

LOCAL POLICY RECOMMENDATION CHART
TASB UPDATE 115

Policy	Person(s) Responsible	Adm. Recommendation	Notes/Comments/Rationale
<p>BDF (LOCAL)</p> <p>BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES</p>	<p>Explanatory Notes Page 2</p> <p>A. Kirchner</p>	<p>SAMPLE: Adopt TASB Policy as written.</p>	<p>Policy Service recommends that the administrative details regarding committees be removed from the local policy manual, as board-adopted policy is not required.</p>
<p>BF (LOCAL)</p> <p>BOARD POLICIES</p>		<p>Adopt TASB Policy as written.</p>	<p>A revision to this local policy clarifies that a district's legally referenced policies are not adopted by the board.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>DED (LOCAL)</p> <p>COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS</p>	<p>Page 6</p> <p>T. Kohler M. Williams</p>	<p>Adopt TASB Policy as written.</p>	<p>Recommended revisions to this local policy on vacations and holidays address the board's authorization of these programs, including which employees are eligible for the benefits, and refer to administrative procedures for details to promote consistent application and prevent conflict between policy and administrative procedures. Please confirm that the eligibility information, which was pulled from the district's existing policy, is accurate.</p> <p>TASB HR Services has a framework to help districts develop administrative procedures on vacation and holiday programs.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>DHE (EXHIBIT)</p>	<p>Page 7</p> <p>T. Kohler</p>	<p>Acknowledge deletion of policy exhibit</p>	<p>This exhibit on post-accident alcohol or controlled substances testing is being deleted, as the content has been incorporated into DHE(LEGAL).</p>

EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING	M. Williams		
DIA (LOCAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION	Page 7 S. Swann T. Kohler M. Williams	Adopt TASB Policy as written.	<p>Recommended revisions to this policy incorporate the recent United States Supreme Court decision <i>Bostock v. Clayton County, Georgia</i>, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII’s prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.</p> <p>Based on the new Title IX regulations, recommended revisions include the following.</p> <ul style="list-style-type: none"> • The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts’ current policies to ensure that all prohibited conduct is addressed. • Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district’s existing investigation process. • The Title IX regulations provide that a district has actual knowledge of sexual harassment if notice or allegations are made to any employee; therefore, a new provision at Notice of Report requires <i>any</i> employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator.

			<ul style="list-style-type: none"> • Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX. • New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL). • To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a <i>preponderance of the evidence</i> standard. If the board wishes to instead use the <i>clear and convincing evidence</i> standard, which is a higher standard of evidence, please contact the district’s policy consultant. The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by students. • Provisions on retaliation and records retention have been updated. <p>Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications and clarification of the provisions on distribution of the policy and any accompanying procedures.</p> <p>TASB’s Title IX model procedures are available in TASB School Law eSource.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>DIA (EXHIBIT)</p> <p>EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION</p>	<p>Page 8</p> <p>S. Swann</p>	<p>Adopt TASB Policy as written.</p>	<p>The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator’s contact information, which now must include an email address. For consistency, Policy Service</p>

			<p>recommends adding an email address for the ADA/Section 504 coordinator, if applicable to your district.</p> <p>If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
EI (LOCAL) ACADEMIC ACHIEVEMENT	Page 10 N. Keith	Adopt TASB Policy as written.	<p>Provisions on partial credit have been updated to reflect revised Administrative Code rules, which changed terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."</p> <p>To provide flexibility, Policy Service is recommending deletion of the statement that a student shall be re- quired to retake only the portion of the course with a failing grade. The ways a student can earn credit for the failed part of a course can include various methods other than retaking the failed portion, and board policy is not required to specify which particular method may be used.</p>
FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY	Page 11 S. Swann J. Hamlett	Adopt TASB Policy as written.	<p>The provision on the Title IX coordinator has been updated in response to the new Title IX regulations. Corresponding wording changes were made to the ADA/Section 504 coordinator text.</p>
FB (EXHIBIT) EQUAL EDUCATIONAL OPPORTUNITY	Page 11 S. Swann J. Hamlett	Adopt TASB Policy as written.	<p>The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator’s contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district’s ADA/Section 504 coordinator.</p>

