



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Second and Final Reading of TASB Update 122 (LOCAL Policies)

SUBMITTED BY: Rebecca C. Morales **OF:** Asst. Superintendent for Administration & Policies

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: December 13, 2023

RECOMMENDATION:

TASB Update 122 included the following Local Policies:

- CQB (LOCAL) – TECHNOLOGY RESOURCES: CYBERSECURITY**
- CSA (LOCAL) – FACILITY STANDARDS: SAFETY AND SECURITY**
- DC (LOCAL) – EMPLOYMENT PRACTICES**
- DEC (LOCAL) – COMPENSATION AND BENEFITS: LEAVES AND ABSENCES**
- DP (LOCAL) – PERSONNEL POSITIONS**
- EHB (LOCAL) – CURRICULUM DESIGN: SPECIAL PROGRAMS**
- EHBC (LOCAL) – SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS**
- EHBCA (LOCAL) – COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**
- EIC (LOCAL) – ACADEMIC ACHIEVEMENT: CLASS RANKING**
- FEA (LOCAL) – ATTENDANCE: COMPULSORY ATTENDANCE**
- FFAC (LOCAL) – WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT**
- FFB (LOCAL) – STUDENT WELFARE: CRISIS INTERVENTION**
- FL (LOCAL) – STUDENT RECORDS**

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

Instruction Sheet
TASB Localized Policy Manual Update 122

United ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
CQB	(LOCAL)	Replace policy	Revised policy
CSA	(LOCAL)	ADD policy	See explanatory note
DC	(LOCAL)	Replace policy	Revised policy
DEC	(LOCAL)	No policy enclosed	See explanatory note
DP	(LOCAL)	No policy enclosed	See explanatory note
EHB	(LOCAL)	Replace policy	Revised policy
EHBC	(LOCAL)	DELETE policy	See explanatory note
EHBCA	(LOCAL)	ADD policy	See explanatory note
EIC	(LOCAL)	No policy enclosed	See explanatory note
FEA	(LOCAL)	Replace policy	Revised policy
FFAC	(LOCAL)	Replace policy	Revised policy
FFB	(LOCAL)	Replace policy	Revised policy
FL	(LOCAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 122

United ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Changes at Update 122 are based almost exclusively on legislation from the 88th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 88th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

Each regular legislative session, legislation is passed that makes nonsubstantive additions, revisions, or corrections to existing statutes. HB 4595 was passed for this purpose in the 88th Regular Legislative Session. Minor nonsubstantive changes throughout Update 122 result from HB 4595 and are not otherwise mentioned in the explanatory notes.

For more information about the bills mentioned throughout and other changes from the 88th Legislative Session, download the free [2023 Legislative Summary for TASB Members](#) PDF from the TASB store.

The *Local Policy Overview* for Update 122, available with your Update 122 materials under [Local Manual Updates](#) on Policy Online® (TASB login required), provides a general, high-level overview of the changes to the local policies included in the update. **Legal policies provide the legal framework for key areas of district operations and are not adopted by the board.**

Changes to the policy manual based on bills from the special called sessions will be included in Update 123.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

Based on the new notification requirements imposed by SB 271, the security breach notification provisions have been revised to include security incidents.

CSA(LOCAL)

FACILITY STANDARDS: SAFETY AND SECURITY

This new local policy on facility safety and security includes recommended provisions addressing audits of building access control to comply with the commissioner's new school safety rules for facilities, effective May 31, 2023.

DC(LOCAL)

EMPLOYMENT PRACTICES

HB 1789 creates a nepotism exception for hiring bus drivers, regardless of county population, if the *board* approves employment. We recommend adding a note referring to DBE(LEGAL) (concerning nepotism) to this policy that delegates hiring authority for noncontractual employees to the superintendent as a reminder of the special requirements related to this nepotism exception for bus drivers.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

DEC(LOCAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

If our records indicate that the district has a police force, Policy Service contacted the district with additional information regarding this policy. If your district has affected personnel and has not discussed this with the district's policy consultant, please contact your consultant for assistance.

