

AGENDA

for the

Board Workshop Meeting

of the

Board of Trustees

**Tyler ISD Administration Building, 1319 Earl Campbell Parkway,
Conference Room B, Tyler, TX**

**March 7, 2019
11:00 AM**

**NOTICE OF BOARD WORKSHOP MEETING OF THE
TYLER INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

Notice is hereby given that on Thursday, March 7, 2019, the Board of Trustees of the Tyler Independent School District will hold a Board Workshop meeting at 11:00 AM at the Tyler ISD Administration Building, 1319 Earl Campbell Parkway, Conference Room B, Tyler, TX. The subjects to be discussed are listed on the agenda which is attached to and made a part of this Notice.

Individuals with disabilities are entitled to have access to and participate in public meetings. An individual requiring an accommodation for access to the meeting must notify the Tyler Independent School District by informing the district's ADA coordinator, in writing 24 hours prior to the scheduled meeting of the necessity of an accommodation. Upon receipt of this request, the district will furnish appropriate auxiliary aides and services when necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of the board meeting as nonhandicapped individuals enjoy.

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act.

Texas Government Code Section:

| | |
|---------|---|
| 551.071 | Private consultation with the board's attorney. |
| 551.072 | Discussing purchase, exchange, lease, or value of real property. |
| 551.073 | Discussing negotiated contracts for prospective gifts or donations. |
| 551.074 | Discussing personnel or to hear complaints against personnel. |
| 551.076 | Considering the deployment, specific occasions for, or implementation of, security personnel or devices. |
| 551.082 | Considering discipline of a public school child, or complaint or charge against personnel. |
| 551.083 | Considering the standards, guidelines, terms, or conditions the board will follow, or will instruct its representatives to follow, in consultation with representatives of employee groups. |
| 551.084 | Excluding witnesses from a hearing. |

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed or executive meeting, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

**TYLER INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES BOARD WORKSHOP MEETING**

Thursday, March 7, 2019 11:00 AM

Tyler ISD Administration Building, 1319 Earl Campbell Parkway, Conference Room B, Tyler, TX

AGENDA

- I. Call to Order
- II. First Order of Business -- Announcement by the Chairman as to the presence of a quorum, that the meeting has been duly called and that notice of the meeting has been posted in the time and manner required.
- III. Action Items
 - A. Consider approval of Certification of Unopposed Candidate for Single Member District 1 5
 - B. Consider approval of Order Declaring Cancellation of Trustee Election and Election of Unopposed Candidate for Single Member District 1 7
 - C. Consider approval of Board Resolution for Superintendent of the Year Nomination 9
- IV. Continuous Improvement/Student Outcomes
 - A. Early Subject Benchmark Scores 11
- V. Discussion
 - A. TASB Policy Update 112 Local Policies BJA, CCG, CCGA, CH, CQ, DH, FMA, and GKB (First Reading) 12
 - B. Local Policy Update CV, DCB, DGBA, DIA, FDAA, FFI, FNF, FNG, FO, GF, and GKA (First Reading) 33
- VI. Executive Session will be held for the purposes authorized by the Texas Open Meetings Act, Texas Government Code Section 551.071 et seq. concerning any and all purposes permitted by the Act.
 - A. Texas Government Code Section 551.071 For the purpose of a private consultation with the board's attorney on all subjects or matter authorized by law.
 - I. When the governmental body seeks the advice of its attorney about pending or contemplated litigation or a settlement offer or
 - II. On a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
 - III. Consider legal advice regarding personnel and related action items.
 - B. Texas Government Code Section 551.072 For the purpose of discussing purchase, exchange, lease, or value of real property.
 - I. Discussing purchase, exchange, lease, or value of real property
 - C. Texas Government Code Section 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

- I. Consider hiring and accepting resignations of professional personnel.
- II. Consider renewals, non-renewals and terminations of contracts for professional personnel. (To deliberate the appointment, employment, evaluation, reassignment, duties, and contracts of employees.)
- VII. Reconvene from Executive Session
- VIII. Consider action on items discussed in Executive Session
 - A. Consider board approval of hiring, accepting resignations/retirements of professional personnel included but not limited to. 77
 - B. Consider renewals, non-renewals, contract abandonments and terminations of contracts for professional personnel.
- IX. Adjournment

Subject: Certification of Unopposed Candidate

BACKGROUND INFORMATION

During the February 7, 2019 Board Meeting, Trustees approved an Order to Call a General Election on May 4, 2019, to fill trustee positions for Single Member Districts 1, 3, and 6. The three-year terms of office for Single Member Districts 1, 3, and 6 will expire in May.

ADMINISTRATIVE CONSIDERATION

Texas Election Code, Chapter 2, Subsection C, Section 2.052 allows a school district not to conduct an election in a single member district where a candidate is unopposed.

For Single Member Districts 1, 3, and 6, February 15th was the filing deadline for a position on the ballot. Single Member Districts 3 and 6 are contested elections and will occur on May 4, 2019. Wade Washmon is unopposed in Single Member District 1.

In accordance with the Texas Election Code, Section 2.051-2.053, the governing body must meet and accept the Certification of Unopposed Candidate (see following page) and issue an order or ordinance declaring the election cancelled and the unopposed candidate elected.

ADMINISTRATIVE RECOMMENDATION

The Board of Trustees approve the attached Certification of Unopposed Candidate for Single Member District 1.

ACTION REQUIRED

Board Approval

CONTACT PERSON

Marty Crawford, Ed. D.

03-07-19

CERTIFICATION OF UNOPPOSED CANDIDATE

To: Rev. Frederick H. Hager, Jr., President of the Tyler Independent School District Board of Trustees

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidate is unopposed for election to the office of Board of Trustees. The election is scheduled to be held on Saturday, May 4, 2019.