<p>FD (LOCAL)</p> <p>ADMISSIONS</p>	<p>Page 12</p> <p>S. Swann J. Hamlett</p>	<p>Adopt TASB Policy as written.</p>	<p>New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to adopt local policy to assist with awarding credit to a student who is homeless or in substitute care for a course that was earned prior to the student enrolling in or transferring to the district. See Transition Assistance for recommended text to comply with this local policy requirement.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>FEB (LOCAL)</p> <p>ATTENDANCE: ATTENDANCE ACCOUNTING</p>	<p>Page 12</p> <p>S. Swann J. Hamlett</p>	<p>Adopt TASB Policy as written.</p>	<p>Recommended revisions to this local policy on attendance accounting are to address amended Administrative Code rules that delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.</p> <p>See FEB in the TASB Regulations Resource Manual.</p>
<p>FFG (LOCAL)</p> <p>STUDENT WELFARE: CHILD ABUSE AND NEGLECT</p>	<p>Page 14</p> <p>S. Swann V. Kunschik</p>	<p>Adopt TASB Policy as written.</p>	<p>This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules.</p> <p>Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 TASB Model Student Handbook has been updated to meet this requirement.</p> <p>The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy</p>

			<p>elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into this local policy and recommend deletion of the exhibit.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>FFG (EXHIBIT)</p> <p>STUDENT WELFARE: CHILD ABUSE AND NEGLECT</p>	<p>Page 14</p> <p>S. Swann V. Kunschik</p>	<p>Adopt TASB Policy as written.</p>	<p>As mentioned at FFG(LEGAL), Administrative Code rules on child abuse and neglect were recently re-vised. To ensure that all required policy elements are addressed in board-adopted local policy, we have revised and moved provisions from this exhibit into FFG(LOCAL). This exhibit is recommended for deletion.</p>
<p>FFH (LOCAL)</p> <p>STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION</p>	<p>Page 15</p> <p>S. Swann</p>	<p>Adopt TASB Policy as written.</p>	<p>Based on the new Title IX regulations, recommended revisions include the following.</p> <ul style="list-style-type: none"> • The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts’ current policies to ensure that all prohibited conduct is addressed. • Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district’s existing investigation process. • The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.

			<ul style="list-style-type: none"> • Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX. • New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL). • To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a <i>preponderance of the evidence</i> standard. If the board wishes to instead use the <i>clear and convincing evidence</i> standard, which is a higher standard of evidence, please contact the district’s policy consultant. The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees. • Provisions on retaliation and false claims have been updated and moved to the end of the policy. <p>Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications.</p> <p>TASB’s Title IX model procedures are available in TASB School Law eSource.</p>
<p>FFH (EXHIBIT)</p> <p>STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION</p>	<p>Page 15</p> <p>S. Swann</p>	<p>Adopt TASB Policy as written.</p>	<p>The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator’s contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district’s ADA/Section 504 coordinator.</p> <p>If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each</p>

			<p>coordinator, please do so in order for your policy consultant to update this exhibit.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>FMF (LOCAL)</p> <p>STUDENT ACTIVITIES: CONTESTS AND COMPETITION</p>	<p>Page 16</p> <p>S. Swann C. Lincoln</p>	<p>Adopt TASB Policy as written.</p>	<p>The recommendation is to allow University Interscholastic League(UIL) guidelines to govern participation for student contests and activities.</p> <p>See UIL Contest and Constitution and Side by Side documents.</p>
<p>FNG (LOCAL)</p> <p>STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES</p>	<p>Page 16</p> <p>S. Swann</p>	<p>Adopt TASB Policy as written.</p>	<p>Policy Service has revised the list of protected characteristics at Other Complaint Processes, item 1, to align with the list at FFH(LOCAL) above.</p> <p>A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.</p> <p>See FNG in the TASB Regulations Resource Manual for updated complaint forms.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>
<p>GBAA (EXHIBIT)</p> <p>INFORMATION ACCESS: REQUESTS FOR INFORMATION</p>	<p>Page 16</p> <p>A. Kirchner</p>	<p>Adopt TASB Policy as written.</p>	<p>This exhibit referring to the attorney general's guidelines for charges under the Public Information Act is being deleted. The citation to the Administrative Code where these charges are found has been added to GBAA(LEGAL).</p>

			See GBAA in the TASB Regulations Resource Manual for updated forms related to requests for information.
GF (LOCAL) PUBLIC COMPLAINTS	Page 16 A. Kirchner	Adopt TASB Policy as written.	<p>A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.</p> <p>See GF in the TASB Regulations Resource Manual for updated complaint forms.</p> <p>The <i>Legal Issues in Update 115</i> memo describes common legal concerns and best practices specific to this policy topic.</p>