DP(LOCAL)

PERSONNEL POSITIONS

SB 763 authorizes districts to employ chaplains or accept chaplains as volunteers to provide support, services, and programs for students as assigned by the board. These provisions apply beginning with the

Explanatory Notes

TASB Localized Policy Manual Update 122

United ISD

2023-24 school year. While your district currently may allow chaplains along with other visitors or volunteers on campus, SB 763 requires each board to take a record vote not later than six months after the effective date, September 1, 2023, on whether to adopt a policy authorizing a campus to employ or accept as a volunteer a chaplain. To facilitate this record vote, TASB Policy Service sent a draft resolution with the [2023 Post-Legislative Policy Changes Policy Alert](#), available in the Policy Online® Governance and Management Library (TASB login required), for consideration by the board between September 1, 2023, and March 1, 2024. If the board approves the option to adopt a policy to authorize district campuses to employ or accept as a volunteer a chaplain, send your TASB policy consultant a copy of the resolution for TASB to update the district's DP(LOCAL) policy to reflect the board's decision. If the board would prefer only to accept chaplains as volunteers like other district or campus volunteers, contact your policy consultant for assistance with language at GKG(LOCAL).

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

New provisions are recommended to comply with HB 3928, which requires the board to adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE and guidance published by the commissioner to implement the program to test students for dyslexia and related disorders.

EHBC(LOCAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

This local policy containing provisions on accelerated instruction has been moved to EHBCA(LOCAL) (see below) to align with the legal policy created at that code in Update 121.

EHBCA(LOCAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

This local policy has been recoded from EHBC(LOCAL) to align with EHBCA(LEGAL) created in Update 121. HB 1416 made several changes to the requirements for accelerated instruction. Recommended changes to this local policy reflect that a parent's ability to request a particular teacher after a student fails to perform satisfactorily on a state assessment is no longer limited to students in grades 3, 5, and 8. Other changes delete references to the accelerated learning committee, which has been eliminated. A district now must develop an accelerated learning plan for certain students, and parents still may file a complaint about the plan in accordance with FNG.

EIC(LOCAL) ACADEMIC ACHIEVEMENT: CLASS RANKING

HB 3803 permits parents to elect to have their student repeat a high school course in which the student was enrolled during the previous school year unless the district determines the student has met all requirements for graduation. Absent local policy, TEA guidance provides that the original passing grade must be retained.

Contact your policy consultant for assistance with policy language that reflects the district's option regarding the use of grades from retaken courses in the calculation of class rank and on the transcript.

FEA(LOCAL) ATTENDANCE: COMPULSORY ATTENDANCE

SB 68 allows a district to excuse a student from attending school for career investigation days to visit a professional's workplace during the student's junior and senior years to determine the student's interest in a career in the professional's field. Districts that choose to excuse students for absences to visit a professional's workplace to explore a career in that professional's field must adopt a policy to determine when an absence will be excused for this purpose and a procedure to verify the visit. A new provision offered for the board's consideration at Career Investigation permits such absences for the maximum amount allowed in law — up to two days during a student's junior year and up to two days during the student's se-

Explanatory Notes

TASB Localized Policy Manual Update 122

United ISD

nior year. Contact your policy consultant for revisions if the district will allow fewer excused absences or will not allow any excused absences for this purpose.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

FFAC(LOCAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Recommended revisions to the provisions on opioid antagonists are based on SB 629, which requires a district to have at least one person who is authorized and trained to administer the medication present during regular school hours on each campus that serves grades 6 through 12. The district's current language does not limit administration of the opioid antagonist medication to specific grade levels or campuses; therefore, the revisions state that the provision will be applicable to every campus. If the district wishes to implement this policy only for campuses with certain grade levels, contact the district's policy consultant for appropriate adjustments.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

FFB(LOCAL)

STUDENT WELFARE: CRISIS INTERVENTION

Recommended revisions to this local policy on crisis intervention include the following:

- In accordance with HB 3, provisions have been added at Student Reports to require each campus to establish a clear procedure for students to report concerning behavior by another student.
- Revisions at Employee Confidentiality are based on SB 1720 and allow employees who report a potential threat to elect to keep their identities confidential.