Single Member District 1

Wade Washmon

/s/ Gina Orr
Signature

Gina Orr
Printed Name

Secretary, Board of Trustees
Title

03/07/2019
Date of Signing

(Seal)

Subject: Order Declaring Cancellation of Trustee Election and Election of Unopposed Candidate

BACKGROUND INFORMATION

During the February 7, 2019 Board Meeting, Trustees approved an Order to Call a General Election for May 4, 2019, to fill trustee positions for Single Member Districts 1, 3, and 6. The three-year terms of office for Single Member Districts 1, 3, and 6 will expire in May.

ADMINISTRATIVE CONSIDERATION

Texas Election Code allows a school district not to conduct an election in a single member district where a candidate is unopposed.

For Single Member Districts 1, 3, and 6, February 15th was the filing deadline for a position on the ballot. Single Member Districts 3 and 6 are contested elections and will occur on May 4, 2019. Wade Washmon is unopposed in Single Member District 1.

ADMINISTRATIVE RECOMMENDATION

The administration recommends that the Board of Trustees approve the attached Order of Cancellation of Election and certify the election of Wade Washmon as trustee for Single Member District 1 for a term of three years expiring in May 2022.

ACTION REQUIRED

Board Approval

CONTACT PERSON

Marty Crawford, Ed. D.

03-07-19

ORDER OF CANCELLATION

The Tyler Independent School District hereby cancels the election scheduled to be held on Saturday, May 4, 2019, in accordance with Section 2.053(a) of the Texas Election Code. The following candidate has been certified as unopposed and are hereby elected as follows:

El Distrito Escolar Independiente de Tyler por la presente cancela la elección que, de lo contrario, se hubiera celebrado el sábado 4 de mayo, 2019 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidato ha sido certificados como candidato únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)

Office Sought (Cargo al que presenta candidatura)

Wade Washmon

Single Member District 1

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

President (Presidente)

Secretary (Secretario)

(Seal) (sello)

03/07/2019

Date of adoption (Fecha de adopción)

Subject: Board Resolution to Support Nomination for Superintendent of the Year

BACKGROUND INFORMATION

Since 1984, the Superintendent of the Year award has honored outstanding Texas administrators for achievement and excellence in public school administration.

A local school board that is currently an “Active Member” of the Texas Association of School Boards may nominate its superintendent. Nominees must meet the following requirements:

- Have served as a superintendent of the district since September 1, 2015 (interim positions do not count);
- Be a member of the Texas Association of School Administrators;
- Be certified and meet the State Board for Educator Certification continuing professional education requirement;
- Be an active superintendent at the time of the 2019 TASA/TASB Convention.

ADMINISTRATIVE CONSIDERATION

Candidates are chosen for their strong leadership and management skills, dedication to improving the quality of education in their school districts, and commitment to public support and involvement in education.

BOARD RECOMMENDATION

Approval of Board Resolution to Support Nomination of Dr. Marty L. Crawford as Superintendent of the Year.

ACTION REQUIRED

Board Approval

CONTACT PERSON

Marty Crawford, Ed. D.

03-07-19

Resolution

Texas Association of School Boards Superintendent of the Year

The Tyler Independent School District Board of Trustees on this date, March 7, 2019, resolved to nominate Dr. Marty L. Crawford, Superintendent of Schools, for his exemplary and visionary leadership toward improving student performance in our schools.

Frederick H. Hager, Jr.
Board President
District 6

R. Wade Washmon
Board Vice President
District 1

Orenthia D. Mason
District 2

Jean Washington
District 3

Patricia Nation
District 4

Aaron D. Martinez
District 5

J.A. Bergfeld
District 7

Subject: Early Subject Benchmark Scores

BACKGROUND INFORMATION

Tyler ISD remains committed to focusing on successful student outcomes. Measuring student progress regularly is essential to ensure students are achieving the desired outcomes.

As part of the Tyler ISD Assessment Plan, students are given a “benchmark” assessment 6 to 8 weeks prior to the state STAAR. The purpose of this benchmark is to assess each student’s mastery of state standards. The benchmark data is then analyzed to determine how to best personalize instruction to meet the needs of each student.

ADMINISTRATIVE CONSIDERATION

Benchmarks were recently taken in the following grade levels and subjects:

- 4th Grade Writing
- 5th Grade Reading
- 5th Grade Math
- 7th Grade Writing
- 8th Grade Reading
- 8th Grade Math

ACTION REQUIRED

Information only

CONTACT PERSON

Christy L. Hanson, Ed.D.
Rawly Sanchez
James Cureton, Ph.D.

03-07-19

Subject: TASB Localized Policy Update 112 – Local Policies BJA, CCG, CCGA, CH, CQ, DH, FMA, and GKB

BACKGROUND INFORMATION

TASB Policy and Legal Services regularly monitors federal and state authorities to identify changes in the legal framework for local school district governance and management. Generally, these changes are accumulated into a numbered update, usually encompassing many policy codes.

Local policy replacements, additions, and deletions are listed below.

ADMINISTRATIVE CONSIDERATION

Localized Policy has been reviewed by the district administration to make corrections as needed that reflect the practices of the district and the intentions of the board.

