

Explanatory Notes

TASB Localized Policy Manual Update 126

Boerne ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Changes at Update 126 are based almost exclusively on legislation from the 89th Regular Legislative Session. Please note that documents provided in the legal framework are not adopted by the board.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB), House Bills (HB), or House Concurrent Resolutions (HCR) from the 89th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

TASB Policy Service hosted and recorded a webinar to review the content of Update 126. That recorded webinar is available with your Update 126 materials on Policy Online.

BE(LOCAL)

BOARD MEETINGS

Several recommended revisions have been made to this policy on board meetings. SB 12 prompted new language at Meeting Place and Time indicating that board meetings will be held outside of typical work hours. Language at Notice to Members has been adjusted to reflect HB 1522, which requires board agendas to be posted for three business days, rather than 72 hours, before the meeting. This recommended revision appropriately adjusts when the notice of the meeting will be provided to board members.

At Deadline, the recommended revisions are also in response to HB 1522. We offer for your consideration language requiring that agenda items be submitted 10 calendar days before a meeting. This deadline would provide the district sufficient time to compile items and post an agenda by the statutory deadline. If the district would like to adjust the deadline, please contact your policy consultant.

SB 413 requires roll call voting, so the language at Record Vote has been revised accordingly. A paragraph in the Minutes section has been removed, as the statement is true for all district records and it is not necessary to separately address retention in this policy. Please refer to CPC(LOCAL) and your district's record retention procedures.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

BED(LOCAL)

BOARD MEETINGS: PUBLIC PARTICIPATION

Recommended revisions comply with the SB 12 requirement that public comment occur at the beginning of board meetings.

Given the new requirements in SB 12, it is recommended that the overall time limit for public comments be removed from the policy. Based on a review of the new statute, it does not appear to permit such a limitation.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

CJ(LOCAL)

CONTRACTED SERVICES

Recommended new provisions reflect that contractors may not engage in or assign instructional activities prohibited by law or diversity, equity, and inclusion (DEI) duties under SB 12. Violations will result in termination of the contract.

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CJA(LOCAL) CONTRACTED SERVICES: BACKGROUND CHECKS AND REQUIRED REPORTING

The subtopic name has been adjusted to Background Checks and Required Reporting to more accurately describe the contents of the legal framework at this code. No changes have been made to the local text, and the district has not been charged for this revision.

CLE(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: REQUIRED DISPLAYS

The subtopic name has been adjusted to Required Displays to more accurately describe the contents of the legal framework at this code. No changes have been made to the local text, and the district has not been charged for this revision.

CQB(LOCAL) TECHNOLOGY RESOURCES: CYBERSECURITY

Recommended revisions comply with HB 150, which moves cybersecurity training requirements from the Department of Information Resources to the Texas Cyber Command and includes details about notifications for cybersecurity incidents in addition to security breaches.

CQD(LOCAL) TECHNOLOGY RESOURCES: ARTIFICIAL INTELLIGENCE

This new recommended policy addresses artificial intelligence training requirements based on HB 150 and HB 1500, as well as the use of artificial intelligence by district employees and students.

CSA(LOCAL) FACILITY STANDARDS: SAFETY AND SECURITY

SB 8 from the Second Special Session prompted the inclusion of a section on Designation and Use of Private Spaces. The superintendent is directed to designate private spaces in accordance with law and to develop regulations to ensure compliance.

CV(LOCAL) FACILITIES CONSTRUCTION

As reflected in CH(LEGAL), the competitive purchasing threshold established in law has changed from \$50,000 to \$100,000. The language at Construction Contracts is recommended for revision here to refer to the legal threshold rather than a specific dollar amount. Policy BJA(LOCAL) establishes the superintendent's delegation authority; therefore "or designee" is recommended for deletion at Project Administration.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

Please note: The superintendent's authority to approve construction contracts is reflected with a dollar amount in many districts' CV(LOCAL) that matched the previous competitive purchasing threshold. We have not revised the provisions reflecting the superintendent's authority to approve construction contracts. If the board wishes to update the superintendent's authority to approve contracts, please contact your policy consultant.

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DEC(LOCAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

HB 2 prompted recommended revisions to include Daily Rate of Pay under the Definitions section, as well as a section regarding Concurrent Use of Paid Leave during Family and Medical Leave for classroom teachers.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

DFBB(LOCAL)

TERM CONTRACTS: NONRENEWAL

Based on SB 12, engaging or assigning diversity, equity, and inclusion duties, as well as instructional activities prohibited by law, are recommended for inclusion in the list of reasons a term contract employee may be nonrenewed. The item related to disability and the ability to perform the essential functions of the job has been amended for clarity.

DGBA(LOCAL)

PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS/GRIEVANCES

We recommend for your consideration this revised policy regarding employee complaints, which includes revisions prompted by the applicable portions of SB 12. Please contact your policy consultant if additional revisions are necessary.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

DH(LOCAL)

EMPLOYEE STANDARDS OF CONDUCT

The recommended revision to the text at Weapons Prohibited – Exceptions reflects changes under SB 706 regarding reciprocity with a handgun license from another state. Sections on Prohibited Classroom Instruction or Activities; Prohibited Diversity, Equity, and Inclusion Duties; and Social Transitioning are recommended for inclusion pursuant to SB 12. At Relationships with Students, the recommended revision addresses the requirement under SB 571 regarding notice of suspected misconduct by an educator or district service provider.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

EEP(LOCAL)

INSTRUCTIONAL ARRANGEMENTS: LESSON PLANS

This new local policy includes recommended language from SB 12 on instructional plans and course syllabi.

EFA(LOCAL)

INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

In accordance with SB 12, a section on Parent Request for Instructional Material Review is recommended for inclusion. The policy requires the superintendent to develop administrative regulations to ensure that parents or guardians can request review of instructional materials individually or through a petition process with other parents.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

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EHBAF(LOCAL)

SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

The enclosed revisions are recommended to update language regarding special education classrooms in accordance with HB 2 and to update the timeframe for reporting suspected misconduct or child abuse as required by SB 571.

EIA(LOCAL)

ACADEMIC ACHIEVEMENT: GRADING/PROGRESS REPORTS TO PARENTS

Recommended revisions reflect the SB 12 requirement that each parent of a student be afforded the opportunity for at least two in-person conferences with the student's teacher per year. At Academic Dishonesty, language is recommended that indicates the use of artificial intelligence without permission constitutes academic dishonesty.

FA(LOCAL)

PARENT RIGHTS AND RESPONSIBILITIES

This new local policy is recommended for inclusion in the district's manual to address the SB 12 requirement to establish a parent portal on the district's website, through which parents may submit comments to administrators or the board.

FEF(LOCAL)

ATTENDANCE: RELEASED TIME

This local policy is recommended for inclusion in the district's manual to reflect SB 1049 requirements regarding released time courses.

FFAC(LOCAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

A recommended revision at Medication Provided by Parent has been made due to SB 920, which now allows school employees, including nurses, to administer nonprescription medication in accordance with legal requirements.

At Epinephrine, references to "epinephrine auto-injector" have been updated to "epinephrine delivery system" in accordance with SB 1619.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

FFB(LOCAL)

STUDENT WELFARE: CRISIS INTERVENTION

As required by HB 2, a provision is recommended for inclusion addressing the required notification that must be provided to teaching staff when a threat is made against the campus.

FFF(LOCAL)

STUDENT WELFARE: STUDENT SAFETY

HB 2 prompted recommended revisions to this local policy regarding notifying a parent of a student with whom an employee or service provider is alleged to have engaged in misconduct.

FFG(LOCAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

A recommended change at Reporting Child Abuse or Neglect reflects that SB 571 requires reporting within 24 hours of learning of the facts giving rise to suspicion of abuse or neglect of a child. The revision to item 1 at Making a Report also comes from SB 571.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

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

We recommend for your consideration this revised student and parent complaint policy, which includes revisions prompted by the applicable portions of SB 12. Please contact your policy consultant if you wish to make additional revisions to this policy.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

FO(LOCAL) STUDENT DISCIPLINE

HB 6 removed a district's authority to exempt itself from student discipline requirements through a District of Innovation plan. The District of Innovation text is, therefore, recommended for deletion.

GF(LOCAL) PUBLIC COMPLAINTS

We recommend for your consideration this revised public complaint policy, which includes revisions prompted by the applicable portions of SB 12.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Language regarding handguns is recommended for revision due to SB 706.

The [Legal Tips for Policy Development](#), available in the Policy Online® Governance and Management Library (TASB login required), describe common legal concerns and best practices specific to this policy's topic.

