



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC** Second Reading of LOCAL Polices in TASB Update 102

**SUBMITTED BY:** Gloria S. Rendon OF: Associate Supt. for Administration

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** July 20, 2015

**RECOMMENDATION:**

It is recommended that the United ISD Board of Trustees approve Second Reading of LOCAL Polices in TASB Update 102.

CDA(LOCAL): OTHER REVENUES – INVESTMENTS

DBB(LOCAL): EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DEA(LOCAL): COMPENSATION AND BENEFITS - COMPENSATION PLAN

DEAA(LOCAL): COMPENSATION PLAN - INCENTIVES AND STIPENDS

DEAB(LOCAL): COMPENSATION PLAN - WAGE AND HOUR LAWS

DFFA(LOCAL): REDUCTION IN FORCE - FINANCIAL EXIGENCY

FNC(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT CONDUCT - **DELETE**

FO(LOCAL): STUDENT DISCIPLINE

**RATIONALE:**

**BUDGETARY INFORMATION:**

**BOARD POLICY REFERENCE AND COMPLIANCE:**

## **(LOCAL) Policy Comparison Packet**

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

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

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

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

To see these same annotations in Word format, where you can further modify the text or alter the presentation of tracked changes themselves, see “(LOCAL) Policy Comparison (Word docs/Zip),” also found online in Local Manual Updates.

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

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
AUTHORITY

The assistant superintendent for business/finance or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds in accordance with the Public Funds Investment Act, the District's approved investment policy, and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be ~~settled~~~~executed~~ on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL), **under AUTHORIZED INVESTMENTS**, the Board shall permit investment of District funds in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

SAFETY-AND  
INVESTMENT  
MANAGEMENT

The ~~primary~~~~main~~ goal of the investment program is to ensure ~~its~~ safety **of principal, to maintain liquidity**, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfo-

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OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

lio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

INVESTMENT  
MANAGEMENT

**In accordance with Government Code 2256.005(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.**

LIQUIDITY AND  
MATURITY

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other non-capital project or non-bond proceeds individual investment owned by the District shall not exceed one year from the time of purchase. The maximum allowable stated maturity of any capital project or bond proceeds individual investment owned by the District shall not exceed the lesser of the anticipated expenditure date or three years from the time of purchase, whichever is sooner. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

DIVERSITY

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

MONITORING MARKET  
PRICES

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant ~~changes~~ declines in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

MONITORING RATING  
CHANGES

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

FUNDS / STRATEGIES

Investments of the following fund categories shall be consistent with this policy and in accordance with the **applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understand-**

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

ing of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield. ~~strategy defined below.~~

OPERATING FUNDS	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives <b>preservation and safety of principal</b> , investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
AGENCY FUNDS	Investment strategies for agency funds shall have as their <b>primary</b> objectives <b>preservation and safety of principal</b> , investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
DEBT SERVICE FUNDS	Investment strategies for debt service funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
CAPITAL PROJECT FUNDS PROJECTS	Investment strategies for capital project funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
SAFEKEEPING AND CUSTODY	The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.
BROKERS / DEALERS	Prior to handling investments on behalf of the District, brokers/dealers must submit required written documents in accordance with law. [See SELLERS OF INVESTMENTS, CDA(LEGAL)] Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).
SOLICITING BIDS FOR CD'S	In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.
INTEREST RATE RISK	To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

INTERNAL CONTROLS

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

PORTFOLIO REPORT

In addition to the quarterly report required by law and signed by the District's investment officer, a comprehensive report on the investment program and activity shall be presented annually to the Board. Weighted average yield to maturity shall be the portfolio performance measurement standard for all investment reporting.

ANNUAL REVIEW

**The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.**

ANNUAL AUDIT

**In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.**

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

TB TESTING  
REQUIREMENTS

Employees new to the District shall provide to the District the results of a tuberculosis test administered before employment with the District. A person who gives evidence of having received a TB test within the previous 120 days shall not be required to take another test.

The District shall comply with screening recommendations made by local health authorities.