BJA(LOCAL): SUPERINTENDENT QUALIFICATIONS AND DUTIES
REPLACE POLICY

CCG(LOCAL): LOCAL REVENUE SOURCES: AD VALOREM TAXES
DELETE POLICY

CCGA(LOCAL): AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS
ADD POLICY

CH(LOCAL): PURCHASING AND ACQUISITION
REPLACE POLICY

CQ(LOCAL): TECHNOLOGY RESOURCES
REPLACE POLICY

DH(LOCAL): EMPLOYEE STANDARDS OF CONDUCT
REPLACE POLICY

FMA(LOCAL): STUDENT ACTIVITIES: SCHOOL-SPONSORED PUBLICATIONS
REPLACE POLICY

GKB(LOCAL): COMMUNITY RELATIONS: ADVERTISING AND FUNDRAISING
REPLACE POLICY

ADMINISTRATIVE RECOMMENDATION

The administration recommends that the board review this update as it prepares to incorporate the Local policies into the district's Localized Policy Manual.

ACTON REQUIRED

First Reading

CONTACT PERSON

Marty Crawford, Ed.D.

03-07-19



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)

Policies recommended for deletion are not included. If you want to include the text of these policies in the information given to the Board, you may download them from *Policy On Line*.

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

| | | |
|-----------------|--|--|
| Contact: | School Districts and Education Service Centers | Community Colleges |
| | policy.service@tasb.org | colleges@tasb.org |
| | 800.580.7529 512.467.0222 | 800.580.1488 512.467.3689 |

Duties

In addition to responsibilities specifically provided by law or in the Superintendent's contract, the Superintendent shall **provide educational leadership, demonstrate district management, and maintain positive Board and community relations.**

Educational Leadership

1. ~~To provide~~**Provide** leadership and direction for the development of an educational system that is based on the needs of students, on standards of excellence and equity, and on community goals.~~Toward that end,~~ the Superintendent shall.:

Instructional Management

- ~~b.~~**a.** Establish effective mechanisms for communication to and from staff in instructional evaluation, planning, and decision making.
- ~~e.~~**b.** Oversee annual planning for instructional improvement and monitor for effectiveness.
- ~~d.~~**c.** Ensure that goals and objectives form the basis of curricular decision making and instruction and communicate expectations for high achievement.
- ~~e.~~**d.** Ensure that appropriate data are used in developing recommendations and making decisions regarding the instructional program and resources.
- ~~f.~~**e.** Oversee a system for regular evaluation of instructional programs, including identifying areas for improvement, to attain desired student achievement.

Student Services Management

~~h.~~**f.** Oversee student services, including health and safety services, counseling services, and extracurricular programs, and monitor for effectiveness.

~~i.~~**g.** Oversee a discipline management program and monitor for equity and effectiveness.

~~j.~~**h.** Encourage, oversee, and participate in activities for recognition of student efforts and accomplishments.

Staff Development and Professional Growth

~~k.~~**i.** Oversee a program of staff development and monitor staff development for effectiveness in improving district performance.

~~m.~~**j.** Stay abreast of developments in educational leadership and administration.

District Management

~~2.1.~~ **To demonstrate**~~Demonstrate~~ effective planning and management of District administration, finances, operations, and personnel.~~To accomplish this,~~ the Superintendent shall.:

SUPERINTENDENT
QUALIFICATIONS AND DUTIES

BJA
(LOCAL)

~~Facilities and
Operations
Management~~

- ~~b.a.~~ Implement and oversee a planning process that results in goals, targets, or priorities for all major areas of District operations, including facilities maintenance and operations, transportation, and food services.
- ~~e.b.~~ Monitor effectiveness of District operations against appropriate benchmarks.
- ~~d.c.~~ Oversee procedures to ensure effective and timely compliance with all legal obligations, reporting requirements, and policies.
- ~~e.d.~~ Ensure that key planning activities within the District are coordinated and are consistent with Board policy and applicable law and that goals and results are communicated to staff, students, and the public as appropriate.

~~Fiscal Management~~

- ~~g.e.~~ Oversee a budget development process that results in recommendations based on District priorities, available resources, and anticipated changes to district finances.
- ~~h.f.~~ Oversee budget implementation to ensure appropriate expenditure of budgeted funds, to provide for clear and timely budget reports, and to monitor for effectiveness of the process.
- ~~i.g.~~ Ensure that District investment strategies, risk management activities, and purchasing practices are sound, cost-effective, and consistent with District policy and law.
- ~~j.h.~~ Maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

~~Human Resources
Management~~

- ~~h.i.~~ Ensure that the system for recruiting and selection results in personnel recommendations based on defined needs, goals, and priorities.
- ~~m.j.~~ Organize District staff in a manner consistent with District priorities and resources and monitor administrative organization at all levels for effectiveness and efficiency.
- ~~n.k.~~ Oversee a performance appraisal process for all staff that reinforces a standard of excellence and assesses deficiencies; ensure that results are used in planning for improvement.
- ~~o.l.~~ Administer a compensation and benefits plan for employees based on clearly defined goals and priorities.
- ~~p.m.~~ Encourage, oversee, and participate in staff recognition and support activities.

**Board and
Community
Relations**

~~Board~~

Community

Delegation

~~g.n.~~ Oversee a program for staff retention and monitor for effectiveness.

~~3-1.~~ ~~To maintain~~ Maintain positive and professional working relationships with the Board and the community, the Superintendent. ~~The responsibilities in this regard shall encompass the following:~~

~~b.a.~~ Keep the Board informed of significant issues as they arise, using agreed upon criteria and procedures for information dissemination.

~~e.b.~~ Respond in a timely and complete manner to Board requests for information that are consistent with Board policy and established procedures.

~~d.c.~~ Provide recommendations and appropriate supporting materials to the Board on matters for Board decision.

~~e.d.~~ Articulate and support Board policy and decisions to staff and community.

~~g.e.~~ Direct a proactive program of internal and external communication at all levels designed to improve staff and community understanding and support of the District.

~~h.f.~~ Establish mechanisms for community and business involvement in the schools and encourage participation.

~~i.g.~~ Work with other governmental entities and community organizations to meet the needs of students and the community in a coordinated way.

