



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: February 18, 2013

AGENDA ITEM: Report Item on Policy Updates Related to Update 96

PRESENTER: Kathy Allen

ALIGNS TO BOARD PRIORITIES(S):

- Human Resources – The District shall recruit, hire, train, and retain a highly qualified staff.
- Learning – The District will provide an aligned, rigorous curriculum, with instructional and technology programs preparing students to meet or exceed all educational standards.
- Financial/Facilities – The District shall exhibit excellence in financial and facility planning, management, and stewardship.

BACKGROUND INFORMATION:

- Update 96 includes eleven policies that are recommended for updates so we will remain in compliance with recent legal changes.
- Three of these new policies are Local, eight are Legal, and one is an exhibit.
- D Policy – Compensation Benefits Leaves and Absences
 - DEC(LOCAL) – Changes in this policy on leaves and absences are recommended based on a recent Commissioner decision, *Jaworski v. South San Antonio ISD*, which affects how state leave is accrued and the calculation of pay deductions for unearned leave.
 - Accrual of state personal leave is to be based solely on days of employment, regardless of whether the employee was in unpaid status for the year.
 - Districts retain the ability in the current policy to allow for salary deductions for local leave that the employee used but had not earned because of unpaid status or length of employment when an employee separated from employment prior to the end of a school year.
- E Policy – Instructional Materials Selection and Adoption
 - EFFA (LOCAL) – The local policy on selection and adoption of instructional materials has been revised to reflect the new instructional materials allotment system. Included in the revisions are the board’s responsibility to approve instructional materials for foundation and enrichment curriculum adoptions, technology purchases, as well as certifying that the instructional materials cover all required Texas Essential Knowledge and Skills.

- FEB(LOCAL) – Attendance and Attendance Accounting – Rather than creating board policy, revised SBOE rules delegate the authority to the superintendent the right to record absences at an *alternate attendance hour* and the right to establish procedures addressing *parental consent for students to leave campus* for part of a school day. The procedures for *parental consent for students to leave campus* must be posted in the student and employee handbook and distributed to parents.

ADMINISTRATIVE CONSIDERATIONS: Report Item Only – Administration will bring these policies back to the Board for approval during the March Board meeting.

FISCAL NOTE: None

ADMINISTRATIVE RECOMMENDATIONS: Report Item Only

(LOCAL) Policy Action List

ALEDO ISD(184907) – Update / LDU 96

TASB attorneys recommend that posting board action on policies be specific enough to advise staff and members of the public of the changes. For that purpose, TASB recommends the following wording for meeting notices:

- for TASB-initiated localized updates:
“Policy Update ____, affecting local policies (see attached list)”
- for district-initiated Local District Updates:
“Local District Update ____, affecting local policies (see attached list)”

In both cases, TASB Policy and Legal Services recommend that the policy changes—each addition, deletion, or replacement—be listed in alphabetical order by policy code, title and subtitle. The following document is our compilation of that list, which may be copied and pasted into your meeting notice as well as into staff communications of board action and board meeting minutes.

DEC(LOCAL): COMPENSATION AND BENEFITS - LEAVES AND ABSENCES

EFAA(LOCAL): INSTRUCTIONAL MATERIALS - SELECTION AND ADOPTION

FEB(LOCAL): ATTENDANCE - ATTENDANCE ACCOUNTING

(LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

The term "immediate family" is defined as:

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
WORKDAY

A "~~leave day~~**workday**" for purposes of earning, use, 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.

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. Complications resulting from pregnancy shall be treated the same as any other condition.

AVAILABILITY

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

EARNING LOCAL
LEAVE

~~The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee's pay.~~

EARNING LEAVE

An employee shall not earn **any local** leave when he or she is in unpaid status. 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~~~~When~~ an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, 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:

1. State personal leave the employee~~has~~ used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

**EMPLOYED FOR
FULL YEAR**

If an employee uses more local leave ~~more leave~~ than he or she earned and remains employed with the District through his or her last duty day~~has earned~~, the District shall deduct the cost of the excess~~unearned~~ leave days from the employee's ~~pay in accordance with administrative regulations~~final paycheck for the year or from the last paycheck after the employee ceases to be employed by the District.

RECORDING

~~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.

ORDER OF USE

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.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

Use of sick leave pool days shall be permitted only after all available state and local leave has been exhausted.

**CONCURRENT USE OF
LEAVE**

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

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.

MEDICAL
CERTIFICATION

An employee shall submit medical certification of the need for leave if:

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;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

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

STATE PERSONAL
LEAVE

~~For purposes of this section, each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative regulations.~~

The Board requires employees to differentiate the manner in which state personal leave is used:

NON-
DISCRETIONARY
USE

1. 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)]

Non-discretionary use ~~also~~ includes leave **related to the birth or placement of a child and taken for well-baby care** within the first year after **the child's** birth, adoption, or **foster placement** ~~of a child~~.

