

## (LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

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

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

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

IN ACCORDANCE  
WITH THE WRITTEN  
CONTRACT,  
INDIVIDUAL DUTIES

The Board shall ~~retain~~**employ** an attorney **or attorneys, as necessary, on majority vote of the Board**, to serve as the District's legal counsel and ~~representatives~~**representative** in matters requiring legal services. **Services to**~~The attorney shall~~ be **performed and paid a** reasonable compensation **to be paid by the Board shall be set forth in a written** ~~out of the maintenance fund under the Board's management and control, according to the terms of the contract between the Board and the attorney~~ **or attorneys**.

~~The Board~~ **members**~~attorney~~ shall **channel**:

- ~~1. Advise the Board on specific legal~~ **inquiries through** ~~problems submitted and make recommendations.~~
- ~~2. Be available, within reasonable limits, to serve as a consultant to the Superintendent, Board President, or Board's designee, as appropriate, when seeking advice or information from the District's and other designated personnel, and to advise them in the formulation of recommendations or discussions they may be required to make in execution of their responsibilities.~~
- ~~3.1. Bring legal~~ **counsel** ~~problems to the Board's attention.~~

Staff **shall submit** requests for legal advice **from the District's legal counsel** ~~shall normally be submitted~~ through the Superintendent **or designee**.

**Upon request of the Board or when** ~~When~~ deemed **necessary by the Superintendent, the Superintendent** ~~appropriate, a report of any advice received shall report advice from legal counsel. be presented to the entire Board.~~

ADMINISTRATIVE REGULATIONS

BP  
(LOCAL)

DEVELOPMENT	<p>The Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District. <del>Procedures must be consistent with Board policy and law and shall be designed to promote the achievement of District goals and objectives.</del></p> <p>These procedures shall constitute the administrative regulations of the District and shall consist of <b>guidelines</b><del>guides</del>, handbooks, <b>manuals</b>, and forms, <del>and any</del><b>as well as</b> other documents defining standard operating <del>procedures, procedure and designated "Regulations."</del></p> <p><b>The Superintendent or designee shall ensure that</b><del>All</del> administrative regulations <b>are kept up to date and are consistent</b><del>shall be under the direction of the Superintendent; variations from defined procedures shall be</del> with <b>Board policy</b>. <b>The Superintendent or designee shall resolve any discrepancies among conflicting administrative regulations. In case of conflict between administrative regulations and policy, policy shall prevail.</b></p>
NO BOARD ACTION	<del>the prior approval of the Superintendent.</del> Administrative regulations are subject to Board review but shall not be adopted by the Board. <del>In case of conflict between the administrative regulations and policy, policy shall prevail.</del>
REVISION	<del>Administrative regulations may be amended at any time by the Superintendent or designated staff, with the prior approval of the Superintendent.</del>
OFFICIAL COPY	<del>The official copy of all documents constituting administrative regulations shall be kept in the Superintendent's office, and the Superintendent or designee shall be responsible for their accuracy. If discrepancies occur among different copies of administrative regulations distributed throughout the District, the official copy shall be regarded as authoritative.</del>
AVAILABILITY	<del>All administrative regulations, including manuals, guides, handbooks, and forms, shall be kept up to date and</del> shall be made accessible to staff, <b>students</b> , and the public as required by <b>law or Board policy</b> <del>the Public Information Chapter of the Government Code. [See GBA]</del>

SAFETY PROGRAM/RISK MANAGEMENT

CK  
(LOCAL)

COMPREHENSIVE  
SAFETY  
PROGRAMS

~~The District shall take every reasonable precaution regarding the safety of its students, employees, visitors, and all others with whom it conducts business.~~ The Superintendent or designee shall be responsible for developing, implementing, and promoting a comprehensive safety program.

~~The general areas of responsibility include, but are not limited to, the following:~~

EMERGENCY  
STRATEGIES

1. ~~Guidelines and procedures for responding to emergencies.~~

LOSS PREVENTION  
STRATEGIES

2. ~~Program activities intended to reduce the frequency of accident and injury, including:~~

~~a. Inspecting work areas and equipment.~~

~~b. Training frontline and supervisory staff.~~

~~c. Establishing safe work procedures and regulations.~~

~~d. Reporting, investigating, and reviewing accidents.~~

~~e. Promoting responsibility for District property on the part of students, employees, and the community.~~

LOSS CONTROL  
STRATEGIES

3. ~~Program activities intended to reduce the ultimate cost of accidents and injuries through investigation and documentation.~~

LOSS FINANCING  
STRATEGIES

4. ~~Program activities that identify and develop prudent methods of financing loss costs on an annual basis, including the purchase of commercial insurance, self-insured retentions, and risk pooling.~~

VEHICULAR SAFETY  
STRATEGIES

5. ~~Driver education programs~~ designed to address the ,when available.

