



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC** Second Reading of LOCAL Policies in Update 91

**SUBMITTED BY:** Gloria S. Rendon **OF:** Asst. Superintendent for Administration

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** January 18, 2012

**RECOMMENDATION:**

CDA (LOCAL) – Other Revenues – Investments  
CV (LOCAL) – Facilities Construction  
DC (LOCAL) – Employment Practices  
DFBB (LOCAL) – Term Contracts – Nonrenewal  
DFBB (EXHIBITS A & B) – Term Contracts – Nonrenewal  
EFAA (LOCAL) – Instructional Materials – Selection and Adoption  
FFG (EXHIBIT) – Student Welfare – Child Abuse and Neglect  
FFH (LOCAL) – Student Welfare – Freedom from Discrimination, Harassment, and Retaliation  
FO (LOCAL) – Student Discipline  
GRAA (EXHIBIT) – State and Local Governmental Authorities – Law Enforcement Agencies

**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.

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



United ISD  
240903

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 executed on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL), 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 main goal of the investment program is to ensure its safety and 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 portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.



OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

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 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 advisors, and representatives/advisors 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 strategy defined below.

OPERATING FUNDS

Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

AGENCY FUNDS

Investment strategies for agency funds shall have as their objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

DEBT SERVICE  
FUNDS

Investment strategies for debt service funds shall have as their objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond



OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

	<p>documents. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
CAPITAL PROJECTS	<p>Investment strategies for capital project funds shall have as their objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
SAFEKEEPING AND CUSTODY	<p>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.</p>
BROKERS / DEALERS	<p>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(LLEGAL)] 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).</p>
SOLICITING BIDS FOR CD'S	<p>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.</p>
INTEREST RATE RISK	<p>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.</p> <p>The District shall monitor interest rate risk using weighted average maturity and specific identification.</p>
INTERNAL CONTROLS	<p>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::</p> <ol style="list-style-type: none"><li>1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.</li><li>2. Avoidance of collusion.</li><li>3. Custodial safekeeping.</li><li>4. Clear delegation of authority.</li><li>5. Written confirmation of telephone transactions.</li></ol>

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OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

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.



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FACILITIES CONSTRUCTION

CV  
(LOCAL)

COMPLIANCE WITH LAW The Superintendent shall **establish**~~be responsible for establishing~~ procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

CONSTRUCTION CONTRACTS Unless otherwise determined by the Board, the project delivery/contract award method to be used for each construction contract valued at or above \$50,000 in the aggregate for each 12-month period shall be the job order contract method set forth in Texas Education Code Sections 44.031(a)(2) and 44.039, Chapter 44, Subchapter B, as determined and approved by the Board to be the best value for the District. If another method is deemed by the Superintendent to be more appropriate for a particular construction project, the Superintendent or designee shall submit a recommendation for the Board's consideration, determination, and approval as a delivery method that provides the best value to the District. [See CV series]

For construction contracts valued at or above \$50,000, the Superintendent shall be authorized to execute the resulting contract after the Board has approved the proposal/bid. 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]

~~PROJECT ADMINISTRATION~~ ~~All construction projects shall be administered by the Superintendent or designee.~~  
~~The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.~~

EMERGENCY DAMAGE OR DESTRUCTION The Superintendent or designee shall notify the Board of any exceptions to competitive procurement requirements due to damage to school facilities or equipment, as noted in CH(LEGAL) and CV(LEGAL).

CHANGE ORDERS **Change orders permitted by law**~~The Superintendent or designee is authorized to approve a change order under \$25,000 without Board approval. A change order in excess of \$25,000~~ shall be approved by the Board or its designee prior to any changes being made in the **approved** plans or the actual construction of the **facility project**.~~The Superintendent or designee is authorized to approve any time extensions to construction contracts without Board approval.~~

PROJECT ADMINISTRATION All construction projects shall be administered by the Superintendent or designee.

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FACILITIES CONSTRUCTION

CV  
(LOCAL)

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

FINAL PAYMENT

**The District shall not make final**~~Final~~ payments for construction work and/or the supervision of **construction**~~such work in the District shall not be made~~ until the work has been completed and **accepted by** the Superintendent **has accepted the work.**~~or designee.~~



EMPLOYMENT PRACTICES

DC  
(LOCAL)

PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	<p>The guidelines that follow for advertising employment opportunities and posting notices of vacancies shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees are eligible to apply for any vacancy.</p> <p>The continuing need to improve the educational quality of the District makes it imperative that the best qualified person, as determined by the District, fill each position. [See DC(LEGAL)]</p>
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information in applications for contractual positions shall be verified before a contract is offered, and information in applications for noncontractual positions shall be verified before hiring.
EMPLOYMENT OF CONTRACTUAL PERSONNEL	<p>The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations for the Board's consideration at the next regular Board meeting, unless otherwise directed by the Board.</p> <p>The Board retains final authority for employment of contractual personnel who shall hold the position of principal, director, or above.</p> <p>The Board delegates to the Superintendent final authority to hire all other contractual professional employees. [See DCA, DCB, DCC, and DCE as appropriate]</p>
EMPLOYMENT OF NONCONTRACTUAL PERSONNEL	The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]
APPLICANT'S FORMER EMPLOYMENT	<p>An applicant seeking employment shall not be considered for employment by the District if he or she has been terminated or non-renewed by any former employer, was asked to resign, resigned due to employee misconduct, has negative references or has a "do not hire" recommendation from a prior employer or supervisor. The only exceptions that the District may take into consideration and hire an applicant who has been terminated are in circumstances when an employer severed the employment relationship due to:</p> <ol style="list-style-type: none"><li>1. A reason not caused or attributed to any misconduct by the employee, which said reason shall be documented by the previous employer, in writing. In the event that the previous</li></ol>



employer does not provide documentation, then third-party documentation (Texas Workforce Commission documentation) shall be considered. Documentation must be provided to the District prior to interviewing/hiring;

2. Lay-off due to the employer's economic conditions; or
3. A reduction in force.

CRIMINAL HISTORY  
RECORD CHECK —  
APPLICANTS

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

The District may obtain the information from any law enforcement agency or other background agency, including, but not limited to, a police department, the Department of Public Safety, or the Texas Department of Corrections.

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

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

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

CONFIDENTIALITY  
REQUIREMENT

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

CRIMINAL HISTORY  
RESTRICTIONS

If a person has been charged with a criminal offense that has been dismissed through deferred adjudication, that person shall be considered for employment with the District except when the charge was for criminal homicide; capital murder; attempted murder; murder; voluntary manslaughter; involuntary manslaughter; unlawful transport; false imprisonment; trafficking of persons; improper relationship between educator and student; public lewdness involving a child or student; indecent exposure with a child or student; prohibited sexual conduct; sexual assault; rape; child abuse; abandoning or endangering a child; sale or purchase of a child; arson; indecency with a child; any felony theft offense; injury to a child, the elderly, or a person with a disability; kidnapping; aggravated kid-



napping; aggravated sexual assault of a child; robbery; aggravated robbery; prostitution or solicitation of prostitution; child pornography; sexual solicitation of a child; obscenity; any felony where a deadly weapon was used or exhibited; any felony related to the manufacture, delivery, or possession of marijuana, a controlled substance, or dangerous drug; or any other crime that adversely affects the mission of the District.

MORAL TURPITUDE

No one convicted of a felony or any misdemeanor involving moral turpitude shall be considered for employment in the District. Moral turpitude is an act of baseness, vileness, or depravity in the private or social duties outside the accepted standards of decency that shocks the conscience of an ordinary person.

No one charged with any felony or misdemeanor involving moral turpitude shall be considered for employment in the District until there is a final disposition of the charge, except as may be allowed by the legal review committee, in accordance with the provisions below. [See DH(LOCAL)]

Examples of moral turpitude include, but are not limited to:

1. Public lewdness.
2. Prostitution.
3. Theft.
4. Fraud.

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

ARRESTS,  
INDICTMENTS,  
CONVICTIONS, AND  
OTHER  
ADJUDICATIONS

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

Arrest records may not be reliable evidence that a person has actually committed a crime. To justify the use of arrest records as proof of misconduct, additional inquiries shall be made. The review committee shall examine the surrounding circumstances, offer the employee an opportunity to explain, and, if the employee denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his or her credibility. The review committee is not required to conduct an informal trial or an extensive investigation to determine the employee's guilt or innocence. However, the review



committee shall make simple inquiries that could shed light on the likelihood of the individual's guilt in committing the underlying offense.

