

Attached are the recommendations for sections D, E, and F.

For each policy, there will be one of the following recommendations:

- **Add policy** – This policy is missing and is recommended for inclusion in the district’s manual.
- **Proposed revisions** – There are recommended revisions in the policy and the policy should be retained in the manual.
- **Delete** – This policy is recommended for deletion
- **No change recommended** – There are no revisions recommended to this policy and it should be retained in the manual.

Within each policy are “Rationale” comments. Some comments are just general explanation regarding the recommendation for the policy. Some “Rationale” comments include designations such as “Rationale (A)” or “Rationale (B)”. The letter designations correspond with the list below.

- (A) **Legally required in local policy**
- (B) **Legal option declared in local policy**
- (C) **District of innovation exemption stated in local policy**
- (D) **Delegation of authority to superintendent or staff stated in local policy**
- (E) **Local policy that reflects a district/community value**
- (F) **Local policy that reflects a district goal**
- (G) **Local policy administrative team recommends retaining in local policy**
- (H) **Board operating procedure in local policy**

PROPOSED REVISIONS-Revised 8-5-22

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

~~**Updating Credentials** All employees who have earned certificates, endorsements, or degrees of higher rank since the previous school year shall file with the District:~~

~~1. An official college transcript showing the highest degree earned and date conferred.~~

~~2. Proof of the certificate or endorsement.~~

~~**Contract Personnel** The Superintendent or designee shall ensure that contract personnel possess valid credentials before issuing contracts.~~

Rationale: The above provisions could be addressed in the employee handbook or appropriate administrative procedures.

State Teacher Certification

The District is exempt from the state law that generally requires school districts to hire teachers who are certified by the State Board for Educator Certification. State certification shall not be required for [hard-to-fill, high demand positions, including early childhood teachers and](#) teachers of career and technical education (CTE), ~~fine arts, athletics, and~~ languages other than English courses, [and other specialty courses](#). All other teaching assignments shall require certification in accordance with state law. [See DK]

Rationale (C): The above provision is recommended for retention in the policy to acknowledge the district is exempt based on the DOI.

The recommended revision include recent changes to the district's innovation plan.

Social Security Number

The District shall not use an employee's social security number as an employee identifier, except for tax purposes [see DC]. In accordance with law, the District shall keep an employee's social security number confidential.

Rationale (A): The above provision should be retained in local policy. See DC(LEGAL) for the law requiring this provision regarding social security numbers.

¹ Innovation Plan:
http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

NO CHANGE RECOMMENDED

**Disqualifying
Offenses**

The District shall obtain criminal history record information on final candidates for employment. All District positions have the potential for contact with students. The District shall disqualify from employment a person whose criminal history indicates that the person poses a threat to students or employees. Consistent with business necessity, the District shall also disqualify from employment a person whose criminal history is otherwise inconsistent with the job duties of the position for which the person is being considered.

**Individualized
Assessment**

The District shall perform an individualized assessment of criminal history record information when determining a person's eligibility for employment in a specific position. The District shall take into account a variety of factors, including the following:0)

1. The nature of the offense;
2. The age of the person when the crime was committed;
3. The date of the offense and how much time has elapsed;
4. The adjudication of the offense (e.g., whether the person was found guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication);
5. The nature and responsibilities of the job sought;
6. The accuracy of the person's disclosure of his or her criminal history during the selection process;
7. The effect of the conduct on the overall educational environment; and
8. Any further information provided by the person concerning his or her criminal history record.

Arrests

The fact of an arrest alone does not establish that criminal conduct has occurred, and the District shall not disqualify a person based solely on an arrest. The District may make an employment decision based on the conduct underlying the arrest if the conduct makes the person unfit for the position in question.

SBEC Notification

If a candidate for a position has a reported criminal history, and the candidate is certified by the State Board for Educator Certification (SBEC), the District shall report the criminal history to SBEC.

Rationale: It is recommended that this policy be retained in the manual. This policy was provided in light of EEOC guidance regarding the role an arrest and conviction record can have in an employment decision. Based on our conversations with district, the Department of

Public Safety usually requests this policy when conducting audits related to the district's access to this criminal history records.

Credit History

The District shall obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered. The District shall comply with the Fair Credit Reporting Act before obtaining a job-related credit history. [See DBAA(LEGAL)]

Rationale (A): The district is required to development policies to ensure any consumer reports relates to the consumer about whom the district has requested the report. The provision at Credit History satisfies that requirement.

NO CHANGE RECOMMENDED

Examinations During Employment

The Superintendent or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The District may designate the physician to perform the examination. If the District designates the physician, the District shall pay the cost of the examination. The District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the Superintendent or designee shall determine whether the employee has an impairment. If so, the Superintendent or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Superintendent or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Superintendent or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

Placement on Temporary Disability

At Employee's Request

The Superintendent or designee shall have authority to place an eligible employee on temporary disability leave at the employee's request, as appropriate, when the employee's condition interferes with the performance of regular duties.

By Board Authority

Based on the Superintendent's recommendation that an eligible employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

Board determines, in consultation with the physician who performed the medical examination, that the employee's condition interferes with the performance of regular duties. [For employees who are eligible for temporary disability leave, see DEC(LOCAL)]

In accordance with DGBA, an employee may file a complaint disputing placement on temporary disability leave. As part of the complaint process, the employee may present testimony or other relevant information to the Board regarding the employee's fitness to perform regular duties.

Other Requirements

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]

Rationale (B): This policy is recommended for inclusion in the manual if the board every wishes to place an educator on temporary disability leave because the educator's condition interferes with the performance of their duties or poses a threat to health or safety of others in the district.

PROPOSED REVISIONS

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CB and CBB.

Disclosure—General Standard

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Specific Disclosures
Substantial Interest

The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

Interest in Property

The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

Annual Financial Management Report

The Superintendent, as the executive officer of the District, shall provide to the District in a timely manner information necessary for the District's annual financial management report.

[See BBFA]

Rationale: If the above provisions establish board expectations, it is recommended for retention in the policy.

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Gifts

~~An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See GAA, CB, and CBB]~~

Endorsements

~~An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.~~

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

Sales

~~An employee shall not use his or her position with the District to attempt to sell products or services.~~

Rationale: The provisions at Gifts, Endorsements, and Sales could be addressed in the employee handbook.

**Nonschool
Employment**

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Rationale (A): If the district would like to be able to deny FML benefits to an employee on the basis of them having outside employment, the provision above is recommended for retention in the policy [See DECA(H)].

~~Private Tutoring~~

~~An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.~~

Rationale: The provision at Private Tutoring could be addressed in the employee handbook.

PROPOSED REVISIONS

Personnel Duties

~~The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.~~

Rationale: This provision can be addressed in administrative regulations.

Posting Vacancies

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Rationale (A): This is the provision on the posting of vacancies required to be addressed in the employment policy.

Applications

~~All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.~~

~~[For information related to the evaluation of criminal history records, see DBAA.]~~

Rationale: The above provisions could be addressed in administrative procedures.

Hiring Relatives

A District employee who makes employment recommendations to the Superintendent or who supervises District personnel shall not recommend for employment an individual related within the first degree or second degree by blood or marriage

Rationale: There was a consensus during the administrative review to recommend retention of the provision regarding the hiring of relatives.

Authority for Employment of All Personnel

The Board delegates to the Superintendent the final authority for employment of contractual personnel, as well as the final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCA, DCB, DCC, DCD, and DCE as appropriate]

Rationale (D): The above provision is recommended for retention in the policy to clarify the board's delegation of hiring authority to the superintendent.

**Employment
Assistance
Prohibited**

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

Rationale (A): The above provision is required for districts that receive Title I funds.

NO CHANGES RECOMMENDED

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

**Maximum
Probationary
Contract Period**

In accordance with the District's innovation plan, the District is exempt from state law regarding the maximum length of time an experienced teacher may be employed on a probationary contract. At the recommendation of the Superintendent and upon approval by the Board, a probationary contract may be renewed for an additional one-year period for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.

Rationale (C): This policy is recommended to align with the DOI plan.

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Communications/District%20of%20Innovation/DOI%20draft2.pdf

NO CHANGES RECOMMENDED

**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:

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;
2. Full-time professional employees in other positions for which the District requires current SBEC certification; and
3. Full-time nurses.

Rationale (A): This policy is necessary to comply with law requiring the district to designate the positions that receive term contracts.

PROPOSED REVISIONS

~~The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ-series]~~

Rationale: The above provision is best practice recommendation regarding the annual compensation plan. It could be addressed in administrative procedures.

The text regarding the superintendent's compensation would be an item in the superintendent's contract, which is addressed at BJC(LEGAL).

Pay Administration

~~The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The Superintendent or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.~~

Rationale: The above provision is best practice recommendation regarding administration of the compensation plan. It could be addressed in administrative procedures.

~~Annualized Salary~~

~~The District shall pay all salaried employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.~~

Rationale: The district has the option on how frequently it pays employees and that can be addressed in administrative regulations.

~~Pay Increases~~

~~The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.~~

~~Mid-Year Pay Increases~~

~~Contract
Employees~~

~~A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants~~

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LOCAL)

~~additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]~~

~~Noncontract
Employees~~

~~The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.~~

Rationale: The above provisions are recommended best practice, however, they could be addressed in administrative procedures.

Pay During Closing

If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure. [See EB for the authority to close schools]

Premium Pay
During Disasters

Nonexempt employees who are required to work during an emergency closing for a disaster, as declared by a federal, state, or local official or the Board, shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

Rationale (A): If the district ever wanted to be eligible for FEMA reimbursement for the cost of premium pay paid to an employee who is required to work during a declared disaster (while other employees remain at home), then the above provision would be necessary in policy. The provision at Pay During Closing is recommended to provide context for the recommended provision.

PROPOSED REVISIONS

Stipend

~~The Superintendent shall recommend a stipend pay schedule as part of the annual compensation plan of the District. [See DEA]~~

Supplemental Duties

~~The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the District.~~

Rationale: This information could be addressed in administrative regulations. The second paragraph is included as a reminder and as potential risk mitigation so that the district doesn't assigned a nonexempt employee to these duties because FLSA comes into play and could cost the district more than anticipated stipend. This could be communicated in administrative documents as well.

Incentive and Innovation Programs

The Superintendent shall have authority to submit plans and grant applications for incentive and innovation programs to TEA or other granting organizations on behalf of the Board. Incentive plans shall address teacher eligibility, including any exclusions.

Locally developed incentive programs, if any, shall be addressed in the compensation plan of the District.

Rationale (A): The above provision is included in policy to comply with Commissioner's Rules regarding incentive and innovation programs.

PROPOSED REVISIONS

Classification of Positions

~~The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).~~

Exempt

~~The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.~~

Rationale: This above provisions could be addressed in the employee handbook.

Improper Deductions

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District’s attention, through the District’s complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.

Rationale (A): This provision is included to comply with FLSA requirements for a policy on improper deductions.

Nonexempt

~~Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for up to and including a 40-hour workweek.~~

~~A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.~~

Rationale: The above provisions could be addressed in the employee handbook.

Workweek Defined

For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.

Rationale: The declaration of workweek could be handled administratively but we recommend including in board policy.

COMPENSATION PLAN
WAGE AND HOUR LAWS

DEAB
(LOCAL)

~~Compensatory Time~~ ~~Nonexempt employees shall receive compensatory time off, rather than overtime pay, for overtime work.~~

~~Accrual~~ ~~Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 20 hours. If an employee has a balance of more than 20 hours of compensatory time, the District shall require the employee to use the compensatory time, or at the District's option, the District shall pay the employee for the compensatory time.~~

Rationale: If the district is establishing a maximum lower than the 240 hours (480 hours for public safety work), it doesn't have to be established in policy but should be established administrative and published in the appropriate documents. If there is no established limit, an employee could conceivably accrue up to the statutory maximum.

~~Use~~ ~~If an employee has any unused compensatory time remaining at the end of a fiscal year, the employee may carry forward up to 20 hours into the next fiscal year. At the end of the fiscal year, the District shall pay the employee for any remaining unused compensatory time above this amount.~~

~~An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.~~

Rationale: The above provisions could be addressed in the employee handbook.

NO CHANGES RECOMMENDED

Vacation Days

Eligible employees in positions normally requiring 12 months of service annually shall receive paid vacation days in accordance with administrative regulations that address the following:0)

1. Eligibility criteria;
2. Accrual rates and availability;
3. Request and approval processes;
4. Accumulation and carryover limits; and
5. Treatment of vacation days upon separation from service.

Holidays

Eligible employees in positions normally requiring 12 months of service annually shall receive paid holidays in accordance with the employee's duty schedule and administrative regulations.

[See DEAB for overtime pay provisions.]

Rationale: No changes are recommended to this policy that establishes vacation and holidays for 12-month staff.

DELETE POLICY

**Prior Approval
Required**

~~An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's supervisor and in accordance with administrative regulations.~~

**Documentation
Required**

~~For any allowable expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses.~~

Exception

~~Expenses for meals associated with authorized overnight travel not related to a state or federal grant shall be paid to employees on a per diem basis. No receipts shall be required for expenses paid on a per diem basis, but confirmation of attendance at the meeting, conference, or event shall be required.~~

Rationale: This information could be addressed in administrative procedures.

PROPOSED REVISIONS

Reasons

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for proposed nonrenewal of an employee's term contract shall be:0)

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency. [See DFFA]
10. Reduction in force because of a program change. [See DFFB]
11. The employee is not retained at a campus in accordance with the provisions of a campus turnaround plan. [See AIC]
12. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
13. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
14. Failure to meet the District's standards of professional conduct.
15. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime

involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]

16. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
17. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
18. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
19. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, or the community, impairs or diminishes the employee's effectiveness in the District.
20. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
21. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
22. A significant lack of student progress attributable to the educator.
23. Behavior that presents a danger of physical harm to a student or to other individuals.
24. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
25. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
26. Falsification of records or other documents related to the District's activities.
27. Falsification or omission of required information on an employment application.
28. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

29. Failure to fulfill requirements for state licensure or certification, including passing certification or licensing examinations required by state or federal law or by the District, for the employee's assignment.
30. Failure to maintain licensing and certification requirements, including the completion of required continuing education hours, for the employee's assignment.
31. Failure to complete certification or permit renewal requirements, or failure to fulfill the requirements of a deficiency plan, under an Emergency Permit or a Temporary Classroom Assignment Permit.
32. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
33. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
34. Any reason constituting good cause for terminating the contract during its term.

Rationale (A): The above list is required to be included in the local policy.

~~Recommendations
from Administration~~

~~Administrative recommendations for renewal or proposed nonrenewal of term contracts shall be submitted to the Superintendent. A recommendation for proposed nonrenewal shall be supported by any relevant documentation. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.~~

~~Superintendent's
Recommendation~~

~~The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal.~~

~~The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.~~

~~Notice of Proposed
Nonrenewal~~

~~After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.~~

~~If the notice of proposed nonrenewal does not contain a statement of the reason or all the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee~~

~~notice of all reasons for the proposed nonrenewal at a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.~~

Request for Hearing

~~If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal.~~

~~When a timely request for a hearing on a proposed nonrenewal is received by the presiding officer, the Board shall notify the employee whether the hearing will be conducted by the Board [see Hearing by the Board, below] or an attorney designated by the Board [see Hearing by an Attorney Designated by the Board, below].~~

~~In either case, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.~~

Rationale: The above provisions could be included in the employee handbook.

Hearing by the Board

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

Hearing Procedures

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below: 0.

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.

4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

EN 3/29/21: The board must adopt rules for hearing procedures. There are also options on who conducts the hearing – the district's policy states that the board or board designee conducts hearing.

Board Decision

The Board may consider only evidence presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

Rationale (H): The above provisions should be retained since they address the board's procedures for the nonrenewal hearing.

Hearing by an Attorney Designated by the Board

The hearing must be private unless the employee requests in writing that the hearing be public, except that the attorney may close the hearing to maintain decorum. If the employee does not request a public hearing, only the attorney designated by the Board, the employee, the Superintendent, their representatives, and witnesses shall be permitted to be in attendance, and witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the control of the attorney designated by the Board and shall generally follow the steps listed at Hearing by the Board.

