



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Discussion regarding second and final reading of TASB Update 120 (Local Policies)

SUBMITTED BY: Rebecca Coss-Morales **OF:** Assistant Superintendent for Administration & Policies

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: February 15, 2023

RECOMMENDATION:

It is recommended that the USD Board of Trustees approve the second and final reading of TASB Update 120 (Local Policies)

TASB Update 120 included the following Local policies:

CKC LOCAL: SAFETY PROGRAM/ROSK MANAGEMENT EMERGENCY PLAN

FNG LOCAL: STUDENT RIGHTS AND RESPONSIBILITIES -STUDENT & PARENT COMPLAINTS/GRIEVANCES

FO LOCAL: STUDENT DISCIPLINE

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

SAFETY PROGRAM/RISK MANAGEMENT
EMERGENCY PLANS

CKC
(LOCAL)

**Emergency
Operations Plan**

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency; ~~and~~
3. [Response to a nearby train derailment, as applicable; and](#)
- ~~3.4.~~ Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

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Complaints

In this policy, the terms "complaint" and "grievance" shall have the same meaning.

Other Complaint
Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, disability, or other protected characteristics [see FFH] shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints [within the scope of Section 504, including complaints](#) concerning identification, evaluation, or educational placement of a student with a disability, ~~within the scope of Section 504~~ shall be submitted in accordance with FB and the procedural safeguards handbook.
9. [Complaints within the scope of the Individuals with Disabilities Education Act, including complaints](#) ~~Complaints~~ concerning identification, evaluation, educational placement, or discipline of a student with a disability, ~~within the scope of the Individuals with Disabilities Education Act~~ shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with [the EF series](#).

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11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.
14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

*Extracurricular
Activity
Complaints*

In accordance with FNG(LEGAL), the Board is not required to address a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by Chapter 26. Complaints regarding extracurricular activities shall be addressed by the District's extracurricular activity committee established by the Superintendent. The decision of the extracurricular activity committee shall be final.

**Notice to Students
and Parents**

The District shall inform students and parents of this policy through appropriate District publications and as authorized by the Superintendent.

Guiding Principles
Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, extracurricular sponsor, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

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Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

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

**Freedom from
Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

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

All complaints shall be signed by the student or parent or representative; however, a representative shall submit written authorization, signed by the student or parent, which specifically allows the representative to act on behalf of the student or parent during the grievance process.

**Scheduling
Conferences**

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by

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	<p>U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
Days	<p>"Days" shall mean District business days as determined by the academic calendar, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."</p>
Representative	<p>"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. If the student or parent designates more than one representative, only one representative shall be allowed to be present during any level of the grievance process. Witnesses shall not be allowed during any level of the grievance process; however, witness statements may be tendered at a grievance hearing. The only parties that shall be allowed during the student's or parent's presentation during any level of the grievance process shall be the student, parent/legal guardian, and one representative.</p> <p>The student or parent may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.</p> <p>Representatives shall conduct themselves with common courtesy and respect for the rights of others. If at any level a student, parent/legal guardian, or representative is deemed to be unruly, disrespectful, or disruptive to the hearing process, the grievance hearing shall be concluded, and the student and/or parent and representative shall be issued a decision based on the written record and oral arguments set forth by the student or parent and representative, as applicable.</p> <p>The District shall have the authority to remove a disruptive representative from the premises. Additionally, after an examination of the facts, if the Superintendent deems the representative has been disruptive in a repetitive manner, he or she may issue a letter of warning to the complainant's representative. If the representative continues to display the same disruptive conduct, the Superintendent may deny the representative further opportunities to represent future complaints.</p>

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Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. If a student or parent submits a grievance that is a duplicate of a prior grievance, the department of human resources may dismiss the complaint without the necessity of a hearing.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to the complaint form. Once submitted, the grievance shall be limited to the written remedies addressed in the initial complaint. No new remedies shall be introduced during the grievance proceeding that have not been specifically mentioned or produced in the initial complaint form. Further, the only remedies ruled upon shall be those listed on the initial complaint; remedies requested in an oral manner at any hearing level shall not be considered. Any new remedies shall be addressed in a subsequent complaint form and under the rules and timelines set forth in this policy.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.</p> <p>Complaint forms must be filed:</p> <ol style="list-style-type: none">1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