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

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

FELONY

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

CLASS A AND CLASS B  
MISDEMEANORS

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



CLASS C MISDEMEANORS	Class C misdemeanors are those offenses designated as such in the Texas Penal Code. The District shall not employ anyone convicted of a Class C misdemeanor involving moral turpitude. If convicted of a Class C misdemeanor that does not involve moral turpitude, the employee is ineligible for continued employment in the District if the review committee determines there is a high degree of likelihood for recurrence of the behavior.
MULTIPLE OFFENSES	An employee with multiple offenses that individually do not make him or her ineligible for employment may be deemed ineligible for continued employment when repetitious criminal behavior indicates a high degree of likelihood for recurrence of the behavior.
UNLISTED CRIMINAL HISTORY	If a criminal history record does not list an event reported by the employee, he or she shall be asked to explain, in writing, the circumstances for each reported incident. A certified copy of pertinent court paperwork showing final disposition of the charge must be included. The review committee may make additional inquiries.
NONDISCLOSURE	An employee who has successfully completed a deferred adjudication and who has succeeded in having the criminal court grant an order of nondisclosure may thereafter deny the occurrence of the arrest and prosecution. <i>Texas Gov't Code 552.142.</i>
JUVENILE RECORDS	An employee shall not be asked to disclose the contents of confidential juvenile records unless the employee was adjudicated as an adult.
LEGAL REVIEW COMMITTEE	<p>The application of a person who has a criminal record that would preclude employment with the District using the criteria listed above shall be reviewed by the legal review committee as established by the District's human resources department. The school attorney shall serve in an advisory capacity.</p> <p>The committee shall assess the records of potential employees. The legal review committee shall not review applications of persons whose criminal record includes a conviction, deferred adjudication, or plea of guilt, or <i>nolo contendere</i> for the offense of capital murder; attempted murder; murder; indecency with a child; injury to a child, an elderly person or disabled individual; aggravated kidnapping; aggravated sexual assault; sexual assault of a child; aggravated robbery; any felony where a deadly weapon was used or exhibited; or any felony related to the manufacture, delivery, or possession of marijuana, a controlled substance, or a dangerous drug.</p>

GOVERNING  
CRITERIA FOR  
EMPLOYMENT  
DECISIONS

The following criteria shall be used by the legal review committee in determining whether or not to recommend a waiver of the criminal history restrictions to employment:

1. The relationship and seriousness of the crime.
2. The nature of the crime to the purpose of the District.
3. The extent to which employment might offer an opportunity to engage in further criminal activity of the same type as that in which the person had previously been involved.
4. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and the responsibilities of the position with the District.
5. The age of the person at the time of the commission of the crime.
6. The time elapsed since the person's last criminal activity.
7. The evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.
8. If the person holds a professional license, the results of any action taken by the licensing authority.
9. The other evidence of the person's present fitness, including letter(s) of recommendation from:
  - a. Prosecutors or law enforcement or correctional officers involved in the prosecution, arrest, or custody of the person.
  - b. The law enforcement officers in the community where the person resides.
  - c. Any other persons in contact with the convicted person.
10. The individual's patterns of habitual criminal activity.
11. The publicity surrounding the actual crime.
12. The person's clear and present danger to other staff, students, or the general public.
13. Probable guilt or innocence.
14. The accuracy of the information the employee provided to the District.
15. The potential impact of the conduct on the educational environment.



16. Any extenuating circumstances.

LEGAL REVIEW COMMITTEE RECOMMENDATION	If, after applying the criteria outlined above, the legal review committee believes that the applicant should be considered for employment, the committee shall jointly sign a recommendation to the Superintendent or designee that such applicant is eligible for hire.
SUPERINTENDENT'S DECISION	If the Superintendent approves the recommendation, the applicant shall be considered eligible for hire.
FAILURE TO DISCLOSE INFORMATION ON APPLICATION	An applicant shall not be employed by the District if he or she fails to disclose information on the employment application or during questioning regarding any criminal conviction, crime, deferred adjudication, or similar type of decree, or if he or she misrepresents any information regarding such conviction, crime, or deferred adjudication, or similar type of decree.
CRIMINAL HISTORY BACKGROUND CHECK — EMPLOYEES	<p>At least once annually, the District shall obtain criminal history records of Webb County and the counties contiguous to Webb County. The District may obtain this information from any other county when it has reason to believe that an employee has been convicted of a crime in such county or from a police department, the Department of Public Safety, or the Texas Department of Corrections.</p> <p>The District may suspend or terminate the employment of any person convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the individual or directly relates to, or adversely affects, the mission of the District.</p>
PENALTIES FOR FAILING TO DISCLOSE CRIMINAL INFORMATION	<p>The legal review committee shall assess the records of employees found to have criminal records that would bar them from employment with the District. The committee shall use the following guidelines to determine if an employee should be recommended for termination based on his or her criminal record:</p> <ol style="list-style-type: none"><li>1. The omission by the employee to not disclose a prior criminal conviction when requested at the time of employment shall be presumed to be intentional. The District however, shall have the burden of proof.</li><li>2. If the employee was not asked to divulge any previous convictions as a prerequisite to employment, a recommendation for termination shall be based on the same criteria as required for applicants.</li><li>3. If a conviction involving a felony or misdemeanor involving moral turpitude is discovered subsequent to employment, a recommendation for termination shall be based on the same criteria as required for applicants as found above.</li></ol>



