

No. _____



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: First Reading of Local Policies in Update 85

SUBMITTED BY: Gloria S. Rendon OF Asst. to the Superintendent

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: June 17, 2009

RECOMMENDATION:

It is recommended that the United ISD Board of Trustees approve First Reading of LOCAL Policies in Update 85

- | | |
|---------------|---|
| BBB (EXHIBIT) | Board Members – Elections |
| BDAA (LOCAL) | Officers and Officials – Duties and Requirements of Board Officers |
| CNB (LOCAL) | Transportation Management – District Vehicles |
| CQ (LOCAL) | Electronic Communication and Data Management |
| CRE (LOCAL) | Insurance and Annuities Management – Workers’ Compensation |
| DBB (LOCAL) | Employment Requirements and Restrictions – Medical Examinations and Communicable Diseases |
| FL (LOCAL) | Student Records |
| GRA (LOCAL) | Relations with Governmental Entities – Local Governmental Authorities |

RATIONALE:

BUDGETARY INFORMATION:

BOARD POLICY REFERENCE AND COMPLIANCE:

OFFICER'S STATEMENT

"I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God."

Tex. Const. Art. XVI, Sec. 1(b)

OATH OF OFFICE

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of School Board Trustee for the _____ School District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

Tex. Const. Art. XVI, Sec. 1(a)

OTHER ELECTION INFORMATION: For election forms, calendars, and other election resources, see the Secretary of State Elections Division Web site at <http://www.sos.state.tx.us/elections/laws/schoollaws.shtml>.

OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF BOARD OFFICERS

BDAA
(LOCAL)

BOARD OFFICERS	The Board shall elect a President, a Vice President, a Secretary, and a Parliamentarian who shall be members of the Board. The Board may assign a District employee to provide clerical assistance to the Board. Officers shall be elected by majority vote of the members present and voting.
VACANCY	A vacancy among officers of the Board shall be filled by majority action of the Board.
TERM AND DUTIES	Board officers shall serve for a term of two years one year or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.
PRESIDENT	In addition to the duties required by law, the President of the Board shall: <ol style="list-style-type: none">1. Preside at all Board meetings unless unable to attend.2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.
VICE PRESIDENT	The Vice President of the Board shall: <ol style="list-style-type: none">1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.2. Become President only upon being elected to the position.3. Perform other duties as prescribed by the Board.
SECRETARY	The Secretary of the Board shall: <ol style="list-style-type: none">1. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.2. Sign documents as directed by action of the Board.3. Perform all duties as prescribed by law and requested by the Board.
PARLIAMENTARIAN	The Parliamentarian shall assist in the smooth conduct of the meeting and perform such other duties as the Board may request.

TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

CNB
(LOCAL)

NO NONSCHOOL USE	The District shall not permit use of District vehicles for non-school purposes.
EMERGENCY USE EXCEPTION	In case of emergencies or disasters, the Superintendent or designee may authorize the use of District vehicles by civil defense, health, or emergency service authorities.
SCHOOL-RELATED USE	The Superintendent or designee shall develop administrative regulations for requesting, scheduling, and using District school buses for extracurricular activities and field trips. The regulations shall address any necessary charges to student groups for such uses, in accordance with applicable state rules and any reasonable District operational costs.
USE OF SCHOOL BUSES	in accordance with applicable state rules and any reasonable District operational costs.
EXTRACURRICULAR ACTIVITIES AND FIELD TRIPS	District vehicles other than buses shall be driven only by authorized District employees and primarily for official school-related purposes. District vehicles shall not be used for nonschool-related purposes.
USE OF DISTRICT VEHICLES OTHER THAN BUSES	District vehicles other than buses shall be driven only by authorized District employees and primarily for official school-related purposes. District vehicles shall not be used for nonschool-related purposes.
	The Superintendent or designee shall develop administrative regulations for requesting, scheduling, and using District vehicles for extracurricular activities, field trips, and other school-related purposes.
	[See GKD regarding nonschool use of school facilities] Some employees may be furnished District-owned vehicles for business use.
SERVICE VEHICLES	When it is in the best interest of the District, certain employees shall be required to commute to and from work in District-owned service vehicles. This shall not constitute personal use since the employee shall be required to be on duty and readily available any time he or she is operating a District vehicle. Authority to use a District-owned vehicle to commute to and from work shall be granted by the appropriate assistant superintendent.
	To satisfy the IRS regulations, the following shall apply:
	1. The vehicle shall be owned or leased by the District and shall be provided to one or more employees for use in connection with the District's business.
	2. For safety and security reasons, the District shall require certain assigned employees to commute to and from work in the District-owned vehicle.
	3. The employee shall be directed not to use the vehicle for personal purposes, other than de minimis personal use, such as stopping for a personal errand between business use and the employee's home.