Meeting Place and Time	Board meetings shall be held during a time that is outside of typical work hours. [See FA(LEGAL)] The notice for a Board meeting shall reflect the date, time, and location of the meeting.
Regular Meetings	Regular meetings of the Board shall normally be held on the third Monday of each month at 5:00 p.m. When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.
Special or Emergency Meetings	The Board President shall call special meetings at the Board President's discretion or on request by two members of the Board. The Board President shall call an emergency meeting when it is determined by the Board President or two members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.
Agenda	The deadline for submitting items for inclusion on the agenda is the seventh business 10th calendar day before regular meetings and the seventh business 10th calendar day before special meetings.
Deadline	
Preparation	In consultation with the Board President, the Superintendent shall prepare the agenda for all Board meetings. Any Board member may request that a subject be included on the agenda for a meeting by submitting the subject to the Board President. The Board President shall submit all items received from Board members to the Superintendent. The Superintendent shall include on the preliminary agenda of the meeting all topics that have been timely submitted by a Board member. Before the official agenda is finalized for any meeting, the Superintendent shall consult the Board President to ensure that the agenda and the topics included meet with the Board President's approval. In reviewing the preliminary agenda, the Board President shall ensure that any topics the Board or individual Board members have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The Superintendent shall not have authority to remove from the agenda a subject requested by a Board member without that Board member's and the Board President's specific authorization.
	[See Board Operating Procedures regarding the Board meeting agenda.]

Notice to Members	Members of the Board shall be given notice of regular and special meetings at least 72 hours <ins>three business days</ins> prior to the scheduled timedate of the meeting and at least one hour prior to the time of an emergency meeting.
Closed Meeting	Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, in accordance with law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BEC]
Order of Business	The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members.
Rules of Order	The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i> , except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.
Voting <ins>Record Vote</ins>	Voting on any item shall be by voice <ins>a record vote or by</ins> show of hands or roll call , as directed by the Board President. Any member may abstain from voting on an item , and a member's vote or failure to vote shall be recorded upon that member's request <ins>in the minutes</ins> . [See BDAA(LOCAL) for the Board President's voting rights]
Consent Agenda	When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.
Minutes	Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary. The official minutes of the Board shall be retained on file in the office of the Superintendent and shall be available for examination during regular office hours. <ins>[See CPC regarding retention of records.]</ins>

**Discussions and
Limitation**

Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.

The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.

Limit on Participation	Audience participation at a Board meeting is limited to the portion of the meeting designated to receive public comment in accordance with this policy. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.
Public Comment	<p>Public comment shall occur at the beginning of the meeting. [See FA]</p>
Regular Meetings	At regular Board meetings, the Board shall permit public comment, regardless of whether the topic is an item on the agenda posted with notice of the meeting.
Special Meetings	At all other Board meetings, public comment shall be limited to items on the agenda posted with notice of the meeting.
Procedures	Individuals who wish to participate during the portion of the meeting designated for public comment shall sign up with the presiding officer or designee before the meeting begins as specified in the Board's procedures on public comment and shall indicate the agenda item or topic on which they wish to address the Board. Public comment shall occur at the beginning of the meeting. Except as permitted by this policy and the Board's procedures on public comment, an individual's comments to the Board shall not exceed three minutes per meeting. [See Board Operating Procedures for additional guidance regarding public comment at Board meetings.] A maximum of 30 minutes shall be allotted to hear individuals wishing to participate in this portion of the meeting.
Meeting Management	When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the presiding officer may make adjustments to public comment procedures, including adjusting when public comment will occur during the meeting, reordering agenda items, deferring public comment on nonagenda items, continuing agenda items to a later meeting, providing expanded opportunity for public comment, or establishing an overall time limit for public comment and adjusting adjust the time allotted to each speaker. However, no individual shall be given less than one minute to make comments.
Board's Response	Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

**Complaints and
Concerns**

The presiding officer or designee shall determine whether an individual addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the individual shall be referred to the appropriate policy to seek resolution:

- Employee complaints: DGBA
- Student or parent complaints: FNG
- Public complaints: GF

Disruption

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.

Employment Assistance Prohibited

No District employee shall assist a contractor or agent of the District or of any other school district in obtaining a new job if the employee knows, or has probable cause to believe, that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative file does not violate this prohibition.

No District contractor or agent shall assist an employee, contractor, or agent of the District or of any other school district in obtaining a new job if the contractor or agent knows, or has probable cause to believe, that the individual 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 also DC for prohibitions relating to employees.]

Prohibited Classroom Instruction or Activities

A District contractor is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB(LEGAL)]. Violation of this policy shall result in termination of the contract. A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

Prohibition on Diversity, Equity, and Inclusion

A contract is subject to termination if the District contractor intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

[See BT(LEGAL)]

Emergencies

In an emergency due to a health or safety concern, a reasonably unforeseeable situation, or other exigent circumstance, the District employee who is in charge of the facility shall be authorized to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history record information (CHRI) review or who has a disqualifying conviction will be permitted to enter a District facility.

If allowed to enter the facility, the employee of the contracting or subcontracting entity shall be accompanied by a District employee at all times.

The U.S. and Texas flags shall be prominently displayed in each classroom to which a student is assigned during the time that the pledges of allegiance to those flags are recited.

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	<p>The Board delegates to the Superintendent the authority to:</p> <ol style="list-style-type: none">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 Texas Cyber Command; and3. Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate. <p>The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.</p>
Security Breach and Cybersecurity Incident Notifications	<p>Upon discovering or receiving notification of a breach of system security or a security cybersecurity incident, as defined by law, the District shall disclose the breach or incident to affected persons or entities and provide any other notices in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">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. <p>The District shall disclose a breach or incident involving sensitive, protected, or confidential student information as required by law.</p>

Training	<p>The Board delegates to the Superintendent the authority to:</p> <ol style="list-style-type: none">1. Determine the artificial intelligence (AI) 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; and3. Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate. <p>The District shall complete periodic audits to ensure compliance with the AI training requirements.</p>
Use in District	<p>Employees and students shall be permitted to explore AI and implement its use in and out of the classroom in accordance with policy and administrative regulations. The use of AI shall only be as a support tool to enhance student outcomes and shall never take the place of teacher and student decision-making. Any use of AI must comply with law, policy, and administrative regulations relating to student and employee privacy and data security.</p> <p>A student shall only use AI tools with teacher permission and shall be expected to produce original work and properly credit sources, including AI tools used in creating the work. Students who use AI tools to deceptively harm, bully, or harass others shall be disciplined in accordance with the Student Code of Conduct and policy. [See EIA(LOCAL), FFH, FFI, and the FO series]</p>

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]

Designation and Use of Private Spaces

The Board shall ensure that the Superintendent, or appropriate staff as determined by the Superintendent, designates private spaces in accordance with law.

The Superintendent shall develop administrative regulations to ensure compliance with law and policy regarding the use of private spaces in District facilities.

Compliance with Law	The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.
Construction Contracts	<p>The Board delegates to the Superintendent the authority to determine, prior to advertising, the project delivery/contract award method to be used for each construction contract valued at or above \$50,000<ins>the competitive purchasing threshold established in law</ins>. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]</p> <p>For construction contracts valued at or above \$50,000<ins>\$50,000</ins>, the Superintendent shall submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]</p>
	<p>Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).</p>
Change Orders	<p>Change orders permitted by law shall be approved prior to any changes being made in the approved plans or the actual construction of the facility.</p> <p>Change orders valued at or above \$50,000<ins>\$50,000</ins> shall require Board approval. The Superintendent shall be authorized to approve change orders of a lesser amount.</p>
Project Administration	<p>All construction projects shall be administered by the Superintendent or designee.</p> <p>The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.</p>
Final Payment	The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

Leave Administration	The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.
Definitions	The term "immediate family" is defined as:
Immediate Family	<ol style="list-style-type: none">1. Spouse.2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands <i>in loco parentis</i>.3. Parent, stepparent, parent-in-law, or other individual who stands <i>in loco parentis</i> to the employee.4. Sibling, stepsibling, and sibling-in-law.5. Grandparent and grandchild.6. Any person residing in the employee's household at the time of illness or death.
	For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).
Family Emergency	The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.
Leave Day	A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.
School Year	A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.
<u>Daily Rate of Pay</u>	<u>The "daily rate" of a contract employee, including a teacher, school counselor, or librarian, shall be computed by dividing the employee's annual salary by the number of duty days in the employee's contract year.</u>
Catastrophic Illness or Injury	A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions

relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

State Leave Proration If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three-five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