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

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

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

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

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

CONTRACTUAL  
VACANCIES

Subject to the provisions for campus-based administrative positions and Section 11.163 of the Texas Education Code, notice of vacancies for contractual positions shall be advertised by posting public notices for not fewer than ten school days. Posting shall be at the District's administrative offices, at each school campus, and on the District's Internet Web site. Each principal/director shall further ensure posting in locations available to employees. For purposes of retaining and promoting current employees, employment opportunities for all professional vacancies for principal/director and above shall be advertised in the District's human resources department, local and regional Web sites, and the District's administrative offices and school campuses.

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

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



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

ADMINISTRATIVE  
VACANCIES:  
PRINCIPAL,  
DIRECTOR, AND  
ABOVE

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

1. All applications shall be reviewed by the human resources department to ensure that all required materials have been submitted. Subject to the provisions for campus-based administrative positions and Section 11.163 of the Texas Education Code, notice of vacancies for contractual positions shall be advertised by posting public notices for not fewer than ten school days. Posting shall be at the District's administrative offices, at each school campus, and the District's Internet Web site, and with local and out-of-town news media as necessary. Each principal/director shall further ensure posting in locations available to employees.
2. Selection of finalists: A committee comprised of central office and/or campus personnel shall prescreen qualified personnel. Once the applications have been prescreened, the committee shall interview selected candidates, and a list of finalists shall be established for the appropriate central office supervisor.
3. Final selection: The appropriate central office supervisor shall conduct the interviews of finalists and make a recommendation to the Superintendent.
4. The Superintendent shall make recommendations to the Board until a recommendation is accepted.
5. Any exception to these provisions in employment must be specifically approved by the Board.

CAMPUS-BASED  
VACANCIES

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

CLASSROOM  
TEACHER  
VACANCIES

The following procedures shall be followed for classroom teacher vacancies:

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

- a. An interview committee comprised of the campus principal, SBDM committee representatives, and other appropriate persons shall interview from the District's pool of qualified applicants.
  - b. The interview committee shall recommend a list of finalists to the campus principal.
  - c. The principal shall make a recommendation to the Superintendent or designee.
  - d. If the vacancy is for the following academic year, the principal may approve a teacher transfer (intra- or inter-campus) to fill the vacant position pursuant to DK(LOCAL).
4. When a teaching vacancy occurs for summer school classroom teaching positions, the human resources department shall review and determine the pool of qualified applicants from current District teachers for the specific vacancy. From the pool of qualified applicants, the campus or summer school principal may proceed to interview candidates from the pool. If the principal chooses not to make a recommendation from the pool of qualified applicants, the vacancy shall be advertised according to established procedures, and a selection shall be made as detailed in this paragraph.

PARAPROFESSIONAL /  
AUXILIARY POSITIONS

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

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

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

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

1. All applications shall be reviewed by the human resources department to ensure that the applicants meet the District's criteria.



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

DISTRICT  
SUPERVISION  
PROHIBITION

No person shall be assigned to a campus or department where a member of his or her own family who is related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree serves as an administrator. The provision of this policy shall apply prospectively. [See DBE(LEGAL) and (EXHIBIT)] Adopted or foster relationships shall be treated as natural relationships. For the purposes of this policy, the term "administrator" shall not mean counselor, librarian, or coordinator.

~~PROCEDURES FOR  
HIRING RETIREES~~

~~An employee planning to retire from the District shall contact the Teacher Retirement System of Texas (TRS) for all information on retirement benefits, including the effect on such benefits of returning to employment.~~

~~No person shall be hired under this policy for either a full-time or part-time position until the former employee has been officially retired for at least one full calendar month.~~

ELIGIBILITY FOR  
REHIRE

~~Effective with the adoption of this policy, a person who has retired from the District under TRS shall not be eligible to be rehired by the District on either a full-time or part-time basis unless the person is to be hired in one of the following:~~

- ~~1. A position determined by the Board to be an "acute teacher shortage area" for the school year in which the retiree would be employed;~~
- ~~2. A substitute or temporary position;~~
- ~~3. A position in an area the Superintendent, at his or her discretion, has identified as a shortage area for the District; or~~
- ~~4. A position that a certified applicant who is not a retiree is unable to fill based upon the qualifications of the applicants.~~

~~Any retired employee seeking to return to employment in the District must complete the application process to be considered for a position. In accordance with Government Code section 824.602(m)(3), in considering applicants for classroom teacher positions, the District must give preference to certified applicants who are not retirees.~~



