

Update 117 Local Policy Overview

May 4, 2021

Introduction

Update 117 includes recommended (LOCAL) policy revisions concerning the board's delegation of authority to the superintendent to approve purchases or construction in the event of an emergency. Also in this update are substantial revisions recommended to the district's leaves and absences policy.

While not covered in this publication, many of the (LEGAL) policies included in this update were affected by recent changes to Administrative Code rules or legislation from the 86th Legislative Session that is now in effect.

The 87th Legislative Session is scheduled to end May 31, 2021. Once the June 20 deadline for the governor to sign legislation passes, Policy Service will begin developing policy recommendations that will appear in Update 118, which is scheduled for release in the fall.

TASB Numbered Update Reminders

You should also review your own district's customized Update 117 materials for your specific policy recommendations. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

CH: Purchasing and Acquisition and CV: Facilities Construction

The major winter storms earlier this year caused extensive damage to many district facilities. Existing law permits districts to delegate 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. The superintendent would be able to exercise this authority only if the replacement or repair is necessary for the health and safety of students and staff.

The recommended text at CH(LOCAL) provides this delegation in policy and requires the superintendent to report to the board any contracts made under the delegated authority at the next board meeting. The text also 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.

At policy CV(LOCAL) we have included a cross-reference to CH(LOCAL) for the emergency delegation text.

Keep in mind that this is an optional delegation that provides flexibility to the district in the event of an emergency, catastrophe, or natural disaster. If the board does not wish to delegate this emergency contracting authority, please contact your policy consultant.

DEC: Compensation and Benefits, Leaves and Absences

DEC(LOCAL) is the policy that governs the district's practices related to leaves and absences. It includes information on whether the district provides local leave, limits on the use of leave, and when concurrent use of leave and compensatory time is required.

TASB Policy Service collaborated with TASB Legal and HR Services in developing the recommended revisions to DEC(LOCAL), which 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. TASB HR Services has revised its Model Employee Handbook and developed a separate procedural framework to assist districts in documenting these administrative details. The superintendent and designated policy contact can access these resources through their myTASB account. A link is provided in the Update 117 explanatory notes included in the update.

Some of the notable changes to DEC(LOCAL) include:

- We moved provisions related to concurrent use of leave and compensatory time to the sections of the policy addressing temporary disability leave and, if applicable to the district, family medical leave.
- We 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.
- And we revised provisions addressing requests 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.

Given the substantial number of revisions to this policy, we recommend that you closely review the customized explanatory notes to better understand the changes made to your specific DEC(LOCAL).

Thank You!

That covers the local policies in Update 117 for most districts. We hope you find this overview helpful. Should you have any questions or want further clarification, please feel free to contact your assigned policy consultant at the [TASB Policy Service website](#).¹

¹ TASB Policy Service: <https://policy.tasb.org>