TRANSPORTATION MANAGEMENT
DISTRICT VEHICLES

CNB
(LOCAL)

~~4.— The District shall reasonably believe that, except for de minimis use, the employee does not use the vehicle for any personal purposes.~~

~~FOR COMMUTING
PURPOSES~~

~~When necessary to an employee's work assignment, the Superintendent or designee may authorize an employee's use of a District vehicle for commuting purposes, including de minimis personal use. In such a case, the District must comply with IRS regulations by reporting, as employee's income, an appropriate amount for use of a District vehicle.~~

~~OPERATION OF
DISTRICT VEHICLES~~

~~All vehicles shall be operated in the safest manner possible. The following guidelines shall apply:~~

- ~~1.— When driving, employees shall be physically and mentally capable of operating the vehicle safely. No driver shall operate a vehicle after having consumed alcoholic beverages or taking medication that may cause an impaired ability to operate a vehicle.~~
- ~~2.— Drivers shall obey all traffic laws and observe all legal speed limits at all times. Traffic citations shall be the responsibility of the driver.~~
- ~~3.— Employees shall be responsible for maintaining vehicles assigned to them in clean condition. Necessary repairs and preventive maintenance shall be requested through the transportation department on a work order.~~

~~PREVENTIVE
MAINTENANCE~~

~~The District's transportation department shall be responsible for timely preventive maintenance and/or repairs for the District fleet. Vehicle cost records shall be made available by the department on a periodic basis.~~

The Superintendent or designee shall implement, monitor, and evaluate electronic media resources for instructional and administrative purposes.

AVAILABILITY OF
ACCESS

**LIMITED PERSONAL
USE**

Access to the District's electronic communications system, including the Internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations. Limited personal use of the system shall not be permitted if the use:

1. Imposes a tangible cost on the District;
2. Interferes with or unduly burdens the District's computer or network resources;
3. Interferes with or has an adverse effect on an employee's job performance or duties, or on a student's academic performance; or
4. Does not comply with District policies and regulations, including GKA.

USE BY MEMBERS
OF THE PUBLIC

Access to the District's electronic communications system, including the Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall not be permitted if the use:

1. Imposes a tangible cost on the District;
2. Interferes with or unduly burdens the District's computer or network resources; or
3. Does not comply with District policies and regulations, including GKA.

ACCEPTABLE USE

The Superintendent or designee shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

Access to the District's electronic communications system is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

INTERNET SAFETY	<p>The Superintendent or designee shall develop and implement an Internet safety plan to:</p> <ol style="list-style-type: none">1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;2. Ensure student safety and security when using electronic communications;3. Prevent unauthorized access, including hacking and other unlawful activities; and4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms.
FILTERING FILTERING	<p>Each District computer with Internet access shall have a filtering device or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent or designee.</p> <p>The Superintendent or designee shall enforce the use of such filtering devices. Upon approval from the Superintendent or designee, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.</p>
MONITORED USE	<p>Electronic mail transmissions and other use of the electronic communications system by students and employees shall not be considered private. Designated District staff shall be authorized to monitor such communication at any time to ensure appropriate use.</p>
INTELLECTUAL PROPERTY RIGHTS	<p>Students shall retain all rights to work they create using the District's electronic communications system.</p> <p>As agents of the District, employees shall have limited rights to work they create using the District's electronic communications system. The District shall retain the right to use any product created in the scope of a person's employment even when the author is no longer an employee of the District.</p>
DISCLAIMER OF LIABILITY	<p>The District shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The District shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the Internet.</p>