~~The Board shall annually review the list of acute teacher shortage areas in which retired teachers or administrators may be hired and shall authorize the Superintendent to make such additions or deletions to the list as may be necessary in accordance with applicable law.~~

~~A retiree who is rehired by the District shall:~~

**CONTRACT**

~~1. If hired as a full-time employee beginning with the 2009-10 school year, be entitled to a probationary or term contract as a classroom teacher, as applicable. Any contract entered into with a District retiree following adoption of this policy shall be limited to one year. At the end of the one-year contract, the retiree may reapply subject to the requirements stated above at ELIGIBILITY FOR REHIRE.~~

~~2. Neither have his or her contract, which was effective prior to the adoption of this policy, renewed, nor be issued a new contract unless the retiree was employed by the District at the time of retirement and the employee is to be rehired in accordance with the criteria listed above.~~

~~3. Agree to and sign the District's retire-rehire addendum as a condition of employment. Failure to agree to and sign such addendum after employment has begun shall constitute breach of the employee's contract with the District and shall constitute good cause for the termination of employment.~~

**SALARY**

~~4. Be paid according to the state minimum teacher salary schedule.~~

**BENEFITS**

~~5. Be entitled to participate in the District's group health coverage.~~

~~6. Be eligible for, if meeting the applicable statutory requirements, state personal leave, state assault leave, and temporary disability leave as provided by the Texas Education Code and the Family Medical Leave Act.~~

~~7. Not be eligible for local leave.~~

**APPRAISAL**

~~8. Be subject to the same appraisal requirements as other District employees.~~

**EXIT INTERVIEWS AND  
EXIT REPORTS**

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



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, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

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 DFF]
- ~~9.~~10. Reduction in force because of a program change. [See DFF]
- ~~10.~~11. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]
- ~~11.~~12. The employee is not retained at a campus that has been repurposed in accordance with law. [See AIC]
- ~~12.~~13. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
- ~~13.~~14. 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.~~15. Failure to meet the District's standards of professional conduct.

- ~~45-16~~. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
- ~~46-17~~. 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]
- ~~47-18~~. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
- ~~48-19~~. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
- ~~49-20~~. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
- ~~20-21~~. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
- ~~24-22~~. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
- ~~22-23~~. A significant lack of student progress attributable to the educator.
- ~~23-24~~. Behavior that presents a danger of physical harm to a student or to other individuals.
- ~~24-25~~. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
- ~~25-26~~. 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.
- ~~26-27~~. Falsification of records or other documents related to the District's activities.
- ~~27-28~~. Falsification or omission of required information on an employment application.



- ~~28-29.~~ Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
- ~~29-30.~~ Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
- ~~30-31.~~ Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
- ~~31-32.~~ Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
- ~~32-33.~~ Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
- ~~34.~~ Failure of a retired/rehired employee to meet the criteria for continued employment as set forth at DC(LOCAL).
- ~~33-35.~~ Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
- ~~34.~~ Failure of a retired/rehired employee to meet the criteria for continued employment as set forth at DC(LOCAL).
- ~~35-36.~~ Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS  
FROM  
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. ~~Each administrator's recommendation for non-renewal shall be accompanied by copies of all pertinent information necessary to a decision to recommend~~ 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

**After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed nonrenewal not later than the 45th day before the last day of instruction required in accordance with law the contract.**

If the notice of proposed nonrenewal does not contain a statement of the reason or all of 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, a reasonable time before the hearing.

In the notice of proposed nonrenewal, the employee shall receive notice of whether the Board [see **REQUEST TO HEARING BY THE BOARD**, below] or an independent hearing examiner **appointed by the Commissioner** [see **REQUEST TO THE HEARING BY A HEARING EXAMINER**, below] will conduct the hearing.

**REQUEST TO  
THE HEARING BY A  
HEARING EXAMINER**

If the Board has determined that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee must file a written request with the Commissioner of Education not later than the 15th day after receiving the notice of the proposed nonrenewal. The employee must provide a copy of this request to the Board.

HEARING  
**PROCEDURES  
PROCEDURE**  
BOARD DECISION

The hearing shall be conducted in accordance with the independent hearing procedures detailed at DFD.

Following the hearing, the Board shall take appropriate action in accordance with DFD.

**REQUEST HEARING BY  
THE BOARD  
IF THE BOARD HAS  
CHOSEN TO THE  
BOARD**

~~If conduct the nonrenewal hearing rather than use~~ an independent hearing examiner **will not conduct the nonrenewal hearing**, and the employee desires a hearing, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed nonrenewal.