Not later than the 15th day after the completion of the hearing, the attorney shall provide to the Board a record of the hearing and his or her recommendation on renewal.

Rationale: The above provisions should be retained since it addresses the option of the board to designate an attorney to conduct the nonrenewal hearing.

Board Review

The Board shall consider the record of the hearing and the attorney's recommendation at the first Board meeting for which notice can be posted, unless the parties agree in writing to a different date. The Board shall notify the employee of the meeting date as soon as it is set. At the meeting, the Board shall allow each party an equal amount of time to present oral arguments. The Board shall notify the employee in writing of the Board's decision on renewal not later than the 15th day after the date of the meeting.

Rationale: Education Code requires that policy provide equal time for each party in the hearing when designee conducts hearing.

No Hearing

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

Rationale: The above provision should be retained since it addresses the board's procedures for the nonrenewal hearing.

NO CHANGE RECOMMENDED

**Time Limits for Oral
Argument**

The Board shall consider the hearing examiner's record and recommendation at the first Board meeting for which notice can be posted in compliance with the open meetings laws.

The Board shall allow ten minutes per party for oral argument. Administration shall be offered the opportunity to present argument first and may use a portion of the designated time for rebuttal after the other party has presented argument.

The Board reserves the right to grant additional time in equal amount to both parties, depending on the complexity of the issues and solely at the Board's discretion.

Rationale (H): The policy is recommended for retention since the law permits the board to limit time for oral argument.

NO CHANGE RECOMMENDED

Rationale (A): No changes are recommended. This is the board policy on furloughs related to financial exigency.

**Plan to Reduce
Personnel Costs**

If the Superintendent determines that there is a need to reduce personnel costs, the Superintendent shall develop, in consultation with the Board as necessary, a plan for reducing costs that may include one or more of the following:

- Salary reductions [see DEA];
- Furloughs [see DEA];
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the commissioner [see CEA and provisions at Reduction in Force Due to Financial Exigency, below];
- Reductions in force of contract personnel due to program change [see DFFB]; or
- Other means of reducing personnel costs.

A plan to reduce personnel costs may include the reduction of personnel employed pursuant to employment arrangements not covered at Applicability, below.

- See DCD for the termination at any time of at-will employment.
- See DFAB for the termination of a probationary contract at the end of the contract period.
- See DFCA for the termination of a continuing contract, if applicable.
- See DCE for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code.

**Reduction in Force
Due to Financial
Exigency**

Applicability

The following provisions shall apply when a reduction in force due to financial exigency requires:•

1. The nonrenewal or termination of a term contract;
2. The termination of a probationary contract during the contract period; or
3. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

Definitions

Definitions used in this policy are as follows:0.

1. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.
2. "Discharge" shall mean termination of a contract during the contract period.

General Grounds

A reduction in force may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency. [See CEA] A determination of financial exigency constitutes sufficient reason for nonrenewal or sufficient cause for discharge.

Employment Areas

When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:0.

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.
6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other District-wide programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:0.

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1. Combined or adjusted (e.g., “elementary programs” and “compensatory education programs” can be combined to identify an employment area of “elementary compensatory education programs”); and/or
2. Applied on a District-wide or campus-wide basis (e.g., “the counseling program at [named elementary campus]”).

The Board shall determine the employment areas to be affected.

Criteria for Decision

The Superintendent shall apply the following criteria to the employees within an affected employment area when a reduction in force will not result in the nonrenewal or discharge of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. **Qualifications for Current or Projected Assignment:** Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. **Performance:** Effectiveness, as reflected by the most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA] and any other written evaluative information, including disciplinary information, from the last 36 months. If the Superintendent at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.
3. **Professional Background:** Professional education and work experience related to the current or projected assignment.
4. **Extra Duties:** Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
5. **Seniority:** Length of service in the District, as measured from the employee’s most recent date of hire.

Superintendent
Recommendation

The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.

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Board Vote

After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.

If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).

If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].

Notice

The Superintendent shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:

1. The proposed action, as applicable;
2. A statement of the reason for the proposed action; and
3. Notice that the employee is entitled to a hearing of the type determined by the Board.

Consideration for Available Positions

An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.

If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:

1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.
2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.

Hearing Request

Nonrenewal: Term Contract

An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

Discharge: Chapter 21 Contract

An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.

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Discharge:
Non-Chapter 21
Contract

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

Final Action

Hearing Requested

If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

No Hearing
Requested

If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

NO CHANGE RECOMMENDED

Rationale (A): No changes are recommended. This is the board policy on furloughs related to a program change.

Applicability

This policy shall apply when a reduction in force due to a program change requires the nonrenewal of a term contract. A program change may be due to, for example, a redirection of resources; efforts to improve efficiency; a change in enrollment; a lack of student response to particular course offerings; legislative revisions to programs; or a reorganization or consolidation of two or more individual schools, departments, or school districts.

Definitions

Definitions used in this policy are as follows:0)

1. "Program change" shall mean any elimination, curtailment, or reorganization of a program, department, school operation, or curriculum offering, including, for example, a change in curriculum objectives; a modification of the master schedule; the restructuring of an instructional delivery method; or a modification or reorganization of staffing patterns in a department, on a particular campus, or District-wide.
2. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

General Grounds

A reduction in force may take place when the Superintendent recommends and the Board approves a program change. A determination of a program change constitutes sufficient reason for nonrenewal.

Employment Areas

When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:0.

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.

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6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other District-wide programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:

1. Combined or adjusted (e.g., "elementary programs" and "compensatory education programs" can be combined to identify an employment area of "elementary compensatory education programs"); and/or
2. Applied on a District-wide or campus-wide basis (e.g., "the counseling program at [named elementary campus]").

The Board shall determine the employment areas to be affected.

Criteria for Decision

The Superintendent or designee shall apply the following criteria to the employees within an affected employment area when a program change will not result in the nonrenewal of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by:
 - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and

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- b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent or designee at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.

Superintendent
Recommendation

The Superintendent shall recommend to the Board the nonrenewal of the identified employees within the affected employment areas.

Board Vote

After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal, as appropriate. If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).

Notice

The Superintendent or designee shall provide each employee written notice of the proposed nonrenewal. The notice shall include a statement of the reason for the proposed action and notice that the employee is entitled to a hearing of the type determined by the Board.

**Consideration for
Available Positions**

An employee who has received notice of proposed nonrenewal may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.

If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until: 0.

1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.
2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.

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Hearing Request

An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

Final Action

Hearing Requested

If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DFBB and shall notify the employee in writing.

No Hearing
Requested

If the employee does not request a hearing, the Board shall take final action in accordance with DFBB and shall notify the employee in writing.

DELETE POLICY

An employee's participation in community, political, or employee organization activities shall be entirely voluntary and shall not:

1. Interfere with the employee's performance of assigned duties and responsibilities.
2. Result in any political or social pressure being placed on students, parents, or staff.
3. Involve trading on the employee's position or title with the District.

Use of District Facilities

0. Organizations representing professional, paraprofessional, or support employees may use District facilities with prior approval of the appropriate administrator. Other groups composed of District employees may use District facilities in accordance with policy GKD.

Rationale: There is no requirement to address this topic in board policy. It could be included in the employee handbook.

DELETE EXHIBIT

Rationale: These forms could be retained in administrative procedures or be placed on the portion of the district's website accessible by employees only.

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Exhibit A—Employee Complaint Form—Level One

To file a complaint, please fill out this form completely and submit it by hand delivery, electronic communication at Grievances@DeSotoISD.org, or U.S. mail to the Human Resources Department within the 10-day timeline established in District policy DGBA(LOCAL). All complaints will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outline therein.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

Position/Campus/Department: _____

If you will be represented in presenting your complaint, please identify the person representing you. If the person representing you will be participating by telephone conference call, please check the box below. The District will inform you if the equipment necessary for telephone representation is unavailable.

Representation will be by telephone conference call.

Please note: You must designate a representative who will be participating in person or by telephone with an advance notice of at least three days, or the District may reschedule the conference or hearing to a later date.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

The date of the event or action that gave rise to this complaint _____

Please provide a detailed factual description of the decision or circumstance(s) that gave rise to this complaint. (Use additional pages if necessary)

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Explain specifically how you were harmed by this decision or circumstance.

Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and with whom you communicated regarding your concerns.

Please describe the outcome or remedy you seek for this complaint.

Complainant, please note:

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

Attach to this form, the exhibit list and any documents you believe will support the complaint; if unavailable when you submit this form, the exhibit list and documents may be presented no later than the Level One conference. After the Level One conference no additional documentation can be submitted unless you did not know the documentation existed before the Level One conference.

Please keep a copy of the completed form and any supporting documentation for your records.

Employee Signature _____ Date Submitted _____

Signature of Employee's Representative _____

Exhibit B—Level Two Appeal Notice

To appeal a Level One decision, or the lack of timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication at Grievances@DeSotoISD.org, or U.S. mail to the Human Resources Department within the 10-day timeline established in District policy DGBA(LOCAL). Appeals will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

Position/Campus/Department: _____

If you will be represented in presenting your complaint, please identify the person representing you. If the person representing you will be participating by telephone conference call, please check the box below. The District will inform you if the equipment necessary for telephone representation is unavailable.

Representation will be by telephone conference call.

Please note: You must designate a representative who will be participating in person or by telephone with an advance notice of at least three days, or the District may reschedule the conference or hearing to a later date.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

The name of the Level One Hearing Officer: _____

Date of conference: _____

Date you received the Level One decision: _____

Please explain specifically how you disagree with the outcome at Level One:

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- Attach a copy of the original complaint and any documentation submitted at Level One.
- Attach a copy of the Level One response being appealed, if applicable.

Employee Signature _____ Date Submitted _____

Signature of Employee's
Representative _____

Complainant, please note:

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

Please keep a copy of the completed form and any supporting documentation for your records.

Exhibit C—Level Three Appeal Notice

To appeal a Level Two decision, or the lack of timely response after a Level Two conference, please fill out this form completely and submit it by hand delivery, electronic communication at Grievances@DeSotoISD.org, or U.S. mail to the Superintendent or Human Resources Department within the 10-day timeline established in District policy DGBA(LOCAL). Appeals will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

Position/Campus/Department: _____

If you will be represented in presenting your compliant, please identify the person representing you. If the person representing you will be participating by telephone conference call, please check the box below. The District will inform you if the equipment necessary for telephone representation is unavailable.

Representation will be by telephone conference call.

Please note: You must designate a representative who will be participating in person or by telephone with an advance notice of at least three days, or the District may reschedule the conference or hearing to a later date.

Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

The name of the Level Two Hearing Officer: _____

Date of conference: _____

Date you received the Level Two decision: _____

Please explain specifically how you disagree with the outcome at Level Two:

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Do you want the Board to hear this appeal in open session?

- Yes
- No

If so, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.

- Attach a copy of your original Level One complaint and any documentation submitted at Level One and a copy of your Level Two appeal notice.

Attach a copy of the Level Two response being appealed, if applicable.

Employee Signature _____ Date Submitted _____

Signature of Employee's Representative _____

Complainant, please note:

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

Please keep a copy of the completed form and any supporting documentation for your records.

Exhibit D—Employee Exhibit Submission Form

Date of Hearing: _____

Instructions: List a descriptive title for each exhibit document. Include the number of pages for each exhibit.

Title	# of Documents
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

NOTE: Copies of any documents that support the complaint should be attached to the complaint form with the exhibit list provided. 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.

Signature: _____ Date Submitted: _____

NO CHANGE RECOMMENDED

Rationale (A): There is a legal requirement that the district establish a process for employees to submit grievances/complaints and to have those resolved. This policy is in place to comply with that requirement.

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:0)

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

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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.

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

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

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.

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 an employee for bringing a concern or complaint.

**Whistleblower
Complaints**

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.
[See DG]

**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 or by electronic communication, including email and fax. Hand-delivered filings shall be timely filed if received by the appropriate human resources department 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.

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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.
Response	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.
Days	"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."
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</p>

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	<p>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	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>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.</p> <p>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.</p>
Audio Recording	<p>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.</p>
Level One	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">1. Within 10 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; and2. With the lowest-level administrator who has the authority to remedy the alleged problem. <p>All employees shall file Level One complaints with the human resources department.</p> <p>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.</p> <p>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.</p>

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. The Level One administrator shall prepare and forward a record of the Level One complaint to the human resources department.

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 human resources department shall 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 within 60 days of the appeal receipt.

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]

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

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.

NO CHANGE RECOMMENDED

Rationale: While this exhibit could be maintained in administrative publications, we include it in the policy manual as a resource. It includes the Educators' Code of Ethics, which is established in the Texas Administrative Code. There is a reference to the Code in the DH(LOCAL) and including this legal referenced material in the policy manual makes it easily accessible.

Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

PROPOSED REVISIONS

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]

Rationale: Though not required, the above provisions express board expectations and clarifies that the violation of a regulation (administrative procedure) has the same consequence as the violation of policy.

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:0)

1. 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 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]

Rationale: The above expresses the board's expectation regarding weapons on District property. There are some instances where the board could make an exception and that would be reflected in this policy if the district has a police force (policy CKE) or has established a guardian or marshall program (policy CKC).

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

**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:0.

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.

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

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 address or personal phone number to a student.

Rationale (A): The entire section addressing an employee's election communication with students is required by law.

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

Rationale: The above could be addressed in the employee handbook.

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]~~

Rationale: The above provisions are addressed more fully at the policy codes crossed referenced above. This information could be included in the employee handbook.

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]

Rationale: This provision establishes the board prohibition regarding the romantic relationships between any employee and student. There are laws that related specifically to an "educator", which is usually someone who is SBEC certified. This provision extends the prohibition to any employee.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

~~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]~~

Rationale: This provision was provide here as additional context but is also addressed at policy 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]

Rationale (A): The law states that the board shall prohibit smoking or using e-cigarettes on District property, in District vehicles and at school-related events. This provision makes that prohibition.

**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:0.

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.
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: 0.

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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: 0.

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.

Rationale (A): Similar legal requirement that the board prohibit alcohol use on District property, in District vehicles and at school-related events.

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:0.~~

- ~~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:
 - ~~• 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.~~

Rationale: The above provisions could be addressed in the employee handbook.

PROPOSED REVISIONS

Reasonable Suspicion Searches

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

Reasonable Suspicion Testing

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol screening shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH]

Rationale (A): Since the district employs bus drivers, the provisions on federally required Department of Transportation (DOT) rules are recommended for inclusion in this policy.

Federally Required DOT Testing Program

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

Drug-Related
Violations

The following constitute drug-related violations under the DOT rules:0)

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a required follow-up test.
8. Testing positive for controlled substances in a required follow-up test.
9. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
10. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.

Alcohol Results
Between 0.02 and
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at District-Imposed Consequences, below]

The district has the option of reinstating a driver who tested positive and subjecting that driver to follow-up tests. The current text reflect this option.

The other option is to terminate the driver if they have a drug-related violation. The text in this policy would require additional revisions if this is the option the district chooses.

Reasonable
Suspicion DOT
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

District-Imposed
Consequences

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

During the administrative review, the testing of any employee who drives a district vehicle was discussed. The provisions below would cover those employees. The board would be establishing this expectation through the provision below.

Note: The following provisions address the District's drug- and alcohol-testing program.

Employees Subject to District Drug and Alcohol Testing

In addition to an employee who drives a commercial vehicle, under its own authority, the District shall also apply the DOT testing regulations to any employee who drives a district vehicle.

NO CHANGE RECOMMENDED

Title IX Coordinator

The District designates and authorizes the following person as the Title IX coordinator to be responsible for coordinating the District's efforts to comply with Title IX of the Education Amendments of 1972, as amended, for employees:

Name: Mia Stroy
Position: Chief Human Resources Officer
Address: 200 East Belt Line Road, DeSoto, TX 75115
Email: [Title IX coordinator](mailto:miastroy@desotoisd.org) (miastroy@desotoisd.org)
Telephone: (972) 223-6666

ADA/Section 504 Coordinator

The District designates and authorizes the following person as the ADA/Section 504 coordinator to be responsible for coordinating the District's efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for employees:

Name: Mia Stroy
Position: Chief Human Resources Officer
Address: 200 East Belt Line Road, DeSoto, TX 75115
Email: [ADA/Section 504 coordinator](mailto:miastroy@desotoisd.org) (miastroy@desotoisd.org)
Telephone: (972) 223-6666

The district is required to provide notice of the coordinators listed in this exhibit. If the district provides this notice in another way it is not necessary to retain this exhibit in the manual. The same would be true for FB(EXHIBIT), FFH(EXHIBIT), and FFC(EXHIBIT).

