

Explanatory Notes

TASB Localized Policy Manual Update 101

District: Scurry-Rosser ISD
BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

At the last regular board meeting of the calendar year, the board president must announce board member compliance with state training requirements. Due to amended State Board of Education (SBOE) rules, effective August 25, 2014, the board president must include an additional statement that completion of the required annual training is an obligation and expectation of any board member under SBOE rule. See REPORTING, beginning on page 1.

The amended rules also clarify that:

- The local district ORIENTATION for NEW MEMBERS must be at least three hours and must address local district practice in the areas of curriculum and instruction, business and finance operations, district operations, superintendent evaluations, and board member roles and responsibilities;
- The ORIENTATION for NEW MEMBERS to the Education Code and relevant legal obligations must be provided by an education service center, occur within the first 120 days of service instead of during the first year of service, and address Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction); and
- The annual TEAM BUILDING session must include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership.

An existing provision permitting CURRENT MEMBERS to attend the local district orientation and orientation to the Education Code offered to new board members was added on page 2.

Please note: To assist districts in complying with the SBOE requirements for announcing board member training, the *TASB Regulations Resource Manual* in the Policy Service Resource Library on myTASB includes an announcement template at BBD(EXHIBIT).

BDAE (LEGAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

Amended Administrative Code provisions, effective May 15, 2014, resulted in several changes to this legally referenced policy on depositories. At COMPETITIVE BIDDING and REQUESTS FOR PROPOSALS, the rules require the notices to include the Bid Form for Depository Services or the Proposal Form for Depository Services, as applicable, prescribed by SBOE rule.

In addition, the district is required to use the depository CONTRACT form included in the Administrative Code and, if applicable, the surety bond form and file the completed documents with TEA.

The school district depository contract and the bid/proposal form can be found at <http://www.tea.state.tx.us/index2.aspx?id=25769811504>.

BE (LOCAL) BOARD MEETINGS

Recommended changes to this local policy are to simplify the policy and make it more flexible to accommodate variations from the board's normal meeting practices. At MEETING PLACE AND TIME, rather than listing the regular meeting location, the policy language indicates that the notice shall reflect the date, time, and location of the meeting. This notice requirement applies whether the meeting is a regular, special, or emergency meeting. The policy also clarifies that when determined necessary and for the convenience of board members, the board president may change the date, time, or location of REGULAR MEETINGS with proper notice.

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At AGENDA, DEADLINE, the former policy language required agenda items to be submitted by noon on the day indicated, which did not reflect common practice in most districts. The recommended text, listing only the day and not the time by which agenda items must be submitted, provides the district more flexibility.

Recommended for deletion is the district's locally developed text from 2006 stating that a board member may only request that an item be included on the agenda with the concurrence of the president or another member.

Other recommended changes are to conform to policy style.

Please contact your policy consultant for an adjustment to this policy if any of the following information is incorrect: the day or time of your regular meetings, how special or emergency meetings are called, or the deadlines for submitting agenda items.

BJCE (LEGAL) SUPERINTENDENT SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy addressing suspension or termination of the superintendent was revised to incorporate amendments to the Administrative Code effective August 7, 2014. If a district makes SEVERANCE PAYMENTS to the superintendent, the district must send to TEA the Superintendent Payment Disclosure Form, as well as the following documents: the superintendent's employment contract, a copy of the termination or severance agreement, and any information or documentation that the commissioner requests to determine if a payment is a severance payment.

The DEFINITION OF SEVERANCE PAYMENT includes any payment for actual or threatened litigation involving or related to the employment contract. Because damages for early termination of a contract are now encompassed in the broad definition of "severance payment," the amended rules deleted an unnecessary provision specifically addressing these damages.

CH (LOCAL) PURCHASING AND ACQUISITION

Under Texas law, a board may accept bids or proposals submitted electronically but only if the board adopts rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and that the electronic bids or proposals remain effectively unopened until the proper time. The recommended text at ELECTRONIC BIDS OR PROPOSALS ensures that districts have appropriate policy provisions in place for any bids or proposals that the district chooses to accept electronically. The text does not obligate the district to accept bids or proposals electronically but does require that any such submission be administered in accordance with board-adopted rules that address the legal requirements.

