



AUSTIN INDEPENDENT SCHOOL DISTRICT
Special Projects and Intergovernmental Relations

Memorandum

To: District Administrators
From: Dave Duty
Subject: District Policy Update 75
Date: December 7, 2005

Below is a recap of the changes that were made to local District polices, regulations and exhibits as a result of Board approval on November 14, 2005 as a result of TASB Policy Update 75. These changes have already been integrated into our policies on-line.

Additional information on these changes will be made in the next few weeks on an as needed basis in targeted communications.

Please share this information with you staff as is appropriate.

**BDAE (LOCAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY**

The new provisions at ALLOWABLE COLLATERAL, drafted with the assistance of TASB's Financial Services staff and outside advisors, is intended to fulfill the local policy requirement of the Government Code, described above.

Your locally developed provisions at CONTRACT have been retained, unchanged.

**CLB (LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE**

We have deleted from this policy items that were redundant of provisions found in CLB(LLEGAL) and have added, at NO UNAUTHORIZED APPLICATION, a blanket prohibition against application of a pesticide or herbicide at a school facility without prior approval of the IPM coordinator.

Our thanks to the Southwest Technical Resource Center for IPM in Schools and Child Care Facilities for guidance. The center is a component of Texas A&M's Texas Cooperative Extension Service Centers; further information is available at <http://schoolipm.tamu.edu>.

**DAA (LOCAL) EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY**

The new first paragraph affirms the superintendent's broad responsibility as the district's chief executive officer to ensure compliance with antidiscrimination laws and sets the context for the two exceptions—for Title IX (prohibiting discrimination on the basis of sex) and ADA/Section 504

(prohibiting discrimination on the basis of disability)—for which the district has specifically delegated responsibility to others.

The names, positions, addresses, and telephone numbers shown are consistent with Policy Service records. If any of this information is out of date, please contact your Policy Consultant/Analyst.

The section regarding COMPLAINTS has been revised to include a pointer to DIA(LOCAL) where policies governing reports and investigations of allegations of prohibited harassment, including sexual harassment, may be found. Such harassment may constitute unlawful discrimination.

At RECORDS RETENTION, we have added a provision requiring retention for at least three years of reports alleging discrimination or prohibited harassment (including sexual harassment), investigative reports, and related records. Such records are essential in responding to complaints filed with the Office for Civil Rights and in responding to litigation brought by the complainant.

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Revisions to this policy are as follows:

- We have added the HARASSMENT OR ABUSE section to point to the relevant policy codes.
- We have added the RELATIONSHIPS WITH STUDENTS section to echo language previously found in many districts' FNCJ(LOCAL). This provision is also found at FFH(LOCAL), enclosed.
- We have moved the VIOLATIONS OF STANDARDS OF CONDUCT section, unaltered, from the end of the policy to a more prominent position on page 1.

Your locally developed provisions at DISCIPLINARY ACTION and REMOVAL FROM WORK SITE have been retained, unaltered.

DHB (LOCAL) EMPLOYEE STANDARDS OF CONDUCT
HARASSMENT

Your current policy text on harassment has been redeveloped and recoded as appropriate to DH(LOCAL) and DIA(LOCAL). DHB is no longer an active code.

DHC (LOCAL) EMPLOYEE STANDARDS OF CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Please delete this now-inactive code in favor of materials found at DH(LOCAL) and DIA(LOCAL) in this update.

DIA (LOCAL) EMPLOYEE WELFARE
FREEDOM FROM HARASSMENT

This (LOCAL) policy reflects the melding and updating of subject matter previously at DHB(LOCAL), DHC(LOCAL), and DHC(EXHIBIT) to address the recourse of an employee who perceives he or she has experienced any form of prohibited harassment. The policy is designed to provide in one place key information that any employee needs to have at hand when contemplating or filing a complaint alleging sexual or other prohibited harassment.