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LOCAL)

~~RELATION TO PAID
LEAVE - WORKERS'
COMPENSATION
OFFSET OF LEAVE
BENEFITS~~

The Board has adopted the offset option provided by law [see CRE (LEGAL)] whereby an employee absent because of a job related illness or injury may choose to:

1. Receive worker's compensation wage benefits only; or
2. Use available paid leave in proportional amounts to supplement workers' compensation wage benefits, up to the regular pre-injury weekly wage.

The employee shall indicate if he or she chooses to use available paid leave in this circumstance and, if so, may choose to discontinue use at any time.

An employee absent because of a job related illness or injury shall be placed on family and medical leave, if applicable. [See DEC (LOCAL)]

FITNESS TO RETURN
TO WORK

Upon release from workers' compensation for regular or accommodated duty, the employee must report to the risk management office. The employee must obtain a **work status report** ~~physician's statement~~ certifying the employee's fitness to return to work. If the release is for an accommodated-duty position, the return to work shall be coordinated by the risk management department.

Except as required under **leave of absence for** the temporary disability law, an employee released from workers' compensation shall be considered for a position for which the employee is qualified, provided such a position is available. If no position for which the employee is qualified is available at the time the employee requests reinstatement, the employee shall be considered for a subsequent vacancy.

Failure of an employee to report to the District upon release from workers' compensation leave within three days or refusal to accept an offered position shall constitute resignation.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

TB TESTING
REQUIREMENTS

Employees new to the District shall provide to the District the results of a tuberculosis test administered before employment with the District. A person who gives evidence of having received a TB test within the previous 120 days shall not be required to take another test.

The District shall comply with screening recommendations made by local health authorities.

EXAMINATIONS
DURING
EMPLOYMENT

The Superintendent or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The District may designate the physician to perform the examination. If the District designates the physician, the District shall pay the cost of the examination. The District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the Superintendent or designee shall determine whether the employee has an impairment. If so, the Superintendent or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Superintendent or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Superintendent or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation.]

**TERMINATION OF
EMPLOYMENT**

Employees who are excluded from work because of a communicable disease may have their employment terminated

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

when all leave to which they are entitled has expired, in accordance with appropriate policies. [See DEC and DF series]

MEDICAL CERTIFICATION	A medical examination required under this policy shall be performed by a doctor who is duly registered and licensed under the Medical Practice Act of Texas, a licensed chiropractor, a Christian Science practitioner, or a licensed podiatrist or chiropodist.
PLACEMENT ON TEMPORARY DISABILITY AT EMPLOYEE'S REQUEST	The Superintendent or designee shall have authority to place an employee on temporary disability leave at the employee's request, as appropriate, when the employee's condition interferes with the performance of regular duties.
BY BOARD AUTHORITY	Based on the Superintendent's recommendation that an employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the Board determines, in consultation with the physician who performed the medical examination, that the educator's condition interferes with the performance of regular duties. [See DEC(LEGAL)]
OTHER REQUIREMENTS	Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]

STUDENT RECORDS

FL
(LOCAL)

COMPREHENSIVE
SYSTEM

The Superintendent or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation **and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy.** These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school **officials.**
~~personnel.~~

CUMULATIVE RECORD

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See GBA]

CUSTODIAN OF
RECORDS

The principal is custodian of all records for currently enrolled students. The records manager is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

TYPES AND
LOCATIONS OF
EDUCATION RECORDS

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

- c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
- 15. Records pertaining to student and parent complaints.**
- ~~15,16.~~ Other records that may contribute to an understanding of the student.