	<p><u>Nondiscretionary use of leave is when leave is used for the employee's own illness; leave used for illness in the employee's immediate family; leave used for emergencies; leave used for a death in the employee's immediate family; or leave used when situations, occurrences, or incidents prevent the employee from reporting for work.</u></p>
Discretionary Use	<p>Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.</p> <p><u>Discretionary use of state personal leave shall not exceed three consecutive workdays during the instructional year. Any approval of extended use of discretionary leave outside the instructional year will be in accordance with administrative regulations.</u></p>
Request for Leave	<p>In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.</p>
Local Leave	<p>Each employee shall earn paid local leave days per school year in accordance with administrative regulations and as follows:</p> <ul style="list-style-type: none">• An employee in a position normally requiring <u>ten</u><u>10</u> months of service shall earn six paid local leave days per school year.• An employee in a position normally requiring 11 months of service shall earn seven paid local leave days per school year.• An employee in a position normally requiring 12 months of service shall earn eight paid local leave days per school year. <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]</p>
Extended Sick Leave	<p><u>After all available paid leave days and any applicable compensatory time have been exhausted, an employee shall be granted in a school year a maximum of <u>ten</u><u>10</u> leave days of extended sick leave to be used only for the employee's own catastrophic illness or injury, including pregnancy-related illness or injury.</u></p> <p><u>A written request for extended sick leave must be accompanied by medical certification of the illness or injury.</u></p> <p><u>Extended sick leave shall be taken with no loss in pay.</u></p>

**Catastrophic Leave
Program**

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

For purposes of the catastrophic leave program, "immediate family" shall be defined as spouse, natural child, adopted child, foster child, and parent (but not parent-in-law). A stepchild shall also be included if he or she lives with the employee on a full-time basis, with the exception of time for court-ordered or temporary visitation with the other natural parent.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

**Family and Medical
Leave**

The District shall make FMLA leave available to employees in accordance with DECA(LEGAL) and the following provisions.

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable, except as provided below.

A teacher shall notify the appropriate administrator if they choose not to use paid leave concurrently with FMLA leave for an absence related to pregnancy or the birth or adoption of child.

**Twelve Month
FMLA Exception
Period**

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.

Combined Leave for Spouses	When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.
Intermittent or Reduced Schedule Leave	The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Leave at the End of Semester	When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.
Temporary Disability Leave	<p>Any full-time employee shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.</p>
Workers' Compensation	<p>Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.</p> <p>An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p>
Paid Leave Offset	The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]
Other Employment While on Leave	<p>shall not perform work in any capacity, whether with the District or with another employer, except as approved by Human Resources</p>

Court Appearances

as part of an approved return-to-work or transitional duty assignment at the District.

Exceptions may be granted by Human Resources for employees on approved professional development leave to substitute or work part-time in the District.

Working during a leave of absence without prior approval from Human Resources shall be considered a violation of the District's leave policy and may be grounds for immediate termination of at-will employees or recommendation of termination for contract employees.

Absence Control Policy

Abuse of Leave

All employee leave shall be provided for the specific purposes stipulated in this policy and/or state law. Absence from work shall be based on a particular leave status. An employee's absence without leave (AWOL) shall not be permitted and shall be deemed an abuse of the leave program. Abuse of the employee leave program, including excessive absenteeism, is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment.

Absence without leave means any of the following conditions:

1. Being absent without available leave and not on Superintendent-approved administrative leave;
2. Being absent without having followed administrative procedures for taking leave; and
3. Being absent without having followed designated procedures for reporting absences as established by administrative procedures for taking leave.

Tardiness

Employees shall arrive to work by the time designated by their work schedules. Unexcused or excessive tardiness may result in disciplinary action, up to and including termination of employment. Unexcused or excessive tardiness shall constitute good cause for termination of employment.

<u>Unauthorized Absence</u>	<p>An employee may be terminated for good cause when he or she:</p> <ol style="list-style-type: none">1. Fails to return to work and fails to notify the office of Employee Benefits, Risk Management, and Safety within three workdays following a release by the treating physician;2. Fails to return to work and fails to request or extend a leave of absence; or3. Fails to report to work after exhausting all paid leave and, if eligible for leave of absence, does not request a leave. <p>The uniform enforcement of a reasonable absence control policy is not retaliatory discharge.</p>
<u>Sanctions for Abuse</u>	<p>All employee leave shall be provided for the specific purpose stipulated in this policy and is not intended to be used as a vacation, or for mere convenience. Except for discretionary use of state personal leave, documentation may be required for any chronic absences as determined by the Superintendent or designee. Abuse of the employee leave program and/or excessive absenteeism is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment, in accordance with appropriate District policies. [See DCD and DF series]</p>
<u>Expiration of Available Leave</u>	<p>Upon the expiration of all leave for which an employee has applied and is eligible, the District shall notify the employee in writing that his or her leave has expired if the employee has not already returned to work.</p> <p>An employee shall have 10 workdays within which to apply for any leave for which the employee may be eligible or to notify the District in writing that the employee is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her positions, with reasonable accommodations if necessary, shall be required to return to work. Additionally, some jobs shall require the employee to submit to a fitness-for-duty evaluation paid for by the District wherein the employee must demonstrate the ability to meet all of the essential functions of his or her job.</p> <p>An at-will employee who does not receive approval of such additional leave and who does not report and document his or her availability and fitness to return to work within the 10-workday period shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the 10-workday period designated in such notice, and shall be offered health benefits according to COBRA. [See CRD]</p>

**Neutral Absence
Control Policy**

An at-will employee who fails to return to work after exhausting all available leave, regardless of the type of leave, shall be deemed to have voluntarily resigned his or her employment with the District, and shall be offered health benefits according to COBRA.

A contract employee's failure to receive approval of such additional leave and his or her subsequent failure to report and document his or her availability and fitness to return to work, within the 10-work-day period, shall be considered good cause for termination. A contract employee's failure to return to work after exhausting all available leave, regardless of the type of leave, shall be considered good cause for termination. For termination procedures and rights of contract employees, see DCE and DF series.

The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination

With the exception of leaves of absence for military duty, leaves of absence under the FMLA, or leaves of absence requiring consideration of accommodation(s) that do not impose undue hardship, no leave of absence, by itself or in combination with other periods of leave, shall last longer than 180 calendar days, including District-designated breaks and holidays. Any employee who, for any reason or combination of reasons, misses more than 180 consecutive days of work in a 12-month period shall be separated from employment with the District due to his or her unavailability for work. In the case of temporary disability, the calculation for the 12-month period shall begin on the date the employee qualifies for temporary disability. Prior to the 180th day, the employee must submit a statement from his or her physician that the employee is able to return to work on the 181st day. If the 181st day falls on a weekend, holiday, or scheduled calendar break, then the employee shall be required to report to duty on the next scheduled workday. The failure to do so shall result in automatic separation from employment. The employee may not intentionally or indiscriminately break the application or counting of the 180-day period without proper medical documentation certifying the employee's ability to return to work. An employee separated from service with the District for this reason shall be eligible to apply for any District position that is open or that becomes available for which the employee is qualified. In the absence of a request for an accommodation, the District shall objectively review the employee's medical documentation to determine whether the employee can perform the duties of the job or position.

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: <ol style="list-style-type: none">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
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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, **with or without reasonable accommodation**.
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. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]
35. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.
- 34.36. Any reason constituting good cause for terminating the contract during its term.

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. If the Board votes to propose nonrenewal for any employees, it shall also decide whether any requested hearing will be conducted by the Board or by an independent hearing examiner.

Notice of Proposed Nonrenewal	<p>After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.</p> <p>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.</p> <p>The Board has chosen to designate the type of hearing for proposed nonrenewals on a case-by-case basis. In the notice of proposed nonrenewal, the employee shall receive notice of whether the Board [see Request for Board Hearing, below] or an independent hearing examiner appointed by the commissioner of education [see Request for Appointment of Hearing Examiner, below] will conduct the hearing.</p>
Request for Appointment of Hearing Examiner	<p>If the notice of proposed nonrenewal states that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee may request a hearing by filing a written request with the commissioner, and providing the Board a copy of the request, not later than the 15th day after the date the employee received the notice of proposed nonrenewal.</p>
Hearing Procedures	<p>The hearing shall be conducted by an independent hearing examiner in accordance with the process described at DFD.</p>
Board Decision	<p>Following the hearing, the Board shall take appropriate action in accordance with DFD.</p>
Request for Board Hearing	<p>If the notice of proposed nonrenewal states that the nonrenewal hearing will be conducted by the Board, the employee may request a hearing by providing written notice to the Board not later than the 15th day after the date the employee received the notice of proposed nonrenewal.</p> <p>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].</p> <p>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.</p>

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	<p>The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:</p> <ol style="list-style-type: none">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. <p>A record of the hearing shall be made so that a certified transcript can be prepared, if required.</p>
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.
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 will 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.