NO CHANGE RECOMMENDED

Rationale (A): This policy is recommended to comply with federal law, Title VII, Title IX, and ADA. It also establishes the board's expectation as it relates to nondiscrimination.

Beginning on page 2 are locally developed provisions regarding workplace bullying.

Note: This policy addresses discrimination, harassment, and retaliation against District employees. For Title IX and other provisions regarding discrimination, harassment, and retaliation against students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term "employee" 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, 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 and is prohibited.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Prohibited Conduct

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

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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; or
3. 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; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

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:

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, contact, or communication, including electronic communication.

Workplace Bullying

The District prohibits workplace bullying of employees and shall not tolerate it under any circumstances.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

Workplace bullying occurs when an employee engages in written or verbal expression, expression through electronic means, or physical conduct that occurs in the workplace that:

1. Has the effect or will have the effect of physically harming another employee, damaging the employee's property, or placing the employee in reasonable fear of harm to the employee's person or of damage to the employee's property; or
2. Is so sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive work environment for the employee;
3. Exploits an imbalance of power between the employee perpetrator and the employee victim through written or verbal expression or physical conduct; and
4. Interferes with the victim's employment or substantially disrupts the operation of the work location.

Workplace bullying shall not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.

Allegations of workplace bullying shall be handled in accordance with administrative regulations.

**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.

**Reporting
Procedures**

Any 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)

<i>ADA / Section 504 Coordinator</i>	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]
<i>Superintendent</i>	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws and the District's prohibition of workplace bullying.
Alternative Reporting Procedures	<p>An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. 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	To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.
Notice of Report	<p>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.</p> <p>Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.</p>
Investigation of Reports Other Than Title IX	<p>The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.</p> <p>The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.</p>
Initial Assessment	Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.
Interim Action	If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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District Investigation	<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 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 allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Concluding the Investigation	<p>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.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
District Action	<p>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.</p> <p>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.</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 and comply with applicable law.</p>
Appeal	<p>A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.</p> <p>The complainant may have a right to file a complaint with appropriate state or federal agencies.</p>
Response to Sexual Harassment—Title IX	<p>For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).</p>
General Response	<p>When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:0.</p>

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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(LOCAL)

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal
Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:•

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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(LOCAL)

6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

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 of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Examples

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

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

**Access to Policy and
Procedures**

Information regarding this policy and any accompanying procedures shall be distributed annually to District employees. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

DELETE EXHIBIT

This exhibit has been provided as more of a reference for districts. It could be maintained in administrative documents if at all. The advantage with maintaining in the manual is that it will get updated when there are any changes since it is part of SBEC rules.

State Board for Educator Certification Criteria for Assignment of Public School Personnel

Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions of this exhibit. In accordance with the District's plan, some provisions of this exhibit may not be applicable to the District.

A public school employee must have the appropriate credentials for his or her current assignment unless the appropriate permit has been issued. The credentials appropriate to each assignment are set forth in the State Board for Educator Certification (SBEC) rules at 19 Administrative Code Chapter 231.

The following sections indicate where the credentialing requirements for various positions are located in the SBEC rules.

Teachers in general

Grade Level	SBEC Rule
Prekindergarten–Grade 6	19 TAC 231, Subchapter B
Grades 6–8	19 TAC 231, Subchapter C
Grades 9–12	19 TAC 231, Subchapter E

Teachers of elective, disciplinary, local credit, and innovative courses for grades 6–12

The following positions and assignments are addressed at 19 Administrative Code 231, Subchapter D.

- ROTC
- Athletics, cheerleading, drill team, and marching band
- Disciplinary alternative education programs
- Innovative course
- Local credit course
- Advanced Placement and International Baccalaureate courses

- Driver education

Teachers of special education and related services personnel

The following positions and assignments are addressed at 19 Administrative Code 231, Subchapter F.

- Special education teacher
- Teacher of adaptive physical education
- Full-time teacher of orthopedically impaired or other health impaired in a hospital class or home-based instruction
- Teacher of students with visual impairments
- Teacher of students with auditory impairments
- Teacher of gifted and talented students
- Special education counseling services
- Educational diagnostician
- Speech therapy services
- Vocational adjustment coordinator

Paraprofessional personnel

Educational aides are addressed at 19 Administrative Code 231.641.

Administrators and other instructional and professional support personnel

The following positions are addressed at 19 Administrative Code 231.643.

- Superintendent
- Principal
- Assistant principal
- School counselor
- Librarian
- Athletic director

Licensed professional support personnel

The following positions are addressed at 19 Administrative Code 231.645.

- Associate school psychologist

ASSIGNMENT AND SCHEDULES

DK
(EXHIBIT)

- Audiologist
- Licensed professional counselor
- Marriage and family therapist
- Nurse
- Occupational therapist
- Physical therapist
- Physician
- School psychologist
- Social worker
- Speech language pathologist

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

PROPOSED REVISIONS-Revised 8-5-22

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

Superintendent's Authority

All personnel are employed subject to assignment and reassignment by the Superintendent or designee when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract of a contract employee. Any change in an employee's contract shall be in accordance with policy DC.

Any employee may request reassignment within the District to another position for which he or she is qualified.

Rationale (B): The above provision regarding a request to make an assignment is an option available in the law [See DK(LEGAL), Transfers]. If the district permits reassignments, the policy language is required/

Campus Assignments

The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.

The above provision on campus assignments is recommended to provide context to the statement in DK(LEGAL) regarding principal's approval of teachers and staff assigned to their campus.

In accordance with the District's local innovation plan exemption regarding SBEC certification [see DBA], the Superintendent shall have the authority to approve a request by the principal for an individual with experience in a career and technical education (CTE) field or ~~experience in fine arts, athletics, or~~ languages other than English to teach a course related to that field. In addition, the Superintendent shall have the authority to approve the principal's request to assign an individual to teach in a hard-to-fill, high-demand position, including a position as an early childhood certified teacher or other specialty course. All other teaching assignments shall require certification in accordance with state law. [See DBA]

Rationale (C): The above provision addresses the district's recently revised DOI plan.

Supervising Related Employees

A District employee shall not directly supervise an individual related within the first or second degree by blood or marriage. ~~{See DBE (EXHIBIT)}~~

The above provision reflects a unique board expectation regarding the supervision of related employees.

If the district has a chart that it wishes to link to, then it could replace the cross-reference to DBE(EXHIBIT). There is no longer a DBE(EXHIBIT).

Grandfathered Employees

The provisions of this policy addressing related employees shall not apply to persons employed or assigned prior to the initial adoption date of the provisions at Supervising Related Employees above.

~~Supplemental Duties~~

~~Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.~~

~~Work Calendars and Schedules~~

~~Subject to the Board adopted budget and compensation plan and in harmony with employment contracts, the Superintendent shall determine required work calendars for all employees. [See DC, EB]~~

~~Daily time schedules for all employees shall be determined by the Superintendent or designee and principals.~~

It is not necessary to address supplemental duties or work calendars and schedules in the policy. This could be handled in administrative procedures.

¹ Innovation Plan:
http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

PROPOSED REVISIONS

Restrictions on Written Reports

Annually ~~upon the Board's request~~, the Superintendent shall report to the Board on efforts to minimize teacher paperwork and on the number and length of written reports that teachers are required to prepare.

Rationale (A): The law requires the board's involvement in reviewing efforts to minimize teacher paperwork [See DLB(LEGAL)]. The change would require the superintendent to make a report to the board on these efforts.

DELETE POLICY

The information in this policy is really dependent on the district's budget. If the board approves the allocation for the program, the administration could establish the necessary guidelines and eligibility criteria.

Master's Degree Program

The District shall pay for the college/university tuition, designated fees, and required textbooks for a District employee with certification and/or a Master's Degree in a critical need area who is accepted into the Master's Plan Teacher Recruitment and Retention Program. An employee approved for the program shall commit, in writing, to teach in the District for a period of not less than three years after completion of his or her degree requirements toward a teaching certificate.

Only those courses required for the degree, as indicated by the plan submitted for admittance to the program, shall be considered.

Eligibility Requirements

A District employee in a full-time position shall be eligible for the Master's Plan Teacher Recruitment and Retention Program. The applicant also must:

1. Possess an active Texas Teaching Certificate;
2. Have a GPA that would meet college or university program admission;
3. Submit three letters of recommendation/referral (at least one from a current supervisor) prior to consideration as a participant in the program; and
4. Sign a three-year teaching agreement with the District.

Math and Science

Math and science teachers must have a minimum of 18 college credit hours in the content area that they teach.

Critical Need Areas

Annually, the Board shall determine the critical need areas.

Condition of the Program

The participant must submit a transcript or grades in order to receiving funding for each semester. If a student does not make a final grade of 3.0 on a 4.0-point scale or B average or better in any required course, the participant shall reimburse the District for tuition and fees for the course.

Only regular state tuition and fees shall be paid. Student fees, late fees, or fines shall not be paid by the District.

Probationary status or dismissal from the program shall be for failure to:0.

PROFESSIONAL DEVELOPMENT
CONTINUING PROFESSIONAL EDUCATION

DMC
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1. Complete a minimum of 12 hours of coursework annually;
2. Maintain cumulative grade point average of 3.0 on a 4.0-point scale or a cumulative B grade average; or
3. Provide the human resources department with grades, transcripts, and test results as requested.

Reimbursement to the District

A program participant in the Master's Plan Teacher Recruitment and Retention Program shall reimburse the District for all funds used to pay for tuition, fees, and required textbooks if the participant fails to:

1. Meet program requirements and conditions;
2. Graduate in three years or less;
3. Receive appropriate certification, which includes passing required tests; or
4. Serve in a capacity of a certified teacher in the District at least three years in the critical need teaching area beginning the school year after graduation.

Employment

An employee who is removed from the program or who fails to meet program requirements shall be subject to nonrenewal or termination [see DF series].

Board Responsibility

The Board may discontinue this program at any time in its sole and absolute discretion.

NO CHANGES RECOMMENDED

This policy establishes the board's expectation as it relates to evaluation of all employees. Policies DNA and DNB will address the evaluation of teachers and administrators, respectively.

General Principles	All District employees shall be periodically appraised in the performance of their duties. The District's employee evaluation and appraisal system shall be administered consistent with the general principles set out below.
Criteria	The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated.
Performance Review	Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually, except as otherwise provided by policy, to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary. [See also DNA and DNB]
Documentation and Records	Appraisal records and forms, reports, correspondence, and memoranda may be placed in each employee's personnel records to document performance.
Employee Copy	All employees shall receive a copy of their annual written evaluation.
Complaints	Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's complaint policy for employees. [See DGBA]

DELETE EXHIBIT

These forms could be maintained on the district's website accessible to employees.

Table of Contents

[Exhibit A—Waiver of Annual Evaluation Request Form](#)

[Exhibit B—Teacher Request for 2nd Appraisal](#)

Exhibit A—Waiver of Annual Evaluation Request Form

To: (Principal/Appraiser) _____

From: _____

Date: _____

Subject: Waiver of Scheduled Observation for the _____ School Year

The provisions of Section 150.1003 issued under the Texas Education Code, Section 21.351 provide school districts the opportunity to allow teachers to be appraised on a less than annual basis if they meet the criteria established by the Board [see Policy DNA(LOCAL) and DNA(REGULATION)], and if the teacher agrees in writing. DeSoto ISD teachers who qualify will be permitted to waive their right to the formal observation and feedback process on a biennial basis. All teachers are required to complete the formal observation process at least once every two years.

In a year in which a teacher does not receive a full appraisal, the teacher shall participate in:

1. The Goal-Setting and Professional Development Plan process,
2. The performance of teacher's students; and
3. A modified end-of-year conference that addresses:
 - a. the progress on the Goal-Setting and Professional Development Plan;
 - b. the performance of teachers' students; and
 - c. the following year's Goal-Setting and Professional Development plan.

Check below if you desire to waive your right to the formal observation and feedback process for the current school year. Please sign and return to your principal and/or your assigned T-TESS appraiser.

I consent to waive my right to the formal observation and feedback process for the current school year.

Teacher's Name (Printed): _____

Teacher Signature: _____

Employee #: _____

Date: _____

School: _____

Supervisor Signature: _____

Exhibit B—Teacher Request for 2nd Appraisal

Teacher's Name: _____

Employee #: _____

Campus: _____

Grade Level/Subject: _____

Date Request Submitted: _____

Select the appropriate statement that applies to the request for a 2nd appraisal.

I disagree with my Observation Summary received on _____(Date)

I disagree with my Summative Annual Report received on _____(Date)

Teacher Signature _____

1st Appraiser Signature _____

Process for 2nd Appraisal

For Request of 2nd Observation Summary:

1. If the teacher is not in agreement with the Observation Summary from the appraiser and wishes to request a 2nd appraisal, the teacher submits the completed Teacher Request for 2nd Appraisal form to the Human Resources Department within 10 instructional days of receiving the Observation Summary. Form must be submitted to HR@DeSotoISD.org¹ or by fax to 972.274.8041.
2. Within 15 instructional days from the date the HR Department receives the teacher's request, the HR Department assigns the 2nd appraiser from the approved T-TESS list of appraisers. The 2nd appraiser shall not be an Instructional Coach or Coordinator that is based at the same campus as the employee. The 2nd appraiser conducts the 45-minute classroom observation.
 - The 2nd appraiser may contact the teacher to obtain pertinent classroom and student information.
 - The 2nd appraiser notifies the teacher of the one-week window in which the observation is to be conducted. Note: this observation is not scheduled by day or time.
3. After completing the observation, the 2nd appraiser scores the Domains that are observable in the 45-minute classroom observation and averages the scores from the 2nd appraisal and the 1st appraisal, resulting in the teacher's written Observation Summary.
4. Within 10 instructional days following the observation (15 instructional days if extenuating circumstances are determined by the HR representative), the 2nd appraiser holds a post conference with the teacher, reviews the written Observation Summary, and the teacher and observer will sign the document.

PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

DNA
(EXHIBIT)

5. The 2nd appraiser provides a copy of the Observation Summary to the teacher and the teacher's appraiser; and to the HR Department for scanning into the teacher's records.
0.

For Request of 2nd Summative Annual Report:

1. Within 15 instructional days from the date the HR Department receives the teacher's request, the 2nd appraiser is assigned, scores the teacher in all Domains (I–IV), and holds a summative conference with the teacher to review the Summative Annual Report.
 - To evaluate Domains I–III, the 2nd appraiser shall conduct observations or walk-throughs as necessary and shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable.
 - The 2nd appraiser provides a weighted score from the 2nd Summative Annual Report (45 percent) and the 1st Summative Annual Report, resulting in the teacher's final written Summative Annual Report (55 percent).
2. The 2nd appraiser provides a copy of the Summative Annual Report to the teacher and the teacher's appraiser; and to the HR Department for scanning into the teacher's records.

Other important information:

- 1st evaluation will be weight as 55 percent and the 2nd appraisal at 45 percent.
- When possible, the district will utilize the electronic system for second evaluation tracking purposes.
- When second evaluation requests are untimely, the employee shall be notified in writing.
- Human Resources and Academics will collaborate to identify and assign a second appraiser. Selections may be based on:
 - Same or similar certifications
 - Experience teaching same/similar subject
 - Same or similar instructional levels (elementary/secondary)

¹ HR email address: HR@DeSotoISD.org

PROPOSED REVISIONS

Rationale (A): It was confirmed that the district exercises the option of having less than annual evaluations for teachers. This option should be reflected in policy. The revisions below reflect this practice.

T-TESS

The District shall appraise teachers using the Texas Teacher Evaluation and Support System (T-TESS) in accordance with law and administrative regulations.

The Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

Annual Appraisal

District teachers shall be appraised annually.

Exception

Teachers who are eligible for less frequent evaluations in accordance with law [see DNA(LEGAL)] and the local criteria established in this policy shall be appraised in accordance with the provisions below.