EXAMINATIONS  
DURING  
EMPLOYMENT

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

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

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

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

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

[See DAA for information on disabilities and reasonable accommodation]-}

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

PLACEMENT ON  
TEMPORARY  
DISABILITY

AT EMPLOYEE'S  
REQUEST

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

BY BOARD  
AUTHORITY

Based on the Superintendent's recommendation that an **eligible** employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the Board determines, in consultation with the physician who performed the medical examination, that the **employee's educator's** condition interferes with the performance of regular duties. **[For employees who are eligible for temporary disability leave, see DEC(LOCAL)]**

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

**{See DEC(LEGAL)}**

OTHER  
REQUIREMENTS

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



COMPENSATION AND BENEFITS  
COMPENSATION PLAN ~~WAGE AND HOUR LAWS~~

DEA  
(LOCAL)

	<p>The Superintendent shall recommend <del>an annual</del> <del>to the Board for approval</del> compensation <del>plan</del> <del>plans</del> for all District employees. The <del>compensation plan</del> <del>Compensation plans</del> may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]</p>
PAY ADMINISTRATION	<p>The Superintendent shall <del>implement</del> <del>administer</del> the compensation <del>plan</del> and establish procedures for <del>plan administration</del> <del>plans</del> consistent with the budget <del>approved by the Board</del>. The Superintendent or designee shall classify each job title within the compensation <del>plan</del> <del>plans</del> based on the qualifications, <del>and</del> duties, and market value of the position.</p>
ANNUALIZED SALARY	<p>The District <del>Within these classifications, the Superintendent or designee</del> shall <del>determine appropriate</del> pay all <del>salaries</del> <del>for new</del> employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried <del>and</del> employees hired during the school year shall be paid in accordance with administrative regulations <del>reassigned to different positions</del>.</p>
ANNUAL PAY INCREASES	<p>The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget.</p>
MID-YEAR PAY INCREASES	<p>A contract employee's pay <del>may</del> <del>shall not</del> be increased after performance on the contract has begun <del>only if authorized by the compensation plan of the District or</del> <del>unless</del> there is a change in the employee's job assignment or duties <del>during the term of the contract</del> that warrants additional compensation. Any such changes in pay <del>that do not conform with the compensation plan during the term of the contract</del> shall require Board approval. [See DE(A) <del>(LEGAL)</del> <del>DEAB</del> for provisions on pay increases and public hearing requirements]</p>
CONTRACT EMPLOYEES	
NON-CONTRACT NON-CONTRACT EMPLOYEES	<p>The Superintendent may grant a pay increase to a noncontract employee after duties have begun <del>because of</del> <del>only when there is</del> a change in the employee's job assignment or <del>to address pay equity</del> <del>duties, or when an adjustment in the market value of the job warrants additional compensation</del>. The Superintendent shall report any such pay increases to the Board.</p>

COMPENSATION AND BENEFITS  
~~COMPENSATION PLAN~~ WAGE AND HOUR LAWS

DEA  
(LOCAL)

<p><del>DISASTER PAY</del> <del>THE EMERGENCY CLOSING OF SCHOOLS DURING CLOSING</del></p>	<p><del>a disaster for any cause shall be at the discretion of the Superintendent.</del> During an emergency closing <b>for which the workdays are not scheduled to be made up at a later date</b>, all District employees shall continue to be paid for their regular duty schedule regardless of whether the employees are required to report to work. <b>The Board shall, by resolution or other Board action, set the parameters for payment during closings and reflect the purpose served by the expenditure. [See EB for the authority to close schools]</b></p> <p>Nonexempt employees who are required to work during an emergency closing shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. <b>[See DEAB]</b> The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.</p>
<p><del>CLASSIFICATION OF POSITIONS</del></p>	<p><del>The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).</del></p>
<p><del>EXEMPT</del></p>	<p><del>The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.</del></p> <p><del>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.</del></p>
<p><del>NONEXEMPT</del></p>	<p><del>The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the District's compensation plans.</del></p> <p><del>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. An employee who is paid on a salary basis shall be paid for a 40-hour workweek and shall not earn additional pay unless the employee works more than 40 hours.</del></p>