To the extent permitted by law, the Superintendent may delegate responsibilities to other employees of the District but shall remain accountable to the Board for the performance of all duties, delegated or otherwise.

LOCAL REVENUE SOURCES
AD VALOREM TAXES

CGG
(LOCAL)

Discounts

~~Discount options shall not be provided for the early payment of property taxes in the District.~~

Split Payments

~~Split payment of taxes shall be allowed in accordance with statutory provisions.~~

Tyler ISD
212905

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CCGA
(LOCAL)

**No Discounts or
Split Payments**

Discount or split payment options shall not be provided for the payment of property taxes in the District.

Purchasing Authority

The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs ~~\$50,000~~ \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place, except as otherwise provided in this policy.

The Superintendent is not required to obtain Board approval for the following types of budgeted purchases:

1. A purchase made pursuant to a Board-approved interlocal contract, in accordance with law;
2. A purchase made through a cooperative purchasing program or state purchasing program that satisfies the District's obligation for competitive purchasing [see CH(LEGAL)];
3. A continuing or periodic purchase under a Board-approved bid or contract; or
4. A purchase for produce or fuel.

Purchasing Method

The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL). [See also CH and CBB(LEGAL) as appropriate.]

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids [in accordance with state or federal law, as applicable](#).

Competitive Sealed Proposals

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals [in accordance with state or federal law, as applicable.](#)

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent or designee in accordance with administrative procedures, including the District's purchasing procedures.

Procurement cards may be used for designated purchases determined by the executive director of financial services.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

Note: For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.

For purposes of this policy, “technology resources” means electronic communication systems and electronic equipment.

Availability of Access

Access to the District’s technology resources, including the ~~internet~~Internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

Limited Personal Use

Limited personal use of the District’s technology resources shall be permitted if the use:

1. Imposes no tangible cost on the District;
2. Does not unduly burden the District’s technology resources; and
3. Has no adverse effect on an employee’s job performance or on a student’s academic performance.

Use by Members of the Public

Access to the District’s technology resources, including the ~~internet~~Internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and
2. Does not unduly burden the District’s technology resources.

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 technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District’s technology resources 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

The Superintendent or designee shall develop and implement an ~~internet~~Internet safety plan to:

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;
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking ~~web-sites~~ ~~Web-sites~~ and in chat rooms.

Filtering

Each District computer with ~~internet~~ ~~Internet~~ access and the District's network systems shall have filtering devices 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.

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.

Monitored Use

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

Disclaimer of Liability

The District shall not be liable for users' inappropriate use of the District's technology resources, 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 availability of the District's technology resources or the accuracy, age appropriateness, or usability of any information found on the ~~internet-~~ ~~Internet~~.

Record Retention

A District employee shall retain electronic records, whether created or maintained using the District's technology resources or using personal technology resources, in accordance with the District's record management program. [See CPC]

Electronically Signed Documents

At the District's discretion, the District may make certain transactions available online, including student admissions documents, student grade and performance information, contracts for goods and services, and employment documents.

To the extent the District offers transactions electronically, the District may accept electronic signatures in accordance with this policy.

When accepting electronically signed documents or digital signatures, the District shall comply with rules adopted by the Department of Information Resources, to the extent practicable, to:

- Authenticate a digital signature for a written electronic communication sent to the District;
- Maintain all records as required by law;
- Ensure that records are created and maintained in a secure environment;
- Maintain appropriate internal controls on the use of electronic signatures;
- Implement means of confirming transactions; and
- Train staff on related procedures as necessary.

Security Breach Notification

Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law.

The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the District has electronic mail addresses for the affected persons.
3. Conspicuous posting on the District's ~~website~~ **Web site**.
4. Publication through broadcast media.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, [including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation](#), may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action. [See [CKE](#)~~[See CKE]~~]
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not loaded and not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal ~~email~~-mail address or personal phone number to a student.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Safety Requirements Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and E-Cigarettes An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

Alcohol and Drugs / Notice of Drug-Free Workplace As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

- Dishonesty; fraud; deceit; theft; misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Felony driving while intoxicated (DWI); or
- Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

All publications edited, published, and ~~printed, or~~ distributed in print or electronically in the name of ~~or within~~ the District or an individual campus~~schools~~ shall be under the control of the campus and District ~~school~~ administration and the Board. All school-sponsored publications approved ~~and issued~~ by a principal and published by students at an individual campus~~schools~~ shall be part of the instructional program, under the supervision of a faculty sponsor.

Note: For provisions regarding advertising, including advertising in District- or school-sponsored, ~~and shall be carefully edited to reflect the ideals and expectations of the citizens of the District for their schools. The principal shall be responsible for all matters pertaining to the organization, issuance, and sale of such publications, see GKB. and any other publication procedure, subject to the Superintendent's approval.~~

Advertising

~~Advertising in individual school publications may be accepted from bona fide business firms, subject to the approval of professional employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, such as alcohol or tobacco products, shall not be accepted.~~

Complaints

~~Students who have a complaint regarding the procedures or a professional decision affecting the content or style of a school-sponsored publication shall present that complaint in accordance with ENG.~~

**Promotional
Activities**

District facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the Superintendent or designee.

[For information relating to nonschool use of facilities, see GKD.]

Advertising

For purposes of this policy, “advertising” shall mean a communication designed to attract attention or patronage by the public or school community and communicated through means under the control of the District in exchange for consideration to the District. “Advertising” does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the District or school support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication. The District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The District shall retain the authority to determine the size and location of any advertising. The District reserves shall also reserve the right to reject advertising that: ~~is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum, as well as any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption.~~

1. Is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum;
2. Is inappropriate in a school setting with a student audience;
3. Advertises products presenting a health hazard;
4. Creates a substantial likelihood of material disruption, including adding to the District’s obligations for security and facilities maintenance; or
5. Adds to the District’s administrative burden by exposing the District to complaints, controversy, or litigation.