Less-Than-Annual

Eligibility

In addition to meeting the eligibility requirements in state rules, to be eligible for less-than-annual evaluations under the T-TESS, a teacher shall:0)

1. Earn a T-TESS rating of "proficient" in all dimensions and not be identified in any area as "improvement needed.";
2. Serve on a campus that has not been rated "improvement required" on the basis of state standards;
3. Be employed on an educator term contract, other than a retire/rehire;
4. Have been assigned to the current building for at least one year; however, if a teacher has moved to a new campus as a result of administrative leveling of classes, the teacher will remain on the evaluation schedule established at the previous school; and
5. Be assigned to a position in which a principal or assistant principal is the teacher's supervisor.

Frequency

Eligible teachers shall be appraised every two years.

During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party.

A teacher's supervisor shall have the authority to return a teacher to the traditional appraisal cycle as a result of performance deficiencies documented in accordance with state rule.

Annual Review
Process

T-TESS

In the years in which a T-TESS appraisal is not scheduled for an eligible teacher, the teacher shall participate in an annual review process that includes the elements listed in state rule.

The annual review process shall produce a written document to be presented to the teacher, signed by the teacher and supervisor, and maintained in the personnel file.

Dual Contracts

Teachers who are on a dual contract (teacher/coach/activity sponsor) shall also receive an annual appraisal of duties involving coaching or activity sponsor.

Many of the provisions below can be addressed in administrative regulations.

Appraisal System

~~The formal appraisal of District teachers shall be in accordance with the Texas Teacher Evaluation and Support System (T-TESS) or an alternate appraisal system developed in compliance with statutory provisions and state rules and implemented in accordance with related grant requirements.~~

Formal Observation

~~The formal observation for a teacher's appraisal shall be scheduled in accordance with T-TESS guidelines.~~

~~The Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.~~

Second Appraisal

~~Upon a teacher's request for a second appraiser, Human Resources shall select the second appraiser from a pre-established roster of trained appraisers.~~

~~The formal observation for a second appraisal shall be scheduled in accordance with T-TESS guidelines.~~

**General
Requirements**

~~District teachers shall be appraised annually.~~

~~The District shall establish an appraisal calendar each year.~~

~~The District's alternate appraisal process shall be developed in collaboration with the administration and the District and campus-level decision-making committees and shall be detailed in administrative regulations.~~

~~Components of the appraisal system shall ensure that teachers receive appropriate guidance and feedback and may include, but are not limited to, a written self-assessment, formal and informal observations, classroom walk-throughs, student learning indicators, and~~

PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

DNA
(LOCAL)

~~conferences. The appraisal process shall produce a written document to be presented to the teacher, signed by the teacher and supervisor, and maintained in the personnel file.~~

Exception

~~Teachers who are eligible for less frequent evaluations in accordance with law [see DNA(LEGAL)] and the local criteria established in this policy shall be appraised in accordance with the provisions below.~~

~~In addition to meeting the eligibility requirements in state rules, to be eligible for less than annual evaluations under the T-TESS, a teacher shall be employed on an educator term contract.~~

~~Eligible teachers shall be appraised every two years.~~

~~During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party.~~

~~A teacher's supervisor shall have the authority to return a teacher to the traditional appraisal cycle as a result of performance deficiencies documented in accordance with state rule.~~

~~In the years in which a T-TESS appraisal is not scheduled for an eligible teacher, the teacher shall participate in an annual review process that includes the elements listed in state rule.~~

~~The annual review process shall produce a written document to be presented to the teacher, signed by the teacher and supervisor, and maintained by the District.~~

Grievances

~~Complaints regarding teacher appraisal shall be addressed in accordance with DGBA(LOCAL).~~

DELETE REGULATION

This information could be addressed in administrative regulations.

T-TESS Evaluation

The formal appraisal of District teachers will be in accordance with the Texas Teacher Evaluation and Support System (T-TESS).

Appraisal

T-TESS appraisers must be certified prior to conducting appraisals in accordance with state law. Appraisers will participate in annual updates as prescribed by state or District mandates.

The District will ensure that all teachers are provided with an orientation to the T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. A teacher is new to the District;
2. An employee transfers into a teacher position;
3. A teacher is returning to the District after a break in employment from the District;
4. The teacher has never been appraised under the T-TESS; or
5. The District's appraisal policies or procedures have changed since the teacher's last orientation to the T-TESS.

The teacher orientation will be conducted either face-to-face or in a virtual setting, and will include all pertinent state and local policies, as well as the local appraisal calendar.

In addition to the T-TESS orientation, the District and/or campuses will provide an annual training of policy updates.

Except for teachers eligible for less frequent formal observations in accordance with law, teachers will be formally observed in classroom instruction by trained administrators using the T-TESS research-based rubric that covers multiple dimensions of instructional quality. Teachers will participate in one formal classroom observation/evaluation, which will be scheduled and announced by date and time. (This shall be a two-week window.)

Each eligible teacher who has not waived the right to formal feedback from a formal observation will be formally observed in the classroom one time during the fall or spring semester.

The annual observation cycle runs in accordance with the District-approved appraisal calendar.

The length of a classroom observation will be an instructional period or a complete lesson within an instructional period that consists of a minimum of 45 minutes of instruction.

Annual Observation Cycle

All formal observations must include pre- and post-observation conferences. Each pre- and post-observation conference will be held in accordance with T-TESS conference protocols. Pre- and post-observation conferences will be scheduled at a date and time that is mutually acceptable to both the observer and the teacher. Restrictions on the date and time of an observation are identified in the appraisal calendar. In special circumstances, these restrictions can be waived at the teacher's request. The formal observation for a teacher's appraisal will be scheduled in accordance with T-TESS guidelines and completed in accordance with the District timeline. If a mutual agreement cannot be reached, the principal will provide to the Human Resources Department notice and evidence of reasonable efforts to reach an agreement. In the absence of a mutual agreement, a date will be assigned by the Human Resources Department with collaboration from Academics.

T-TESS documentation will be maintained in the District's learning management system.

Pre- and Post-Observation Conferences

Prior to each formal observation, in order to provide context, the T-TESS evaluator will conduct a pre-observation conference with the teacher to ask pertinent background questions about the lesson plan and the students in the class. If the teacher chooses to opt-out, they must do so in writing to the evaluator. The request to opt out must be kept with the evaluation file.

After each formal classroom/lesson observation, the teacher who was observed will receive a written summary and oral feedback from the individual evaluator in a post-observation conference within ten working days of the actual observation.

Less-Than-Annual Formal Observation

A teacher may receive a less-frequent formal observation if the teacher agrees in writing. [See DNA(EXHIBIT)] To be eligible for less-than-annual formal observations, a teacher must:

- Be employed on an educator term, other than a retire/rehire contract;
- Have been assigned to the current building for at least one year; however, if a teacher has moved to a new campus as a result of administrative leveling of classes, the teacher will remain on the evaluation schedule established at the previous school;
- Be assigned to a position in which a principal or assistant principal is the teacher's supervisor;

- Serve on a campus that has not been rated “improvement required” on the basis of state standards; and
- Earn a T-TESS rating of “proficient” in all dimensions and not be identified in any area as “improvement needed.”

In a year in which a teacher does not receive a full appraisal due to meeting the requirements identified in this subsection, a teacher will participate in:

- The goal-setting and professional development plan process, which will be:
 - Submitted to the teacher's appraiser within the first six weeks from the day of completion of T-TESS for teachers in their first year of appraisal under the T-TESS or for teachers new to the District; or
 - Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed, based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
 - Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
 - Shared with the teacher's appraiser prior to the end-of-year conference; and
 - Used after the end-of-year conference in the determination of ratings for the goal-setting and professional development dimensions of the T-TESS rubric.
- A modified, end-of-year conference that addresses:
 - The progress on the goal-setting and professional development plan;
 - The performance of the teacher's students, defined as how students of the individual teacher progress academically in response to the teacher's pedagogical practice, as measured at the individual teacher level by student learning objectives; and
 - The following year's goal-setting and professional development plan.

Goal Setting and Self-Assessment

At the beginning of the year, all teachers will engage in personal goal setting and planning for professional development with their appraisers. Student performance as related to student growth measures will also be included in the goal-setting process. Teachers will document their progress toward achieving those goals throughout the year. Teacher progress toward achieving professional goals will be assessed using dimensions 4.2 and 4.3 of the rubric (Goal-setting and Professional Development). [See DNA(EX-HIBIT)] The end-of-year (EOY) conference should include a review of attainment of goals and consideration of professional development needs for the following school year.

End-of-Year Conference

An EOY conference will be held at least 15 days prior to the end of school to discuss overall performance for the year.

The EOY conference will include a review of formal classroom observations; the teacher self-evaluation (planning, instruction, environment, and responsibilities); student performance information (grades, formative and summative assessments, and student portfolios); written walk-through information; and other relevant cumulative data.

Appeal Process

In the event a teacher participating in the T-TESS evaluation process disagrees with the evaluation scores for individual performance on the performance domains/dimensions of T-TESS, he or she may submit additional evidence to the original appraiser within five working days of the post-observation conference stating the specific nature of the disagreement, full disclosure of evidence of performance, and a statement of the expected performance evaluation.

A teacher shall initiate the process for a second formal observation by submitting the request for second appraisal form. The teacher must submit the form within 10 working days from the original post-observation conference. The second formal observation will be conducted by a second formal observation appraiser, as identified in policy DNA(LOCAL) and chosen from a list approved annually by the Board.

The second appraiser will follow the entire T-TESS process, with the exception of the goal-setting conference.

Should the teacher's concerns not be resolved through this collaborative process, the teacher may submit a formal grievance. The Board has established a formal employee grievance procedure, found in policy DGBA(LOCAL), in the event the T- TESS appeal process does not resolve concerns.

Other Guidelines

If a second appraiser is necessary, the score from the primary appraiser will count 55 percent by dimension, and the score from the second appraiser will count 45 percent by dimension.

Teachers will have the opportunity to provide evidence for the teacher responsibilities rubric prior to the EOY conference.

Walk-throughs will be conducted throughout the year and are typically brief, nonscheduled, informal observations.

Cumulative documentation that may impact a teacher's evaluation must be shared with the teacher within ten working days.

If a teacher wishes to have his or her response to documentation considered for appraisal purposes, the response must be made within ten working days.

Post-observation conferences following each observation may not be waived.

Second Appraiser Assignments

The second appraiser shall be assigned by Human Resources in collaboration with Academic Services.

Selection of assigned second appraisers may be based on:

- Same or similar certifications;
- Experience teaching same/similar subject; or
- Same or similar instructional levels (elementary/secondary).

Second appraisers shall not be direct mentors of the teacher requesting a second formal observation. Campus Instructional Coordinators and Instructional Coaches shall not service campuses for which they are assigned.

PROPOSED REVISIONS

Rationale (A): Required policy for evaluation of administrators, including principals.

Principals

The District shall appraise principals using the Texas Principal Evaluation and Support System (T-PESS) in accordance with law and administrative regulations.

Other Campus Administrators

The appraisal system used for campus administrators other than principals shall be determined by each administrator's position and job responsibilities and shall consist of either a local appraisal system developed in accordance with law and administrative regulations or a modified version of the T-PESS.

Frequency

District principals and other campus administrators shall be appraised annually.

Employment Decisions

~~When relevant to the decision, written evaluations of a professional employee's performance, as documented to date, and any other information the administration determines to be appropriate shall be considered in decisions affecting contract status.~~

~~Exception~~

~~Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term.~~

PROPOSED REVISIONS

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

School Calendar

~~The Superintendent shall be authorized to approve variations from the Board-adopted school calendar, as necessary.~~

Rationale: There's no legal requirement for the board to adopt the school calendar. Based on the discussion with the administrative team, the recommendation is to remove this provision and have the superintendent approve the school calendar with appropriate employee and community input.

School Start Date

In accordance with the District's innovation plan, the District is exempt from the state law that generally prohibits instruction for students from beginning before the fourth Monday in August.

Rationale (C): The above provision is included in this policy to align with the district's DOI plan.

School Closure

The Board delegates to the Superintendent the authority to close schools for reasons of public health and safety.

Rationale (D): The provision on school closure delegates authority

¹ Innovation Plan:
http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

PROPOSED REVISIONS

Loss of Class Time

The District shall not remove a student from a regularly scheduled class for tutoring or test preparation for more than ten percent of the school days on which the class is offered without a parent's written consent.

Interruptions

The District shall limit nonacademic activities that interrupt and distract from the academic process and shall enforce the following restrictions:0)

1. Announcements, other than emergency announcements, shall be made over the public address system only once during the school day.
2. Selling or solicitation shall not be permitted during class time. [For fundraising activities, see FJ.]

Rationale (A): The above provisions are required by law.

Recess

~~At elementary campuses, the instructional day shall include 30 minutes of recess for students.~~

The unique text regarding recess is not necessary to include in board-adopted policy. It can be addressed in administrative regulations.

PROPOSED REVISIONS – revised 8-5-22

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

Class Size Ratio

In accordance with the District's innovation plan, the District is exempt from state law requiring a district not to enroll more than 22 students in a kindergarten–grade 4 class.

~~Before enrollment in a kindergarten–grade 4 class can be increased to 23 students, the teacher and campus administrator must approve this increase. Parents of students in the class shall subsequently be notified.~~

~~Before enrollment in a kindergarten–grade 4 class can be increased to 24 students, the teacher and campus administrator must approve this increase and the associate superintendent must be notified. Additional staff shall be assigned to the classroom. Parents of students in the class shall subsequently be notified.~~

Rationale (C): This policy is recommended to align with the district's revised DOI plan that now requires the HR department to develop procedures to implement this exemption.

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Communications/District%20of%20Innovation/DOI%20draft2.pdf

DELETE POLICY

Rationale: There is no requirement to have a board-adopted recess or scheduling policy. This can be addressed in administrative regulations.

Elementary School Schedules

Recess

The Superintendent shall establish guidelines for instructional schedules and classroom assignments on elementary campuses.

“Recess” is defined as a break period, typically outdoors, for children to play. During recess, appropriate employees shall assist in orchestrating play to encourage healthy student-to-student interactions, but shall not provide structured instruction.

The Superintendent shall ensure that all elementary campuses offer recess a minimum of 30 minutes each instructional day for all students in prekindergarten–grade 5. Physical education shall not be substituted for recess. When a student misses physical education, he or she shall be provided additional recess time that meets the state requirements.

Students shall not be barred from recess as a form of discipline for any minor/moderate offense, and administrators are discouraged from limiting access to recess as a form of discipline generally.

Secondary Schools Schedules

The Superintendent shall establish guidelines for instructional schedules and classroom assignments on secondary campuses.

Prior to each fall semester, middle schools and high schools shall schedule classes for the entire school year. Only necessary changes, as determined by the campus principal, shall be made to the class schedules during the school year.

NO CHANGE RECOMMENDED

General Education

Consistent with TEA's *Student Attendance Accounting Handbook (SAAH)*, a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. The parent's request for services shall be submitted to the principal in accordance with TEA's *SAAH* and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, if applicable, the length of the transition period to the school-based setting based on current medical information.

Special Education

Consistent with state rule and the *SAAH*, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical reasons specifically documented by a physician licensed to practice in the United States. If a student is chronically ill, the student's admission, review, and dismissal (ARD) committee shall determine whether the weeks of confinement need to be consecutive.

If the ARD committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law, and, if applicable, the length of the transition period to the school-based setting based on current medical information.

Rationale: The Student Attendance Accounting Handbook requires a policy to address general education homebound and special education homebound.

Documentation of Services

The District shall maintain full documentation about students receiving homebound services, in accordance with administrative procedures, the *SAAH*, and a student's individualized education program (IEP), as applicable.

Recommend retaining the documentation provision to cover both homebound situations.

DELETE POLICY

The information in this policy could be handled administratively. For context, this policy was developed many years ago in consultation with the American Library Association.

Note: For information related to the selection process and accounting of instructional materials, as this term is defined by state law and rule, see CMD and EFA.

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although professional staff members may select instructional resources for their use in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, “instructional resources” may include textbooks, library acquisitions, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to implement, enrich, and support the District’s educational program.