COMPENSATION AND BENEFITS  
**COMPENSATION PLAN** WAGE AND HOUR LAWS

	<p><del>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</del></p>
<p><del>WORKWEEK DEFINED</del></p>	<p><del>For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. Monday until 11:59 p.m. Sunday.</del></p>
<p><del>COMPENSATORY TIME ACCRUAL</del></p>	<p><del>At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.</del></p> <p><del>Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to use compensatory time.</del></p>
<p><del>USE</del></p>	<p><del>An employee shall use compensatory time within the duty year in which it is earned.</del></p> <p><del>Compensatory time shall be used by the employee prior to the use of any other accumulated paid leave.</del></p>
<p><del>ANNUALIZED SALARY REQUIRED</del></p>	<p><del>The District shall pay all salaried employees over 12 months, regardless of the number of months employed during the school year. A salaried employee shall receive his or her salary in equal monthly or bimonthly payments, beginning with the first pay period of the school year.</del></p>

COMPENSATION PLAN AND BENEFITS  
INCENTIVES AND STIPENDS

DEAA-  
(LOCAL)

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STIPEND

THE SUPERINTENDENT SHALL RECOMMEND A STIPEND PAY SCHEDULE AS PART OF MASTER TEACHER STIPENDS

At the annual compensation plan of the District. [See DEA]

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DK(LOCAL)] The employee school year, a master teacher shall be compensated paid the stipend for these assignments according to any month in which the compensation plan of teacher performed the District prescribed duties for more than ten days. [See DBA]

If the number of master teachers exceeds the grants allocated, the District shall first fund the stipends for master teachers in their second or third year in the master program, as required by law. The District shall distribute the remaining funds among newly assigned master teachers based on:

LOCAL CRITERIA

- 1.Length of time teaching in the subject area.
- 2.Seniority in the District, as measured from the employee's most recent date of hire.

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EDUCATOR INCENTIVE AND INNOVATION PROGRAMS

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

Locally developed incentive programs, if any, shall be addressed in the compensation plan of the District. [See also DEA regarding stipends for noncontractual supplemental duties.]

COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LOCAL)

CLASSIFICATION OF POSITIONS	The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).
EXEMPT	<p>The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
NONEXEMPT	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for up to and including a 40-hour workweek.</p> <p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
WORKWEEK DEFINED	For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Monday and end at 11:59 p.m. Sunday.
COMPENSATORY TIME	At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.
ACCRUAL	Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time.
USE	<p>An employee shall use compensatory time within the duty year in which it is earned.</p> <p>Compensatory time shall be used by the employee prior to the use of any accumulated paid leave. [See DEC(LOCAL)]</p>

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

PLAN TO REDUCE  
PERSONNEL COSTS

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

- Salary reductions [see ~~DEA~~]; ~~DEAB~~]
- Furloughs, if the District has received certification from the Commissioner of a reduction in funding under Education Code 42.009 [see CBA and ~~DEA~~]; ~~DEAB~~]
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the Commissioner [see CEA and provisions at REDUCTION IN FORCE DUE TO FINANCIAL EXIGENCY, below];]
- Reductions in force of contract personnel due to program change [see DFFB]; or]
- Other means of reducing personnel costs.

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

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

REDUCTION IN FORCE  
DUE TO FINANCIAL  
EXIGENCY  
APPLICABILITY

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

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

DEFINITIONS

Definitions used in this policy are as follows:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

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

GENERAL GROUNDS

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

EMPLOYMENT AREAS

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

Employment areas may include, for example:

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

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

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

The Board shall determine the employment areas to be affected.

CRITERIA FOR  
DECISION

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

1. **Qualifications for Current or Projected Assignment:** Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, highly qualified status, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. **Performance:** Effectiveness, as reflected by:
  - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

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

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



REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

SUPERINTENDENT RECOMMENDATION	The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.
BOARD VOTE	<p>After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.</p> <p>If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).</p> <p>If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].</p>
NOTICE	<p>The Superintendent or designee shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:</p> <ol style="list-style-type: none"><li data-bbox="553 972 1024 999">1. The proposed action, as applicable;</li><li data-bbox="553 1024 1235 1052">2. A statement of the reason for the proposed action; and</li><li data-bbox="553 1077 1284 1136">3. Notice that the employee is entitled to a hearing of the type determined by the Board.</li></ol>
CONSIDERATION FOR AVAILABLE POSITIONS	<p>An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.</p> <p>If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:</p> <ol style="list-style-type: none"><li data-bbox="553 1455 1284 1514">1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.</li><li data-bbox="553 1539 1325 1633">2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.</li></ol>
HEARING REQUEST NONRENEWAL: TERM CONTRACT	An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