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.

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.

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 DBA after the relevant complaint process <u>has been followed</u> : <ol style="list-style-type: none">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 <u>the DIA series</u>.2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with <u>the DIA series</u>.3. Complaints concerning retaliation <u>relating</u><u>related</u> to discrimination and harassment shall be submitted in accordance with <u>the DIA series</u>.4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.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 <u>and on the District's website</u> .
Guiding Principles Informal Process	The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate <u>campus or District</u> 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 <u>or as otherwise provided in this policy</u> .

<p><u>Direct Communication with Board Members</u></p> <p><u>Employees shall not be prohibited from communicating with a member of the Deadline Extensions Board regarding District operations</u></p> <p><u>Formal Process communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee Filing Deadlines</u></p>	<p><u>If an employee has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the employee must file a complaint within 15 business 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.</u></p> <p><u>All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.</u></p> <p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p><u>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. The Superintendent or designee shall have the right to direct the complainant to an informal conference with the appropriate District employee. The complainant must comply with this directive before the formal complaint can proceed. Such directive may be given at any level of the proceedings and shall suspend or extend any applicable deadlines as determined by the Superintendent or designee. An employee whose concerns are resolved may withdraw a formal complaint at any time.</u></p> <p><u>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. 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.</u></p> <p><u>The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the employee shall file Level One complaints with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.</u></p> <p><u>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</u></p> <p><u>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint</u></p>
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	<p><u>form was received and immediately forward the complaint form to the appropriate administrator.</u></p>
<u>Option to Continue Informal Process</u>	<p><u>Even after initiating the formal complaint process, the employee is encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</u></p>
<u>Notice of Complaint</u>	<p><u>A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.</u></p>
Freedom from Retaliation	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
Whistleblower Complaints	<p>Whistleblower complaints shall be filed within the time specified by law and may be made <u>to the Superintendent or designee</u> beginning at Level Two. Timelines 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]</p>
Complaints Against Supervisors	<p>Complaints alleging a violation of law by a supervisor may be made to the Superintendent <u>or designee</u>. <u>Complaint forms</u>, <u>Complaints</u> alleging a violation of law by the Superintendent may be submitted directly to the Board or <u>Board's</u> designee.</p>
<u>Direct Communication with Board Members</u>	<p><u>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.</u></p>
General Provisions Filing	<p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, <u>including email and fax</u>, 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 <u>business</u> days after the deadline. <u>The District may also communicate regarding the complaint and related procedures via hand delivery, fax, email, or U.S. mail.</u></p>

<u>Independent Investigation Scheduling Hearings</u>	<p>The <u>Superintendent or designee</u><u>District</u> shall <u>have the authority to suspend all scheduling and response deadlines for a period not to exceed ten days if he or she determines it is in the best interest of the District or the parties involved to conduct an independent investigation into any matter presented in the complaint. During such suspension, the independent investigation shall be conducted and concluded in a diligent manner. The complaining party shall be informed that an independent investigation has been ordered. No procedural or substantive prejudice shall inure to the complaining party as a result of such suspension. The Superintendent or designee shall have the authority to order an independent investigation at any stage of the complaint process</u><u>make reasonable attempts to schedule hearings at a mutually agreeable time. If the employee fails to appear at a scheduled hearing, the District may hold the hearing and issue a decision in the employee's absence.</u></p>
<u>Decision</u>	<p><u>A "decision" shall mean a written communication to the employee from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.</u></p>
<u>Scheduling Conferences</u>	<p><u>The District</u><u>The decision</u> shall <u>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</u><u>also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.</u></p>
<u>Response</u>	<p><u>At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses</u><u>A decision</u> may be hand-delivered, <u>faxed</u>, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed <u>responses</u><u>decisions</u> shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
<u>Days</u>	<p><u>"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."</u></p>
<u>Representative</u> <u>Representative</u>	<p><u>"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 <u>him or her</u><u>the employee</u> in the complaint process.</u></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 business 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. Employees shall not file. To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from any an event or series of events that have been or could have been addressed in a previous complaint.~~

~~An employee may not add additional items to the original complaint because of his or her dissatisfaction with the Level One or Level Two administrator response. Only the original written complaint form and the resolution requested thereon shall be addressed at each level of the proceeding.~~

Untimely Filings

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

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

Meritless
Complaints

~~Fair and appropriate due process consideration shall be given to all complaints and grievances. Honesty, candor, courtesy, professionalism, cooperation, and respect must occur throughout the process. The Superintendent or designee shall have the unilateral right at Level Two to examine whether a complaint or grievance is without merit. Consideration shall be given but not limited to the substance of the claim, the diligence of the party asserting the claim, the nature of the claim, whether the claim has been repetitively asserted previously in the same or similar form or fashion, and the current and prior conduct of the complainant, including but not limited to, the complainant's unwillingness to cooperate with District personnel regarding the complaint.~~

~~The Superintendent or designee shall have the right to compel the complainant to explain, correct, support, or substantiate the allegation asserted and shall give the complainant a reasonable amount~~

~~of time to respond. That reasonable time period shall extend the written response deadline for a decision by the Superintendent or designee by an equivalent period of time. A finding by the Superintendent or designee that the complaint in its entirety is without merit shall result in a dismissal of the complaint. The Superintendent or designee may find only a portion of the complaint to be without merit. In such event, the Superintendent or designee shall dismiss the portion of the complaint found to be without merit and rule upon the remainder of the complaint as appropriate.~~

~~An appeal of a dismissal based on the complaint or portion thereof being without merit shall be limited to the findings made by the Superintendent or designee that the complaint or portion thereof is indeed without merit. If the Board subsequently determines that the complaint or any portion thereof does have merit, then the complaint shall be returned to the Superintendent or designee for further action. The Board or the Superintendent or designee may enter additional orders or directives addressing the future conduct of the complainant with regard to the complaint or grievance asserted.~~

Costs Incurred

Costs Incurred

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

Complaint and Appeal Forms

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

Copies of any documents that support the complaint should be ~~attached to included with~~ the complaint form. If the employee does not have copies of these documents, ~~they copies~~ may be presented at the Level One ~~conference hearing~~. 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 hearing, the employee may supplement the record with additional documents or include additional claims. The appropriate administrator may remand the complaint to a lower level to address any additional concerns, questions, or remedies that are presented after the Level One conference.~~

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee who filed the complaint, documents determined relevant by District personnel, and the decision.

Remand

A complaint or appeal form that is incomplete in any material aspect ~~may shall~~ be ~~dismissed but may be refiled with all the required~~

Assignment of
Hearing Officer

information if the refiling is within the designated time for filing, refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee Superintendent may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed. The remand process will be completed in a timely manner in accordance with District regulations. During the remand process the District will identify a scope for the remand and work to develop an adequate record. Once the remand process is complete, the hearing officer for the level that the complaint has been remanded to shall schedule a hearing with the complainant. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the employee mutually agree, all deadlines shall be suspended during an investigation.

Audio Recording

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

Complaint Levels

Level One

Complaint forms must be filed:

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

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other

	<p><u>District employees shall file Level One complaints with their immediate supervisor.</u></p> <p><u>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. In such cases, no written response from the Level One administrator shall be required.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>Absent extenuating or necessary circumstances, as determined by the administrator, he or she 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 appeal shall be limited to the issue and solution requested on the original complaint form.</u></p> <p><u>At Level One, the appropriate hearing officer shall hold a hearing with the employee within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.</u></p> <p><u>The hearing officer shall provide the employee a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.</u></p>
Level Two	<p>If the employee did not receive the relief requested at Level One or if the time for a <u>response</u> <u>decision</u> has expired, the employee may request a <u>conference with the Superintendent or designee</u> <u>hearing at Level Two</u> to appeal the Level One decision. <u>The appeal shall be limited to the issue and solution requested on the original complaint form.</u></p> <p>The appeal notice must be filed in writing, on a form provided by the District, within <u>ten</u> <u>20</u> <u>calendar</u> days of the date of the <u>written</u> Level One <u>response</u> <u>decision</u> or, if no <u>response</u> <u>was received</u>,</p>

within ten~~decision has been communicated to the employee, within 20 calendar~~ days of the Level One response~~decision~~ deadline.