HEARING  
PROCEDURES

**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].**

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



**HEARING BY THE  
BOARD**

**HEARING  
PROCEDURE**

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.

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

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

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

**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 teacher requests in writing that the hearing be public, except that the attorney may close the hearing to maintain decorum. If the teacher does not request a public hearing, only the attorney designat-**



ed 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 below:

1. After consultation with the parties, the attorney shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made.

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.



United ISD  
240903

TERM CONTRACTS  
NONRENEWAL

DFBB  
(LOCAL)

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.

United ISD  
240903

TERM CONTRACTS  
NONRENEWAL

DFBB  
(EXHIBIT)

The notices on the following pages are provided to meet requirements established by law or policy:

- Exhibit A: NOTICE OF PROPOSED CONTRACT NONRENEWAL should be used for an employee whose contract has been recommended for nonrenewal and for whom the Board has decided to conduct the hearing.
- Exhibit B: NOTICE OF PROPOSED CONTRACT NONRENEWAL should be used for an employee whose contract has been recommended for nonrenewal and for whom the Board has decided to have an independent hearing examiner conduct the hearing, if one is requested.



United ISD  
240903

TERM CONTRACTS  
NONRENEWAL

DFBB  
(EXHIBIT)

EXHIBIT A

NOTICE OF PROPOSED CONTRACT NONRENEWAL  
(FOR HEARINGS CONDUCTED BY THE BOARD)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Dear \_\_\_\_\_:

YOU ARE HEREBY NOTIFIED that the Superintendent of \_\_\_\_\_ ISD has recommended to the Board of Trustees at a lawfully called meeting of the Board of Trustees on (date) \_\_\_\_\_ that your employment contract as (job title) \_\_\_\_\_ in the District not be renewed for the succeeding school year, and the Board has voted to propose the nonrenewal.

This notice is given pursuant to the provisions of Section 21.206 of the Texas Education Code.

The recommendation not to renew your contract is being made for the following reasons:

[List all reasons in detail]

If you desire a hearing, not later than the 15th day after receipt of this written notice, you must notify the Board of Trustees in writing of such request. The Board shall provide for a hearing to be held not later than the 15th day after receipt of your notice requesting a hearing. Such hearing shall be closed unless you request an open hearing. The Board may appoint an attorney to hold the hearing on behalf of the Board and, if so, will notify you. If you fail to make a timely request for a hearing, the Board may proceed to make a determination upon the Superintendent's recommendation not later than the 30th day after the date the Board sends you notice of the proposed nonrenewal.

If you have any questions concerning any of the reasons supporting the proposed action to nonrenew your contract, please advise the Superintendent in writing.

Attached to this notice is a copy of the District's policy on nonrenewal of term contracts, containing the rules for the hearing.

This notice dated at (City/State/Zip): \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

President, Board of Trustees

\_\_\_\_\_ ISD

United ISD  
240903

TERM CONTRACTS  
NONRENEWAL

DFBB  
(EXHIBIT)

EXHIBIT B

NOTICE OF PROPOSED CONTRACT NONRENEWAL  
(FOR HEARINGS CONDUCTED BY A HEARING EXAMINER)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Dear \_\_\_\_\_:

YOU ARE HEREBY NOTIFIED that the Superintendent of \_\_\_\_\_ ISD has recommended to the Board of Trustees at a lawfully called meeting of the Board of Trustees on (date) \_\_\_\_\_ that your employment contract as (job title) \_\_\_\_\_ in the District not be renewed for the succeeding school year, and the Board has voted to propose the nonrenewal.

This notice is given pursuant to the provisions of Section 21.206 of the Texas Education Code.

The recommendation not to renew your contract is being made for the following reasons:

[List all reasons in detail]

The Board has decided that if you desire a hearing, it will be conducted by an independent hearing examiner.

If you desire a hearing, you must file a written request with the Commissioner not later than the 15th day after the date you receive this notice and provide the Board with a copy of that request. The Commissioner shall assign a hearing examiner not later than the 10th business day after receiving your written request. Such hearing shall be closed unless you request an open hearing. If you fail to make a timely request for a hearing, the Board may proceed and make a determination upon the Superintendent's recommendation not later than the 30th day after the date the notice of proposed nonrenewal was sent to you.

If you have any questions concerning any of the reasons supporting the proposed action to nonrenew your contract, please advise the Superintendent in writing.

Attached to this notice is a copy of the District's policy on nonrenewal of term contracts and the policy on the procedures for a hearing by the hearing examiner.

