

## **EMPLOYEE NOTIFICATION: 2007–08 SCHOOL YEAR**

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*Policy Alert*

8/3/2007



State and federal laws require certain information to be disseminated to school district employees. In some cases, the law specifically requires that employees be given copies of policies or notices; in other cases, notices must be posted; and yet in others, conveying the information in staff meetings, employee handbooks, or staff newsletters may suffice.

This ***ALERT*** is intended to assist district and campus administrators in determining what to publish (and when to distribute it), what to post, and what to review with employees **for the 2007–08 school year**. It has been updated to include material from the 80<sup>th</sup> Texas Legislature.

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***Please note the asterisks:***

Policy codes marked with a single asterisk (\*) are included in Localized Policy Manual Update 81, now in production.

## Required Information . . .

### 1. For all employees

**Harassment:** Within the past few years, the rising tide of OCR complaints and litigation alleging harassment, including sexual harassment and sexual abuse, has underscored the necessity of widely disseminating district policies prohibiting all such behavior. It is imperative that those who interact with students be aware of their responsibility to respond immediately and appropriately to allegations. Policies and exhibits addressing harassment as they pertain to employees are found at DH and DIA; for students, at FFH and FNC.

FFH(LEGAL) and (LOCAL), being issued in Update 81, are revised to include material on dating violence as required by House Bill 121, effective May 18, 2007.

**Child abuse and neglect:** Districts must also ensure that all employees have received policies pertaining to child abuse and neglect. The Commissioner of Education's rule (19 TAC 61.1051) requires employees to be provided annual training and information on how and to whom to report their suspicion or knowledge of child abuse or neglect. The procedures for reporting suspected child abuse or neglect—including the toll-free phone number of the Texas Department of Family and Protective Services—must be provided to all employees at the beginning of the year and reviewed regularly in staff development programs. Policy information related to these concerns may be found at DH(LOCAL) and (EXHIBIT), FFG(LEGAL) and (EXHIBIT), and GRA(LEGAL) and (LOCAL). If the information required in FFG(EXHIBIT) is incomplete or inaccurate, please contact your policy consultant/analyst so that an up-to-date exhibit can be prepared.

**Drug-free workplace:** State and federal laws require that copies of policies establishing a drug-free workplace [DH(LOCAL) and DI(EXHIBIT)] be given to all new employees.

### 2. For teachers and administrators: documents pertaining to student discipline

Education Code 37.018 requires districts to provide each teacher and administrator with a copy of sections of [Chapter 37](#) (37.001 through 37.021) that deal with student discipline and with a copy of relevant local district policies [usually all (LEGAL) and (LOCAL) policies in the FN and FO series].

The extensive revision of Chapter 37 considered by the 80<sup>th</sup> Texas Legislature did not occur. However, several policies in the area of student discipline will be issued in Update 81 and should be distributed to staff as soon as possible: FOC(LEGAL), FODA(LEGAL), and FOE(LEGAL).

We recommend that districts annually provide each teacher with a copy of the district's updated **Student Code of Conduct** and a copy of the appropriate student handbook. Policy changes or amendments to the **Student Code of Conduct** should be provided to all teachers and administrators as soon as possible after board adoption; changes in the student handbook should be communicated promptly as well. Please remember that board adoption of the **Student Code of Conduct** and any (LOCAL) policy revisions are required. Education Code 37.001 also requires the **Student Code of Conduct** to be posted and prominently displayed at each school campus or to be made available for review in the campus principal's office.

Policy Service has released post-legislative updates for these publications:

- the [Model Student Code of Conduct](#), on June 29, 2007; and
- the [Model Student Handbook](#), on July 13, 2007.

The **Student Discipline: Chapter 37 Offenses and Consequences Chart** will be released in August.

### 3. For term contract employees: “Employment Policies”

Education Code 21.204(d), as amended by the Legislature in 2003 to address Internet publication, reads:

The board of trustees shall provide each teacher with a copy of the teacher’s contract with the school district and, on the teacher’s request, a copy of the board’s employment policies. If the district has an Internet Web site, the district shall place the board’s employment policies on that Web site. At each school in the district, the board shall make a copy of the board’s employment policies available for inspection at a reasonable time on request.

The law continues to remain silent on what constitutes “employment policies.” Further, this statute applies only to employees who hold educator term contracts. TASB Policy and Legal Services recommend that the district also provide copies of employment policies to those employed under probationary and continuing contracts.

In the absence of a statutory definition of the term, TASB Policy and Legal Services suggest that “employment policies” might include (LEGAL) and (LOCAL) policies and exhibits found at the following codes in your local policy manual:

<b>Policy Code</b>	<b>Policy Title</b>
DAA	Equal employment opportunity
DBAA*	Criminal history
DBD*	Conflict of interest
DBF	Nonschool employment
DC*	Employment practices
DCB	Term contracts
DEA*	Salaries and wages
DEAA	Incentives and stipends
DEC	Leaves and absences
DFAC	Return to probationary status
DFB series	Termination of term contracts
DFD	Hearings before hearing examiner
DFE	Resignation
DFF	Reduction in force
DG*	Employee rights and privileges
DGBA*	Employee complaints/grievances
DH	Employee standards of conduct

DHE	Searches and drug/alcohol testing
DI	Employee welfare
DIA	Freedom from harassment
DK	Assignment and schedules
DN series	Performance appraisal

\* Indicates a policy affected by Update 81. (LEGAL) policies may be distributed to staff as soon as possible after reviewing the update; (LOCAL) policies should be distributed after board adoption.

**Note:** If a “series” is indicated, copy all documents with a policy code identifier that begins with the two or three letters shown.