The District shall not accept paid political advertising.

Acceptance of advertising shall not constitute District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the District will purchase goods or services from the vendor through the District’s formal procurement process.

[For information relating to school-sponsored publications, see FMA.]

**Sponsorships and
Donations**

If the District or any campus accepts financial or in-kind donations to support District-sponsored activities, the District reserves the right to acknowledge donors through whatever means the District deems appropriate. The District retains full editorial control over its acknowledgment or display of donations, even if donors are permitted to suggest text for the acknowledgment.

Subject: Local Policy Update – Local Policies, CV, DCB, DGBA, DIA, FDAA, FFI, FNF, FNG, FO, GF, and GKA

BACKGROUND INFORMATION

TASB Policy and Legal Services regularly monitors federal and state authorities to identify changes in the legal framework for local school district governance and management. Generally, these changes are accumulated into a numbered update, usually encompassing many policy codes.

Local policy replacements, additions, and deletions are listed below.

ADMINISTRATIVE CONSIDERATION

Localized Policy has been reviewed by the district administration to make corrections as needed that reflect the practices of the district and the intentions of the board.

CV(LOCAL): FACILITIES CONSTRUCTION
REPLACE POLICY

DCB(LOCAL): EMPLOYMENT PRACTICES: TERM CONTRACTS
REPLACE POLICY

DGBA(LOCAL):PERSONEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINT/GRIEVANCES
REPLACE POLICY

DIA(LOCAL): EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
REPLACE POLICY

FDAA(LOCAL): INTERDISTRICT TRANSFERS: PUBLIC EDUCATION GRANTS
REPLACE POLICY

FFI(LOCAL): STUDENT WELFARE: FREEDOM FROM BULLYING
REPLACE POLICY

FNF(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES: INTERROGATIONS AND SEARCHES
REPLACE POLICY

FNG(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES
REPLACE POLICY

FO(LOCAL): STUDENT DISCIPLINE
REPLACE POLICY

GF(LOCAL): PUBLIC COMPLAINTS
REPLACE POLICY

GKA(LOCAL): COMMUNITY RELATIONS: CONDUCT ON SCHOOL
PREMISES
REPLACE POLICY

ADMINISTRATIVE RECOMMENDATION

The administration recommends that the board review this update as it prepares to incorporate the Local policies into the district's Localized Policy Manual.

ACTON REQUIRED

First Reading

CONTACT PERSON

Marty Crawford, Ed.D.

03-07-19

PROPOSED REVISION
(in addition to Update 112 recommendations)

| | |
|-------------------------------|--|
| Compliance with Law | The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes. |
| Construction Contracts | <p>Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]</p> <p>For construction contracts valued at or above \$50,000\$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]</p> |
| Change Orders | Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility. |
| Project Administration | <p>All construction projects shall be administered by the Superintendent or designee.</p> <p>The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.</p> |
| Final Payment | The District shall not make final payments for construction or the supervision of construction until the work has been completed. and the Board has accepted the work. |

PROPOSED REVISIONS (in addition to Update 112 recommendations)

Contracts Required by Law

After any applicable probationary contract period required by the District, term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to: ~~any employees in positions required by law to receive such contracts, including:~~

1. Any employees in positions required by statute to receive such contracts, including SBEC-certified employees serving full-time as principals, ~~assistant principals~~, teachers, school counselors, diagnosticians, librarians, and ~~athletic directors~~; and
2. Full-time professional employees in other positions for which the District requires current SBEC certification; and
3. Full-time nurses.

~~Employees in positions for which the District requires current SBEC certification shall also receive term contracts.~~

For Purposes of this policy, the District shall consider only full-time registered nurses to be eligible for educator term contracts.

PROPOSED REVISION

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX ~~(gender)~~, Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional resources shall be submitted in accordance with EF.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

| | |
|---|--|
| Direct Communication with Board Members | Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee. |
| Formal Process | <p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p> |
| Freedom from Retaliation | Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint. |
| Whistleblower Complaints | <p>Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint.</p> <p>[See DG]</p> |
| Complaints Against Supervisors | Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee. |
| General Provisions Filing | Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline. |
| Scheduling Conferences | The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee’s absence. |

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

| | |
|--------------------------|--|
| Response | <p>At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s e-mail address of record, or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p> |
| Days | <p>“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p> |
| Representative | <p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p> |
| Consolidating Complaints | <p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p> |
| Untimely Filings | <p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p> |
| Costs Incurred | <p>Each party shall pay its own costs incurred in the course of the complaint.</p> |

Complaint and
Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing.

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three

presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

PROPOSED REVISIONS

Note: This policy addresses discrimination, harassment, and retaliation involving District employees. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

| | |
|---------------------------------------|---|
| Definitions | Solely for purposes of this policy, the term “ employee employees” includes former employees, applicants for employment, and unpaid interns. |
| Statement of Nondiscrimination | The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, gender , national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy. |
| Discrimination | Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, gender , national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment. |
| Harassment | Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, sex, gender , national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct: <ol style="list-style-type: none">1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;2. Creates an intimidating, threatening, hostile, or offensive work environment; or3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities. |
| Examples | Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity , or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property. |
| Sexual Harassment | Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when: |

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

Retaliation

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

~~An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.~~

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

| | |
|---|--|
| ADA / Section 504 Coordinator | Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)] |
| Superintendent | The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws. |
| Alternative Reporting Procedures | <p>An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p> |
| Timely Reporting | Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct. |
| Notice of Report | Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy. |
| Investigation of the Report | <p>The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.</p> <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the</p> |

allegations. The investigation may also include analysis of other information or documents related to the allegations.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

District Action

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may have a right to file a complaint with appropriate state or federal agencies.