This notice dated at (City/State/Zip): \_\_\_\_\_,

Date: \_\_\_\_\_ By: \_\_\_\_\_

President, Board of Trustees

\_\_\_\_\_ ISD



INSTRUCTIONAL MATERIALS ~~SELECTION AND ADOPTION~~  
~~TEXTBOOK~~ SELECTION AND ADOPTION

EFAA  
(LOCAL)

Formatted Table

**INSTRUCTIONAL  
MATERIALS  
TEXTBOOK  
SELECTION  
COMMITTEE**

At an appropriate time following adoption of ~~instructional materials~~ by the **state instructional materials lists** ~~State Board~~, the Superintendent shall make recommendations to the Board for appointment of **an instructional materials** ~~a local textbook~~ selection committee.

~~Members of the committee shall be professional staff, and the majority shall be classroom teachers.~~

~~Should the Board reject any recommendation, the Superintendent shall present another recommendation. The official minutes of the Board meeting at which the appointment is made shall include names of the persons appointed to serve.~~

~~The Superintendent or designee shall be a member and serve as chair of the committee. A quorum, consisting of a majority of the committee members **shall be classroom teachers**, must be present when selections are made.~~

RECOMMENDATION  
AND ADOPTION

After examining all instructional materials ~~adopted by the State Board and reflected on the state~~ ~~multiple~~ lists, the **instructional materials** ~~textbook~~ selection committee shall select **items** ~~materials~~ for use in the District and recommend the selections to the Board for ratification. In the event the Board does not ratify all of the selections, the reasons shall be recorded in Board minutes. The committee shall make other recommendations for selection until the Board has ratified all selections.

~~The Superintendent or designee shall be responsible for coordinating the time frame for meetings of the committee and meetings of the Board to ensure compliance with state timelines.~~

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. For provisions regarding bullying, see FFI.

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STATEMENT OF  
NONDISCRIMINATION

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

DISCRIMINATION

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

PROHIBITED  
HARASSMENT

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

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

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT  
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sex-



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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
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ual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

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

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

BY OTHERS

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

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

EXAMPLES

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

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



DATING VIOLENCE

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

~~EXAMPLES~~

~~Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.~~

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

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

~~EXAMPLES~~

**Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.**

RETALIATION

The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regard-



STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

	ing discrimination or harassment, including dating violence, is subject to appropriate discipline.
EXAMPLES	Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student's performance in the classroom.
PROHIBITED CONDUCT	In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.
REPORTING PROCEDURES	<p>Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.</p> <p>Alternatively, a student may report prohibited conduct directly to one of the District officials below:</p>
DEFINITION OF DISTRICT OFFICIALS	For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.
TITLE IX COORDINATOR	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:</p> <p>Name: Rita Garner Position: Director of Employee Relations Address: 201 Lindenwood Dr., Laredo, TX 78045 Telephone: (956) 473-6284</p>
ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: Guadalupe Gorordo Position: Executive Director of Instructional Accountability Address: 4410 State Hwy. 359, Laredo, TX 78043 Telephone: (956) 473-2000</p>

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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(LOCAL)

SUPERINTENDENT	The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.
ALTERNATIVE REPORTING PROCEDURES	<p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
TIMELY REPORTING	Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.
NOTICE OF REPORT	Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.
NOTICE TO PARENTS	The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.
INVESTIGATION OF THE REPORT	<p>The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.</p> <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed,</p>



STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

	<p>and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
DISTRICT ACTION	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
CONFIDENTIALITY	<p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p>
APPEAL	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).</p>
ACCESS TO POLICY	<p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.</p>

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

STUDENT 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
2. Made available on the District's Web site.

Each student, parent, and teacher shall annually sign a statement saying that they have been offered the option to obtain a paper



copy of the District's Student Code of Conduct, Technology Use Guide, Bus Rider's Guide, and student handbook or to electronically access these documents on the District's Web site at [www.usid.net](http://www.usid.net).

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' / 'PARENTS' DEFINED	Throughout the Student Code of Conduct and discipline policies, the term " <del>parent</del> parents" includes a parent, legal guardian, or other person having lawful control of the child.
DETENTION	<del>For violations of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days, as provided by the discipline management program and/or Student Code of Conduct. Before being assigned to detention, a student shall be informed of the behavior that allegedly constitutes the violation and shall be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention shall be used for educational purposes.</del>
NOTICE TO PARENTS	<del>When detention is assigned, notice shall first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation. Except in the case of a student who is 18 years of age or older, the detention shall not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.</del>
CORPORAL PUNISHMENT	The Board prohibits the use of corporal punishment in the District <b>by any employee, parent, legal guardian, or patron of the District.</b> Students shall not be spanked, paddled, or <b>subjected to other physical force as a means of discipline</b> <del>otherwise physically disciplined</del> for violations of the Student Code of Conduct <del>by any employee, parent and/or legal guardian, or patron of the District.</del>
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: <ol style="list-style-type: none"><li>1. Protect a person, including the person using physical restraint, from physical injury.</li><li>2. Obtain possession of a weapon or other dangerous object.</li></ol>

STUDENT DISCIPLINE

FO  
(LOCAL)

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.