After receiving notice of the appeal, the Level One ~~administrator~~hearing officer shall prepare and forward a record of the Level One complaint to the Level Two ~~administrator~~employee ~~may request~~hearing officer ~~and provide a copy of the Level One record to the employee. A copy of the Level One record will be provided to the complainant upon request.~~

The Level One record shall include:

1. The original complaint form and any attachments.
2. ~~All~~Any other documents submitted by the employee at Level One.
3. If the complaint is against a District employee, the written response of the District employee, if any.
- 3.4. The decision issued at Level One and any attachments.
- 4.5. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The Level Two hearing officer will review the Level One record and determine if the Level One record is adequate. Unless the complaint is remanded to a lower level, The Superintendent or designee shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar~~ days after the appeal notice is filed. The conference shall be strictly limited to the issues, documents, and requested solution as presented on the original complaint form 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~~hearing officer may set reasonable time limits for the hearing.~~

The ~~Superintendent or designee~~hearing officer shall provide the employee a written response~~decision~~ within ~~ten~~20 calendar days following the ~~conference~~hearing. ~~The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Superintendent or designee~~hearing officer may consider the Level One record, any additional information provided at prior to the Level Two ~~conference~~hearing, and any other relevant documents or information the ~~Superintendent or designee~~hearing officer believes will help resolve the complaint.

	<p>Recordings of the Level One and Level Two <u>conferenceshearings</u>, if any, shall be maintained with the Level One and Level Two records.</p>
Level Three	<p>If the employee did not receive the relief requested at Level Two or if the time for a <u>responsesdecision</u> has expired, the employee may appeal the decision to the Board and must continue to limit the appeal to the issue and solution requested on the original complaint form.</p> <p>The appeal notice must be filed in writing, on a form provided by the District, within <u>ten20 calendar</u> days of the date of the <u>written Level Two responsesdecision</u> or, if no <u>response was received, within ten</u> <u>decision has been communicated to the employee, within 20 calendar</u> days of the Level Two <u>responsesdecision</u> deadline.</p> <p><u>The Superintendent will review the Level Two record and determine if the Level Two record is incomplete in any material aspect. Unless the complaint is remanded to a lower level the complaint will proceed to the Board or Board committee. The Superintendent or designee shall inform the employee of the date, time, and place of the Board</u><u>Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.</u></p> <p><u>After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.</u></p> <p><u>The Superintendent shall inform the employee whether the Board or a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.</u></p> <p><u>The Superintendent or designee</u><u>At least five business days before the Board or Board committee meeting, the Superintendent shall provide the employee a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.</u></p> <p><u>The Superintendent</u> shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.</p> <p>The Level Two record shall include:</p> <ol style="list-style-type: none">1. The Level One record.2. The notice of appeal from Level One to Level Two.

3. The written responseAny other documents submitted by the employee at Level Two.

3.4. The decision issued at Level Two and any attachments.

4.5. All other documents relied upon by the administration in reaching the Level Two decision.

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

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

~~The employee may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]~~

~~At the meeting, 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.~~

~~If participants in the hearing depart from the specific issue or solution requested on the original complaint form, the presiding officer shall stop the proceeding and remind participants that discussion is limited to the issue and solution requested. Thereafter, if participants do not comply with this requirement, the presiding officer shall rule that the presentations are complete, and the Board shall rely only on the previously submitted documentation and allowable testimony. members.~~

In addition to any other record of the Board-meeting required by law, the Board or Board committee 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 members with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board or Board committee shall then consider the complaint. It may give notice of its shall make a 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 later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The employee shall be provided a decision in accordance with this policy and state law.

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, [DCE](#), and DF series]

Weapons Prohibited

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

Exceptions

No violation of this policy occurs when:

1. A District employee who holds a [Texas](#)-handgun license [in accordance with state law](#) 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]

Electronic Communication

[Electronic media includes all forms of social media, such as, but not limited to, text messaging, instant messaging, electronic mail \(e-mail\), web logs \(blogs\), electronic forums \(chat rooms\), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes, but is not limited to, all forms of telecommunication, such as landlines, cell phones, and web-based applications.](#)

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law,

with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

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

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

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

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

Personal Use

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

Reporting Improper Communication

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

Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
<u>Prohibited Classroom Instruction or Activities</u>	<u>An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].</u>
<u>Prohibited Diversity, Equity, and Inclusion Duties</u>	<u>An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly:</u> <ul style="list-style-type: none"><u>Engages in diversity, equity, and inclusion (DEI) duties.</u><u>Assigns to another individual DEI duties.</u> <u>[See BT(LEGAL)]</u>
<u>Social Transitioning</u>	<u>An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.</u>
<u>Safety Requirements</u>	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
<u>Harassment or Abuse</u>	An employee shall not engage in prohibited harassment, including sexual harassment, of: <ol style="list-style-type: none">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]
<u>Relationships with Students</u>	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. <u>[See FFH]</u>
	As required by law, the District shall notify the parent of a student with whom <u>an educator or District employee or person acting as a service provider for the District</u> is alleged to have engaged in certain misconduct. <u>[See FFF]</u>

[\[See FFF for parent notification requirements and DHB and DHC for reporting requirements.\]](#)

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

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

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

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

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

Exceptions

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

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

	<p>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.</p>
Sanctions	<p>An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:</p> <ol style="list-style-type: none">1. Referral to drug and alcohol counseling or rehabilitation programs;2. Referral to employee assistance programs;3. Termination from employment with the District; and4. Referral to appropriate law enforcement officials for prosecution.
Notice	<p>Employees shall receive a copy of this policy.</p>
Arrests, Indictments, Convictions, and Other Adjudications	<p>An employee shall notify his or her principal or immediate supervisor <u>Human Resources</u> 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: if they are arrested, charged with, convicted of, or granted probation or deferred adjudication after a plea of guilty, not guilty, or nolo contendere, or if they have entered a plea of nolo contendere to any misdemeanor involving moral turpitude or any felony, or any of the other offenses listed below:</p> <ol style="list-style-type: none">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; or4. Crimes involving moral turpitude, which include:<ul style="list-style-type: none">• 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 con-

spiracy 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.

Instructional Plan and Course Syllabus	Prior to the beginning of each semester, each teacher shall provide a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction. The teacher shall provide this information to the District administration and the parent of each student enrolled in the teacher's class. Additional copies of the instructional plan or course syllabus shall be made available to a parent of a student enrolled upon that parent's request.
District Website	The Superintendent shall develop administrative procedures for the posting of the instructional plans and course syllabi for each class offered in the District on the District's website.

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

For information related to the selection process of library materials, see EFB.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials 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 materials" may include textbooks, 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 materials are to implement, enrich, and support the District's educational program.

Selection Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above.

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

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. 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. [See also EMB regarding instruction about controversial issues.]
5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

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

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

**Parent Request for
Instructional Material
Review**

The Superintendent shall develop administrative regulations to ensure compliance with state law and rules that a parent or guardian of a District student may request an instructional materials review for a subject area in the grade level in which their student is enrolled on the basis of the following:

1. The material is not aligned with District-adopted materials; or
2. The material does not have the appropriate rigor for the grade level for the subject area in which the instructional material is used.

The regulations shall also address procedures for submitting a parent petition to review instructional materials, the appeal process if a petition for review is denied, criteria for reviewing any appeal, and timelines for each step in the process.

**Reconsideration of
Instructional
Materials**

A District employee or a parent or guardian of a District student may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives for instructional materials set out in this policy.
2. A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.

3. Access to a challenged material 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 instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal
Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator or designee shall try to resolve the matter informally. The administrator or designee shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator or designee may offer a concerned parent an alternative instructional material to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for
Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall review the challenged material in its full context before submitting 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 material with students or is familiar with the challenged material's content. Other members of the committee may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

*Frequency of
Review*

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

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

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.

The ~~Superintendent~~ **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~~ **special education** 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~~ **10th** 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.

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.

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.

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.

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.

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.

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.

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.

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]

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):

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 ~~2-42-4~~, 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.

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~~24 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~~10 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.

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.

Relation to Essential Knowledge and Skills	<p>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.</p> <p>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.</p>
Guidelines for Grading	<p>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.</p>
Progress Reporting	<p>The District shall permit a student who meets the criteria detailed in the grading guidelines a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.</p>
Interim Reports	<p>The District shall issue grade reports/report cards every nine<ins>nine</ins> 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.</p>
Conferences	<p>Interim progress reports shall be issued for all students after the sixth<ins>sixth</ins> week of each grading period. Supplemental progress reports may be issued at the teacher's discretion.</p> <p>In addition to conferences scheduled on the campus calendar, Each year, the District shall provide at least two opportunities for in-person conferences between each parent and the student's teacher. Additional conferences may be requested by a teacher or parent as needed.</p>
Academic Dishonesty	<p>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, <ins>the use of artificial intelligence to complete an assignment in part or in whole unless approved by the classroom teacher [see CQD]</ins>, 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</p>

information from students, or the use of an artificial intelligence detection tool selected by the District.