6. ~~Vehicle safety~~ of students, programs.

7. ~~Traffic safety programs and studies related to employees, visitors~~ students, and all others with whom the community.

INFORMATION  
MANAGEMENT

The Superintendent or designee shall be responsible for the District conducts its business collection, storage, and analysis of relevant operational and historical data required to develop sound procedures for implementation and operation of the comprehensive safety program.

ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC  
(LOCAL)

**EXAMINATIONS FOR  
ACCELERATION TEST  
SELECTION**

~~THE  
SUPERINTENDENT OR  
COURSE CREDIT~~

~~If designee shall be responsible for the development or selection of tests a student in grades 1–12 wishes may use to earn course credit or accelerate to the next grade level or earn course credit without having received prior instruction in the a course or 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. Each examination shall thoroughly test the essential knowledge and skills in the applicable course or grade level.~~

**TEST DATES**

~~The Superintendent or designee shall establish a schedule of dates, in accordance with law, when examinations for acceleration shall be administered and shall ensure that the dates are published in appropriate District publications or on the District's Web site.~~

**SPECIAL REQUESTS**

~~The District may deny a parent's or student's request for an alternative examination or alternative date.~~

**FEES**

~~The District shall not charge for an examination for acceleration administered on the published dates or alternative dates.~~

~~However, the student's parent shall pay for an alternative examination approved by the District.~~

**CREDIT APPROVAL**

~~The Superintendent or designee shall award course credit or approve acceleration on the basis of an examination for acceleration, in accordance with State Board rules.~~

**KINDERGARTEN  
ACCELERATION**

**In accordance with State Board rules, the** ~~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:

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.

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

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STATEMENT OF  
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED  
HARASSMENT

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

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; 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.

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SEXUAL HARASSMENT  
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and 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. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DF]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

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GENDER-BASED  
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the



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student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

RETALIATION

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, 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 discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

PROHIBITED  
CONDUCT

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

REPORTING  
PROCEDURES

STUDENT REPORT

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, other District employee, or the appropriate District official listed in this policy.

EMPLOYEE REPORT

Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

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 **or gender-based harassment**, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

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Name: Rhonda Porter  
Position: Superintendent  
Address: 10705 South State Highway 34, Scurry, TX 75158  
Telephone: (972) 452-8823

ADA /  
SECTION 504  
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person 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, as amended:

Name: Heather Jestis  
Position: Special Education Director  
Address: 10705 South State Highway 34, Scurry, TX 75158  
Telephone: (972) 452-8823

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

ALTERNATIVE  
REPORTING  
PROCEDURES

A student 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.

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.

TIMELY REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

NOTICE TO PARENTS

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

INVESTIGATION OF  
THE REPORT

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.

INITIAL  
ASSESSMENT

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District ~~official~~ shall

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immediately ~~authorize or~~ undertake an investigation, **except as provided below at CRIMINAL INVESTIGATION**. ~~regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending. If not, the District official shall refer the complaint for consideration under FFI.~~

If ~~an investigation is required in accordance with this policy,~~ the District official **determines that** ~~shall also determine whether~~ the allegations, if proven, would **not** constitute **prohibited conduct** ~~bullying,~~ as defined by **this policy, the District official shall refer the complaint for consideration under FFI.**

**INTERIM ACTION**

**If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending** ~~if appropriate,~~ the District shall promptly take interim action calculated to address prohibited conduct or bullying **prior to** ~~during~~ the **completion** ~~course~~ of **the District's** ~~an~~ investigation.

**DISTRICT INVESTIGATION**

The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

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.

**CRIMINAL INVESTIGATION**

**If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.**

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, **such as a request by a law enforcement or regulatory agency for the District to delay its investigation,** the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited con-

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duct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

<b>NOTIFICATION OF OUTCOME</b>	<b>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</b>
DISTRICT ACTION	
PROHIBITED CONDUCT	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
CORRECTIVE ACTION	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if 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 <b>prohibited conduct</b> <del>harassment</del> has occurred, and reaffirming the District's policy against discrimination and harassment.
BULLYING	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student <b>or parent</b> who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student <b>or parent</b> shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).
ACCESS TO POLICY AND PROCEDURES	Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student

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handbooks. Copies of the policy and procedures shall be posted on the District's ~~website~~<sup>Web site</sup>, to the extent practicable, and readily available at each campus and the District's administrative offices.