References to board-adopted rules for electronic bids and proposals have also been added at COMPETITIVE BIDDING and COMPETITIVE SEALED PROPOSALS so it is clear that any board rules on electronic submissions will apply to electronic bids or proposals.

A recommended revision at RESPONSIBILITY FOR DEBTS clarifies that debts made in the name of the district must be consistent with the adopted budget, law, board policy, and the district's purchasing procedures. This text mirrors provisions at CE(LOCAL), not included in this update, regarding authorized expenditures.

To increase flexibility, at PURCHASE COMMITMENTS, the specific reference to purchase orders was replaced with a reference to the district's administrative procedures including any district purchasing procedures, where the district should outline the circumstances for when purchase orders are required.

At PERSONAL PURCHASES, the prohibition on employees making purchases for personal use was broadened to apply to all purchases, not just purchases of supplies or equipment.

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Please review the dollar amount for purchases that require board approval at PURCHASING AUTHORITY, and contact your policy consultant if revisions are needed. We have lightly edited this text by adding PURCHASING METHOD with a cross-reference to CH(LEGAL).

Please note: The *TASB Regulations Resource Manual*, available in the Policy Service Resource Library on myTASB, has a sample resolution that the board can use to establish rules for accepting electronic bids or proposals.

CKB (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT ACCIDENT PREVENTION AND REPORTS

The statutory reference to the guidelines for Hazard Assessment and Personal Protective Equipment Selection has been updated in this legally referenced policy.

CO (LEGAL) FOOD SERVICES MANAGEMENT

New rules from the Texas Department of Agriculture (TDA), effective July 1 and September 1, 2014, repeal the former Texas Public School Nutrition Policy but continue the prohibitions on use of deep fat fryers and soft drinks.

The rules also place restrictions on the time and place for the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to revise their Wellness Policies to adopt alternative standards. **If your district wishes to adopt alternative standards, you will need to adjust your FFA(LOCAL) policy at this time. Please contact your policy consultant and see the note at FFA(LOCAL), below.**

More information may be found in the September 2014 TASB Policy Alert available at: <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Wellness.aspx> and in a helpful guidance document prepared by TDA, which reflects both the competitive food requirements and the time and place restrictions, available at: <http://www.squaremeals.org/Portals/8/files/NSLP/Competitive%20Foods%20School%20Guidance%20 Rack%20Card.pdf>.

TDA will disallow meal reimbursement and require a corrective action plan for VIOLATIONS of the nutrition policy rules.

DCA (LEGAL) EMPLOYMENT PRACTICES PROBATIONARY CONTRACTS

We have added an existing statutory provision to this legally referenced policy explaining that the probationary contract provisions in Education Code Chapter 21 Subchapter C do not apply to a superintendent or a person not entitled to a probationary, term, or continuing contract under Chapter 21, an existing contract, or district policy.

To assist districts with SBOE certification requirements for assignments, a cross reference to a new chart at DK(EXHIBIT) has also been added on page 1.

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DCB (LEGAL) EMPLOYMENT PRACTICES TERM CONTRACTS

This legally referenced policy on term contracts has been reorganized to better reflect statutory wording, delete provisions included at other policies, and reorder provisions for clarity.

We have added two existing statutory provisions:

- The text at ELIGIBLE EMPLOYEES lists the positions that the district may employ by term contract. To assist districts with SBOE certification requirements for assignments, a cross reference to a new chart at DK(EXHIBIT) has also been added at item 5.
- At EXCLUSIONS, new text explains that the term contract provisions in Education Code Chapter 21 Subchapter E do not apply to a person not entitled to a probationary, term, or continuing contract under Chapter 21, an existing contract, or district policy.

Please note: This policy addresses notification and distribution of the district's employment policies. To assist districts in complying with these obligations, TASB Policy Service publishes a Policy Alert: Employee Notification, available in the Policy Service Resource Library on myTASB, at <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Emp-Notification.aspx>.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS EMPLOYEE COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldue v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the employee knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before an employee may file a formal complaint.