FL(LOCAL)

STUDENT RECORDS

HB 1416 repeals provisions related to accelerated learning committees. The references to the accelerated learning committee have been replaced with references to the accelerated education plan that now must be created for certain students who fail to perform satisfactorily on state assessments.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.



(LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

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

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

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

Plan The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.

Coordinator The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency in cybersecurity matters.

Training The Board delegates to the Superintendent the authority to:

1. Determine the cybersecurity training program to be used in the District;
2. Verify and report compliance with training requirements in accordance with guidance from the Department of Information Resources; and
3. Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate.

The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.

Security Breach Notifications Upon discovering or receiving notification of a breach of system security or a security incident, as defined by law, the District shall disclose the breach or incident to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Email, if the District has email addresses for the affected persons.
3. Conspicuous posting on the District's websites.
4. Publication through broadcast media.

The District shall disclose a breach or incident involving sensitive, protected, or confidential student information as required by law.

**Building Access
Control**

Audits of building access control shall include weekly inspections of instructional facilities during school hours to certify all exterior doors are, by default, set to closed, latched, and locked status and cannot be opened from the outside without a key.

The Superintendent shall ensure that the findings of the weekly inspections are:

1. Reported to the District safety and security committee; and
2. Reported to the campus principal or lead administrator of the instructional facility to ensure awareness of any deficiencies identified.

The campus principal or lead administrator shall assign appropriate staff to take action to reduce the likelihood of similar deficiencies in the future.

The results of the weekly reports shall be kept for review as part of the required safety and security audit.

The District's building access control procedures shall not be interpreted as discouraging parents or guardians who have been properly verified as authorized visitors from visiting their student's campus. [See GKC]

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.

Superintendent's Authority Regarding Transfers and Reassignments

In accordance with DK(LOCAL) and notwithstanding the provisions addressing assignment and posting vacancies below, the Superintendent may appoint an employee to fill any vacant position, whether newly budgeted or currently existing, by a lateral transfer or reassignment when the employee's current position and the vacant position are of equal pay grade or level and require the same number of working days.

Posting Vacancies

The guidelines that follow for advertising employment opportunities and posting notices of vacancies shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees are eligible to apply for any vacancy.

The continuing need to improve the educational quality of the District makes it imperative that the best qualified person, as determined by the District, fill each position. [See DC(LEGAL)]

Contractual Vacancies

Subject to the provisions for campus-based administrative positions and Education Code 11.1513, notice of vacancies for contractual positions shall be advertised by posting public notices for not fewer than ten school days. Posting shall be at the District's administrative offices, at each school campus, and on the District's internet website. Each principal/director shall further ensure posting in locations available to employees. For purposes of retaining and promoting current employees, employment opportunities for all professional vacancies for principal/director and above shall be advertised in the District's human resources department, local and regional websites, and the District's administrative offices and school campuses.

The posting of vacancies for contractual positions shall include a current copy of the job description for the posted position. Any changes made to current job descriptions prior to posting must be approved by the Superintendent.

School employees shall be permitted to apply for any vacancy; however, the needs of the District, as determined by the District, shall prevail over any assignment or reassignment.

Interested candidates shall complete an application provided by the District and file it with appropriate documents in the office of human resources no later than the posted closing date in the announcement.

*Administrative
Vacancies:
Principal,
Director, and
Above*

The following procedures shall be followed for administrative vacancies for principal, director, and above:

1. All applications shall be reviewed by the human resources department to ensure that all required materials have been submitted. Subject to the provisions for campus-based administrative positions and Education Code 11.1513, notice of vacancies for contractual positions shall be advertised by posting public notices for not fewer than ten school days. Posting shall be at the District's administrative offices, at each school campus, on the District's internet website, and with local and out-of-town news media as necessary. Each principal/director shall further ensure posting in locations available to employees.
2. Selection of finalists: A committee comprised of central office and/or campus personnel shall prescreen qualified personnel. Once the applications have been prescreened, the committee shall interview selected candidates, and a list of finalists shall be established for the appropriate central office supervisor.
3. Final selection: The appropriate central office supervisor shall conduct the interviews of finalists and make a recommendation to the Superintendent.
4. The Superintendent shall make recommendations to the Board until a recommendation is accepted.
5. Any exception to these provisions in employment must be specifically approved by the Board.

