

POLICYALERT

June, 2016

Forethought Consulting, Inc.

POLICY UPDATE: 2016

TWEAKS

Oftentimes Forethought Consulting sends a spring-cleaning issue of POLICYALERT to take care of policy revisions necessitated by changes to the *Louisiana Board of Elementary and Secondary Education* (BESE) bulletins, or to better address statutory language, or to cope with recent court decisions, or perhaps something missed in the original review of legislation. Instead, this summer issue explains tweaks of policies (some of which were sent last year) to clean up or improve their content. In addition, one new policy being sent for consideration addresses the preservation of records involved in legal action. We are not addressing any new legislation in this POLICYALERT; that will come later.

SCHOOL BOARD ETHICS

After the *School Board Ethics* policy reflecting 2015 legislative changes was sent last year, our friends at Hammonds, Sills, Adkins, and Guice shared some recommended revisions to the policy. We have revised the language regarding those authorized to provide ethics training, as well as have reorganized the list of exceptions to the nepotism rules to clarify the exceptions for family members promoted to administrative positions.

Policies In This Issue:

- *School Board Ethics*
- *Preservation of School Board Records Due to Legal Action*
- *Hazardous Substances*
- *Employment of Personnel*
- *Evaluation*
- *Tenure*
- *Home Study Program*
- *Pledge of Allegiance/Flag Display*

PRESERVATION OF SCHOOL BOARD RECORDS DUE TO LEGAL ACTION

This new policy addresses the necessity to retain certain records which may otherwise be destroyed. When the School Board is involved in litigation, or may foreseeably be involved in litigation, all records which may be relevant need to be preserved until the claim is resolved or legal proceedings are concluded. The new policy *Preservation of School Board Records Due to Legal Action* serves to establish policy guidelines for such situations.

HAZARDOUS SUBSTANCES

After revising this policy last year to reflect legislation requiring a single comprehensive plan of integrated pest management, we decided that some systems' policies were lacking information regarding hazardous substances other than pesticides. Introductory language has been added to or refined in policy *Hazardous Substances*, in order to reflect other state and federal provisions, such as requirements of the *Occupational Safety and Health Administration* (OSHA).

EMPLOYMENT OF PERSONNEL

The *Employment of Personnel* policy includes a suggested provision for consideration which makes it clear that any position funded by federal or state grants is contingent on the continued funding of the position by the grant. Any employee being appointed to a grant-funded position shall be notified of this contingency at the time of appointment.

EVALUATION TENURE

The last versions of the *Evaluation* and *Tenure* policies revised by Forethought included language that the procedure for resolving conflict was as included in BESE Bulletin 130,

Regulations for Evaluation and Assessment of School Personnel. In actuality, BESE punted the responsibility for developing grievance procedures back to local School Boards, but stipulated certain guidelines which must be included. School Boards should include these grievance proceedings in the personnel evaluation plan adopted by each School Board, and the two policies have been revised to reflect this.

The *Tenure* policy has also been revised to remove language regarding the probationary period and earning of tenure by school bus operators, since earning of tenure by bus operators is now obsolete.

HOME STUDY PROGRAM

Thank heavens for our administrator contacts who keep us on our toes! One such friend pointed out that the *Home Study Program* policy mailed late last year included a reference to the *General Educational Development* (GED) exam, which is no longer used in Louisiana. It has recently been replaced by the *High School Equivalency Test* (HiSET). Although the GED is still referenced in Bulletin 741, *Louisiana Handbook for School Administrators*, a contact with the Department of Education informed us that those references will be removed in future issues of the Bulletin. Due to the possibility (or, more likely the probability) that the equivalency test mandated by the state could change again in the future, the language now references a generic high school equivalency test. Also, the LEAP21 references are now simply LEAP, as Forethought was told that the state now uses that term for the program.

PLEDGE OF ALLEGIANCE/FLAG DISPLAY

In response to the well-publicized situation in Lafayette Parish, we are suggesting removal of controversial language regarding students being required to stand during the pledge or the national anthem. The policy *Pledge of Allegiance/Flag Display* has been revised for those systems' policies in which it was included.