Records Retention

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

Access to Policy

This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

PROPOSED REVISIONS

Public Education Grants

Eligibility

The District shall consider applications for participation in the Public Education Grant (PEG) program from eligible students under the following conditions:

1. The applying student is not currently enrolled in an alternative education program for disciplinary reasons;
2. There is space available in the school to which the student requests a transfer; and
3. The school to which the student is applying is a non-PEG school.

A student who is eligible for and plans to participate in any special program can be accepted, unless that program is not offered at the school to which he or she is applying. ~~shall not be accepted unless that program is in existence at the school to which he or she is applying.~~

The District may not use criteria that discriminate on the basis of a student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, or socioeconomic status.

Order of Priority

Priority shall be given to students at risk of dropping out of school, and available positions shall be filled by lottery. However, to achieve continuity in education, a school may give preference over at-risk students to enrolled students residing within District boundaries and to their siblings residing in the same household.

Space-available and PEG transfer applications shall not be considered until all other categories of transfers have been processed and remaining space available can be determined.

Approval of PEG Transfer

Once a PEG transfer has been approved and the student is enrolled in a District school under this program, no other transfer requests for any special programs for which the student might qualify shall be considered. Approval of a PEG transfer does not entitle the student to free transportation.

Changes in the services desired by the student after the original granting of the PEG shall require a review of the placement and may result in revocation of the PEG.

Revocation of PEG Transfer

A PEG transfer may be revoked for unacceptable behavior that is subject to disciplinary action and/or because of excessive absences.

PROPOSED REVISION

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

| | |
|-----------------------------|---|
| Bullying Prohibited | The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited. |
| Examples | Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism. |
| Retaliation | The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation. |
| Examples | Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances. |
| False Claim | A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action. |
| Timely Reporting | Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct. |
| Reporting Procedures | To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying. |
| Student Report | |

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
(LOCAL)

| | |
|-------------------------------------|--|
| Employee Report | Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee. |
| Report Format | A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form. |
| Notice of Report | When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported. |
| Prohibited Conduct | The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender , national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct. |
| Investigation of Report | The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate. |
| Concluding the Investigation | <p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p> |
| Notice to Parents | If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying. |
| District Action Bullying | If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances. |

| | |
|--|---|
| <i>Discipline</i> | <p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p> |
| <i>Corrective Action</i> | <p>Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.</p> |
| <i>Transfers</i> | <p>The principal or designee shall refer to FDB for transfer provisions.</p> |
| <i>Counseling</i> | <p>The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.</p> |
| Improper Conduct | <p>If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.</p> |
| Confidentiality | <p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.</p> |
| Appeal | <p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.</p> |
| Records Retention | <p>Retention of records shall be in accordance with CPC(LOCAL).</p> |
| Access to Policy and Procedures | <p>This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.</p> |

PROPOSED REVISIONS

Interrogations

By School Officials

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

By Police or Other
Authorities

For provisions pertaining to student questioning by law enforcement officials or other lawful authorities, see GRA(LOCAL).

Lockers and Vehicles

Students have full responsibility for the security of their lockers and for vehicles parked on school property. It is the student's responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are not given to others. Students shall not place, keep, or maintain any article or material that is forbidden by District policy in lockers or in vehicles parked on school property.

School officials may search lockers or vehicles parked on school property if there is reasonable cause to believe that they contain articles or materials prohibited by District policy. Students shall be responsible for any prohibited items found in their lockers or in vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit a search of the vehicle, the District may turn the matter over to local law enforcement officials.

Use of Trained Dogs

The District shall use specially trained nonaggressive dogs to sniff out and alert officials to the current presence of concealed prohibited items, illicit substances defined in FNCF(LEGAL), and alcohol. This program is implemented in response to drug- and alcohol-related problems in District schools, with the objective of maintaining a safe school environment conducive to education.

Such visits to schools shall be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by school officials. Searches of vehicles shall be conducted as described above.

Notice

At the beginning of the school year, the District shall inform students of the District's policy on searches, as outlined above, and shall specifically notify students that:

1. Lockers may be sniffed by trained dogs at any time.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

2. Vehicles parked on school property may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

Metal Detector Searches

Each student assigned to the disciplinary alternative education program (DAEP) shall be subject to search with a metal detector on a daily basis. When assigning a student to the DAEP, the District shall notify the student and parent of this requirement.

Parent Notification

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, in a student's vehicle parked on school property, or on the student's person, as a result of a search conducted in accordance with this policy.

Mandatory Drug-Testing Program

The District requires drug testing of any student in grades 7–12 who chooses to participate in school-sponsored UIL athletic programs.

Scope

A student participating in an athletic program shall be randomly tested throughout the school year.

Purpose

The purposes of the drug-testing program are to:

1. Prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol;
2. Help enforce a drug-free educational environment;
3. Deter student use of illegal and performance-enhancing drugs or alcohol;
4. Educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol; and
5. Offer student-athletes a credible means to resist peer pressure as it relates to the use of legal and illegal drugs, alcohol, and performance-enhancing substances.

Use of Results

The results of any drug test shall be used only to determine eligibility for participation in extracurricular secondary school-sponsored athletic activities. The District shall take no action against a student except as provided in this policy, and no academic penalty shall be incurred by a student as a result of participation in this program.