*Campus-Based
Vacancies
Administrators*

The Superintendent shall develop an administrative regulation for the hiring of campus-based administrators and shall annually inform the Board of such procedure.

*Classroom
Teacher
Vacancies*

The following procedures shall be followed for classroom teacher vacancies:

1. All applications shall be reviewed by the human resources department to ensure that the applicant meets the District's criteria.
2. Once the applicant meets the criteria, he or she shall become part of the District's pool of qualified applicants.

The process for final selection of classroom teachers shall be conducted as follows:

1. An interview committee comprised of the campus principal, site-based decision-making (SBDM) committee representatives, and other appropriate persons shall interview from the District's pool of qualified applicants.
2. The interview committee shall recommend a list of finalists to the campus principal.
3. The principal shall make a recommendation to the Superintendent or designee.
4. If the vacancy is for the following academic year, the principal(s) shall be authorized to approve a teacher transfer to fill the vacant position pursuant to DK(LOCAL).

Summer School
Positions

When a teaching vacancy occurs for summer school classroom teaching positions, the human resources department shall review and determine the pool of qualified applicants from current District teachers for the specific vacancy. From the pool of qualified applicants, the campus or summer school principal may proceed to interview candidates from the pool. If the principal chooses not to make a recommendation from the pool of qualified applicants, the vacancy shall be advertised according to established procedures, and a selection shall be made as detailed in this paragraph.

Paraprofessional /
Auxiliary Positions

Notice of vacancies for all paraprofessional/auxiliary positions shall be advertised for five working days by posting a public notice in the District's administrative offices and school campuses. Each principal/director shall further ensure posting in locations available to employees. When necessary, all employment opportunities shall periodically be advertised through local and out-of-town news media.

Current employees shall be permitted to apply for a vacancy; however, the needs of the District, as determined by the District, shall prevail over any assignment or reassignment.

Interested candidates shall complete an application provided by the District and file it with appropriate documents in the office of human resources no later than the posted closing date.

The following procedures shall be followed for paraprofessional/auxiliary vacancies:

1. All applications shall be reviewed by the human resources department to ensure that the applicants meet the District's criteria.
2. Applicants who meet the District's criteria shall become part of the District's pool of qualified applicants.

3. The campus principals and/or central office administrators shall interview from the District's pool of qualified applicants and make a recommendation to the human resources department.

Applications

All applicants shall complete the application form supplied by the District. Information in applications for contractual positions shall be verified before a contract is offered, and information in applications for noncontractual positions shall be verified before hiring.

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

Applicant's Former Employment

Except as indicated below, an applicant seeking employment shall not be considered for employment by the District if he or she has been terminated or nonrenewed by any former employer, was asked to resign, resigned due to employee misconduct, has negative references, or has a "do not hire" recommendation from a prior employer or supervisor. The only exceptions that the District may take into consideration are when an employer severed the employment relationship due to:

1. A reason not caused or attributed to any misconduct by the employee, which said reason shall be documented by the previous employer, in writing. In the event that the previous employer does not provide documentation, then third-party documentation (Texas Workforce Commission documentation) shall be considered. Documentation must be provided to the District prior to interviewing/hiring.
2. Lay-off due to the employer's economic conditions.
3. A reduction in force.
4. A termination that occurred prior to the age of 18.

In addition to the exceptions noted above, and only for a position of assistant principal or below, the Superintendent shall have the authority to take other factors into consideration to determine whether the applicant is eligible for hire.

Criminal History Record Check—Applicants

Under authority of the Education Code, the District shall obtain the criminal history record for each applicant for employment with the District who, in the opinion of the District, is a serious candidate and who may be offered a position.

The District shall not issue any applicant a written contract of employment until it has obtained a criminal history record and reviewed it under the guidelines of this policy.

For the purposes of this policy, "conviction" shall include probation, deferred adjudication, a finding of guilt, or acceptance by the court of a plea of guilty or *nolo contendere*.