The INFORMAL PROCESS encourages an employee to discuss concerns with his or her supervisor, principal, or other appropriate administrator. We have clarified that in the informal process an administrator with whom an employee discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that employees must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with DGBA.
- NOTICE TO EMPLOYEES requires districts to inform employees of the policy through appropriate district publications. Most districts already do so in their employee handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the employee's e-mail address of record. See FILING and RESPONSE.

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- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the employee fails to appear at a scheduled conference, the district can hold the conference without the employee.
- LEVEL ONE and LEVEL TWO administrators must “schedule” rather than “hold” conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Similar changes have been made to FNG(LOCAL), addressing student and parent complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

DK (EXHIBIT) ASSIGNMENT AND SCHEDULES

This new exhibit outlining credential requirements for assignments is recommended for inclusion in your district's policy manual to serve as an easily referenced resource.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

A note with a reference to the commissioner rules on teacher standards, effective June 30, 2014, has been added on page 8.

DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

A note with a reference to the commissioner rules on principal standards, effective June 30, 2014, has been added on page 2.

EB (LOCAL) SCHOOL YEAR

This local policy addressing the school year is recommended for inclusion in the district's policy manual. The recommended text gives the superintendent the authority to act in two critical situations: approving variations from the board-adopted school calendar, when necessary, and closing schools for reasons of public health and safety. These provisions ensure that the superintendent has the authority to act when an immediate need arises.

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EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM REQUIRED INSTRUCTION (SECONDARY)

Amendments to the Administrative Code, effective June 18, 2014, align the secondary curriculum requirements with the courses that districts must offer under House Bill 5. The GRADES 9–12 COURSE OFFERINGS must include at least one additional advanced English course (item 1). The list of science courses from which a district may choose now includes the Principles of Engineering (item 3). In the area of technology applications, districts must offer computer science I and II or AP computer science and at least two of the other courses listed (item 9).

New SBOE rules, effective August 25, 2014, address curriculum requirements for CPR INSTRUCTION. See page 7. The rules require districts to provide the instruction at least once to all students who entered grade 7 in or after the 2010–11 school year. The instructor is not required to be certified in CPR if the instruction is not intended to result in CPR certification. If a student with a disability is unable to complete the instruction, the student's ARD or Section 504 committee can waive the requirement.

EHBI (LEGAL) SPECIAL PROGRAMS ADULT AND COMMUNITY EDUCATION

In the 2013 Texas legislative session, adult education and literacy (AEL) programs were transferred from the SBOE and TEA to the Texas Workforce Commission (TWC). This legally referenced policy on adult and community education has been revised to reflect the new TWC rules that were adopted effective February 24, 2014. The rules clarify that the AEL STAFF DEVELOPMENT requirements do not apply to clerical or janitorial staff and that new AEL staff with assessment and instructional duties must receive six hours of professional development in addition to the 12 hours required annually.

EI (LEGAL) ACADEMIC ACHIEVEMENT

A new SBOE rule, effective June 18, 2014, requires districts to use an ACADEMIC ACHIEVEMENT RECORD form that includes student demographics, school data, student data, and the courses and credits that the student earned. The rules require that the academic achievement records indicate endorsements, performance acknowledgments, and the distinguished level of achievement, as appropriate.

EIAB (LOCAL) GRADING/PROGRESS REPORTS TO PARENTS MAKEUP WORK

This local policy on makeup work is recommended for deletion from the district's policy manual. Guidelines on makeup work are typically distributed to students and parents in administrative materials, such as the district's grading guidelines or the student handbook, which creates the potential for conflicts with board-adopted provisions in the policy manual. Also, there is no requirement for such a policy to be included in the district's local board policy manual. For a sample outline to help your district develop grading guidelines, see EIA(REGULATION) in the *TASB Regulations Resource Manual*, available in the Policy Service Resource Library on myTASB.

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EIE (LEGAL) ACADEMIC ACHIEVEMENT RETENTION AND PROMOTION

This legally referenced policy addressing retention and promotion has been reorganized for clarity and revised to reflect amendments to the Administrative Code, effective February 26, 2014. The amended rules rename the Grade Placement Committee Manual to the Student Success Initiative (SSI) manual, as reflected throughout the policy.

The STUDENT ADVANCEMENT provisions requiring academic achievement or demonstrated proficiency were moved to the beginning of the policy along with the grade 5 and 8 promotion requirements and notification of ADVANCEMENT REQUIREMENTS.

