



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC** Second Reading of LOCAL Polices in TASB Update 93

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

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** May 16, 2012

## **RECOMMENDATION:**

It is recommended that the United ISD Board of Trustees approve Second Reading of LOCAL Polices in TASB Update 93.

DAB(LOCAL): EMPLOYMENT OBJECTIVES - GENETIC NONDISCRIMINATION - **DELETE**

DAC(LOCAL): EMPLOYMENT OBJECTIVES - OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS - **NEW**

DH(LOCAL): EMPLOYEE STANDARDS OF CONDUCT

DH (EXIBIT): EMPLOYEE STANDARDS OF CONDUCT

EFA(LOCAL): INSTRUCTIONAL RESOURCES - INSTRUCTIONAL MATERIALS

EFA(EXIBIT): INSTRUCTIONAL RESOURCES - INSTRUCTIONAL MATERIALS

FDB(LOCAL): ADMISSIONS - INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FFH(LOCAL): STUDENT WELFARE - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFI(LOCAL): STUDENT WELFARE - FREEDOM FROM BULLYING

FOC(EXIBIT): STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

## **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

Delete

EMPLOYMENT OBJECTIVES  
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAB  
(LOCAL)

EMPLOYMENT  
RESPONSIBILITIES OF  
SUPERINTENDENT

The Superintendent shall establish administrative hiring and selection procedures which are consistent with contract policy and law and which are designed to promote employment decisions in the best interest of the District.

The procedures shall include the following objective criteria for decisions regarding the selection, hiring, dismissal, reassignment, promotion, and demotion of District personnel. These criteria are not rank-ordered and may be considered in whole or in part in making such decisions.

1. Academic or technical preparation, supported by transcripts.
2. Proper certification for grade level, subject, or assignment, including emergency permits and endorsements for specific subjects, programs, or positions.
3. Experience.
4. Recommendations and references.
5. Appraisals and other performance evaluations.
6. The needs of the District.

New

EMPLOYMENT OBJECTIVES  
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAC  
(LOCAL)

EMPLOYMENT  
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5. Appraisals and other performance evaluations.
6. The needs of the District.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

	<p><del>Each</del>All District <del>employee</del>employees shall perform <del>his or her</del>their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]</p>
	<p><del>Each</del>All District <del>employee</del>employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.</p>
	<p><del>An employee</del>Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]</p>
COVERED ACTIVITIES	<p><del>Each</del>All District <del>employee has</del>employees have the responsibility to protect District assets and <del>is</del>are expected to be alert to the potential for theft of property, theft of services, theft of anything of value, fraud, and financial impropriety.</p>
INAPPROPRIATE CONDUCT	<p>Examples of activities constituting inappropriate conduct include but are not limited to the following:</p> <ol style="list-style-type: none"><li>1. Misappropriation of activity funds or any funds collected by the District;</li><li>2. Misappropriation of District furniture, fixtures, or equipment;</li><li>3. Misappropriation of funds through fraudulent reporting on travel records;</li><li>4. Forgery or alteration of District checks;</li><li>5. Forgery or alteration of District purchase orders; and</li><li>6. Forgery or alteration of payroll time sheets.</li></ol>
DUTY TO REPORT	<p>Any employee who knows or has reason to know of or suspects an occurrence of fraud, misappropriation, financial impropriety, or covered activity shall immediately notify his or her supervisor. If the employee has reason to believe that the supervisor may be involved, the employee shall immediately notify the department of human resources.</p> <p>The employee shall not discuss the matter with anyone other than his or her supervisor and/or the police department. Employees who knowingly make false allegations shall be subject to discipline up to and including dismissal.</p>
INVESTIGATION DUTIES	<p>During the investigation, employees should:</p> <ol style="list-style-type: none"><li>1. Direct all inquiries from suspected individuals, attorneys, or representatives to the department of human resources;</li></ol>

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

2. Not contact the suspected individual in an effort to determine facts or demand restitution;
3. Not discuss the case, facts, suspicions, or allegations with anyone outside the organization or those within the organization who do not have a legitimate need to know, unless specifically asked to do so by the department of human resources; and
4. Cooperate with the investigative process by answering questions, furnishing written statements, and volunteering information important to the investigation.