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2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

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

**Statement of
Particulars**

If a complaint is found to be too vague, general, or indefinite at any level of this policy, the timelines at the complaint level shall be held in abeyance, during which time the complainant shall be required to prepare a written statement of particulars setting out with specificity the act(s) and/or omission(s) complained of in order to afford the respondent with fair notice and an opportunity to adequately respond in writing to each charge or offer a remedy. If the complainant or his or her representative does not adequately address the vague, general, or indefinite complaint within three days of written notification, the complaint shall be dismissed.

The Superintendent's designee may conduct a pre-hearing conference or make such other orders as may be deemed necessary or appropriate to clarify issues, afford the respondent with fair notice and an opportunity to respond, and assist in the resolution process.

**Audio / Video
Recording**

As provided by law, a student or parent shall be permitted to make an audio recording of a conference or hearing under this policy in which the substance of the student or parent complaint is discussed. The student or parent shall notify all attendees present that an audio recording is taking place. The student or parent, representative, if designated, and the hearing officer shall be prohibited from video recording the hearing. If the student or parent or representative insist on video recording the hearing, the hearing officer may terminate the hearing at his or her discretion.

**Mutual Agreement of
the Parties**

The parties involved may mutually consent to modify the procedure as necessary to accomplish the goal of resolving the dispute in the most efficient and expeditious manner possible.

Withdrawal

A student or parent may withdraw his or her complaint at any time. Once withdrawn, a complaint shall not be reconsidered. If the student or parent has designated a representative, the representative need not consent to the complaint being withdrawn.

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A dispute shall be considered withdrawn if a student or parent fails to pursue the complaint or otherwise is deemed to be unreasonably protracting the process.

Designated Parties

For purposes of hearing a complaint at both the informal and formal complaint conference, the designated party shall be assigned by the Superintendent.

**Mediation
Conference**

At the time the student or parent files his or her complaint or grievance, the student or parent shall have an informal mediation conference with an administrator prior to entering the formal complaint process. The administrator shall schedule and conduct an informal mediation conference within ten days of receipt of the complaint or at a time mutually agreeable to the parties. At the informal conference, the following shall be discussed:

1. The concern;
2. The justification or rationale for the concern;
3. The harm sustained or being sustained by the student or parent; and
4. The remedy sought for resolution.

The student or parent and the administrator shall endeavor to reach an agreement resolution of the concern. If resolution is reached, the complaint is resolved. If resolution is not reached, the student or parent may invoke the formal complaint process and proceed to Level One in accordance with this policy.

Formal Process

The formal complaint process shall consist of three levels. Level One and Level Two shall be closed to the public and the student's or parent's designated representative shall be the only other person in attendance. The only exception is that a student may have an adult present with him or her at a hearing other than the designated representative. If at any point during the grievance process the student or parent and representative, (if designated), are to be present in front of the party being grieved against, the hearing officer shall have the discretion to separate the parties and allow separate presentations. A Level Three presentation to the Board shall be held within a properly posted Board meeting. The Board shall determine whether the hearing will be held in open or closed session, except that the hearing shall be held in closed session upon the request of the employee who is the subject of the complaint, or as authorized by law. At the discretion of the hearing officer, the student or parent shall be afforded a reasonable amount of time at each level of the grievance process; the hearing officer shall have the discretion to provide a reasonable amount of time

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for a hearing from administration if deemed necessary. No party shall be allowed more time than the other in a grievance hearing.

Written
Submissions

Any written objections, motions, briefs, or exhibits to be considered as part of the grievant's complaint must be submitted by the grievant or grievant's representative to the Level One or Level Two hearing officer at least five days prior to the Level One or Level Two presentation, respectively. At Level Three, the grievant or grievant's representative must submit said documents to the Superintendent or designee at least five days prior to the Level Three presentation. The Superintendent or designee shall submit the documents to the Board President prior to the Level Three presentation.