Provisions addressing accelerated instruction for unsatisfactory performance on assessment instruments have been deleted, as these provisions are not specific to promotion and retention. The policy now includes only the accelerated instruction requirements for UNSATISFACTORY PERFORMANCE ON GRADE ADVANCEMENT TESTS.

EKBA (LEGAL) STATE ASSESSMENT ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

The commissioner rule addressing exemptions for English language learner (ELL) students who are administered the grade 10 TAKS was repealed effective March 5, 2014, since the exemptions are no longer relevant. As a result, we have deleted reference to these exemptions at DOCUMENTATION on page 1.

The commissioner rules addressing participation of ELL students in state assessments was amended to provide that ELL students enrolled in English I or English for Speakers of Other Languages I who meet certain criteria are not required to retake the English I EOC assessment each time it is administered if the students pass the course but not the EOC. See EXCEPTION on page 4. These students will use the English II EOC assessment to meet graduation requirements. The amendments also deleted references to the cumulative score and the requirement to count the assessment as 15 percent of a student's final grade in the course.

FDC (LEGAL) ADMISSIONS HOMELESS STUDENTS

This legally referenced policy on homeless students was revised to delete provisions requiring written notice to the parent of a homeless child explaining the general rights provided under the McKinney-Vento Act. These provisions apply only to specific schools for homeless children and do not apply to any Texas school districts.

FEC (LEGAL) ATTENDANCE ATTENDANCE FOR CREDIT

For clarification, we have added an existing attorney general opinion JC-0398, which interprets the 90 percent attendance standard for a student to receive credit or a final grade. In the opinion, the attorney general determined that all absences are considered when calculating whether the student attended class for 90 percent of the days the class is offered.

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FFA (LOCAL) STUDENT WELFARE WELLNESS AND HEALTH SERVICES

New rules from the Texas Department of Agriculture (TDA) place restrictions on the time and place for the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to revise their Wellness Policies to adopt alternative standards. If your district wishes to adopt alternative standards, you will need to adjust your policy at this time. Please contact your policy consultant.

More information may be found in the September 2014 TASB Policy Alert available at: <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Wellness.aspx> and in a helpful guidance document prepared by TDA, which reflects both the competitive food requirements and the time and place restrictions, available at: <http://www.squaremeals.org/Portals/8/files/NSLP/Competitive%20Foods%20School%20Guidance%20 Rack%20Card.pdf>.

FFAD (LEGAL) WELLNESS AND HEALTH SERVICES COMMUNICABLE DISEASES

We have updated the link to the Texas Department of State Health Services information on communicable diseases on page 2.

FFG (LEGAL) STUDENT WELFARE CHILD ABUSE AND NEGLECT

Revised commissioner rules, effective July 22, 2014, on reporting child abuse and neglect incorporate new statutory requirements made by Senate Bill 939, 83rd Texas Legislature, Regular Session.

At REPORTING POLICY, on page 4, the revisions require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. See the explanatory notes for FFG(LOCAL) and FFG(EXHIBIT), below. Another requirement is for districts to provide training to district employees to increase awareness of sexual abuse and other maltreatment of children. During the 2014–15 school year, districts must provide this training to all current employees by the dates listed in the policy at ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT, beginning on page 5. Each year thereafter, districts must provide the training to all new employees as part of new employee orientation.

Districts must also place a poster that meets the listed specifications at each campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. See REQUIRED POSTER on page 6. A sample poster that meets the requirements can be found at <http://www.onewithcourage.org/take-action/for-educators>.

FFG (LOCAL) STUDENT WELFARE CHILD ABUSE AND NEGLECT

As noted above, revised commissioner rules now require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. To satisfy this requirement, we recommend this new local policy for inclusion in the district’s policy manual. This policy requires individuals who have cause to believe that a child has been or may be abused or neglected to make a report as required by law and requires reports to be made in accordance with FFG(EXHIBIT).

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A revised FFG(EXHIBIT) referencing this new local policy is included in this update to distribute to staff.

FFG (EXHIBIT) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

This exhibit has been updated to refer to the new local policy at FFG(LOCAL) addressing child abuse and neglect.