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students’ varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

Selection Criteria

In the selection of instructional resources, professional staff shall ensure that the resources:

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.
2. Meet high standards for artistic quality and/or literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
3. Are appropriate for the subject area and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.
4. Are designed to help students gain an awareness of our pluralistic society.
5. Are designed to provide information that will motivate students and staff to examine their own attitudes and behavior; to understand their duties, responsibilities, rights, and privileges as citizens participating in our society; and to make informed choices in their daily lives.
6. For library selections, are integral to the instructional program, are appropriate for the reading levels and understanding of students, reflect the interests and needs of the students and faculty, are included because of their literary or artistic value and merit, and present information with the greatest degree of accuracy and clarity.

Administrators, teachers, library media specialists, other District personnel, parents, and community members, as appropriate, may recommend instructional resources for selection. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of resources is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of resources that still have educational value.

Controversial Issues

District professional staff shall endeavor to maintain a balanced collection representing various views when selecting instructional resources on controversial issues. Resources shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

Challenged Resources

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

Informal
Reconsideration

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or designee shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned resource.
2. The principal or designee shall explain the intended educational purpose of the resource and any additional information regarding its use.
3. If appropriate, the principal or designee may offer a concerned parent an alternative instructional resource to be used by that parent's child in place of the challenged resource.
4. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the resource.

Formal
Reconsideration

A complainant shall make any formal objection to an instructional resource on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged resource with students or is familiar with the challenged resource's content. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged resource in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged resource conforms to the principles of selection set out in this policy. The committee shall prepare a written report of its findings and provide copies to the principal, the Superintendent or designee, and the complainant.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting with the appropriate administrator. [See DGBA, FNG, and GF]

Guiding Principles

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

INSTRUCTIONAL RESOURCES

EF
(LOCAL)

1. A complainant may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own child.
3. Access to a challenged resource shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged resources is the appropriateness of the resource for its intended educational use. No challenged instructional resource shall be removed solely because of the ideas expressed therein.

REVISE POLICY

Rationale (A): There was discussion during the administrative review on revising this policy to cover the district's law enforcement program since some instructors may bring unloaded firearms onto school premises. The district would need to provide Policy Service with this information so that a draft could be prepared.

Junior ROTC

Junior ROTC instructors shall be permitted to bring unloaded firearms onto school premises for instructional purposes upon strict compliance with the following procedures:

1. The instructor shall obtain written authorization from the campus principal listing each time a firearm will be brought onto school premises. This authorization shall include both the instructor's and the principal's names and signatures; specify the number, types, and serial numbers of firearms to be used for instructional aids; and indicate when the firearms may be used and when they must be removed from campus.
2. The instructor shall carry the authorization when firearms are on school premises.
3. A copy of each authorization shall be maintained on file in the campus administrative office.
4. The instructor shall ensure that no live ammunition is brought onto school premises.

Notification

0. The principal shall notify local law enforcement officials when a JROTC program is offered at the campus and that instructors are authorized to be in possession of unloaded firearms on school premises.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by law to address video/audio monitoring in special education classrooms.

Note: Unless otherwise noted, the terms “video recording,” “video surveillance,” and “video monitoring” shall also include any associated audio recordings. In addition, the term “classroom” shall also include other special education settings subject to video and audio recording required by law.

To promote student safety, the District shall comply with requests for video and audio monitoring of certain self-contained special education classrooms as required by law. Regular or continual monitoring of video recordings shall be prohibited. Video recordings shall not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

This provision addresses requirement in state law / not used in teacher evaluation (item 14 in state law).

The Superintendent is responsible for coordinating the provision of equipment to campuses in compliance with the law.

The Superintendent shall ensure that administrative regulations are developed to implement this policy.

Requests

For Following Year

A parent of a student receiving special education services and whose placement for the following school year will be in a self-contained classroom eligible for video surveillance may request in writing that a video camera be placed in the classroom by the end of the current school year or by the tenth business day after the student’s admission, review, and dismissal (ARD) committee determines the student’s placement, whichever is later. If such a request is made, the campus shall begin operation of the camera by the deadlines in law.

This provision addresses item 4 in the TAC rules that outline the policy requirements.

For Current Year

Written requests from a parent, assistant principal, principal, staff member, or the Board shall be submitted and processed in accordance with the procedures in law.

This would address item 7 in state law regarding the procedures for responding to request.

Response As required by law, the District shall provide a response to the requester not later than the seventh business day after receipt of the request.

This provision addresses item 2 in the TAC rules that outline the policy requirements.

Notice Before a camera is activated, the principal shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be conducted in the classroom.

This would address item 8 in state law regarding the procedures for providing notice.

Installation and Operation The classroom subject to the request shall begin operation of video surveillance not later than the time frames required in law, except when the District is granted an extension of time.

This provision addresses item 3 in the TAC rules that outline the policy requirements.

When the District has installed video cameras in a classroom as required by law, the District shall operate the cameras during the instructional day at all times when one or more students are in the classroom. For purposes of this policy, the instructional day shall be defined as the portion of a school day during which instruction is taking place in the classroom.

This would address item 9 in state law regarding the procedures for responding to request.

For the school year in which a campus receives a request for video and audio surveillance, the campus shall continue to operate and maintain any video cameras placed in the classroom for as long as the classroom continues to satisfy the requirements in Education Code 29.022(a). However, the campus may discontinue operation of the video camera during the year if the requester withdraws the request in writing and no request is submitted to continue the surveillance. Before a camera is deactivated, the principal shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be discontinued in the classroom and of the opportunity to request continued video and audio surveillance.

Video cameras must be capable of recording video and audio of all areas of the classroom, including a room attached to the classroom

used for time out as defined by law. No visual monitoring, other than incidental coverage, shall be conducted of the inside of a bathroom or other area used for changing a student's clothes.

This would address item 12 on when operation of the cameras would discontinue and areas that can be covered by the camera.

The District shall post notice at the entrance to a classroom in which video cameras are placed stating that video and audio surveillance is conducted in that classroom.

Notice at specific classroom is a district option reflected in this policy.

Retention of Recordings

Video recordings shall be retained for at least three months after the date of the recording but may be retained for a longer period in accordance with the District's records management program, or as required by law. [See CPC]

This would address item 13 in state law regarding the retention.

Confidentiality of Recordings

Video recordings made in accordance with this policy shall be confidential and shall only be released or viewed by the individuals and in the limited circumstances permitted by law. The following individuals shall have authority to view video recordings to the extent permitted by the Family Educational Rights and Privacy Act (FERPA):0

1. A District employee or a parent of a student who is involved in an alleged incident documented by a recording and reported to the District;
2. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child;
3. A peace officer, school nurse, District administrator trained in de-escalation and restraint techniques, or human resource staff member in response to a report of an alleged incident or an investigation of an employee or a report of alleged abuse committed by a student; and
4. Appropriate Texas Education Agency or State Board for Educator Certification personnel or their agents as part of an investigation.

For purposes of this policy, the term "human resource staff member" shall include the Superintendent, a principal, an assistant principal or other campus administrator, and any supervisory position within the District's human resources office. If an individual listed in

items 2–4, above, believes that a recording shows a violation of District policy or campus procedures, the individual may allow access to the recording by appropriate legal and human resources personnel designated by the District for the purpose of determining whether a policy or procedure has been violated.

This would address item 10 regarding who has access to the recordings and regarding the confidentiality of the recordings (item 18)

Any person who suspects that child abuse or neglect has occurred shall report this suspicion as required by law and District policy. [See FFG]

Reporting an Incident

A person alleging that an incident, as defined by law, has occurred in a classroom in which video surveillance is conducted shall file a report on the form provided by the District with the principal as soon as possible after the person suspects the alleged incident. If possible, an incident report form shall be filed within 48 hours of the facts giving rise to the allegation. The principal shall promptly view, or direct an authorized individual to view, the video surveillance footage to identify the relevant portion of the recording. No later than ten District business days after the report is filed, the principal or designee shall respond by notifying the person whether the alleged incident was recorded in the District's video surveillance footage and shall initiate other steps as required by law, District policy, or local procedures.

This would address item 16 for reporting an incident.

Complaints

Complaints related to video and audio recordings under this policy shall be filed in accordance with DGBA, FNG, or GF, as applicable. A complainant who is dissatisfied with the outcome of the District's complaint process may appeal in writing to the commissioner of education in accordance with Education Code 7.057 and 19 Administrative Code 103.1303. A parent, staff member, or District administrator may request an expedited review in accordance with 19 Administrative Code 103.1303.

This provision addresses item 1 in the TAC rules that outline the policy requirements.

NO CHANGES RECOMMENDED

Rationale (A): This policy on comparability is required if a district receives Title I funds. TEA usually requires assurance to that this policy is in place in the district.

As required by law in order to receive Title I, Part A funds, the District shall provide to TEA written assurance regarding comparability of services across the District in teachers, administrators, and other staff, as well as in the provision of curriculum materials and instructional supplies.

For information on the District salary schedule, see DEA(LOCAL).

**Comparability of
Services**

As reflected in District records and as submitted to TEA, the District shall document compliance by using one of the following methods:
0)

1. Comparison of state and local expenditures per student;
2. Comparison of per-student expenditures for state and local base salaries; or
3. Ratio of students to full-time equivalent instructional staff whose salaries are not federally funded.

In special programs, such as special education, bilingual education, or English as a second language, a lower ratio may be maintained and more money may be spent per individual campus as necessary to fulfill other legal requirements. These costs shall be excluded from the comparability of services calculations.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required to establish LPACs.

**Language
Proficiency
Assessment
Committees**

The professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs.

Training

The District shall provide orientation and training for all members of the LPAC(s), which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for the District and shall observe requirements regarding confidentiality of student records. [See FL]

ADD POLICY

EN 4/20/21: It was confirmed during the administrative review that the district uses these exams. This policy would be required to cover these examinations.

The principal or designee or the attendance committee, as applicable, shall have authority to offer a student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when: 0)

1. The student is enrolling in the District from a nonaccredited school [see FD];
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit or a final grade because of excessive absences [see FEC].

The Board-approved examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established District procedures.

Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate District employee shall review the student's educational records to determine whether the student has had prior instruction in the subject or course.

EN 3/30/21: Policy required if the district uses credit by exam with prior instruction

PROPOSED REVISIONS

~~Examinations for Acceleration or Course Credit~~

~~If a student in grades 1–12 wishes to accelerate to the next grade level or earn course credit without having received prior instruction in the grade level or course, the District shall offer opportunities in accordance with state law and State Board rules for the student to take a Board-approved examination for this purpose.~~

This above text was recommended to align with EHDB(LOCAL). It's not necessary since state law and Commissioner rules govern these exams.

Kindergarten Acceleration

In accordance with State Board rules, the Board shall approve procedures developed by the Superintendent or designee to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration may include:0)

1. Scores on readiness tests or achievement tests that may be administered by appropriate District personnel.
2. Recommendation of the kindergarten or preschool the student has attended.
3. Chronological age and observed social and emotional development of the student.
4. Other criteria deemed appropriate by the principal and Superintendent.

Rationale (A): The kindergarten accelerations provision is recommended to comply with TAC rules that the board adopt these procedures.

NO CHANGE RECOMMENDED

Partnership Programs

An eligible student may enroll in a partnership program with a Texas college or university in accordance with an agreement between the District and the college or university.

The District shall award credit toward high school graduation in accordance with the agreement between the District and the college or university.

Other College-Level Courses

The District may award a student credit for completing a college-level course at an accredited college or university that is not in a partnership program with the District. Award of credit shall be based on administrator approval in accordance with District guidelines.

Texas Virtual School Network

According to guidelines established by the Texas Virtual School Network (TxVSN) and the course provider, the District may enroll a student in college-level courses through the TxVSN. When the student successfully completes a course, credit shall be applied toward graduation requirements. [See EHDE]

This policy is recommended to address how the district awards graduation credit for a student completing a college-level course.

NO CHANGE RECOMMENDED

**Texas Virtual School
Network**

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the Texas Virtual School Network (TxVSN).

Enrollment in courses through the TxVSN shall not be subject to limitations the District may impose for other distance learning courses.

Rationale (A): The law requires the district to establish a policy regarding TxVSN.

**Other Distance
Learning**

The Superintendent or designee shall establish procedures governing the use of other distance learning courses, including correspondence courses, as a means of earning credit in a subject or course. In order to receive credit, a student shall obtain approval from the principal or designee prior to enrollment in the course.

There is no requirement to address other distance learning courses, but this provision closes the loop as it relates to non-TxVSN courses.

NO CHANGE RECOMMENDED

**Certificate of
Coursework
Completion**

The District shall not issue a certificate of coursework completion to a student who fails to meet all state and local requirements for graduation. [See EIF, FMH]

Partial Credit

When a student earns a passing grade in only half of a course and the combined grade for both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

Rationale (B): The district has declared which options it will exercise in the district for issuance of certificate of coursework completion and the award of partial credit.

PROPOSED REVISIONS

Relation to Essential Knowledge and Skills

~~The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.~~

~~Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that each student's performance indicates the level of mastery of the designated District objectives.~~

It is not necessary to include the provisions above in policy but it does provide some context for the overall policy.

Guidelines for Grading

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student's relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

Rationale (A): The law requires the district's grading policy to include a provision that grades assigned to a student will reflect that student's relative mastery of an assignment.

The District shall permit a student who meets the criteria detailed in the grading guidelines a reasonable opportunity to retake a test for which the student received a failing grade.

Rationale (A): If this is the district's practice, the redo/retake provision is required in the policy.

Progress Reporting

The District shall issue grade reports/report cards every ~~grade reporting period~~ six-weeks on a form approved by the Superintendent or designee. Performance shall be measured in accordance with this policy and the standards established in EIE.

Rationale (B): The policy should reflect the grading period.

Interim Reports

Interim progress reports shall be issued for all students after the third week of each grading period. Supplemental progress reports may be issued at the teacher's discretion.

Rationale (B): The policy should reflect when interim (progress) reports are issued.

ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

EIA
(LOCAL)

Conferences

In addition to conferences scheduled on the campus calendar, conferences may be requested by a teacher or parent as needed.

EN 3/30/21: Provision that requires conferences.

Academic Dishonesty

~~A student found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.~~

EN 3/30/21: This could be addressed in the Student Code of Conduct.

DELETE POLICY

If this continues to reflect district practice, it can be addressed in the student handbook. There is no requirement that exam exemptions be addressed by board adopted policy.

Exemptions

A student in grades 9–12 shall be exempt from the spring semester exam in a class, provided that he or she has no more than five tardies in that class and meets one of the following academic average/absence criteria for that class:

- Has a 95–100 semester grade average and no more than three absences.
- Has a 90–94 semester grade average and no more than two absences.
- Has an 85–89 semester grade average and no more than one absence.
- Has an 80–84 semester grade average and no absences.
- Has passed the subject area on the state-mandated assessment and has no more than four absences. Parent approval shall be required for this option only.

PROPOSED REVISED POLICY

Rationale: Given the benefits that can accrue to a student based on class rank (e.g., scholarships and graduation honors), it is recommended that class rank be addressed in board policy.

This proposed revised policy is based on conversations with the administrative team to codify the current district practices.

Please closely review this policy and notify your policy consultant if there are any additional revisions.

Consistent Application for Graduating Class

The District shall apply the same class rank calculation method and rules for local graduation honors for all students in a graduating class, regardless of the school year in which a student first earned high school credit.

Calculation

The District shall include in the calculation of class rank semester grades earned in high school credit courses taken in grades 9–12 only, unless excluded below.

The calculation shall include failing grades.

Exclusions

The calculation of class rank shall exclude grades earned in summer school, night school, credit recovery, any distance learning course, an assigned remediation or tutoring course, any local credit course, or through credit by examination with prior instruction if the grade earned is at least 80.

Weighted Grade System

The District shall categorize and weight eligible courses as Level 1, Level 2, and Level 3 in accordance with provisions of this policy.

Categories

Level 3

Eligible Advanced Placement (AP), courses locally designated as honors, dual credit courses, and On Ramp courses shall be categorized and weighted as Level 3 courses.

Level 2

All other courses not designated as Level 3 or Level 1 courses.

Level 1

Modified courses, end-of-course intervention course, English 1, and English 3 courses be categorized and weighted as Level 1 courses.