A person shall not be denied employment solely on the basis of the deferred adjudication. Rather, the underlying facts that led to the deferred adjudication shall be examined prior to any recommendation to employ.

Confidentiality Requirement

Criminal history information is privileged and for the use of the District and the State Board for Educator Certification. No District employee shall release or disclose such information to a person other than the applicant, the legal review committee, or the Superintendent or designee, under penalty of law and/or discharge.

Moral Turpitude

No one convicted of a felony or any misdemeanor involving moral turpitude in the past ten years shall be considered for employment in the District if the nature of the crime is directly related to the duties and responsibilities of the position. Moral turpitude is an act of baseness, vileness, or depravity in the private or social duties outside the accepted standards of decency that shocks the conscience of an ordinary person.

No one currently on probation, including deferred adjudication probation, for any offense shall be considered for employment, unless allowed by the legal review committee, in accordance with provisions below.

Arrests, Indictments, Convictions, and Other Adjudications

Conviction records shall constitute reliable evidence that a person engaged in the conduct alleged because the criminal justice system requires the highest degree of proof ("beyond a reasonable doubt") for a conviction. Therefore, excluding extraordinary circumstances, the District shall treat a conviction as proof of guilt.

Arrest records standing alone shall not be considered reliable evidence that a person has actually committed a crime. However, an arrest record may trigger an inquiry into whether the conduct underlying the arrest occurred and justifies denial of employment or an adverse employment action. The review committee shall examine the surrounding circumstances, offer the employee an opportunity to explain, and, if the employee denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his or her credibility. The review committee is not required to conduct an informal trial or an extensive investigation to determine the employee's guilt or innocence. However, the review committee shall make simple inquiries that could shed light on the likelihood of the individual's guilt in committing the underlying offense.

Deferred adjudication involves an individual entering a plea of guilty or no contest, which the court finds to be substantiated by evidence of guilt. A grant of deferred adjudication shall be viewed as more indicative of a conviction. The review committee shall make inquiries into evidence substantiating guilt similar to the inquiries made when an arrest is reported.

Not guilty adjudications and withdrawn or dismissed charges indicate that a court, a jury, or a law enforcement authority did not have sufficient proof beyond a reasonable doubt, which may or may not be indicative of guilt. The employee shall be asked to explain, in writing, the circumstances and must provide a certified copy of the court paperwork showing the final disposition of every charge. The review committee may make additional inquiries into evidence substantiating guilt.

Felony

A felony is an offense designated as such in the Texas Penal Code. If the employee was convicted of a felony, the District must determine if the underlying offense relates to the duties and responsibilities of the position or if the conviction was for a non-reviewable felony. An employee may continue to be eligible for employment in the District if a felony conviction does not relate to the duties and responsibilities of the employee's position and was not for a non-reviewable offense. If a felony conviction does relate to the duties and responsibilities of the employee's position, then the review committee must consider the likelihood of recurrence of the employee's criminal behavior. A determination by the review committee that the employee's behavior shall not recur makes the employee eligible for continued employment; a finding to the contrary makes the employee ineligible for continued employment.

**Class A and Class B
Misdemeanors**

Class A and Class B misdemeanors are those offenses designated as such in the Texas Penal Code. An employee may be eligible for continued employment if the conviction for a Class A or Class B misdemeanor is not related to duties and responsibilities of the employee's position. If the conviction does relate to the duties and responsibilities of the employee's position, the employee is ineligible for continued employment in the District if the review committee determines there is a high degree of likelihood for the recurrence of the behavior.

**Class C
Misdemeanor**

Class C misdemeanors are those offenses designated as such in the Texas Penal Code. The District shall not employ anyone convicted of a Class C misdemeanor involving moral turpitude if the nature of the crime is directly related to the duties and responsibilities of the projected position. If convicted of a Class C misdemeanor that does not involve moral turpitude, the employee is ineligible for continued employment in the District if the review

committee determines there is a high degree of likelihood for recurrence of the behavior and if the nature of the crime is directly related to the duties and responsibilities of the projected position.