FL (LEGAL) STUDENT RECORDS

Districts must permanently maintain the ACADEMIC ACHIEVEMENT RECORD for each of their students. As reflected on page 4, a new SBOE rule, effective June 18, 2014, requires districts to use an academic achievement record form that includes student demographics, school data, student data, and the courses and credits that the student earned.

FMG (LOCAL) STUDENT ACTIVITIES
TRAVEL

Recommended revisions to this local policy are to simplify the policy and reflect common district practice. Although districts typically require students who participate in school-sponsored trips to use district transportation to and from the event, most districts permit exceptions, such as upon written request of the parent. Since these exceptions can differ by campus and sometimes by the type of activity, it is recommended that the policy refer to administrative regulations for the exceptions. See TRANSPORTATION FOR STUDENT TRAVEL.

The statement indicating that the district shall not be liable for student injuries incurred while using transportation not provided by the school is recommended for deletion because liability is determined by application of law and judicial precedent to individual situations.

The policy also addresses common practices regarding authority to approve IN-STATE OVERNIGHT TRIPS and OUT-OF-STATE TRIPS. **Please contact your policy consultant for an adjustment to this policy if the approvals reflected in the policy do not match the practices in your district.**

FMH (LEGAL) STUDENT ACTIVITIES
COMMENCEMENT

We have added text from a revised SBOE rule, effective June 18, 2014, stating that a student who completes all graduation requirements except for required end-of-course assessments may be issued a CERTIFICATE OF COURSEWORK COMPLETION. A related provision from existing statute explains that a district may allow a student who receives a certificate of coursework completion to participate in graduation ceremonies.

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FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in student and parent grievances.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the student or parent knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before a student or parent may file a formal complaint.

The INFORMAL PROCESS encourages a student or parent to discuss concerns with the appropriate teacher, principal, or other campus administrator. We have clarified that in the informal process a campus administrator with whom a student or parent discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that students and parents must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with FNG. The requirement to submit complaints concerning DAEP has been deleted; these complaints may now be filed through FNG. Please note, however, that many districts' student codes of conduct specify the individual to whom these complaints must be filed. If that individual differs from the LEVEL ONE administrator, the complaint will need to be forwarded to the appropriate administrator listed in the SCOC.
- Item 5 at OTHER COMPLAINT PROCESSES has been revised to refer to failure to award a final grade on the basis of attendance.
- NOTICE TO STUDENTS AND PARENTS requires districts to inform students and parents of the policy through appropriate district publications. Most districts already do so in their student handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the student's or parent's e-mail address of record. See FILING and RESPONSE.
- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the student or parent fails to appear at a scheduled conference, the district can hold the conference without the student or parent.
- LEVEL ONE and LEVEL TWO administrators must "schedule" rather than "hold" conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.

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- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

GF (LOCAL) PUBLIC COMPLAINTS

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance did not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in grievances from community members.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the individual knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to the INFORMAL PROCESS before an individual may file a formal complaint.

The INFORMAL PROCESS encourages individuals to discuss their concerns with an appropriate administrator. We have clarified that in the informal process the administrator with whom an individual discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that individuals must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with GF.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by the close of business on the deadline. Likewise, district responses can be sent by electronic communication to the individual's e-mail address of record. See FILING and RESPONSE.
- Also at SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the individual fails to appear at a scheduled conference, the district can hold the conference without the individual.
- LEVEL ONE and LEVEL TWO administrators must "schedule" rather than "hold" conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

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Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and FNG(LOCAL), addressing complaints by students and parents. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

GKD (LEGAL) COMMUNITY RELATIONS NONSCHOOL USE OF SCHOOL FACILITIES

Provisions from Senate Bill 2, 83rd Texas Legislature, Regular Session, addressing CHARTER SCHOOLS' use of facilities have been incorporated into this legally referenced policy on nonschool use of school facilities. The provisions prohibit a district from requiring a campus or campus program charter created by converting an existing school district campus to purchase or rent a district facility as a prerequisite for use of the facility. In addition, the provisions prohibit a school district from requiring a campus or campus program charter or an open enrollment charter school to pay a contracted amount that is higher than the actual cost to the district for providing a service.