Weighted Grade Point Average

The District shall convert semester grades earned in eligible courses to grade points in accordance with the following chart and shall calculate a weighted grade point average (GPA):

ACADEMIC ACHIEVEMENT
CLASS RANKING

EIC
(LOCAL)

Grade	Level 3	Level 2	Level 1
100	6.0	5.0	4.0
99	5.9	4.9	3.9
98	5.8	4.8	3.8
97	5.7	4.7	3.7
96	5.6	4.6	3.6
95	5.5	4.5	3.5
94	5.4	4.4	3.4
93	5.3	4.3	3.3
92	5.2	4.2	3.2
91	5.1	4.1	3.1
90	5.0	4.0	3.0
89	4.9	3.9	2.9
88	4.8	3.8	2.8
87	4.7	3.7	2.7
86	4.6	3.6	2.6
85	4.5	3.5	2.5
84	4.4	3.4	2.4
83	4.3	3.3	2.3
82	4.2	3.2	2.2
81	4.1	3.1	2.1
80	4.0	3.0	2.0
79	3.9	2.9	1.9
78	3.8	2.8	1.8
77	3.7	2.7	1.7
76	3.6	2.6	1.6
75	3.5	2.5	1.5
74	3.4	2.4	1.4
73	3.3	2.3	1.3
72	3.2	2.2	1.2
71	3.1	2.1	1.1
70	3.0	2.0	1.0

Grade	Level 3	Level 2	Level 1
Below 70	0.0	0.0	0.0

Transferred Grades When a student transfers semester grades for courses that would be eligible under the *Level 1* category and the District has accepted the credit, the District shall include the grades in the calculation of class rank.

When a student transfers semester grades for courses that would be eligible to receive additional weight under the District's weighted grade system, the District shall assign additional weight to the grades based on the categories and grade weight system used by the District.

Local Graduation Honors

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank in accordance with this policy and administrative regulations by using grades available at the time of calculation at the end of the fall semester of the senior year.

For the purpose of applications to institutions of higher education, the District shall also calculate class rank as required by state law. The District's eligibility criteria for local graduation honors shall apply only for local recognitions and shall not restrict class rank for the purpose of automatic admission under state law. [See EIC(LEGAL)]

Valedictorian and Salutatorian

The valedictorian and salutatorian shall be the eligible students with the highest and second-highest rank, respectively. To be eligible for this local graduation honor, a student must have been continuously enrolled in the District high school by the beginning of the third week in the first semester of his or her senior year.

EN 4/22/21: Please review the sample provisions below regarding breaking ties.

Breaking Ties

In case of a tie in weighted GPAs after calculation to the fourth decimal place, the District shall apply the following methods, in this order, to determine recognition as valedictorian or salutatorian: 0)

1. Count the number of Level 3 courses taken by each student involved in the tie.

2. Calculate a weighted GPA using only eligible grades in Level 3, Honors, AP, and dual credit courses taken by each student involved in the tie.
3. Calculate a weighted GPA using only eligible grades earned in English, mathematics, science, social studies, *and languages other than English* taken by each student involved in the tie.

If the tie is not broken after applying these methods, the District shall recognize all students involved in the tie as sharing the honor and title.

OR

Ties

In case of a tie in (*weighted GPAs, weighted numerical grade averages*) after calculation to the (*fourth decimal*) place, the District shall recognize all students involved in the tie as sharing the honor and title.

OR

No Ties

In order to recognize only one student as valedictorian and one student as salutatorian, the District shall calculate (*weighted GPAs, weighted numerical grade averages*) to a sufficient number of decimal places so that no ties exist among eligible students.

Rationale: TEA guidance regarding who received the honor graduate certificate defers to board policy. The provision below designates who would be considered the highest-ranking graduate in the district and eligible to receive the honor graduate certificate.

Highest-Ranking Graduate

The local eligibility criteria for recognition as the valedictorian shall not affect recognition of the highest-ranking graduate for purposes of receiving the honor graduate certificate from the state of Texas.

The District shall calculate class rank for this purpose at the end of the school year.

DELETE POLICY

There's no requirement to address test security in board policy. It is appropriately addressed in administrative regulations or testing procedures developed by the district.

Test Security

It is the policy of the District to comply with all procedures published by TEA in its annual test administration manuals with regard to test security and confidentiality. The Superintendent shall be responsible for ensuring that:

1. Procedures are developed to ensure the security and confidentiality of state assessments in compliance with all requirements established by TEA.
2. District and campus testing personnel are trained in test security and confidentiality, as well as test administration procedures, in accordance with TEA's published requirements.
3. Any violation of the state's security or confidentiality procedures is reported to TEA in accordance with established procedures.

TEA's *Test Security Supplement* shall serve as the "best practices" document to guide the District in the implementation of this policy.

NO CHANGE RECOMMENDED

Rationale (A): State law requires that the district adopts a policy to address the creation of a campus charter and charter program.

If the district partners with open-enrollment charter school to operate a district campus then an ELA(LOCAL) would be necessary. Currently, the district does not have an ELA(LOCAL).

Note: For purposes of this policy, the term campus charter includes a program charter.

Campus Charters

The Board shall consider an application for a campus charter if the applicant:0)

1. Complies with the statutory requirements for a campus charter;
2. Follows the application process established by the District; and
3. Supplies evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter.

Compliance with Law

Campus charters shall comply with all federal law and with state law governing such charters and shall be nonsectarian.

Application Process

The Superintendent or designee shall schedule an informational meeting for anyone expressing interest in establishing a campus charter. Applications and petition forms for a campus charter shall be available in the central administration office or in a designated place that is accessible to parents and teachers in the District.

Applicants shall present a draft of the application to the Superintendent or designee in accordance with a timeline established in administrative regulations. The Superintendent or designee shall work with the applicants in completing the application process.

A public forum shall be held to allow the applicants an opportunity to present their proposal to the Board and to the community prior to formal consideration by the Board.

Final applications and any applicable petitions for campus charters shall be submitted to the District prior to January 1 for Board consideration of a charter to begin the following school year.

Content of Final Application

A final application for a campus charter shall include the following:
0.

CAMPUS OR PROGRAM CHARTERS

EL
(LOCAL)

1. The purpose and need for such a campus or program;
2. The unique distinction between the proposed campus or program and the District's current campuses and programs;
3. A mission and goals statement;
4. The curriculum to be offered;
5. A plan for measuring student achievement;
6. A governance and decision-making plan, including a list of local Board policies that shall apply, as well as a list of any local policies the applicant is requesting the Board to waive;
7. An enrollment and withdrawal process;
8. A plan for maintaining and reporting PEIMS data in accordance with state requirements;
9. Discipline procedures;
10. A safety and security plan;
11. A plan for providing facilities and student transportation;
12. A facility and maintenance plan that includes routine maintenance as well as emergency procedures for managing potential danger to the health and safety of students and employees;
13. An employment plan consistent with federal and applicable state guidelines, due process requirements, and contract non-renewal and termination procedures; and
14. The role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and other areas of management.

Applicants shall submit with the application any required petitions indicating evidence of support for the approval of a campus charter.

Content of Charter

A charter shall be a written contract signed by the Board President, the Superintendent, and the chief operating officer of the campus charter.

Each charter shall satisfy the requirements of the law governing campus charters and include the items listed in the application, with any modifications required by the Board.

In addition to the legally required contents of a charter, each charter contract shall: 0.

1. Stipulate a term length for the charter; and
2. Establish a date for review or renewal of the charter.

Revising the Charter

Revisions or amendments to a charter shall follow the same process outlined at Application Process, as applicable.

Provisions for Probation or Revocation

The Board may place on probation or revoke a campus charter in accordance with the charter contract if it finds that the campus charter:

1. Violates a provision of applicable state or federal law;
2. Violates a provision of the charter, which may include failure to meet academic or financial accountability requirements; or
3. Fails to meet generally accepted accounting standards for fiscal management.

Procedure

The Superintendent shall investigate any allegation that a campus charter has violated federal or applicable state law or provisions of the charter or fails to meet generally accepted accounting standards for fiscal management. The Superintendent shall hold a conference with the chief operating officer and governing body of the charter campus or program to discuss any such allegation.

If the Superintendent determines that a violation or mismanagement has occurred, the chief operating officer of the campus charter shall respond to the allegation at the next regularly scheduled Board meeting. The Superintendent shall ensure that the issue is on the agenda.

The Board shall hear the presentation and take action, if necessary, to place the campus charter on probation.

If the Board decides to consider revocation of the campus charter, it shall schedule a public hearing to be held on the respective campus.

DELETE POLICY

A board-adopted policy is not necessary. This policy was created in response to a big issue in districts and was provided as guidance and risk mitigation. The policy's intent was to establish an objective standard regarding teaching controversial subjects and respect for views and rights of others.

The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.

Selection of Topics

A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias. In addition, the teacher shall be certain that:

1. The issue in question is within the range, knowledge, maturity, and comprehension of the students.
2. The issue is current and educationally significant.
3. The consideration of the issue does not interfere with required instruction.
4. Sufficient relevant information on all aspects of the issue is provided.

0.If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher may discuss the issue with the principal.

Classroom Discussion

In guiding classroom discussion of controversial issues, teachers shall:

1. Foster students' critical thinking skills.
2. Encourage discussion based on rational analysis.
3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.
4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.
5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.

Student or Parent Concerns

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LOCAL)

0.A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at FNG.

DELETE POLICY

A board-adopted policy is not necessary. This policy was created in response to a big issue in districts and was provided as guidance and risk mitigation. The policy's intent was to establish an objective standard regarding teaching about religion.

Teaching About Religion

The inclusion of religion in the study of history, culture, literature, music, drama, and art is essential to a full and fair presentation of the curriculum. The inclusion of religious elements is appropriate as long as the material included is intrinsic to the field of study in which it is presented and as long as it is presented objectively.

The District's approach to teaching about religion shall be academic, not devotional. Emphasis on religious themes in the arts, literature, and history shall be only as extensive as necessary for a balanced and thorough study of these areas. Such studies shall not foster any particular religious tenet nor demean any religious beliefs, but shall attempt to develop mutual respect among students and advance their knowledge and appreciation of the role that religious heritage plays in the social, cultural, and historic development of civilization.

Religious Texts

Use of religious texts in instruction shall be guided by the principles set forth above. Other than texts used in an appropriate course of study, the District shall not distribute religious texts or materials to students. Such materials may be indexed, shelved, and circulated as library materials. [See FNAA regarding student distribution of nonschool literature and GKDA regarding nonstudent distribution of nonschool literature]

Religious Music

District music groups may perform or receive instruction regarding religious music as part of the secular program of instruction. The primary purpose of the inclusion of religious music in performances or instruction shall be academic, not devotional. Performances and instruction shall reflect religious diversity when appropriate.

Religious Symbols

Religious symbols may be displayed as a teaching aid. Their display shall be temporary and limited to specific teaching activities; such displays shall not be permitted for devotional purposes.

Religious Elements in Student Work

Students may choose to include religious elements in their schoolwork, such as papers, presentations, or artwork; however, students' work must fulfill the purpose of the assignment and be evaluated by secular academic standards.

PROPOSED REVISIONS

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

- Title IX Coordinator** The District designates and authorizes the Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]
- ADA / Section 504 Coordinator** The District designates and authorizes the ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended. [See FB(EXHIBIT)]
- Superintendent** The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws

Rationale (A): The law states that the district shall designate an employee to coordinate Title IX and ADA/Section 504 compliance efforts. The above provisions cover this with he designated employees in the respective exhibits.

The superintendent would serve to coordinate all other nondiscrimination laws. While not necessary it closes the loop.

The remaining provisions would establish board expectations regarding equal opportunity.

- Equal Educational Opportunity**
General Education The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC] Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]
- Additional Services and Supports If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District's compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student's disability shall be made in accordance with FFH.

Section 504

Committees

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Referrals

If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.

Notice and Consent

The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

Evaluation and Placement

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

Review and Reevaluation Procedure

To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

reevaluation shall generally occur no more frequently than once a year.

- Examining Records A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]
- Right to Impartial Hearing A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.
- Records Retention Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records control schedules. [See CPC]

PROPOSED REVISIONS-revise 8-5-22

Note: This local policy has been revised in accordance with the District's innovation plan.¹

In accordance with the District's innovation plan, the District is exempt from state law requiring a child to be at least five years of age on September 1 of the school year to be eligible to enroll in the District' kindergarten program.

Rationale (C): This policy is recommended to align with the district's revised DOI plan. [Change legal version to FD(H)-ID]

Persons Age 21 and Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Rational (B): The above provision establishes which option the district has selected as it relates to admission of persons age 21 and over.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

At the time of initial registration ~~and on an annual basis thereafter~~, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency in accordance with administrative regulations developed by the Superintendent. The District may investigate stated residency as necessary.

Rationale (A): Above provisions establish minimum acceptable proof of residency as required to be include in the policy. The Registration Forms provision provide context.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Rationale (A): The above provisions satisfy the requirement to satisfy policy requirement to address the substitute guardian for a student.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Rationale (B): The above provision expresses district's option not to admit students with serious misconduct violations.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

~~Extracurricular
Activities~~

~~The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.~~

The above isn't necessary since this is prohibited by law. There should be a process in place to make this determination.

**Nonresident Student
in Grandparent's
After-School Care**

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with this policy.

Substantial After-
School Care

For the purpose of admission under this provision, a substantial amount of after-school care shall consist of at least two hours per school day for three school days during the regular school week.

A student enrolled under this provision may continue in enrollment so long as the grandparent provides this level of care.

The Superintendent shall have authority to waive these requirements on the basis of a student's extenuating circumstances.

Above provisions intended for students in grandparent care. The board has to define substantial after-school care.

Underage Students

A child younger than five years of age shall be eligible for enrollment in the District if the student performs satisfactorily on the District-developed assessment. Administrative procedures shall address the testing schedule and parental notification of eligible students.

EN 3/30/21: Above provision required if the district wants to permit admission of students younger than five years of age.

~~**"Accredited" Defined**~~

~~For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an~~

	accrediting association recognized by the commissioner of education.
Grade-Level Placement	
Accredited Schools	The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.
Nonaccredited Schools	A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include: 1. Scores on achievement tests, which may be administered by appropriate District personnel; 2. Recommendation of the sending school; 3. Prior academic record; 4. Chronological age and social and emotional development of the student; and 5. Other criteria deemed appropriate by the principal.
Transfer of Credit	
Accredited Texas Public Schools	Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.
Other Accredited or Nonaccredited Schools	Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.
	The removed provisions could be handled administratively.
Transition Assistance	In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to determine transfer of credit for subjects and courses taken prior to enrollment. [See EI]

Rationale (A): This transition assistance provision is required by administrative rules.

Withdrawal

~~A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.~~

~~{For District withdrawal of students no longer in attendance, see FEA(LOCAL).}~~

This provision could be addressed administratively.

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

PROPOSED REVISIONS

Authority

The Superintendent or designee is authorized to accept or reject any transfer requests, provided that such action is without regard to race, religion, color, sex, disability, national origin, or ancestral language.

Rationale (D): The policy is necessary to delegate to the superintendent the authority to evaluate and accept transfers.

A ~~senior~~ student who becomes a nonresident during the course of the school year shall be permitted to continue in attendance for the remainder of the school year.

During the administrative discussion, the recommendation was to permit a resident student who becomes a nonresident to continue in attendance for the remainder of the school year.

~~A resident student in kindergarten–grade 11 who becomes a nonresident during the last six weeks of the semester shall be permitted to continue in attendance for the remainder of the semester.~~

~~Selective Enrollment Period~~

~~Annually, the Superintendent may designate a selective enrollment period that may be extended or reopened at the Board's discretion.~~

The provisions below on how to apply for a transfer can be addressed in administrative procedures.

~~Transfer Requests~~

~~A nonresident student wishing to transfer into the District shall file an application for transfer each school year with the Superintendent or designee. Transfers shall be granted for one regular school year at a time.~~

~~Factors~~

~~In approving transfers, the Superintendent or designee shall consider availability of space and instructional staff and the student's disciplinary history, attendance records, academic records, and performance on state-mandated assessments. A transfer shall not be approved that would limit the educational opportunities of resident students.~~

During the administrative review, we did discuss TEA guidance advising against the use of academic performance as a factor and revoking a transfer agreement in the middle of school year for any reason other than nonpayment of tuition.