Multiple Offenses

An employee with multiple offenses that individually do not make him or her ineligible for employment may be deemed ineligible for continued employment when repetitious criminal behavior indicates a high degree of likelihood for recurrence of the behavior and if the nature of the crime is directly related to the duties and responsibilities of the projected position.

Unlisted Criminal History

If a criminal history record does not list an event reported by the employee, he or she shall be asked to explain, in writing, the circumstances for each reported incident. A certified copy of pertinent court paperwork showing final disposition of the charge must be included. The review committee may make additional inquiries.

Nondisclosure

In accordance with state law, an employee who has successfully completed a deferred adjudication and who has succeeded in having the criminal court grant an order of nondisclosure may thereafter deny the occurrence of the arrest and prosecution.

Juvenile Record

An employee shall not be asked to disclose the contents of confidential juvenile records unless the employee was adjudicated as an adult.

Legal Review Committee

The application of a person who has a criminal record that would preclude employment with the District using the criteria listed above shall be reviewed by the legal review committee as established by the District's human resources department. The school attorney shall serve in an advisory capacity.

Governing Criteria for Employment Decisions

In determining whether or not to recommend a waiver of the criminal history restrictions to employment, the legal review committee shall consider the following:

1. The relationship and seriousness of the crime.
2. The nature of the crime.
3. The nature of the job position.
4. The extent to which employment might offer an opportunity to engage in further criminal activity of the same type as that in which the person had previously been involved.
5. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and the responsibilities of the position with the District.

6. The age of the person at the time of the commission of the crime.
7. The time elapsed since the person's last criminal activity.
8. The evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.
9. If the person holds a professional license, the results of any action taken by the licensing authority.
10. The other evidence of the person's present fitness, including letters of recommendation from prosecutors, law enforcement or correctional officers involved in the prosecution, arrest, or custody of the person; law enforcement officers in the community where the person resides or any other persons in contact with the convicted person.
11. The individual's patterns of habitual criminal activity.
12. The publicity surrounding the actual crime.
13. The person's clear and present danger to other staff, students, or the general public.
14. Probable guilt or innocence.
15. The accuracy of the information the employee provided to the District.
16. The potential impact of the conduct on the educational environment.
17. Any extenuating circumstances.

Recommendation

If, after applying the criteria outlined above, the legal review committee believes that the applicant should be considered for employment, the committee shall jointly sign a recommendation to the Superintendent or designee that such applicant is eligible for hire.

Superintendent's Decision

If the Superintendent approves the recommendation, the applicant shall be considered eligible for hire.

Failure to Disclose Information on Application

An applicant shall not be employed by the District if he or she fails to disclose information on the employment application or during questioning regarding any arrest, criminal conviction, crime, deferred adjudication, or similar type of decree, or if he or she misrepresents any information regarding such arrest, criminal conviction, crime, deferred adjudication, or similar type of decree.

**Criminal History
Background Check—
Employees**

At least once annually, the District shall obtain criminal history records of Webb County and the counties contiguous to Webb County. The District may obtain this information from any other county when it has reason to believe that an employee has been convicted of a crime related to the employee's duties and responsibilities.

The District may suspend or terminate the employment of any person convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the individual.

**Penalties for Failing
to Disclose Criminal
Information**

The legal review committee shall assess the records of employees found to have criminal records that would bar them from employment with the District. The committee shall use the following guidelines to determine if an employee should be recommended for termination based on his or her criminal record:

1. The omission by the employee to not disclose a prior criminal conviction that would bar him or her from employment when requested at the time of employment shall be presumed to be intentional. The District however, shall have the burden of proof.
2. If the employee was not asked to divulge any previous convictions as a prerequisite to employment, a recommendation for termination shall be based on the same criteria as required for applicants.
3. If a conviction involving a felony or misdemeanor involving moral turpitude is discovered subsequent to employment, a recommendation for termination shall be based on the same criteria as required for applicants as found above.

An employee shall notify the District's human resources office within three calendar days if he or she is arrested, indicted, convicted, pleads no contest, enters a guilty plea, or is granted other adjudication for any criminal offense. This notification shall be made in writing to the human resources office. Failure to make such notification may result in termination of employment.