Testing Laboratory

The Board shall contract with a certified drug-testing laboratory to conduct testing of students' urine samples.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

| | |
|---|--|
| | <p>Testing laboratories shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.</p> |
| <p>Substances for Which Tests Are Conducted</p> | <p>Substances to be tested for include: alcoholic beverages, harmful substances, and synthetic substances, including herbal incense/K2/Spice for the purpose of intoxication; narcotic drugs; or other controlled substance of any form, except as prescribed by a licensed physician for legitimate medical purposes for the student's medical condition or disease.</p> <p>Drugs to be tested for include, but shall not be limited to: cocaine, opiates, cannabinoids, phencyclidine, benzodiazepines, amphetamine, methamphetamine, ecstasy, barbiturates, methadone, alcohol/ethyl glucuronide, synthetic stimulants and/or depressants, anabolic and androgenic steroids, and inhalants.</p> |
| <p>Collection Procedures</p> | <p>Personnel from the drug-testing laboratory shall collect urine samples under conditions that are no more intrusive than the conditions experienced in a public restroom setting. When selected for testing, the selected student shall be escorted to the school's testing site by a District employee and shall remain under District employee supervision until the student provides a suitable sample for testing. A certified professional collector from the drug-testing laboratory of the same sex gender as the student shall monitor the collection of a suitable urine specimen. The student shall have due privacy at the urinal or within the bathroom stall. The collection shall not be a directly observed collection if the specimen produced is a suitable specimen within temperature range established by Substance Abuse and Mental Health Services Administration (SAMHSA) Urine Collection Guidelines. Any attempt to substitute or adulterate the specimen by the selected student shall result in a positive test result and shall be considered refusing to test.</p> |
| <p>Random Testing</p> | <p>Random tests shall be conducted each six weeks throughout the school year.</p> <p>No less than ten percent of the students participating in athletics shall be randomly selected for each random test date. The drug-testing laboratory shall use a random selection method to identify students chosen for random testing. Students shall not receive prior notice of the testing date or time.</p> |
| <p>Refusal to Test or Tampering</p> | <p>A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be subject to the appropriate consequences, as outlined in the administrative procedures provided to parents and students.</p> |

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

| | |
|----------------------------------|--|
| Confirmation of Positive Results | <p>Upon receiving results of a positive drug test, the District shall schedule a meeting with the student and the student's parent/guardian to review the test results and discuss consequences.</p> <p>Prior to testing, the student or parent/guardian shall provide any information and documentation that may reveal a possible reason for a positive test result.</p> <p>The student or parent/guardian shall have ten school days following the meeting to provide a medical explanation for a positive result.</p> |
| Retesting | <p>If the student wishes to return to participation in extracurricular activities after any applicable consequences, the student must be retested at the end of the period of suspension and have a negative test result; following that, the student shall be retested as outlined at Consequences of Positive Test Results, so long as the student wishes to participate in extracurricular activities.</p> |
| Trace Amounts | <p>If a student tests positive for a trace amount of a drug for which tests are conducted, the following shall occur:</p> <ol style="list-style-type: none"><li data-bbox="560 976 1443 1680">1. For a first offense, the student shall be called into a conference with the athletic trainer, coach/sponsor, and campus coordinator overseeing that sport. The following guidelines shall apply:<ol style="list-style-type: none"><li data-bbox="625 1134 1443 1239">a. A verbal and written warning shall be given. The student shall be given until the following day to inform his or her parent or guardian.<li data-bbox="625 1260 1443 1470">b. The athletic trainer shall contact the student's parent or guardian by telephone to inform the parent or guardian of the test and to discuss the District's drug-screening policies and procedures. A copy of the signed written warning shall then be sent to the parent or guardian via U.S. Mail.<li data-bbox="625 1491 1443 1596">c. The student's name shall be placed on the mandatory drug-screening list for one calendar year from the date of the test.<li data-bbox="625 1617 1443 1680">d. There shall be no suspension or other punitive actions taken.<li data-bbox="560 1701 1443 1806">2. For a second offense, the test shall be considered positive, and the student shall be subject to the provisions at Consequences of Positive Test Results, below. |

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

Consequences of
Positive Test
Results

First Offense

Consequences of positive test results shall be cumulative through the student's enrollment in the District.

Consequences of a first confirmed positive test result shall be as follows:

1. The District shall hold a required conference with the student-athlete and the student's parent/guardian. The purpose of this meeting shall be to answer any questions regarding the drug-screening policies and procedures as well as to help identify and correct any at-risk behaviors.
2. The student shall be suspended from ten percent of all athletic contests and competitions. The suspension shall start with the next regular/post-season competition from the time of the parent/guardian conference. During the suspension, the student-athlete may participate in practice and attend team meetings but may not travel or dress for any contest.
3. The District shall refer the student-athlete to a District-approved counseling program for an assessment that will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program and provide documentation confirming completion of the program.
4. The student shall be required to produce a negative urine sample prior to being allowed to return to participation in any extracurricular activity.
5. The student's name shall be placed on the mandatory drug-screening list for one calendar year.
6. A positive test that results in a suspension in excess of the number of athletic contests remaining in the season shall continue with the start of the next athletic season. If a student is a multiple-sport athlete, the suspension shall carry over to the next sport.

Second Offense

Consequences of a second confirmed positive test result shall be as follows:

1. The District shall hold a required conference with the student/athlete and the student's parent/guardian. The purpose of this meeting shall be to answer any questions regarding the drug-screening policies and procedures as well as to help identify and correct any at-risk behaviors.
2. The student shall be suspended from 30 percent of all athletic contests and competitions. The suspension shall start with the

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

next regular/post-season competition from the time of the parent/guardian conference. During the suspension, the student-athlete may participate in practice and attend team meetings but may not travel or dress for any contest.