#### 4. Mandated postings

A number of worksite notices—on topics ranging from workers’ compensation rights to pest control treatments—must be posted. For further information regarding required notices, consult any of the following TASB publications:

The [Regulations Resource Manual](#), available to superintendents and policy contacts through myTASB. [See DI(EXHIBIT) in that manual.]

The [HR Services Member Library](#), available to TASB HR Services subscribers through myTASB. [A description of posting requirements and checklists may be found under the “HR Department” topic.]

**Work-Site Postings for Texas Public Employers**, available in English and Spanish from the TASB Store at <https://www.tasb.org/apps/tasbstore> [cataloged under the “District Operations” topic or search on “postings”].

The [TASB Risk Management Fund Unemployment Compensation Administration Manual](#), available through myTASB to districts participating in the TASB Unemployment Compensation program. [Following the “Index and glossary” link, see Section III, Number 16, in that manual.]

#### Other Important Information . . .

While the preceding sections address required distributions and postings, employees need to be aware of other district essentials to better focus their energies and understanding.

Instructional personnel, for instance, should be very familiar with the priorities established in their Campus and District Improvement Plans. Similarly, information found in Campus Report Cards (Education Code 39.052) and the annual Performance Report published by the district (Education Code 39.053) should be readily available to instructional personnel and should underpin instructional planning at the classroom, campus, and district levels. While the law does not require it, briefing instructional staff on these reports will likely improve planning activities and advance the district’s fulfillment of its mission.

On page 5 we provide a list of key policies or administrative procedures that might need to be reviewed periodically in staff training sessions or addressed within the pages of an employee handbook. TASB HR Services members annually receive an updated **Model Employee Handbook** to facilitate development of a handbook within each member district.

Some policies [such as EIE (Retention and Promotion)] will be of concern primarily to instructional staff, while others [such as DH (Employee Standards of Conduct), DIA (Freedom from Harassment), or DGBA\* (Employee Complaints/Grievances)] will be of concern to all employees. Employment information of interest to probationary contract employees will be found in the DCA and DFA series; to continuing contract employees, DCC and DFC series; to professional employees on non-Chapter 21 contracts, DCE and DFF; and to at-will employees, DCD.

<b>Policy code</b>	<b>Information to emphasize</b>
	<b>District Goals and Planning</b>
AE*	District educational philosophy
BQ series*	District- and campus-level planning
	<b>Instruction and Students</b>
EFA	Handling complaints regarding instructional materials
EFE	Adherence to copyright requirements
EIA	Grading standards and grade reporting
EIE	Promoting and retaining students
FB	Protection of students from unlawful discrimination
FFAC	Providing medical treatment or medication to students
FFAD	Excluding students with communicable diseases
FFG	Mandated reporting of child abuse and neglect
FFH*	Freedom from harassment
FL*	Safeguarding privacy of student records
FNA*	Student expression
FNAA	Distribution of nonschool literature
FNAB*	Use of school facilities for nonschool purposes
FNC	Student conduct
FNG	Handling student/parent complaints; parents' rights
GRA	Interaction of police and child protective services with students on campus
	<b>Personnel</b>
CAA	Financial ethics
CE	Budget development process and calendar
CH*	Authority to purchase on behalf of the district
CK series*	Employee safety practices and crisis management
CQ	District computers and electronic communications
CRD	Health and life insurance
DAA	Protection of employees from unlawful discrimination
DBAA*	Criminal history
DBD*	Conflict of interest
DC*	Employment practices
DEA*	Salaries and wages
DEAA	Incentives and stipends
DEC	Employee leaves and absences
DEE	Requirements for expense reimbursement
DFE	Resignations
DGBA*	Process for employee complaints and grievances
DH	Employee standards of conduct
DHE	Alcohol/drug screening and other searches of employees
DI	Drug-free workplace
DIA	Freedom from harassment
DK	Assignment to positions; transfers
DMD	Attendance at professional meetings on school time
DN series	Employee evaluation/appraisal
GBA series*	Confidentiality of personnel records; public and nonpublic information
GKD series	Nonschool use of school facilities; distribution of nonschool literature

## Frequently Asked Questions . . .

### When should this information be disseminated?

Up front for new employees...and down the line when those policies change. The district should distribute (LEGAL) policies affected by Update 81 as soon as possible after reviewing the update; (LOCAL) policies should be distributed after board adoption.

Policy changes pertaining to employee rights, pay, benefits, etc. that may be construed by a court of law or the Commissioner of Education to “*materially affect the terms of the contract*” should be disseminated prior to the penalty-free resignation date established by law (45 calendar days before the first day of instruction of the next school year).

### What about electronic dissemination?

Electronic dissemination of required policies is possible in many forms (such as sending an e-mail with imbedded Internet links or providing URLs), so long as the following conditions are met:

Employees who are entitled to a copy of the policies listed under the **REQUIRED INFORMATION** section of this **ALERT** must have easy access to both a computer and a printer and sufficient training to open the document (if sent as an e-mail attachment) or navigate to the URL (if the document is Web-published), and

A district must be prepared to document that it has offered individual employees the option of hard copy or electronic access. To accomplish this the district might provide each affected employee with a sign-off sheet whereby the employee elects to receive hard copy of the policies or to accept responsibility for accessing the policies via computer. The sign-off sheet should list the policies and instructions for computer access. A sample sign-off sheet may be found at DC(EXHIBIT)—“Exhibit K”—in the **TASB Regulations Resource Manual**, available to superintendents and policy contacts through myTASB.

### What about required “postings”?

Posted information should be placed in areas that are accessible, perhaps in several different places at each worksite (e.g., teacher workrooms, kitchens, transportation offices, and adjacent to mailboxes) where employees are most likely to see them.

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