Of note:

- On page 1, EXAMPLES are provided of sexual harassment and other prohibited harassment. These examples, unusual for policy, are included to suggest the range of behaviors that courts in various jurisdictions have identified as prohibited harassment.
- The forms of harassment prohibited by this policy are essentially prohibited by federal antidiscrimination laws. For that reason, at DISTRICT OFFICIALS, on page 2, we reference the Title IX coordinator (for sexual and gender-based harassment) and the superintendent (for all other forms of prohibited harassment).
- At INVESTIGATION OF THE REPORT, provisions regarding investigations are more detailed than they were previously.
- APPEAL, on page 3, references DGBA(LOCAL) rather than recreating that process in the context of this policy. The policy states that a complainant may seek appeal via DGBA; of course, DGBA remains the available avenue for any district employee to bring a complaint that is not resolved under this policy.
- At RECORDS RETENTION, on page 4, we have created a cross-reference to DAA(LOCAL), where a records retention statement has been added.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

The new first paragraph affirms the superintendent's broad responsibility as the district's chief executive officer to ensure compliance with antidiscrimination laws and sets the context for the two exceptions—for Title IX (prohibiting discrimination on the basis of sex) and Section 504 (prohibiting discrimination on the basis of disability)—for which the district has specifically delegated responsibility to others.

The names, positions, addresses, and telephone numbers shown are consistent with Policy Service records. If any of this information is out of date, please contact your Policy Consultant/Analyst.

The section regarding COMPLAINTS has been revised to include a pointer to FFH(LOCAL) where policies governing reports and investigations of allegations of prohibited harassment, including sexual harassment, may be found. Such harassment may constitute unlawful discrimination.

At RECORDS RETENTION, we have added a provision on retention of reports alleging discrimination or prohibited harassment (including sexual harassment), investigative reports, and related records. Federal law specifically requires retention of such records; the district will find these records essential in responding to complaints filed with the Office for Civil Rights and in responding to litigation brought by the complainant.

At PARENTAL CONSENT, on page 2, we have added the parental consent requirement commonly affirmed in OCR letter rulings.

Please note that the section on "no pass, no play" exemptions, previously on page 2, has been deleted because Section 504 students must meet the regular academic standards in order to be eligible for extracurricular activities.

Please review the entire policy to ensure it reflects district practice.

FFH (REGULATION)STUDENT WELFARE FREEDOM FROM HARASSMENT

The administrative regulations previously found at FNCL have been moved to this code. Cross-references have been revised; no other changes have been made.

FFH (EXHIBIT) STUDENT WELFARE
FREEDOM FROM HARASSMENT

The exhibit previously found at FNCL has been moved to this code.

FNCJ (LOCAL) STUDENT CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Material previously found in this policy has been reworked into FFH(LOCAL) and FNC(LOCAL) in this update.

FNCJ (EXHIBIT) STUDENT CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Material previously found in this exhibit has been incorporated into FFH(LOCAL) and FNC(LOCAL) in this update.

FNCL (LOCAL) STUDENT CONDUCT
HARASSMENT

Please delete this policy in favor of materials now found at FFH(LOCAL) and FNC(LOCAL) in this update.

FNCL (REGULATION) STUDENT CONDUCT
HARASSMENT

The administrative regulation formerly at this code has been recoded to FFH(REGULATION).

FNCL (EXHIBIT) STUDENT CONDUCT
HARASSMENT

The exhibit formerly at this code has been recoded to FFH(EXHIBIT).

GBA (EXHIBIT) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

The (EXHIBIT) at this code pertains to the cost of copies of records and, with the splitting of GBA into GBA and GBAA described previously, is more appropriately coded to GBAA(EXHIBIT).

GBAA (EXHIBIT) INFORMATION ACCESS
REQUESTS FOR INFORMATION

This (EXHIBIT) has been recoded from GBA, as described previously. If the fees schedule identified is inconsistent with district practice, please contact your Policy Consultant/Analyst.