~~Assignment~~

~~The Superintendent or designee shall assign the transfer student to a campus based on available space and staff capacity.~~

ADMISSIONS
INTERDISTRICT TRANSFERS

FDA
(LOCAL)

~~Transfer
Agreements~~

~~A transfer student shall be notified in the written transfer agreement that he or she must follow all rules and regulations of the District. Violation of the terms of the agreement may result in the student's immediate withdrawal from the District or a transfer request for the student not being approved the following year.~~

Tuition Waiver

~~If the District charges tuition, the amount shall be set by the Board, within statutory limits.~~

EN 4/1/21: Board could establish tuition through board action.

~~Waivers~~

If the District charges tuition, ~~T~~he Board may waive tuition for a student based on financial hardship upon written application by the student, parent, or guardian. [See FP]

~~Nonpayment~~

~~The District may initiate withdrawal of students whose tuition payments are delinquent.~~

The nonpayment information could be addressed in administrative procedures.

Appeals

Any appeals shall be made in accordance with FNG(LOCAL) and GF(LOCAL), as appropriate.

NO CHANGE RECOMMENDED

A student shall be assigned to a school in the attendance area in which he or she resides.

Class Changes

The campus principal shall be authorized to investigate and approve the transfer of a student from one classroom to another on that campus.

Child of a District Employee

A child of a District employee may be allowed to attend the school to which the parent is assigned, provided that space and staff are available to accommodate the student. A request for such an intradistrict transfer shall be made to the Superintendent or designee in accordance with administrative regulations.

The above provisions could be addressed in student handbook, employee handbook, or administrative provisions. During the administrative discussions, it was recommended for retention in board policy.

Transfers Between Schools

The Superintendent shall be authorized to investigate and approve transfers between schools.

Rationale (D): The above provision delegates the superintendent as the board's designee in making intradistrict transfer decisions.

Note: For the transfer of a student who is the victim of bullying or who engaged in bullying, see FDB(LEGAL). For the transfer of a student who attends a persistently dangerous school, becomes a victim of a violent criminal offense, or becomes a victim of sexual assault, see FDE.

NO CHANGE RECOMMENDED

Rationale (A): This policy is intended to comply with the McKinney-Vento Act requiring that the district adopt policies and procedures to ensure homeless students are not stigmatized.

Liaison for Homeless Students

The Superintendent shall designate an appropriate staff person as the District liaison for students who are homeless. [See FFC]

The liaison shall receive and provide to appropriate staff members professional development regarding services required by law to identify and meet the needs of students who are homeless. In addition, the liaison shall regularly review with campus admissions personnel the laws and administrative procedures applicable to students who are homeless.

Rationale (A): This section of the policy is required to ensure liaison participates in professional development and training associated with serving homeless children and youths. The liaison is designated in FFC(E).

Admissions

The District shall not stigmatize or segregate a student who is homeless.

The principal and campus admissions staff shall notify the liaison for homeless students within one school day of admission of a student who is homeless.

Enrollment in School of Origin

In determining the best interest of the student for the purpose of continuing the student's education in the school of origin, as defined by law, the District shall presume that keeping the student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. The District shall also consider the best interests of the student with regard to the impact of moving schools on the student's achievement, education, health, and safety, including such relevant factors as:0)

1. Continuity of instruction;
2. Age and grade placement of the student;
3. Distance of the commute and its impact on the student's education or special needs;
4. Personal safety of the student;

5. The student's eligibility and need for any specialized services and supports, such as Section 504, special education and related services, or bilingual or English as a second language services;
6. Length of anticipated stay in a temporary shelter or other temporary location, if applicable;
7. Likely area of the family's or youth's future housing;
8. Time remaining in the school year; and
9. School placement of siblings.

Services, including transportation, that the District is required to provide shall not be considered in determining the student's school of attendance.

**Continuation of
Transportation**

The District shall provide transportation to a student who is homeless to and from the school of origin, as provided by law. If such a student ceases to be homeless and if requested by the parent, guardian, or unaccompanied youth, the District shall continue to provide transportation to and from the school of origin through the end of the school year. [See CNA]

EN 3/30/21: Required as condition of receiving funds under the McKinney-Vento Act

**Dispute Resolution
Process**

If the District determines that it is not in the student's best interest to attend the school of origin or the requested school, the District shall provide a written explanation, in a manner and form that is understandable to the parent, guardian, or unaccompanied youth, of the reasons for the decision, including the right to appeal.

If the student, parent, or guardian has a complaint about eligibility, school selection, or enrollment decisions made by the District, that person shall use the complaint resolution procedures set out in FNG(LOCAL), beginning at Level Two. The District shall expedite local timelines in the District's complaint process, when possible, for prompt dispute resolution.

Pending final resolution of the dispute, the District shall immediately enroll the homeless student in the school in which enrollment is sought and permit the student to attend classes, receive the requested services, and participate fully in school activities.

When the principal becomes aware of a complaint, he or she shall notify the liaison for homeless students within one school day. At all

times during the dispute resolution process, the liaison for homeless students or designee shall accompany and assist the student, parent, or guardian.

[See FNG(LOCAL) for all other complaints.]

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by law and administrative rules (Student Attendance Accounting Handbook).

**Attendance
Accounting System**

The Superintendent shall be responsible for designating the official attendance-taking time during the campus's instructional day and maintaining a student attendance accounting system in accordance with statutory and TEA requirements. [See also FD for admissions and residency requirements.]

Alternative
Attendance-Taking
Time

The Superintendent is authorized to establish written procedures permitting a campus to record absences in an alternative hour from the District's official attendance-taking time or for a designated group of students at a campus. The alternative attendance-taking time shall be determined in accordance with TEA's *Student Attendance Accounting Handbook* and administrative regulations.

**Parental Consent to
Leave Campus**

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by federal law. It is the district's wellness policy. The wellness plan is also an important component but the plan does not require board approval.

The District shall support the general wellness of all students by implementing measurable goals which will follow current nutritional guidelines, advance student health and reduce childhood obesity through nutrition education, physical activity, and other school-based activities.

[See EHAA for information regarding the District's coordinated school health program]

**Development,
Implementation, and
Review of Guidelines
and Goals**

The local school health advisory council (SHAC), on behalf of the District, shall review and consider evidence-based strategies and techniques and shall develop nutrition guidelines and wellness goals as required by law. In the development, implementation, and review of these guidelines and goals, the SHAC shall permit participation by parents, students, representatives of the District's food service provider, physical education teachers and school health professionals, members of the Board, school administrators, and members of the public.

[See BDF for required membership of the SHAC.]

Wellness Plan

The SHAC shall develop a wellness plan to implement the District's nutrition guidelines and wellness goals. The wellness plan shall, at a minimum, address:

1. Strategies for soliciting involvement by and input from persons interested in the wellness plan and policy;
2. Objectives, benchmarks, and activities for implementing the wellness goals;
3. Methods for measuring implementation of the wellness goals;
4. The District's standards for foods and beverages provided, but not sold, to students during the school day on a school campus; and
5. The manner of communicating to the public applicable information about the District's wellness policy and plan.

The SHAC shall review and revise the plan on a regular basis and recommend revisions to the wellness policy when necessary.

Nutrition Guidelines

Foods and
Beverages Sold

The District's nutrition guidelines for reimbursable school meals and all other foods and beverages sold or marketed to students during the school day shall be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidance, except when the District allows an exemption for fundraising activities as authorized by state and federal rules. [See CO and FJ]

Foods and
Beverages Provided

The District shall establish standards for all foods and beverages provided, but not sold, to students during the school day. These standards shall be addressed in the District's wellness plan.

Wellness Goals

Nutrition Promotion

The District shall implement, in accordance with law, a coordinated school health program with a nutrition education component. [See EHAA] The District's nutrition promotion activities shall encourage participation in the National School Lunch Program, the School Breakfast Program, and any other supplemental food and nutrition programs offered by the District.

The District establishes the following goals for nutrition promotion:
0.

1. The District's food service staff, teachers, and other District personnel shall consistently promote healthy nutrition messages in cafeterias, classrooms, and other appropriate settings.
2. The District shall share educational nutrition information with families and the general public to promote healthy nutrition choices and positively influence the health of students.

Nutrition Education

The District establishes the following goal for nutrition education:
The District shall deliver nutrition education that fosters the adoption and maintenance of healthy eating behaviors.

Physical Activity

0. The District shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grades. [See BDF, EHAA, EHAB, and EHAC]

The District establishes the following goals for physical activity:0.

1. The District shall provide an environment that fosters safe, enjoyable, and developmentally appropriate fitness activities for all students, including those who are not participating in physical education classes or competitive sports.
2. The District shall provide appropriate staff development and encourage teachers to integrate physical activity into the academic curriculum where appropriate.

3. The District shall make appropriate before-school and after-school physical activity programs available and shall encourage students to participate.
4. The District shall make appropriate training and other activities available to District employees in order to promote enjoyable, lifelong physical activity for District employees and students.
5. The District shall encourage parents to support their children's participation, to be active role models, and to include physical activity in family events.
6. The District shall encourage students, parents, staff, and community members to use the District's recreational facilities, such as tracks, playgrounds, and the like, that are available outside of the school day. [See GKD]

The Superintendent shall ensure that all elementary campuses offer recess a minimum of 30 minutes each instructional day for all students in prekindergarten–grade 5. Physical education shall not be substituted for recess. When a student misses physical education, he or she shall be provided additional recess time that meets the state requirements.

Implementation

The Superintendent or designee shall oversee the implementation of this policy and the development and implementation of the wellness plan and appropriate administrative procedures.

Evaluation

The District shall comply with federal requirements for evaluating this policy and the wellness plan.

Public Notification

The District shall annually inform and update the public about the content and implementation of the wellness policy, including posting on its website copies of the wellness policy, the wellness plan, and the required implementation assessment.

Records Retention

The District shall retain all the required records associated with the wellness policy, in accordance with law and the District's records management program. [See CPC and FFA(LEGAL)]

NO CHANGE RECOMMENDED

Required Medical Clearance Prior to participating in a designated University Interscholastic League (UIL) program or other District extracurricular program identified by the Superintendent, a student shall undergo a physical examination annually and shall submit a statement from an authorized health-care provider indicating that the student has been examined and medically cleared to participate in the program.

Additional Screening The District may provide additional screening as District and community resources permit.

Referrals Parents of students identified through any screening programs as needing treatment or further examination shall be advised of the need and referred to appropriate health agencies.

Rationale (A): The above provisions are to comply with the Department of Education requirements for the district to have policies regarding the administration of physical examinations or screenings.

Notice of Lice A school nurse or administrator who discovers or becomes aware that a child enrolled in a District elementary school has lice shall provide written or electronic notice to parents within the time frames prescribed in law.

Rationale (A): The Notice of Lice provision is required by law.

NO CHANGE RECOMMENDED

Rationale (A): This policy is legally required.

**Food Allergy
Management Plan**

The District shall develop and implement a student food allergy management plan that includes the components below.

General Procedures

Procedures to limit the risk posed to students with food allergies shall include:0)

1. Specialized training for employees responsible for the development, implementation, and monitoring of the District's food allergy management plan.
2. Awareness training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction.
3. General strategies to reduce the risk of exposure to common food allergens.
4. Methods for requesting specific food allergy information from a parent of a student with a diagnosed food allergy. [See FD]
5. Annual review of the District's food allergy management plan.

**Students at Risk for
Anaphylaxis**

Procedures regarding the care of students with diagnosed food allergies who are at risk for anaphylaxis shall include:0.

1. Development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate.
2. Training, as necessary, for employees and others to implement each student's care plan, including strategies to reduce the student's risk of exposure to the diagnosed allergen.
3. Review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity.

Distribution

Information regarding this policy and the District's food allergy management plan shall be distributed annually in the student handbook and made available at each campus.

NO CHANGE RECOMMENDED

Rationale (A): This policy is legally required. It was developed in collaboration with the Texas School Safety Center.

Threat Assessment and Safe and Supportive Team

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

Training

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

Imminent Threats or Emergencies

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

Threat Assessment Process

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures, the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:0)

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.
2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.
3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student: 0.

1. To a local mental health authority or health-care provider for evaluation or treatment; or
2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School
Community

The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.

Reports

The team shall provide reports to the Texas Education Agency as required by law.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by law.

**Trauma-Informed
Care Program**

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

Training

The District shall provide training in trauma-informed care to District educators as required by law. The District improvement plan shall specify required training for any other District employees as applicable.

Annual Report

The District shall provide an annual report to the Texas Education Agency on the number of employees who have participated in trauma-informed care training.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by law to address how notice is provided to the parent of a student with whom an educator is alleged to have engaged in misconduct.

The District shall notify a parent of a student with whom an educator is alleged to have engaged in misconduct, informing the parent:

1. As soon as feasible that the alleged misconduct may have occurred;
2. Whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the State Board for Educator Certification (SBEC) concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an educator's alleged abuse or commission of an otherwise unlawful act with the student or involvement in a romantic relationship, or soliciting or engaging in sexual contact with the student.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by law to prohibit bullying of students and establish a process for investigating bullying allegations.

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

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

Student Report

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 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.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
(LOCAL)

<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>

DELETE POLICY

This could be addressed in administrative regulations.

Administrative regulations shall address student fundraising plans, approval of fundraising activities, and any required reporting on fundraisers by campus administrators.

With at least one employee managing each project, students representing their school or the District may participate in approved fundraising to benefit the District or a nonschool, charitable organization. Participation shall be voluntary and shall be approved only when the fundraising activity relates to the District's educational mission.

Fundraising shall not be permitted during class time. [See EC]

Fundraising through sales of foods and beverages that could be consumed during the school day shall meet the requirements for competitive foods unless the District allows an exception from the competitive food requirement, as permitted by state and federal law. [See CO and FFA]

PROPOSED REVISIONS

**Extracurricular
Activity Absences**

The District shall make no distinction between absences for UIL activities and absences for other extracurricular activities approved by the Board. A student shall be allowed in a school year a maximum of ten extracurricular absences not related to post-district competition, a maximum of five absences for post-district competition prior to state, and a maximum of two absences for state competition.

Rationale: If the district wishes to establish a limit on extracurricular activity absences, then the board must adopt a policy stating that limit.

**Use of District
Facilities**

~~School-sponsored student groups may use District facilities with prior approval of the appropriate administrator. Other student groups may use District facilities in accordance with policy FNAB.~~

The use of district facilities by school-sponsored groups could be addressed in administrative procedures.

DELETE POLICY

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

This information could be addressed as an administrative regulation.

Note: For provisions regarding advertising, including advertising in District- or school-sponsored publications, see GKB.

DELETE POLICY

**Transportation for
Student Travel**

Students who participate in school-sponsored trips shall be required to use transportation provided by the District to and from the event, except as otherwise permitted in administrative regulations.

**In-State Overnight
Trips**

Any in-state overnight trips taken by student organizations and other student groups shall require approval from the Superintendent.

Out-of-State Trips

Any out-of-state trips taken by student organizations or other student groups shall require approval from the Superintendent.

The approval of trips could be handled through administrative regulations.

NO CHANGE RECOMMENDED

**Commencement
Exercises**

To be eligible to participate in commencement activities and ceremonies, a student shall meet all state and local graduation requirements, including all applicable state testing. [See EI, EIF]

Rationale (B): This policy declares the option adopted by the board regarding participation in commencement for students who have not passed the required state tests.

NO CHANGE RECOMMENDED

While there is no legal requirement for such a policy, it does provide additional board-level support for the student handbook. While it doesn't require board approval of the handbook each year, this policy does outline expectations as it relates to the publication. The student handbook is essential and administrative procedures/regulations document.

Each student is expected to respect the rights and privileges of other students, teachers, and District staff. All teachers, administrators, and other District personnel are expected to respect the rights and privileges of students. [See DH series]

Student Handbook

The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

No Board Action

Student handbooks are subject to Board review but shall not be adopted by the Board.

Distribution

Student handbooks shall be made available on the District's Web site at the beginning of the school year; hard copy shall be provided upon request. Amendments to the handbook shall be communicated promptly to students and parents.

[For provisions on the Student Code of Conduct, see FO]

EN 3/31/21: Could potentially be deleted since the distinction between regulation and policy is established in section B – policies BF and BP.