3. The District shall refer the student-athlete to a District-approved counseling program for an assessment that will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program and provide documentation confirming completion of the program.
4. The student shall be required to produce a negative urine sample prior to being allowed to return to participation in any extracurricular activity.
5. The student's name shall be placed on the mandatory drug-screening list for one calendar year.
6. A positive test that results in a suspension in excess of the number of athletic contests remaining in the season shall continue with the start of the next athletic season. If a student is a multiple-sport athlete, the suspension shall carry over to the next sport.

Third Offense

Consequences of a third confirmed positive test result shall be as follows:

1. The District shall hold a required conference with the student/athlete and the student's parent/guardian. The purpose of this meeting shall be to answer any questions regarding the drug-screening policies and procedures as well as to help identify and correct any at-risk behaviors.
2. The student shall be suspended for a minimum of one full calendar year from all athletic contests from the time of the parent/guardian conference. During the suspension, the coach may allow the student-athlete to participate in practices and attend team meetings, but the student may not travel or dress for any contest.
3. The District shall refer the student-athlete to a District-approved counseling program for an assessment that will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program and provide documentation confirming completion of the program.
4. The student's name shall be placed on the mandatory drug-screening list for one calendar year.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

5. A student testing positive for the third or subsequent time shall be required to perform 20 hours of community service as approved by the campus administration.

Fourth Offense

Any offense beyond a third offense shall be treated as a third offense for the purposes of assigning consequences under this policy before a student regains eligibility to participate in athletics.

A positive test that results in a suspension in excess of the number of athletic contests remaining in the season shall continue with the start of the next athletic season.

Appeals

A student or parent may appeal a decision made under this policy in accordance with the administrative procedures provided to the parent and student outlining the student drug-test activity appeals process.

PROPOSED REVISIONS

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, or religion shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with EF.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. ~~However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it.~~ [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including ~~email~~ and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's ~~email~~-mail address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days. In calculating ~~timelines-time lines~~ under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

The Superintendent or designee is authorized to take such actions as are reasonable and necessary to ensure the effective and efficient operation of the complaint process, which may include combining similar complaints, beginning the process at Level Two, offering a method of alternate dispute resolution, or other actions the Superintendent deems appropriate under the circumstances.

Untimely Filings

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

PROPOSED REVISIONS

Student Code of Conduct

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of ~~sex, gender,~~ race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.

Revisions

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

Extracurricular Standards of Behavior

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

“Parent” Defined

Throughout the Student Code of Conduct and discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

General Discipline Guidelines

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student’s behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
 - a. The seriousness of the offense;
 - b. The student’s age;
 - c. The frequency of misconduct;
 - d. The student’s attitude;
 - e. The potential effect of the misconduct on the school environment;
 - f. Requirements of Chapter 37 of the Education Code; and
 - g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student’s parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Corporal Punishment

Corporal punishment may be used as a discipline management technique in accordance with this policy and the Student Code of Conduct.

The campus principal shall determine if corporal punishment shall be authorized at his or her respective campus.

Corporal punishment shall not be administered to a student whose parent has submitted to the principal a signed statement for the current school year prohibiting the use of corporal punishment with his or her child. The parent may reinstate permission to use corporal punishment at any time during the school year by submitting a signed statement to the principal.

Guidelines

Corporal punishment shall be limited to spanking or paddling the student and shall be administered in accordance with the following guidelines:

STUDENT DISCIPLINE

FO
(LOCAL)

1. The student shall be told the reason corporal punishment is being administered.
2. Prior to each administration of corporal punishment, a parent or legal guardian of the student shall be contacted for approval.
3. Corporal punishment shall be administered only by the principal or designee.
4. Corporal punishment shall be administered only by an employee who is the same sex as the student.
5. The instrument to be used in administering corporal punishment shall meet District specifications and be approved by the principal.
6. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students.

**Disciplinary
Records**

The disciplinary record reflecting the use of corporal punishment shall include any related disciplinary actions, the corporal punishment administered, the name of the person administering the punishment, the name of the witness present, and the date and time of punishment.

Physical Restraint

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Control an irrational student.
5. Protect property from serious damage.

A District employee may restrain a student with a disability who receives special education services only in accordance with law.
[See FOF(LEGAL)]

**Video and Audio
Monitoring**

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

STUDENT DISCIPLINE

FO
(LOCAL)

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

Use of Recordings

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

Access to Recordings

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

PROPOSED REVISIONS

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. ~~However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it.~~ [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including ~~email~~ and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication

shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's ~~email~~-mail address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days. In calculating ~~timelines-time lines~~ under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the

complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

PROPOSED REVISIONS

Access to ~~Campus~~ and ~~District~~ Property

Authorized District officials, including ~~administrators, as well as~~ school resource officers and District police officers if applicable, may refuse to allow a person ~~access to~~ ~~enter or may eject a person from~~ property under the District's control in accordance with law.

District ~~officials~~ ~~personnel~~ may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process. [See FNG and GF]

~~A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it.~~

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and
E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area ~~owned or~~ provided by the District, as long as the handgun or other firearm is not loaded and not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Subject: Personnel Actions

BACKGROUND INFORMATION

Personnel actions are as indicated.

ADMINISTRATIVE CONSIDERATION

Personnel appointments recommended for confirmation have met the employment prerequisites of the Tyler Independent School District. The candidates either hold valid certificates or such alternatives as specified by the Board. Proposed contract renewals for one-year term contracts and one year non-certified contracts for administrators are also considered.

Recommendations for new appointments are based on interviews, references, adequacy of preparation, performance records and the Superintendent's approval.

The appointments, resignations, retirements, non-renewals, contract abandonments and terminations are subject to the approval of the Board of Trustees.

ADMINISTRATIVE RECOMMENDATION

The confirmation of personnel actions as indicated.

ACTION REQUIRED

Board Approval

CONTACT PERSON

Ronald K. Jones

03-07-19