Written objections, motions, briefs, or exhibits submitted by the grievant or grievant's representative during any Level One, Level Two, or Level Three presentation shall not be heard by the hearing officer or Board, as applicable, but shall become a part of the presentation record and shall be submitted during the grievant's allotted presentation time as determined by the hearing officer or Board's presiding officer.

Oral Argument

At any level of the formal grievance process, any oral motions or objections raised by the grievant or grievant's representative shall be considered during the grievant's allotted presentation time as determined by the hearing officer or the Board's presiding officer, as applicable.

Level One

If resolution of the complaint is not reached at the mediation complaint/grievance level, the student or parent may enter the Level One complaint process and request a formal meeting with the lowest level administrator who has the authority to remedy the alleged problem within seven days of the mediation conference, unless the time has been extended by written agreement. The Superintendent shall appoint another administrator to serve as the Level One hearing officer when the complaint is against the administrator who would normally hear the Level One complaint.

A Level One conference shall be conducted within ten days of notice by the student or parent requesting to enter the Level One complaint process when resolution was not reached through the mediation process. The administrator shall notify the student or parent of the date, time, and place of the conference at which time the complaint shall be reviewed with the student or parent. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within 14 days following the conference. The written response shall set forth the basis of the

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decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint. The only remedies ruled upon shall be those listed on the initial complaint; remedies requested in an oral manner at any hearing level shall not be considered.

The Level One conference shall not provide for cross-examination of any witnesses, nor shall this conference in any way resemble an evidentiary hearing. If necessary, each side shall simply make presentations to the Level One administrator within the allotted time period. The grievant may not appeal any part of a complaint of which said remedy has been granted at a prior level, including mediation.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within seven days of the date of the written Level One response or, if no response was received, within seven days of the Level One response deadline. The student or parent may not appeal any part of a complaint of which said remedy has been granted at a prior level.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments;
2. All other documents submitted by the student or parent at Level One;
3. The written response issued at Level One and any attachments; and
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and remedies considered at Level One. At

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the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision.

The Superintendent or designee shall provide the student or parent a written response within 14 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Audio recordings of the Level One and Level Two conferences shall be maintained with the Level One and Level Two records.

Level Three

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

The appeal notice must be filed in writing, on a form provided by the District, within seven days of the date of the written Level Two response or, if no response was received, within seven days of the Level Two response deadline. The student or parent may not appeal any part of a complaint of which said remedy has been granted at a prior level.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board. No member of the Board shall conduct any ex parte communications regarding the case. In regards to the pending grievance, the student or parent and the representative shall not communicate with any Board members. Board members shall not take part in any deliberations or decision making without having first heard all the evidence prior to the hearing.

The Superintendent or designee shall provide the Board the record of the Level Two appeal.

The Level Two record shall be provided to the grievant and the Board no later than three days before the hearing, and shall include:

1. The Level One record;
2. The notice of appeal from Level One to Level Two;
3. The written response issued at Level Two and any attachments; and

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4. All other documents relied upon by the administration in reaching the Level Two decision; the District reserves the right to redact confidential information, as required by law.

The appeal shall be limited to the remedies, issues, and documents considered at Level Two. The Board shall consider only those issues, remedies, and documents presented at the preceding levels and identified in the appeal notice, as well as the separate record of the Level Three presentation.

The presiding officer of the Board may set reasonable guidelines for the presentation, including time limits and an opportunity for the student or parent and administration to each make a presentation to the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

The Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's or parent's representative, any presentation from the administration, and any questions from the Board with any responses, shall be recorded by audio recording.

The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of response by the Board upholds the administrative decision at Level Two.

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

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

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.

Campus Behavior Coordinator

In accordance with the District's innovation plan, the District is exempt from the state law requiring that a single person at each campus be designated to serve as the campus behavior coordinator (CBC).

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.

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

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

“Parent” Defined

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

General Discipline Guidelines

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

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parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

**Corporal
Punishment**

The Board prohibits the use of corporal punishment in the District 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

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

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

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Protect property from serious damage.
- ~~3.4.~~ Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.

~~4. Control an irrational student.~~

~~5.1. 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)]~~

**Video and Audio
Monitoring**

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

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)]

¹ Innovation Plan: <https://www.uisd.net>