**ACCESS BY PARENTS
REQUEST
PROCEDURES**

The ~~District cumulative record~~ shall **make a student's records be made** available to the **student's parents, as permitted by law.** **The records custodian or designee shall use reasonable procedures to verify the requestor's identity before disclosing student records containing personally identifiable information.**

~~parent.~~—Records may be reviewed **in person** during regular school hours **without charge** upon written request to the ~~records record~~ custodian. **For in-person viewing, the records—The record** custodian or designee shall be **available present** to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and ~~the records to be~~ **viewed** shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the ~~records record~~ custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are

**A PARENT MAY
CONTINUE TO HAVE
ACCESS TO HIS OR
HER CHILD'S
RECORDS UNDER
ACCESS BY SCHOOL
OFFICIALS
AFTER THE
STUDENT
RIGHTS**

unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

~~Whenever a student~~ has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]; ~~the rights accorded to, and consent required of, parents transfer from the parents to the student.~~

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. **An employee, trustee** ~~mean any employees, trustees, or agents~~ of the District, **including an attorney, a consultant, a contractor, a volunteer, and any outside service provider used by the District to perform institutional services.**
2. **An employee of a cooperative** ~~cooperatives~~ of which the District is a member, **or of a facility** ~~facilities~~ with which the District contracts for placement of students with disabilities.
3. **A contractor** ~~The term also includes attorneys; consultants; independent contractors who are~~ retained by **a cooperative** ~~the District, by cooperatives~~ of which the District is a member, **or by a facility** ~~facilities~~ with which the District contracts for placement of students with disabilities.
4. **A parent** ~~and parents~~ **or student** ~~students~~ serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has ~~School officials have~~ a "legitimate educational interest" in a student's records when **he or she is:**

1. **Working** ~~they are working~~ with the student;
2. **Considering** ~~considering~~ disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; ~~compiling statistical data; reviewing an education record to fulfill the official's professional responsibility; or investigating or evaluating programs.~~

3. **Compiling statistical data;**
4. **Reviewing an education record to fulfill the official's professional responsibility; or**
5. **Investigating or evaluating programs.**

ACCESS BY PARENTS

~~Parents may be denied copies of records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of postsecondary education, or if they fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.~~

FEES FOR COPIES

~~Copies of records are available at a per copy cost, payable in advance, as specified in the annual notice to parents of their privacy rights.~~

**TRANSCRIPTS AND
TRANSFERS OF
RECORDS**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward **in accordance with the time line provided in law** education records upon request to officials of other schools or school systems in which the student intends to enroll **or enrolls. [See FD(LEGAL), REQUIRED DOCUMENTATION]** **The District may return an education record to the school identified as the source of the record.**

**RECORDS
RESPONSIBILITY FOR
STUDENTS IN SPECIAL
EDUCATION**

The director of special education shall be ~~The official~~ responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education. ~~shall be the director of special education.~~

A current listing of names and positions of persons who have access to records of students in special education is maintained at the principals' and school-support teams' offices.

**PROCEDURE TO
AMEND RECORDS**

Within 15 ~~District business~~ **school** days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten **District business** ~~school~~ days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten ~~District business school~~ days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 ~~District business school~~ days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**CHILD ABUSE
INVESTIGATION**

When a representative of the Department of Family and Protective Services or another lawful authority desires to question or interview a student at school as part of a child abuse investigation, the principal shall cooperate fully with the official's requests regarding the conditions of the interview or questioning.

**OTHER QUESTIONING
OF STUDENTS**

~~When~~~~The following guidelines shall apply when~~ law enforcement officers or other lawful authorities desire to question or interview a student at school **for any purpose other than a child abuse investigation, the following guidelines shall apply:**

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.
2. The principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents shall not be notified.
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.

~~CHILD ABUSE
INVESTIGATION~~

~~When the event is part of child abuse investigations conducted by the Department of Protective and Regulatory Services or other lawful authority, the principal shall cooperate fully with the officers' requests regarding the conditions of the interview or questioning.~~

**STUDENTS TAKEN
INTO CUSTODY**

Before a student at school is arrested or taken into custody by a law enforcement officer or other legally authorized person, the principal shall verify the official's identity. To the best of his or her ability, the principal shall verify the official's authority to take custody of the student [see GRA]], and then shall deliver over the student.

The principal shall immediately notify the Superintendent and ordinarily shall notify 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.