Parent Portal

The District shall establish a parent portal on the District's website through which parents may submit comments to campus administrators, District administrators, and the Board.

The Superintendent shall develop administrative regulations related to the portal, including placement on the District or campus websites and how campus or District administrators are to address comments received from parents through the portal.

Release from School

A student shall not be released from school at times other than regular dismissal hours except with the permission of the principal of the school. The teacher shall determine that such permission has been granted before allowing the student to leave.

**Exception for
Released Time
Course**

For purposes of this policy, a “released time course” shall have the same definition as provided in law.

A student shall be permitted to attend a released time course in accordance with the following requirements:

1. The parent or guardian has provided written consent for the student to attend the released time course;
2. The private entity offering the released time course maintains attendance records and will make those records available to the District;
3. The private entity, parent or guardian, or student assumes responsibility for transportation, including transportation for a student with a disability, to and from the location at which the released course is offered;
4. The private entity assumes liability for the student enrolled in the released time course while the student is under the private entity's care; and
5. The student is responsible for any school work and assignments issued during the student's absence from the District.

A student shall only be permitted to miss up to five hours a week in total for any and all released time courses permitted under this policy.

The District shall be prohibited from using District funds, excluding de minimis costs, to facilitate the student attending a released time course.

A private entity shall be prohibited from offering the released time course on District property unless the use is in accordance with policy GKD.

The District shall not interfere with a parent's or guardian's ability to request or access a released time course for the student.

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

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 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 in accordance with legal requirements.~~
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.

Emergency Basis

The District shall purchase certain nonprescription medications to administer to students only on an emergency basis and in accordance with:

1. Protocols established by a physician licensed to practice medicine in the state of Texas; and
2. Parental consent given on the emergency treatment card.

The Superintendent shall designate the employees who are authorized to administer nonprescription medication under these protocols and permissions.

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.

Epinephrine	The District authorizes school personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine delivery system , such as an auto-injector or nasal spray, in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.
<i>On Campus</i>	Authorized and trained individuals may administer an unassigned epinephrine auto-injector delivery system at any time to a person experiencing anaphylaxis on a school campus. The District shall ensure that at each campus a sufficient number of authorized individuals are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.
<i>Off Campus</i>	Authorized and trained individuals may administer an unassigned epinephrine auto-injector delivery system to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector delivery system is available.
<i>Maintenance, Availability, and Training</i>	The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals in accordance with law; procedures for auto-injector delivery system use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus, at off-campus events, and while in transit to and from a school event.
<i>Notice to Parents</i>	In accordance with law, the District shall provide notice of the policy to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.
Opioid Antagonist	This provision shall be applicable to each campus that serves students in grades 6-12.
<i>On Campus</i>	The District authorizes school personnel who have been adequately trained to administer an opioid antagonist in accordance with law and this policy. Administration of an opioid antagonist shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing an opioid-related overdose.

	Each applicable campus shall have at least one individual who is authorized and trained to administer an opioid antagonist present during regular school hours.
<i>Maintenance, Availability, Training, and Reporting</i>	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 individuals who are authorized and trained to administer an opioid antagonist.
	The Superintendent shall develop administrative regulations addressing acquisition, maintenance, expiration, and disposal of opioid antagonists in the District, as well as reporting, employee training, and emergency notification requirements.
Psychotropics	Except as permitted by law, an employee shall not:
	<ol style="list-style-type: none">1. Recommend to a student or a parent that the student use a psychotropic drug;2. Suggest a particular diagnosis; or3. 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.
Notification to Teaching Staff of Threat	<p>The District shall maintain a record of the identity of a District employee who elects for the employee's identity to remain confidential.</p> <p>As soon as safe and practicable after an administrator or team receives information regarding a threat against a campus, including a threat made through social media, the appropriate administrator or the team shall immediately provide to each member of the teaching staff, including teacher aides, who may be directly affected by the threat a statement containing the following information:</p> <ol style="list-style-type: none">1. The existence of the threat;2. The nature of the threat; and3. Any other pertinent detail to ensure student and staff safety. <p>The Superintendent shall develop administrative regulations to ensure that the required notice is provided to the teaching staff in accordance with law. The administrative regulations may also address notification of other appropriate employees on the affected campus.</p>
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.

Note: See policies DHB and DHC for information on other required reports regarding alleged misconduct against a student.

The District shall notify a parent of a student with whom ~~an-education~~ a District employee or a person acting as a service provider for the District 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~~individual 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 Texas Education Agency or State Board for Educator Certification (~~SBEC~~) concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an ~~education~~ individual's alleged abuse or commission of an otherwise unlawful act with ~~the~~a student or involvement in a romantic relationship, or soliciting or engaging in sexual contact with ~~the~~a student.

**Notice of Suspected
Criminal Offense**

Except as provided by state law regarding child abuse investigations, the District shall notify a parent not later than one business day after the date an employee first suspects that a criminal offense has been committed against the parent's child.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within **4824** hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A ~~state or local~~ law enforcement agency, as defined in law;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the Texas Abuse Hotline website¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

**Failing to Report
Suspected Child
Abuse or Neglect**

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities
Regarding
Investigations**

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

¹ Texas Abuse Hotline website: <http://www.txabusehotline.org>

Complaints	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
Other Complaint Processes	<p>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 <u>has been followed</u>:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with the FFH-series.2. Complaints concerning dating violence shall be submitted in accordance with the FFH-series.3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with the FFH-series.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 within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, 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 the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
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.
14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

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**

**Guiding Principles
Informal Process**

~~Informal resolution
shall be encouraged
but shall not extend
any deadlines in this
policy, except by
mutual written
consent or as
otherwise provided
in this policy~~
Filing
Deadlines

After Informal
Process

The District shall inform students and parents of this policy through appropriate District publications and on the District's website.

The Board encourages students and parents to discuss their concerns ~~and complaints through informal conferences~~ with the appropriate teacher, principal, or other appropriate campus or District 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.

If a student or parent has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the student or parent shall have the later of:

- Ninety calendar days to file a complaint from 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
- Thirty calendar days to file a complaint from the date on which the District provided information to the student or parent regarding how to file a grievance.

[See Formal Process, below]

<u>No Prior Informal Process</u>	<p><u>If the student or parent has not engaged in the informal process, the student or parent shall have no more than 60 calendar days from 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 to file a complaint using the appropriate forms.</u></p>
<u>Deadline Extensions</u>	<p><u>All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.</u></p>
Formal Process	<p>A student or parent may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. The Superintendent or designee shall have the right to direct the complainant to an informal conference with the appropriate District employee. The complainant must comply with this directive before the formal complaint can proceed. Such directive may be given at any level of the proceedings and shall suspend or extend any applicable deadlines as determined by the Superintendent or designee. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.</p> <p><u>The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, students and parents shall file Level One complaints with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.</u></p> <p><u>If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.</u></p> <p><u>A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board's or Board committee's decision.</u></p> <p><u>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint</u></p>

<u>Option to Continue Informal Process</u>	<p><u>form was received and immediately forward the complaint form to the appropriate administrator.</u></p>
<u>Notice of Complaint</u>	<p><u>Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant whose concerns are resolved may withdraw a formal complaint at any time.</u></p>
Freedom from Retaliation	<p><u>A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.</u></p>
General Provisions	<p><u>Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.</u></p>
Filing	<p>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 <u>business</u> days after the deadline. The District may also communicate regarding the complaint and related procedures via hand-delivery, fax, email, or U.S. mail.</p>
<u>Independent Investigation Scheduling Hearings</u>	<p>The Superintendent or designee<u>District</u> shall have the authority to suspend all scheduling and response deadlines for a period not to exceed ten days if he or she determines it is in the best interest of the District or the parties involved to conduct an independent investigation into any matter presented in the complaint. During such suspension, the independent investigation shall be conducted and concluded in a diligent manner. The complaining party shall be informed that an independent investigation has been ordered. No procedural or substantive prejudice shall inure to the complaining party as a result of such suspension. The Superintendent or designee shall have the authority to order an independent investigation at any stage of the complaint process<u>make reasonable attempts to schedule hearings at a mutually agreeable time. If a complainant fails to appear at a scheduled hearing, the District may hold the hearing and issue a decision in the complainant's absence.</u></p>

<u>Decision</u>	<p><u>A “decision” shall mean a written communication to the complainant from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.</u></p>
<u>Scheduling Conferences</u>	<p><u>The District</u>The decision 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<u>also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.</u></p>
<u>Response</u>	<p><u>At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Responses</u>A decision may be hand-delivered, faxed, sent by electronic communication to the student’s or parent’s<u>complainant’s</u> email address of record, or sent by U.S. Mail to the student’s or parent’s<u>complainant’s</u> mailing address of record. Mailed responses<u>decisions</u> shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
<u>Days</u>	<p><u>“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.”</u></p>
<u>Representative</u>	<p><u>“Representative” shall mean any person who or organization that is designated by the student or parent<u>complainant</u> to represent the student or parent<u>complainant</u> in the complaint process. A student may be represented by an adult at any level of the complaint.</u></p>
	<p><u>The student or parent<u>complainant</u> may designate a representative through written notice to the District at any level of this process. If the student or parent<u>The representative may participate in person or by telephone conference call. If the complainant</u> designates a representative with fewer than three <u>business</u> 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.</u></p>
<u>Consolidating Complaints</u>	<p><u>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</u>To promote efficiency in addressing complaints, the appropriate</p>

Untimely Filings

administrator shall determine if separate or serial complaints arising from anyan event or series of events that have been or could have been addressed in a previous complaint.