The distribution requirements could be handled administratively.

NO CHANGE RECOMMENDED

Rationale (A): This policy is required by state law (2006 Religious Viewpoint Anti-Discrimination Act).

Student Expression of Religious Viewpoints

The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Student Speakers at Nongraduation Events

The District hereby creates a limited public forum for student speakers at all school events at which a student is to publicly speak. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

For purposes of this policy, a "school event" is a school-sponsored event or activity that does not constitute part of the required instruction for a segment of the school's curriculum, regardless of whether the event takes place during or after the school day.

For purposes of this policy, "to publicly speak" means to address an audience at a school event using the student's own words. A student is not using his or her own words when the student is reading or performing from an approved script, is delivering a message that has been approved in advance or otherwise supervised by school officials, or is making brief introductions or announcements.

Introductory Speakers

Student speakers in grades 6–12 shall be given a limited public forum to introduce:

1. Commemorative events; and
2. Student-led assemblies.

0.The forum shall be limited in the manner provided by this section on nongraduation events.

Eligibility and Selection

Students are eligible to use the limited public forum if they:

1. Volunteer, and
2. Are not in a disciplinary placement at the time of the speaking event.

Eligible students who wish to volunteer shall submit their names to the campus principal during the first full week of instruction each semester. Students are not eligible to volunteer if they are in a dis-

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

FNA
(LOCAL)

ciplinary placement during any part of the first full week of instruction. If there are no student volunteers, the District shall seek volunteers again at the beginning of the next semester.

The names of the students who volunteer to speak shall be randomly drawn until all names have been selected; the names shall be listed in the order drawn.

*Assignment of
Introductory
Speakers*

Each selected student shall be matched chronologically to the single event for which the student shall give the introduction. The list of student speakers shall be chronologically repeated as needed, in the same order. If no students volunteer or if the selected speaker declines or becomes ineligible, no student introduction will be made at the event.

The District shall repeat the selection process at the beginning of each semester.

*Content of
Student
Introductions*

The subject of the student introductions shall relate to the purpose of introducing the designated event. The student must stay on the subject. The student may not engage in speech that:

- Is obscene, vulgar, offensively lewd, or indecent;
- Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
- Promotes illegal drug use;
- Violates the intellectual property rights, privacy rights, or other rights of another person;
- Contains defamatory statements about public figures or others; or
- Advocates imminent lawless action and is likely to incite or produce such action.

•The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Disclaimer

For as long as there is a need to dispel confusion over the fact that the District does not sponsor the student's speech, at each event in which a student shall deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, "The student giving

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the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the District."

Other Student
Speakers

Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, regardless of grade level, address school audiences in the normal course of their respective positions. The District shall create a limited public forum for the speakers and shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against a student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

**Student Speakers at
Graduation
Ceremonies**

Opening and
Closing Remarks

The District hereby creates a limited public forum consisting of an opportunity for a student to speak to begin and end graduation ceremonies. For this speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

The forum shall be limited in the manner provided by this section on student speakers at graduation.

Eligibility

Only a student who is graduating and who holds the office of senior class president shall be eligible to use the limited public forum. A student who shall otherwise have a speaking role in the graduation ceremonies is ineligible to give the opening and closing remarks.

*Content of
Opening and
Closing Remarks*

The topic of the opening and closing remarks shall be related to the purpose of the graduation ceremony and to the purpose of marking the opening and closing of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event.

Other Student
Speakers

In addition to the student giving the opening and closing remarks, the valedictorian and salutatorian may have speaking roles at graduation ceremonies. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the District cre-

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ates a limited public forum for these students to deliver the addresses. The subject of the addresses shall be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future.

The student shall stay on the subject, and the student shall not engage in speech that:

- Is obscene, vulgar, offensively lewd, or indecent;
- Creates reasonable cause to believe that the speech would result in material and substantial interference with school activities or the rights of others;
- Promotes illegal drug use;
- Violates the intellectual property rights, privacy rights, or other rights of another person;
- Contains defamatory statements about public figures or others; or
- Advocates imminent lawless action and is likely to incite or produce such action.

•The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and shall not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Disclaimer

A written disclaimer shall be printed in the graduation program that states, "The students who shall be speaking at the graduation ceremony were selected based on neutral criteria to deliver messages of the students' own choices. The content of each student speaker's message is the private expression of the individual student and does not reflect the endorsement, sponsorship, position, or expression of the District."

**Religious
Expression in Class
Assignments**

A student may express his or her beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the student's submission. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. A student shall not be penalized or rewarded because of religious

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content. If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded because of its religious content.

**Freedom to Organize
Religious Groups
and Activities**

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. [See FNAB] Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, or handing out leaflets, school authorities shall not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided the disclaimer is administered in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.

REVIEW POLICY

During the administrative review, it was determined that district does not permit distribution of nonschool literature by students. If this is the practice, please consult the district's legal counsel for the appropriate policy text.

We did discuss the implications of such language. In particular, the difficulty in uniformly enforcing such a policy.

Should the district decide to revise this text to establish a closed forum, please provide this text to your policy consultant.

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any District premises by any District student, except in accordance with this policy.

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed by students.

For purposes of this policy, "distribution" means the circulation of more than 25 copies of material from a source other than the District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be considered nonschool literature and shall not be governed by this policy.

[For distribution of nonschool literature by nonstudents, see GKDA]

Limitations on Content

Nonschool literature shall not be distributed by students on District property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.

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5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others.

Prior Review

All nonschool literature intended for distribution by students on school campuses or other District premises under this policy shall be submitted to the principal for prior review in accordance with the following:0.

1. Materials shall include the name of the person or organization sponsoring the distribution.
2. Using the standards found in this policy at Limitations on Content, the principal shall approve or reject submitted materials within two school days of the time the materials were received.

Exceptions to Prior Review

Prior review shall not be required for distribution of nonschool literature by District students only in the following circumstances:0.

1. Distribution of materials by a student to other attendees during a meeting of a noncurriculum-related student group authorized to meet at school during noninstructional time in accordance with FNAB(LOCAL); or
2. Distribution of nonschool materials in circumstances for which exceptions to prior review are authorized at GKDA(LOCAL).

Even when prior review is not required, all other provisions of this policy shall apply.

Time, Place, and Manner Restrictions

Each campus principal shall designate times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed by students to students or others at the principal's campus.

The assistant superintendent for administration and operations shall designate times, locations, and means for distribution of

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DISTRIBUTION OF NONSCHOOL LITERATURE

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nonschool literature by students at District facilities other than school campuses, in accordance with this policy.

Violations of Policy

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials, suspension of a noncurriculum-related student group's use of District facilities, and/or other disciplinary action in accordance with the Student Code of Conduct.

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with FNG(LOCAL).

PROPOSED REVISIONS

During the administrative review, it was determined that district has not established a limited open forum for noncurriculum student groups to meet on campus. The revisions in this policy reflect that practice.

For purposes of the Equal Access Act, the District has established a limited open forum for secondary school students to meet as noncurriculum-related student groups on school premises during noninstructional time. [See FNAB(LEGAL)]~~enrolled in the District. Each District secondary school campus shall offer an opportunity for noncurriculum-related student groups to meet on school premises during noninstructional time.~~

The District has not established a limited public forum for elementary school students to meet as noncurriculum-related student groups on school premises during noninstructional time.

[See GKD for community access]

[For student activities sponsored by the District and having subject matter and purposes directly related to the school's curriculum, see FM]

Sponsorship

~~Noncurriculum-related student groups shall not be sponsored by the District and shall in no way imply to students or to the public that they are school-sponsored. All letterheads, flyers, posters, or other communications that identify the group shall contain a disclaimer of such sponsorship.~~

~~District personnel shall not promote, lead, or participate in the meetings of noncurriculum-related student groups.~~

~~[For student activities sponsored by the District and having subject matter and purposes directly related to the school's curriculum, see FM]~~

Requests

~~To receive permission to meet on school premises during noninstructional time, interested students shall file a written request with the principal on a form provided by the District.~~

~~The students making the request shall indicate that they have read and understand the policies and rules governing nonsponsored, noncurriculum-related student groups and that the group will abide by those rules.~~

Approval

~~The principal shall approve or reject the request within seven school days, subject to the availability of suitable meeting space and without regard to the religious, political, philosophical, or other~~

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~~content of the speech likely to be associated with the group's meetings.~~

~~Approval to meet as a nonsponsored, noncurriculum-related group shall be granted for one school year at a time, subject to the provisions of this policy.~~

Meetings

~~The principal shall designate noninstructional time for meetings of nonsponsored, noncurriculum-related student groups and shall assign each approved group an appropriate location and time.~~

Employee Monitor

~~The principal shall assign a District employee to attend and monitor each student group meeting. Monitors shall be present at meetings and activities in a nonparticipatory capacity to maintain order and protect school property.~~

~~No employee shall be required to monitor meetings at which the content of the speech would be objectionable to the employee.~~

Announcements and Publicity

~~All nonsponsored, noncurriculum-related student groups shall be given access on the same basis for making announcements and publicizing their meetings and activities, in accordance with guidelines developed by the principal.~~

~~[For distribution of nonschool materials, see FNAA]~~

Violations

~~Failure of a student group to comply with applicable rules may result in loss of the right to meet on school premises.~~

~~In addition, students who violate applicable rules are subject to disciplinary action in accordance with the Student Code of Conduct.~~

Appeals

~~Decisions made by the administration in accordance with this policy may be appealed in accordance with FNG(LOCAL).~~

NO CHANGE RECOMMENDED

This policy could serve the purpose of establishing general guidelines regarding dress and grooming. The specifics regarding the district's dress code would continue to be determined by the district's administration.

If the district establishes uniforms, state law requires the board to adopt the rules to govern these uniforms.

Purpose

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

General Guidelines

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

The District prohibits pictures, emblems, or writings on clothing that:

1. Are lewd, offensive, vulgar, or obscene.
2. Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under FNCF(LEGAL).

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above and with the student dress code outlined in the student handbook.

Extracurricular Activities

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate dress and grooming standards established for such an activity may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action, as specified in the Student Code of Conduct. [See FO series]

NO CHANGE RECOMMENDED

Rationale (A): This policy meets several legal requirements by addressing the confiscation and disposal of telecommunication devices and the instructional use of computing devices.

Note: For searches of personal telecommunications devices or other personal electronic devices, see FNF.

Personal Use

Telecommunications
Devices

An authorized District employee may confiscate a personal telecommunications device, including a mobile telephone, used in violation of applicable campus rules.

A confiscated personal telecommunications device shall be released for a fee determined by the Board. In accordance with the student handbook, the student or the student's parents may retrieve the device after paying the fee.

If a personal telecommunications device is not retrieved, the District shall dispose of the device after providing notice required by law.

Other Electronic
Devices

Guidelines regarding other personal electronic devices shall be addressed in the student handbook.

Instructional Use

A student shall obtain prior approval before using personal telecommunications or other personal electronic devices for on-campus instructional purposes. The student shall also acknowledge receipt and understanding of applicable regulations and shall sign the appropriate user agreements. [See CQ]

NO CHANGE RECOMMENDED

Rationale (A): This policy serve as the student leave policy mentioned in state law.

Pregnant students have the right to continue their education during pregnancy [see FB] and may choose to exercise that right by:

1. Remaining in the regular school program.
2. Participating in any other special program the District may provide for pregnant students. [See EHBC and EHBD]

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician's certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

NO CHANGE RECOMMENDED

Rationale : This is another risk mitigation policy to provide guidance to administrators regarding searches.

Questioning Students

District officials may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students may not refuse to answer questions based on a right not to incriminate themselves.

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

District Property

Desks, lockers, District-provided technology, and similar items are the property of the District and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in District property. Students shall be fully responsible for the security and contents of District property assigned to them. No student shall place or keep in a desk, locker, District-provided technology, or similar item any article or material prohibited by law, District policy, or the Student Code of Conduct. Students shall be responsible for any prohibited item found in District property provided to the student.

Searches in General

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and District policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner.

District officials may initiate a search in accordance with law, including, for example, based on reasonable suspicion, voluntary consent, or pursuant to District policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on District property.

Reasonable-Suspicion Searches

Searches should be reasonable at their inception and in scope. If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a District official may conduct a search in accordance with law and District regulations.

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Suspicionless
Searches

For purposes of this policy, a suspicionless search is a search carried out based on lawful security procedures, such as metal detector searches or random drug testing.

*Metal Detector
Searches*

In order to maintain a safe and disciplined learning environment, the District reserves the right to subject students to metal detector searches when entering a District campus and at off-campus, school-sponsored activities.

Use of Trained Dogs

The District reserves the right to use trained dogs to conduct screening for concealed prohibited items. Such procedures shall be unannounced. The dogs shall not be used with students; however, students may be asked to leave personal belongings in an area that will be screened. If a dog alerts to an item or an area, it may be searched by District officials.

Rationale : The provisions authorize the district conduct student drug testing.

**Random Drug-
Testing Program**

The District requires the random drug-testing of any student in grades 8-12 who chooses to participate in school-sponsored extracurricular activities or request a permit to park a vehicle on school property.

The Superintendent shall develop regulations for the implementation of the District's random student drug-testing program that address the following:0)

1. Covered activities and purpose of the program;
2. Written consent and confidentiality of results;
3. Testing procedures and collection process; and
4. Applicable consequences.

Appeal

A student or parent may appeal a decision made under the random drug-testing program in accordance with FNG(LOCAL). The student shall be ineligible for participation in extracurricular activities or reinstatement of parking privileges while the appeal is pending.

NO CHANGE RECOMMENDED

There's not a legal requirement that requires a board adopted FNG(LOCAL) like the law does for DGBA(LOCAL). There are three complaint policies total and we have based those on the DGBA(LOCAL) requirements and elevated them to policy level as well. There needs to be some process in place that enables a parent or student to present their complaint to the board. Most processes required that efforts be made to resolve it administratively first before presenting to the board, unless the law requires earlier board intervention.

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:0)

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability 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

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STUDENT AND PARENT COMPLAINTS/GRIEVANCES

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(LOCAL)

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.
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 calendar 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.

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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	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.
Filing	
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 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, unless otherwise noted. In calculating timelines 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

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	<p>events that have been or could have been addressed in a previous complaint.</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 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.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>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.</p> <p>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 refiled is within the designated time for filing.</p>
Level One	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">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; and2. With the lowest level administrator who has the authority to remedy the alleged problem. <p>In most circumstances, students and parents shall file Level One complaints with the campus principal.</p> <p>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.</p> <p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint</p>

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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.

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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 within 60 days of the appeal receipt.

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]

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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.

NO CHANGE RECOMMENDED

Rationale (A): This is the local policy on student discipline addressed in statute. This also addresses the board-approved policy for discipline and intervention measures as required in state rules.

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

Campus Behavior Coordinator

In accordance with the District's innovation plan, the District is exempt from the state law requiring that a single person at each campus be designated to serve as the campus behavior coordinator (CBC). The principal shall designate campus administrators designated to serve as CBCs.

Rationale (C): The above provision is included to align with the district's DOI plan.

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 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: 0.

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.

STUDENT DISCIPLINE

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(LOCAL)

**Corporal
Punishment**

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.

Rationale (B): The above provision expresses the district's practice of no corporal punishment. This is a board-level decision.

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.

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)]

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

ADD POLICY-revise 8-5-22

Note: [This local policy has been revised in accordance with the District's innovation plan.](#)¹

In accordance with the District's innovation plan, the District is exempt from the state law that limits a district's ability to place a student in a grade below grade 3 in out-of-school suspension.

Rationale (C): This policy is recommended to align with the district's revised DOI plan. [Change legal version to FOB(H)-ID]

¹ Innovation Plan:

http://www.desotoisd.org/UserFiles/Servers/Server_165690/File/Departments/Comminications/District%20of%20Innovation/DOI%20draft2.pdf

NO CHANGE RECOMMENDED

Waiver of Fees

Upon receipt by the District of reliable proof that a student and his or her parent or guardian are unable to pay a fee or deposit required by the school, such fee or deposit shall be waived. Such student and his or her parent or guardian must present evidence of their inability to pay to the appropriate principal who shall determine eligibility for a fee waiver.

Rationale (A): This policy meets the legal requirement to have a policy to address the fee waiver.