Any employee placed on deferred adjudication may be recommended for termination based upon the underlying facts that led to the deferred adjudication. For the purposes of any termination hearing, the facts to which the individual pleaded in order to obtain the deferred adjudication shall be presumed to exist and be true and correct.

The District may suspend or terminate the employment of any person convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the individual or directly relates to or adversely affects the mission of the District.

An employee under felony indictment that adversely affects the mission of the District shall be recommended for suspension without pay pending adjudication of his or her case.

After notification of a proposed suspension without pay or employment termination, a contract employee may request a hearing in accordance with the DF series.

Employment of Contractual Personnel

The Board retains final authority for employment of contractual personnel in the position of principal, director, or above.

The Board delegates to the Superintendent final authority for employment of all other contractual personnel. If the Board rejects the Superintendent's recommendation for contractual personnel, the Superintendent shall make alternative recommendations for the Board's consideration at the next regular Board meeting, unless otherwise directed by the Board.

[See DCA, DCB, DCC, and DCE as appropriate]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

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.]

District Supervision Prohibition

No person shall be assigned to a campus or department where a member of his or her own family who is related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree serves as an administrator. The provision of this policy shall apply prospectively. [See DBE] Adopted or foster relationships shall be treated as natural relationships. For the purposes

of this policy, the term "administrator" shall not mean school counselor, librarian, or coordinator.

**Exit Interviews and
Exit Reports**

An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.

Dyslexia and Related Disorders

The District shall comply with all rules and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test students for dyslexia and related disorders.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

SPECIAL PROGRAMS
COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

EHBC
(LOCAL)

~~Each student who has been identified as being at risk of dropping out of school, who is not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment shall be provided accelerated and/or compensatory educational services.~~

**Accelerated
Instruction**

~~The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily on a state-mandated assessment.~~

**Accelerated
Learning Committee**

~~When a student fails to perform satisfactorily on a math or reading state-mandated assessment in grades 3, 5, or 8, an accelerated learning committee shall develop a written educational plan in accordance with law. If a parent requests that the student be assigned to a particular teacher the following school year, the request shall be addressed in accordance with the District's administrative procedures.~~

~~A parent complaint about the content or implementation of the educational plan shall be filed in accordance with FNG.~~

COMPENSATORY SERVICES AND INTENSIVE PROGRAMS
ACCELERATED INSTRUCTION

EHBCA
(LOCAL)

Each student who has been identified as being at risk of dropping out of school, who is not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment shall be provided accelerated and/or compensatory educational services.

**Accelerated
Instruction**

The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily on a state-mandated assessment.

Parent Request

If a student fails to perform satisfactorily on a state-mandated assessment, a parent's request that the student be assigned to a particular teacher the following school year shall be addressed in accordance with the District's administrative procedures.

**Accelerated
Education Plan**

Appropriate District staff shall develop an accelerated education plan for a student who fails to perform satisfactorily on the same state-mandated assessment for two or more consecutive years.

A parent complaint about the content or implementation of the accelerated education plan shall be filed in accordance with FNG.

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes. A student shall be required to submit verification of these absences in accordance with administrative regulations.

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education.

Career Investigation

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit a professional's workplace for purposes of exploring the student's interest in pursuing a career in that professional's field.

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard.

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk.

Learner or Driver's License

The District shall excuse a student 15 years of age or older for one day during his or her enrollment in high school for each of the following:

- Visiting a driver's license office to obtain a learner license; or
- Visiting a driver's license office to obtain a driver's license.

[For extracurricular activity absences, see FM.]

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ~~ten~~10 consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

For District-initiated withdrawal of students 19 or older, see FEA(LEGAL). Each case shall be reviewed on an individual basis by the campus Attendance Review Committee (ARC), and the student may be withdrawn upon recommendation of the ARC and/or principal.

**Students Attending
Homeschools**

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

**Enforcing
Compulsory
Attendance**

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

**Medication Provided
by Parent**

~~All medications requiring administration during school hours shall be kept in the campus nurse's office in a secure, locked cabinet.~~

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication ~~at the indicated times and~~ in accordance with administrative regulations:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

**Medication Provided
by District**

Except as [required by law](#) and provided by this policy, the District shall not purchase medication to administer to a student.