A student or parent may not add additional items to the original complaint because of his or her dissatisfaction with the Level One or Level Two administrator response. Only the original written complaint form and the resolution requested thereon shall be addressed at each level of the proceeding.

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

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

Meritless Complaints

Fair and appropriate due process consideration shall be given to all complaints and grievances. Honesty, candor, courtesy, professionalism, cooperation, and respect must occur throughout the process. The Superintendent or designee shall have the unilateral right at Level Two to examine whether a complaint or grievance is without merit. Consideration shall be given but not limited to the substance of the claim, the diligence of the party asserting the claim, the nature of the claim, whether the claim has been repetitively asserted previously in the same or similar form or fashion, and the current and prior conduct of the complainant, including but not limited to, the complainant's unwillingness to cooperate with District personnel regarding the complaint.

The Superintendent or designee shall have the right to compel the complainant to explain, correct, support, or substantiate the allegation asserted and shall give the complainant a reasonable amount of time to respond. That reasonable time period shall extend the written response deadline for a decision by the Superintendent or designee by an equivalent period of time. A finding by the Superintendent or designee that the complaint in its entirety is without merit shall result in a dismissal of the complaint. The Superintendent or designee may find only a portion of the complaint to be without merit. In such event, the Superintendent or designee shall dismiss the portion of the complaint found to be without merit and rule upon the remainder of the complaint as appropriate.

	<p>An appeal of a dismissal based on the complaint or portion thereof being without merit shall be limited to the findings made by the Superintendent or designee that the complaint or portion thereof is indeed without merit. If the Board subsequently determines that the complaint or any portion thereof does have merit, then the complaint shall be returned to the Superintendent or designee for further action. The Board or the Superintendent or designee may enter additional orders or directives addressing the future conduct of the complainant with regard to the complaint or grievance asserted related events shall be consolidated.</p>
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to <u>included with</u> the complaint form. If the student or parent complainant does not have copies of these documents, copies may be presented at the Level One conference <u>hearing</u> . 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 <u>hearing, the complainant may supplement the record with additional documents or include additional claims</u> . The appropriate administrator may remand the complaint to a lower level to address any additional concerns, questions, or remedies that are presented after the Level One conference.
<u>Record</u>	<u>A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the complainant, documents determined relevant by District personnel, and the decision.</u>
<u>Remand</u>	A complaint or appeal form that is incomplete in any material aspect may<u>shall</u> be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing <u>re-filed, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint. If, upon reviewing the Level One record, the Level Two hearing officer determines that the record is incomplete in any material aspect, the Level Two hearing officer may remand the complaint to Level One. The Level Two hearing officer will send notice of this remand to the complainant.</u>

Level One

~~Complaint forms must be filed:~~

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

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

~~If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One. In such cases, no written response from the Level One administrator shall be required.~~

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

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

~~Absent extenuating or necessary circumstances as determined by the administrator, he or she 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. The appeal shall be limited to the issue and solution requested on the original complaint form. If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee Superintendent may remand a complaint to a Level Two lower level if at the Board level of review an adequate record has not been developed. The remand process will be completed in a timely manner in accordance with District regulations. During the remand process the District will identify a scope for the remand and work to develop an adequate record. Once the remand process is complete, the hearing officer for the level that the complaint has been remanded to shall schedule a hearing with the complainant. The hearing officer may set reasonable time limits for the hearing.~~

Assignment of
Hearing Officer

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

Investigation

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Complaint Levels

Level One

At Level One, the appropriate hearing officer shall hold a hearing with the complainant within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

Level Two

If the student or parent complainant did not receive the relief requested at Level One or if the time for a response decision has expired, the student or parent complainant may request a conference with the Superintendent or designee hearing at Level Two to appeal the Level One decision. The appeal shall be limited to the issue and solution requested on the original complaint form.

The appeal notice must be filed in writing, on a form provided by the District, within ten 20 calendar days of the date of the written Level One response decision or, if no response was received, within ten 20 calendar days of the Level One response decision 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 hearing officer and provide a copy of the Level

One record to the complainant. A copy of the Level One record will be provided to the complainant upon request.

The Level One record shall include:

1. The original complaint form and any attachments.
2. ~~All~~Any other documents submitted by the ~~student or parent complainant~~ at Level One.
3. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.
- 3.4. The decision issued at Level One and any attachments.
- 4.5. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The Level Two hearing officer will review the Level One record and determine if the Level One record is adequate. Unless the complaint is remanded to a lower level, ~~the Superintendent or designee shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed. The ~~conference shall be strictly limited to the issues, documents, and the requested solution as presented on the original complaint form 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~~hearing officer may set reasonable time limits for the hearing.

~~The Superintendent or designee~~hearing officer shall provide the ~~student or parent a written response within ten~~complainant a decision within 20 calendar days following the ~~conference~~. The written response shall set forth the basis of the decision~~hearing~~. In reaching a decision, the ~~Superintendent or designee~~hearing officer may consider the Level One record, any additional information provided ~~at prior to~~ the Level Two ~~conference~~hearing, and any other relevant documents or information the ~~Superintendent or designee~~hearing officer believes will help resolve the complaint.

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

Level Three

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

the Board ~~and must continue to limit the appeal to the issue and solution requested on the original complaint form.~~

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Two ~~response~~decision or, if no ~~response was received~~, within ~~ten~~decision has been communicated to the complainant, within ~~20~~ calendar days of the Level Two ~~response~~decision deadline.

The Superintendent or designee will review the Level Two record and determine if the Level Two record is incomplete in any material aspect. Unless the complaint is remanded to a lower level the complaint will proceed to the Board or Board committee. The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board ~~Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.~~

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the complainant whether the Board or a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board ~~or Board committee.~~

~~The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent~~ At least five business days before the Board or Board committee meeting, the Superintendent shall provide the complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent shall provide the Board the record of the Level Two appeal. The complainant 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~~Any other documents submitted by the complainant at Level Two.
- 3.4. The decision issued at Level Two and any attachments.

4.5. 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]~~

The complainant may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]

~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent complainant 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.~~

~~If participants in the hearing depart from the specific issue or solution requested on the original complaint form, the presiding officer shall stop the proceeding and remind participants that discussion is limited to the issue and solution requested. Thereafter, if participants do not comply with this requirement, the presiding officer shall rule that the presentations are complete and the Board shall rely only on the previously submitted documentation and allowable testimony. members.~~

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

~~The Board or Board committee shall then consider the complaint. It may give notice of its shall make a 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 later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The complainant shall be provided a decision in accordance with this policy and state law.

Student Code of Conduct

Note: ~~This local policy has been revised in accordance with the District's innovation plan.⁴~~

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.

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). All campus administrators shall serve as CBCs to provide a more individualized approach to student discipline.~~

Extracurricular Standards of Behavior

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

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

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards

of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

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

“Parent” Defined

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

General Discipline Guidelines

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

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

Corporal Punishment

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.

Physical Restraint

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

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. Protect property from serious damage.
4. 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.

Video Monitoring

Video 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 recording equipment. Students shall not be notified when the equipment is turned on.

