federal regulations, Education Department General Administration Regulations (EDGAR)
- ▶ Explanation: *The standards of conduct, which require individuals involved in the District financial transactions to act with integrity and diligence and prohibit those individuals from engaging in fraud or financial impropriety, have been broadened to include “agents”.*

FRAUD AND FINANCIAL IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, **agents**, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

CAA Fiscal Management Goals and Objectives

Financial Ethics

For further clarification, new text affirmatively states that FRAUD AND FINANCIAL IMPROPRIETY includes the failure to comply with requirements for state and federal awards (item 13) and the failure to provide financial records as required by federal entities (item 10).

DEFINITION

10. Failure to provide financial records required by **federal**, state or local entities.
13. **Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.**

At FEDERAL AWARDS DISCLOSURE, text reiterates the legal requirement for a District to disclose in writing to the Federal awarding agency or pass-through entity (TEA) any violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award.

FEDERAL AWARDS DISCLOSURE

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CVBB]

CB State and Federal Revenue Sources

- ▶ Reason for recommended modification: change in federal regulations, Education Department General Administration Regulations (EDGAR)
- ▶ Explanation: *The Policy clarifies the superintendent's authority regarding state and federal grants and awards and connects the District's policy manual to relevant administrative procedures required by EDGAR (Education Department General Administrative Regulations).*

Text included for consideration at GRANTS AND AWARDS authorized the superintendent to act in three key areas regarding state and federal grants and awards:

- *Application for state and federal grants and awards deemed appropriate for District operations;*
- *Approval of funds for matching, cost sharing, or jointly funded projects up to amounts specifically allowed in the Board-approved budget; and*
- *Approval of grant and award amendments.*

CB State and Federal Revenue Sources

The Superintendent or designee shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;
2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and
3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

CB State and Federal Revenue Sources

FEDERAL WARDS CONFLICT OF INTEREST

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, “immediate family member” shall have the same meaning as “family member” as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, “partner” shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

CB State and Federal Revenue Sources

GIFTS AND GRATUITIES

Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award and shall not accept:

- 1. Any single item with a value at or above \$50; or**
- 2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding \$100 in a 12-month period.**

[See BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

CKE Safety Program/Risk Management Security Personnel

- ▶ Reason for recommended modification: HB 2684
- ▶ Explanation: *HB 2684 requires Districts to adopt a policy requiring police officers to complete the model training curriculum developed by the Texas Commission on Law Enforcement (TCOLE).*

The revised text at TRAINING, requires District police officers to receive at least the minimum amount of education and training required by law.

**OFFICER
TRAINING**

All District officers shall receive at least the minimum amount of **continuing** education **and training** required by **law**. ~~the Texas Commission on Law Enforcement (TCOLE).~~

CO Food Service Management

- ▶ Reason for recommended modification: HB 3562
- ▶ Explanation: *Requires the Superintendent to develop administrative regulations specifying the length of the grace period and addressing parental notification, including a schedule of repayment, when a card or account is exhausted.*
- ▶ *The local policy text also prohibits fees or interest for meals purchased with an exhausted card or account, as required to be addressed in local policy.*

The Superintendent shall develop regulations regarding the use of a prepaid meal card or account to purchase meals served at school. The regulations shall address:

- 1. The length of the grace period during which a student may continue to purchase meals with a meal card or account that is exhausted or insufficient; and**
- 2. Parent notification in the event of an exhausted card or account, including a schedule for repayment.**

No fees or interest shall be charged in connection with meals purchased with an exhausted card or account.

DBD Employment Requirements and Restrictions

Conflict of Interest

- ▶ Reason for recommended modification: HB 23
- ▶ Explanation: HB 23 extended Local Government Code Chapter 176 to all employees with authority to approve contracts. Therefore, all employees who have authority to approve contracts shall be required to file disclosures as required by law.

~~CONFLICTS
DISCLOSURES
STATEMENT~~

~~No employee other than the Superintendent shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003-.004.~~

DH Employee Standards of Conduct

- ▶ Reason for recommended modification: SB 273
- ▶ Explanation: *Based on the employment relationship, TASB Legal Services believes that a District can continue to prohibit employees from possessing firearms on District Property. Therefore they recommend moving without revision provisions from GKA(LOCAL) to this local policy. These provisions prohibit employees from using, possessing, or displaying weapons, including firearms, on District property except at certain District-approved activities.*

WEAPONS PROHIBITED

The District prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

EXCEPTIONS

No violation of this policy occurs when:

- 1. Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE]**
- 2. The use, possession or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]**

DH Employee Standards of Conduct

- ▶ Reason for recommended modification, SB 97
- ▶ Explanation: *SB 97 requires a School District to prohibit employees from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.*

TOBACCO AND E-CIGARETTES USE

An employee shall not **smoke or** use tobacco products **or e-cigarettes** on District **property premises**, in District vehicles, or at **school or** school-related activities. [See also GKA]