DISCRETIONARY
USE

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

LIMITATIONS REQUEST FOR LEAVE	A notice of request for discretionary use of personal leave shall be submitted to the principal or designee three days in advance of the anticipated absence; discretionary use of personal leave shall be granted on a first-come, first-served basis, with a maximum of ten percent of campus employees in each category permitted to be absent at the same time for discretionary use of personal leave.
	Discretionary use 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.
	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 exams, days scheduled for state-mandated assessments, or professional or staff development days.
DURATION OF LEAVE	Discretionary use of state personal leave shall not exceed three consecutive workdays.
LOCAL PERSONAL LEAVE	All employees shall earn five workdays of paid local personal days per school year in accordance with administrative regulations.
	Local personal leave shall accumulate to a maximum of 40 leave days workdays .
	Local personal leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]
SICK LEAVE POOL	An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury may request the establishment of a sick leave pool, to which District employees may donate only local leave for use by the eligible employee.
	-If the employee is unable to submit the written request, a member of the employee's family or the employee's supervisor may submit the request to establish a sick leave pool.
	A request for the establishment of a sick leave pool shall be made in writing to the Superintendent. Medical certification must be submitted with the request. The Superintendent or designee shall then initiate the sick leave pool for the employee and notify District staff. The establishment of a sick leave pool for an employee shall be limited to once every 24 months.
	No staff member shall be allowed to contribute more than three of his or her current year local leave days to a pool per school year. A maximum of 30 days may be contributed to an individual sick leave pool.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

	<p>The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.</p>
APPEAL	<p>All decisions regarding the establishment or implementation of the District's sick leave pool may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.</p>
FAMILY AND MEDICAL LEAVE TWELVE-MONTH PERIOD	<p>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.</p>
COMBINED LEAVE FOR SPOUSES	<p>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)]</p>
INTERMITTENT OR REDUCED SCHEDULE LEAVE	<p>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.]</p>
CERTIFICATION OF LEAVE	<p>If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]</p>
FITNESS-FOR-DUTY CERTIFICATION	<p>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.</p>
END OF SEMESTER LEAVE	<p>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]</p>
FAILURE TO RETURN	<p>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]</p>
TEMPORARY DISABILITY LEAVE	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District</p>

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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**reinstatement.]

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.

WORKERS'
COMPENSATION

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 CRD(LOCAL) regarding payment of insurance contribution during employee absences.]

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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid **leave**.

COURT
APPEARANCES

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. The employee shall attach a copy of the subpoena or notice of jury duty to his or her absence from duty form.

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LOCAL)

NOTE: FOR PROVISIONS REGARDING INVENTORY AND REQUISITION OF INSTRUCTIONAL MATERIALS, SEE CMD. SELECTION RECOMMENDATION AND ADOPTION AT AN APPROPRIATE TIME FOLLOWING ADOPTION OF THE STATE REFLECTED ON INSTRUCTIONAL MATERIALS THE ALLLOTMENT TEAM INSTRUCTIONAL MATERIALS

BOARD ACTION

~~The District shall establish a team, as needed, to select lists, the Superintendent shall make recommendations to the Board for appointment of an~~ instructional materials and technological equipment to be purchased with the District's ~~selection committee.~~

~~A majority of the committee members shall be classroom teachers.~~

~~After examining all~~ instructional materials allotment. The team shall make selections based upon District instructional needs and in accordance with administrative regulations.

The instructional materials allotment team ~~selection committee~~ shall ensure that selected materials, in combination with any other materials in ~~select items for~~ use by the District, allow the District to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law. [See EFAA(LEGAL)]

~~The in the District and recommend the selections to the~~ Board shall approve final ~~for ratification.~~ In the event the Board does not ratify all of the selections and ratify the District's certification of instructional materials. Final selections, ~~the reasons~~ shall be recorded in Board minutes. ~~The committee shall make other recommendations for selection until the Board has ratified all selections.~~

Aledo ISD
184907

ATTENDANCE
ATTENDANCE ACCOUNTING

FEB
(LOCAL)

**ATTENDANCE
ACCOUNTING
SYSTEM**

The Superintendent ~~or designee~~ shall be responsible for maintaining a student attendance accounting system in accordance with statutory and TEA requirements.

**ALTERNATE
RECORDING TIME**

When appropriate, the Superintendent shall establish written procedures permitting a campus to specify an alternate time for taking attendance other than the second or fifth instructional hour. Exceptions may be authorized for an entire campus or for a designated group of students at a campus. The alternate time for recording attendance shall be determined in accordance with TEA's *Student Attendance Accounting Handbook*.

~~The Superintendent or designee shall report annually to the Board concerning the operation and effectiveness of the District's student attendance system, and may present recommendations for improvement.~~

**PARENTAL CONSENT
TO LEAVE CAMPUS**

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures absent from school for any portion of a school day shall provide a note that describes the reason for documenting a student's the absence. The procedures note shall be communicated in the employee and signed by the student's parent or, if the student handbooks is 18 or older or is an emancipated minor, by the student.

DATE ISSUED: ~~1/16/2013~~ ~~4/2/2002~~
UPDATE ~~9669~~
FEB(LOCAL)-A

ADOPTED:

1 of 1