Athletic Program

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Opioid Antagonist
Medication
On Campus

[This provision shall be applicable to every campus.](#)

The District ~~shall purchase~~ [authorizes](#) school personnel who have been adequately trained to administer an opioid antagonist in accordance with law and ~~store opioid antagonist medication, such as Naloxone, to assist~~ [this policy](#). Administration of an opioid antagonist shall only be permitted when an authorized and trained individual [reasonably believes](#) a person ~~who may be~~ [is](#) experiencing an opioid-related ~~drug~~ [overdose](#). ~~Only a registered nurse or other designated and trained District employee~~

*Maintenance,
Availability,
Training, and
Reporting*

Each applicable campus shall ~~be~~ have at least one individual who is authorized ~~to administer this medication and may do so only in accordance with a standing order or procedures approved~~ trained to administer an opioid antagonist present during regular school hours.

Each applicable campus shall have at least two unused, unexpired opioid antagonist doses available.

All opioid antagonists shall be stored in a secure location and shall be easily accessible by ~~a physician licensed to practice medicine in the state of Texas~~ individuals who are authorized and trained to administer an opioid antagonist.

The Superintendent shall develop administrative ~~procedures~~ regulations addressing acquisition, maintenance, expiration, and disposal, ~~and availability~~ of opioid ~~antagonist medication~~ antagonists in the District, as well as reporting, employee training, and emergency notification requirements.

Psychotropics

Except as permitted by law, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

**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.

Student Reports

Each campus shall establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate District employee.

Employee
Confidentiality

A District employee who reports a potential threat may elect for the employee's identity to remain confidential and not be subject to disclosure under the state's public information law. The employee's identity shall only be revealed when necessary for the team, the District, or law enforcement to investigate the reported threat.

The District shall maintain a record of the identity of a District employee who elects for the employee's identity to remain confidential.

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:

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:

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.

Comprehensive System

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

Cumulative Record

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

Custodian of Records

The ~~principal~~ principal is custodian of all records for currently enrolled students. ~~The records manager~~ The records manager is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

Types of Education Records

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any ~~documentation of discussion or action by an learning committee convened~~ education plan developed for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

- c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, school counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

Access by Parents

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requester's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or school counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or

reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

**Access by School
Officials**

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
5. A person appointed to serve on a team to support the District's safe and supportive school program.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or

5. Investigating or evaluating programs.

**Transcripts and
Transfers of Records**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the timeline provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), Required Documentation] The District may return an education record to the school identified as the source of the record.

**Records
Responsibility for
Students in Special
Education**

The ~~director of special education~~ **director of special education** shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at ~~the principals' and school support teams' offices~~ **the principals' and school-support teams' offices**.

**Procedure to Amend
Records**

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ~~ten~~ **10** District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ~~ten~~ **10** District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**Directory
Information**

Directory information for District students has been classified into two separate categories:

STUDENT RECORDS

FL
(LOCAL)

1. Items for use only for school-sponsored purposes; and
2. Items for all other purposes.

**School-Sponsored
Purposes**

For the following school-sponsored purposes—all District publications and announcements—directory information shall include student name; address; telephone listing; electronic mail address; photograph; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; weight and height of members of athletic teams; and enrollment status.

All Other Purposes

The District shall not release directory information except for the purposes indicated above and for the following purposes and/or entities:

1. Disclosure relating to school-sponsored/school-affiliated purposes; and
2. Disclosure to the Texas Education Agency.

Additionally, the District shall not release directory information to any charter school as defined by state law.

**Video Surveillance
Recordings**

The Family Educational Rights and Privacy Act (FERPA) does not require the District to provide a parent or student with copies of video surveillance recordings depicting a student. A parent whose child is depicted in a video surveillance recording that constitutes an education record of that child may inspect the recording during regular District business hours through an open-records request.

[See FO(LEGAL) and (LOCAL) for information regarding video and audio monitoring for safety purposes and EHBAF(LEGAL) and (LOCAL) for information regarding special education video/audio monitoring.]