DH Employee Standards of Conduct

- ▶ Reason for recommended modification: SB 339
- ▶ Explanation: *SB 339 prohibits a District from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code, which permits prescriptions for low-THC (non-intoxicating) cannabis in limited circumstances. In accordance with this bill, TASB added an EXCEPTION to the District's prohibition against possession of controlled substances and drugs if an employee possesses low-THC cannabis or other controlled substance or drug that a licensed physician has prescribed for the employee's child or another individual for whom the employee is a legal guardian. And, the Districts existing exception for an employee's use of a drug prescribed by a licensed physician*

DH Employee Standards of Conduct

It shall not be considered a violation of this policy if the employee:

~~An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.~~

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. **Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or**
3. **Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.**

DIA Employee Welfare

Freedom from Discrimination, Harassment, and Retaliation

- ▶ Reason for recommended modification: HB 1151
- ▶ Explanation: *A recommended revision at DEFINITIONS is to address HB 1151, which prohibits sexual harassment of unpaid interns. Solely for purposes of the District's discrimination, harassment, and retaliation policy, unpaid interns are included in the definition of "employee." This change will ensure that unpaid interns are required to report any alleged harassment and comply with the other procedural elements of the policy.*

DEFINITIONS

Solely for purposes of this policy, the term "employees" includes former employee, applicants for employment, and unpaid interns.

FEA Attendance

Compulsory Attendance

- ▶ Reason for recommended modification: HB 2398
- ▶ Explanation: For better context of the District's local provisions on EXCUSED ABSENCES for HIGHER EDUCATION VISITS and EARLY VOITING OR ELECTION CLERKS, we have added an acknowledgement that these absences are in addition to the excused absences required by law.

EXCUSED ABSENCES

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

Because HB 2398 requires a student who voluntarily attends or enrolls after his or her 19th birthday to attend school for the entire period the program of instruction is offered, recommendation to delete the local policy provision to the same effect.

~~STUDENTS AGE 18
AND OVER~~

~~A student who voluntarily attends school after the student's 18th birthday shall be required to attend school until the end of the school year.~~

FEA Attendance

Compulsory Attendance

Also, because of the above change to the age of compulsory attendance, revision was made at WITHDRAWAL FOR NONATTENDANCE

WITHDRAWAL FOR NONATTENDANCE

The District may initiate withdrawal of a student under the age of **1918** for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For **District-initiated** withdrawal of students **1918** or older, see FEA(LEGAL).1]

FEC Attendance

Attendance for Credit

- ▶ Reason for recommended modification: HB 2398
- ▶ Explanation: *Recommended revisions to this policy on attendance committees are to improve the structure and provide better context for when the policy applies. The policy begins with the explanation that it applies when a student has not been in attendance for 90 percent of the days that the class is offered.*
- ▶ *Also moved to the beginning of the policy is the statement based on Attorney General Opinion JC-0398 that all absences must be considered in determining whether a student has attended the required percentage of days*

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

CONSIDERATION OF ALL ABSENCES

All absences shall be considered in determining whether a student has attended the required percentage of days under this policy.

FEC Attendance

Attendance for Credit

Because the provision at GUIDELINES ON EXTENUATING CIRCUMSTANCES requiring the committee to ensure that its decision is in the best interest of the student is an overarching standard that applies in all decisions, the text has been removed from the list and made a stand-alone provision.

DAYS OF ATTENDANCE

The attendance committee shall adhere to the following guidelines to determine attendance for award of credit or a final grade:

1. ~~All absences shall be considered in determining whether a student has attended the required percentage of days.~~ If makeup work is completed satisfactorily, excused absences that are allowed under compulsory attendance requirements shall be considered days of attendance for **award of credit or final grade**.~~this purpose.~~ [See FEA(LEGAL) at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS.]

GKA Government Relations

Conduct on School Premises

- ▶ Reason for recommended modification: SB 97
- ▶ Explanation: *School districts are required to prohibit anyone from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.*

PROHIBITIONS TOBACCO AND E-CIGARETTES

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

GRA Relations with Governmental Entities

State and Local Government Authorities

- ▶ Reason for recommended modification: SB 107
- ▶ Explanation: *AT students taken into custody, the District's current policy includes a statement that if an officer or other authorized person arresting or taking a student into custody raises a valid objection to the principal immediately notifying the parent at the time, the principal shall not notify the parent. However, the campus behavior coordinator is required to provide written notice to a parent, within the time period described in law, when a student is taken into custody by law enforcement under Chapter 37 of the Education Code.*

STUDENTS TAKEN INTO CUSTODY

The principal shall immediately notify the Superintendent and the parents or other person having lawful control of the student. If the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents at that time, the principal shall not notify the parents.

[See FO for notification requirements by the campus behavior coordinator under Education Code Chapter 37.]