Use of Recordings

The principal or designee 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 district~~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)]

⁴ Innovation Plan: <https://www.boerneisd.net/Page/5225>

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

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

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

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(LE-GAL)]

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

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

Filing Deadlines If a member of the public has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the individual must file a complaint within 15 business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

Deadline Extensions All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process An individual may initiate the formal process described below by timely filing a written complaint form ~~or as otherwise provided in this policy.~~

~~Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. The Superintendent or designee shall have the right to direct the complainant to an informal conference with the appropriate District employee. The complainant must comply with this directive before the formal complaint can proceed. Such directive may be given at any~~

~~level of the proceedings and shall suspend or extend any applicable deadlines as determined by the Superintendent or designee. An individual whose concerns are resolved may withdraw a formal complaint at any time.~~

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

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the individual shall file a Level One complaint with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board's or Board committee's decision.

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.

Option to Continue Informal Process
Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant whose concerns are resolved may withdraw a formal complaint at any time.

Notice of Complaint
A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.

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

General Provisions	
Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax , or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three business days after the deadline. The District may also communicate regarding the complaint and related procedures via hand-delivery, fax, email, or U.S. mail.
Independent Investigation Scheduling Hearings	The Superintendent or designee District shall have the authority to suspend all scheduling and response deadlines for a period not to exceed ten days if he or she determines it is in the best interest of the District or the parties involved to conduct an independent investigation into any matter presented in the complaint. During such suspension, the independent investigation shall be conducted and concluded in a diligent manner. The complaining party shall be informed that an independent investigation has been ordered. No procedural or substantive prejudice shall inure to the complaining party as a result of such suspension. The Superintendent or designee shall have the authority to order an independent investigation at any stage of the complaint process make reasonable attempts to schedule hearings at a mutually agreeable time. If the complainant fails to appear at a scheduled hearing, the District may hold the hearing and issue a decision in the complainant's absence.
Decision	A "decision" shall mean a written communication to the complainant from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.
Scheduling Conferences	The District The decision shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.

Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. ResponsesA decision may be hand-delivered, faxed, sent by electronic communication to the individual's complainant's email address of record, or sent by U.S. Mail to the individual's complainant's mailing address of record. Mailed responsesdecisions 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 an individual a complainant to represent the individual complainant in the complaint process.
Representative	The individual complainant may designate a representative through written notice to the District at any level of this process. If the individualThe representative may participate in person or by telephone conference call. If the complainant designates a representative with fewer than three business days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not fileTo promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from anyan event or series of events that have been or could have been addressed in a previous complaint.
Untimely Filings	An individual may not add additional items to the original complaint because of his or her dissatisfaction with the Level One or Level Two administrator response. Only the original written complaint form and the resolution requested thereon shall be addressed at each level of the proceeding.
	All time limits shall be strictly followed unless modified by mutual written consent.
	If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Meritless
Complaints

Fair and appropriate due process consideration shall be given to all complaints and grievances. Honesty, candor, courtesy, professionalism, cooperation, and respect must occur throughout the process. The Superintendent or designee shall have the unilateral right at Level Two to examine whether a complaint or grievance is without merit. Consideration shall be given but not limited to the substance of the claim, the diligence of the party asserting the claim, the nature of the claim, whether the claim has been repetitively asserted previously in the same or similar form or fashion, and the current and prior conduct of the complainant, including but not limited to, the complainant's unwillingness to cooperate with District personnel regarding the complaint.

The Superintendent or designee shall have the right to compel the complainant to explain, correct, support, or substantiate the allegation asserted and shall give the complainant a reasonable amount of time to respond. That reasonable time period shall extend the written response deadline for a decision by the Superintendent or designee by an equivalent period of time. A finding by the Superintendent or designee that the complaint in its entirety is without merit shall result in a dismissal of the complaint. The Superintendent or designee may find only a portion of the complaint to be without merit. In such event, the Superintendent or designee shall dismiss the portion of the complaint found to be without merit and rule upon the remainder of the complaint as appropriate.

An appeal of a dismissal based on the complaint or portion thereof being without merit shall be limited to the findings made by the Superintendent or designee that the complaint or portion thereof is indeed without merit. If the Board subsequently determines that the complaint or any portion thereof does have merit, then the complaint shall be returned to the Superintendent or designee for further action. The Board or the Superintendent or designee may enter additional orders or directives addressing the future conduct of the complainant with regard to the complaint or grievance asserted. Related events shall be consolidated.

Costs Incurred

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

Complaint and
Appeal Forms

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

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

~~before the Level One conference~~ hearing, the complainant may supplement the record with additional documents or include additional claims.

Record A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the complainant, documents determined relevant by District personnel, and the decision.

Remand A complaint or appeal form that is incomplete in any material aspect ~~may shall be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing~~ refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

Assignment of Hearing Officer When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Level One

~~Complaint forms must be filed:~~

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

~~If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One. In such cases, no written response from the Level One administrator shall be required.~~

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

~~The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after re-~~

~~Absent extenuating circumstances, the administrator shall provide the Complaint Levels individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint. The appeal shall be limited to the issue and solution requested on the original complaint form~~
Investigation

~~ceipt of the written complaint. The administrator may set reasonable time limits for the conference.~~

The District may conduct an investigation at any level in the complaint process. If the District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

At Level One, the appropriate hearing officer shall hold a hearing with the complainant within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

If the ~~individual~~ complainant did not receive the relief requested at Level One or if the time for a ~~response~~ decision has expired, ~~he or she~~ the complainant may request a ~~conference with the Superintendent or designee~~ hearing at Level Two to appeal the Level One decision. ~~The appeal shall be limited to the issue and solution requested on the original complaint form.~~

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~ 20 calendar days of the date of the ~~written~~ Level One ~~response~~ decision or, if no ~~response was received~~, ~~within ten~~ decision has been communicated to the complainant, ~~within 20 calendar~~ days of the Level One ~~response~~ decision deadline.

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

The Level One record shall include:

1. The original complaint form and any attachments.
2. ~~All~~ Any other documents submitted by the ~~individual~~ complainant at Level One.
3. ~~If the complaint is against a District employee, the~~ written response of the District employee, if any.
- 3.4. The decision issued at Level One and any attachments.
- 4.5. All other documents relied upon by the Level One ~~administrator~~ hearing officer in reaching the Level One decision.

The ~~Superintendent or designee shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues, documents, and requested solution as presented on the original complaint form considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference~~hearing officer may set reasonable time limits for the hearing.

The ~~Superintendent or designee~~hearing officer shall provide the ~~individual a written response within ten~~complainant a decision within 20 calendar days following the ~~conference~~. The written response shall set forth the basis of the decision~~hearing~~. In reaching a decision, the ~~Superintendent or designee~~hearing officer may consider the Level One record, any additional information provided ~~at prior~~ to the Level Two ~~conference~~hearing, and any other relevant documents or information the ~~Superintendent or designee~~hearing officer believes will help resolve the complaint.

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

Level Three

If the ~~individual~~complainant did not receive the relief requested at Level Two or if the time for a ~~response~~decision has expired, he or she may appeal the decision to the Board ~~and must continue to limit the appeal to the issue and solution requested on the original complaint form.~~

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Two ~~response~~decision or, if no ~~response was received~~, ~~within ten~~decision has been communicated to the complainant, ~~within 20 calendar~~ days of the Level Two ~~response~~decision deadline.

~~The Superintendent or designee shall inform the individual of the date, time, and place of the Board~~Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the complainant whether the Board or a Board committee will hear the appeal and of the date,

time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

~~The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual~~ At least five business days before the Board or Board committee meeting, the Superintendent shall provide the complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent shall provide the Board the record of the Level Two appeal. The complainant 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~~ Any other documents submitted by the complainant at Level Two.
- 3.4. The decision issued at Level Two and any attachments.
- 4.5. All other documents relied upon by the administration in reaching the Level Two decision.

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

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

~~The complainant may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]~~

~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual complainant 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.~~

If participants in the hearing depart from the specific issue or solution requested on the original complaint form, the presiding officer shall stop the proceeding and remind participants that discussion is limited to the issue and solution requested. Thereafter, if participants do not comply with this requirement, the presiding officer shall rule that the presentations are complete, and the Board shall rely only on the previously submitted documentation and allowable testimony. members.

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

The Board or Board committee shall then consider the complaint. It may give notice of its shall make a 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 later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The complainant shall be provided a decision in accordance with this policy and state law.

Access to District Property	Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law. District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.
Ejection or Exclusion under Education Code 37.105	In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process. A person appealing under the District's grievance process shall be permitted 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 FNG and GF]
Off-Campus Activities	Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.
Prohibitions	The District prohibits smoking and the use of tobacco products, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.
Tobacco and E-Cigarettes	
Weapons	The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.
<i>Exceptions</i>	No violation of this policy occurs when: <ol style="list-style-type: none">1. A Texas An individual who holds a handgun license holder in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or2. 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]