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**~~Students~~ shall be informed of any extracurricular behavior standards at the beginning of each school year or when the ~~student~~~~students~~ first ~~begins~~~~begin~~ participation in the activity. **A student**~~Students~~ and **his or her parent**~~their parents~~ 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.



STATE AND LOCAL GOVERNMENTAL AUTHORITIES  
LAW ENFORCEMENT AGENCIES

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Education Code 37.015 requires principals to make reports to local law enforcement authorities of certain classes of offenses, four of which are referenced entirely by citation. The offenses referenced only by citation are further defined below.

1. "Conduct that may constitute an offense listed under Section 508.149, Government Code":
  - a. An offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure (use or exhibition of a prohibited weapon during commission of or flight from a felony offense).
  - b. A first or second degree felony under Penal Code 19.02 (murder).
  - c. A capital felony under Penal Code 19.03 (capital murder).
  - d. A first or second degree felony under Penal Code 20.04 (aggravated kidnapping).
  - e. An offense under Penal Code 21.11 (indecenty with a child).
  - f. A felony under Penal Code 22.011 (sexual assault).
  - g. A first or second degree felony under Penal Code 22.02 (aggravated assault).
  - h. A first degree felony under Penal Code 22.021 (aggravated sexual assault).
  - i. A first degree felony under Penal Code 22.04 (injury to a child, elderly individual, or disabled individual).
  - j. A first degree felony under Penal Code 28.02 (arson).
  - k. A second degree felony under Penal Code 29.02 (robbery).
  - l. A first degree felony under Penal Code 29.03 (aggravated robbery).
  - m. A first degree felony under Penal Code 30.02 (burglary).
  - n. A felony for which punishment is increased under Health and Safety Code 481.134 (drug-free zones) or 481.140 (use of child in commission of offense).
  - o. An offense under Penal Code 43.25 (sexual performance by a child).
  - p. An offense under Penal Code 21.02 (continuous sexual abuse of young child or children).
2. "Deadly conduct under Section 22.05, Penal Code":
  - a. A person commits an offense if he or she recklessly engages in conduct that places another in imminent danger of serious bodily injury.
  - b. A person commits an offense if he or she knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.



STATE AND LOCAL GOVERNMENTAL AUTHORITIES  
LAW ENFORCEMENT AGENCIES

GRAA  
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- c. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.
3. "Terroristic threat under Section 22.07, Penal Code":

A person commits an offense if he or she threatens to commit any offense involving violence to any person or property with intent to:

  - a. Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
  - b. Place any person in fear of imminent serious bodily injury;
  - c. Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
  - d. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
  - e. Place the public or a substantial group of the public in fear of serious bodily injury; or
  - f. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.
4. "Conduct that may constitute a criminal offense under Section 71.02, Penal Code" (Engaging in Organized Criminal Activity):

A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he or she commits or conspires to commit one or more of the following:

  - a. Murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;
  - b. Any gambling offense punishable as a Class A misdemeanor;
  - c. Promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
  - d. Unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
  - e. Unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;
  - f. Any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;



STATE AND LOCAL GOVERNMENTAL AUTHORITIES  
LAW ENFORCEMENT AGENCIES

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- g. Any offense under Penal Code Chapter 43, Subchapter B depicting or involving conduct by or directed toward a child younger than 18 years of age (Chapter 42, Subchapter B prohibits obscenity including: sale, distribution, or display of material harmful to minor; sexual performance by a child; employment of a child in a sexually oriented activity or a place where the child works nude or topless; and possession or promotion of child pornography);
- h. Any felony offense under Penal Code Chapter 32 (fraud);
- i. Any offense under Penal Code Chapter 34 (money laundering) or Chapter 35 (insurance fraud);
- j. Any offense under Penal Code Chapter 36 (bribery and corrupt influence);
- k. Any offense under Penal Code 37.11(a) (impersonating a public servant);
- l. Any offense under Penal Code Chapter 20A (trafficking of persons);
- m. Any offense under Penal Code 37.10 (tampering with government record);
- n. Any offense under Penal Code 38.06 (escape), 38.07 (permitting or facilitating escape), 38.09 (providing a person in custody or an inmate with an implement for escape), or 38.11 (providing prohibited or controlled substances or items to person in custody or an inmate).