DISCHARGE: CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.
DISCHARGE: NON- CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.
FINAL ACTION HEARING REQUESTED	If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.
NO HEARING REQUESTED	If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

~~STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT~~

FNG  
(LOCAL)

~~STUDENT HANDBOOK  
— STUDENT CODE OF  
CONDUCT~~

~~The District's rules of conduct and discipline, maintained in the student handbook and/or the Board-adopted Student Code of Conduct, are established to achieve and maintain order in the schools, and to teach respect toward others and responsible behavior. [See FO-series]~~

~~EXTRACURRICULAR  
ACTIVITIES:  
STANDARDS OF  
BEHAVIOR~~

~~With the approval of the principal and Superintendent, a sponsor or a coach of an extracurricular activity 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. [See FO]~~

~~PROHIBITED  
HARASSMENT~~

~~A student shall not engage in prohibited harassment, including sexual harassment, of:~~

- ~~1. Another student, as defined at FFH.~~
- ~~2. A District employee, as defined at DIA.~~

~~While subject to the disciplinary control of the District, a student shall not engage in prohibited harassment, including sexual harassment, of another person, including a Board member, vendor, contractor, volunteer, or parent.~~

~~A student who violates this prohibition shall be subject to appropriate discipline in accordance with the Student Code of Conduct.~~

~~BEHAVIORAL  
STANDARDS~~

~~The following specific policies address student conduct in the areas of:~~

- ~~1. Use of District technology resources — CQ~~
- ~~2. Attendance — FEG~~
- ~~3. Bullying — FFI~~
- ~~4. School-sponsored publications — FMA~~
- ~~5. Appropriate attire and grooming — FNCA~~
- ~~6. Damage to school property — FNGB~~
- ~~7. Prohibited organizations and hazing — FNCG~~
- ~~8. Tobacco use — FNCD~~
- ~~9. Use of personal telecommunications devices and other electronic devices — FNCE~~
- ~~10. Drug and alcohol use — FNCF~~
- ~~11. Weapons — FNCG~~
- ~~12. Assault — FNCH~~
- ~~13. Disruptions — FNCI, GKA~~

STUDENT CODE OF  
CONDUCT

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

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

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

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. **Made available on the District's website, along with other District publications such as the student handbook, Bus Rider's Guide, and Technology Use Guide, and/or as a hard copy to students, parents, teachers, administrators, and others on request.**

REVISIONS

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

EXTRACURRICULAR  
STANDARDS OF  
BEHAVIOR

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

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

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

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

STUDENT DISCIPLINE

FO  
(LOCAL)

'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

The schools shall strive to provide for the basic welfare, educational opportunity, and safety of all students. Student conduct in the schools shall be supervised in an attempt to provide for reasonable order and courtesy and the recognition of student rights and responsibilities.

School authorities shall give clear guidance to staff members concerning discipline procedures, teacher authority, and limitations as to personal actions.

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 ~~to~~ permit arrangements for necessary transportation.

~~STUDENT CODE OF  
CONDUCT~~

~~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~~

STUDENT DISCIPLINE

FO  
(LOCAL)

~~2. Made available on the District's website, along with other District publications such as the student handbook, Bus Rider's Guide, and Technology Use Guide.~~

~~Hard copies of all District publications for parents and students shall be provided upon 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.~~

~~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.~~

CORPORAL  
PUNISHMENT

The Board prohibits the use of corporal punishment in the District by any employee, parent, legal guardian, or patron of 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

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

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

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

~~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. Extracurricular behavioral standards shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.~~

~~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.~~

VIDEO AND AUDIO  
MONITORING

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

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

USE OF  
RECORDINGS

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

ACCESS TO  
RECORDINGS

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