Throughout the course of an official District investigation or inquiry, every District employee has an affirmative duty to provide all relevant and factual information about the situation to his or her supervisor or any other District official investigating the matter.

An employee failing to volunteer such information shall receive a directive from an administrator to provide a statement. Failure to comply with the directive shall constitute insubordination, a violation that has grounds for disciplinary action up to and including termination. [See DCD and DF series]

When directed by an administrator or a District investigator, an employee shall submit a notarized affidavit about his or her knowledge of the matter under investigation. Intentional falsification, misstatement, or the concealment of a material fact in connection with the investigation shall be grounds for disciplinary action up to and including termination. Additionally, providing false or incorrect statements under oath may subject the employee to a criminal charge of perjury.

VIOLATIONS OF  
STANDARDS OF  
CONDUCT

**Each employee** ~~Employees~~ shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to **his or her** ~~their~~ status as a District **employee.** ~~employees.~~ Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and Web-based applications.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

USE WITH  
STUDENTS

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which **an employee** ~~employees~~ may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

PERSONAL USE

**Each** ~~An~~ employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

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

CELLULAR  
PHONES

The following shall apply to the use of cellular phones in school buildings:

1. **A teacher** ~~Teachers~~ may use **a** cellular **phone** ~~phones~~ for business calls, including parent contacts, only during planning periods and other off-duty times during the instructional day.
2. Personal calls may not be made or received during class periods. Cellular phones shall remain off during instructional time.

SAFETY  
REQUIREMENTS

**Each employee** ~~All employees~~ shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR  
ABUSE

**An employee** ~~Employees~~ shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect]

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

	<p>While acting in the course of <del>their</del> employment, <del>an employee</del><del>employees</del> shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.</p>
RELATIONSHIPS WITH STUDENTS	<p><del>An employee</del><del>Employees</del> shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]</p>
TOBACCO USE	<p><del>An employee</del><del>Employees</del> shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]</p>
ALCOHOL AND DRUGS	<p><del>An employee</del><del>Employees</del> shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"><li>1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.</li><li>2. Alcohol or any alcoholic beverage.</li><li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li><li>4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering <del>drug</del><del>drugs</del>.</li></ol>
EXCEPTIONS	<p>An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.</p> <p>An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.</p>
NOTICE	<p>Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]</p> <p>A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.</p>
VIDEOTAPING OF STUDENTS	<p>An employee shall obtain written consent of a student's parent or guardian [see FNG(LEGAL)] and from the campus principal before the employee may make or authorize the videotaping of a student</p>



EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

or record or authorize the recording of a student's voice, unless the recording is made by a student for the purpose of facilitating classroom instruction.

PRINCIPAL'S  
APPROVAL

The principal's written consent shall be obtained prior to videotaping or recording a student even when the law does not require the consent of a parent or guardian, such as when the videotape or recording is to be used for purposes of safety or for a purpose related to regular classroom instruction, as provided by law. [See FL]

EXCEPTION

In the case of videotaping a deposition for an employee termination or grievance action, the only consent to be obtained in advance shall be that of the student's parent or guardian.

CARE OF  
NONENROLLED  
CHILDREN

An employee shall not bring his or her own child or another person's child to school for the purpose of child care or babysitting. Personnel are employed to perform District functions while on duty and shall not bring or care for a child who is not enrolled on the campus at that time to the building to remain during working hours of the regular school day or summer school, or after school hours if the employee is still performing work-related duties. In instances where an employee has been allowed to enroll their child at their campus, the principal may allow for the student to be cared for by their parent after school/work hours.

ARRESTS,  
INDICTMENTS,  
CONVICTIONS, AND  
OTHER  
ADJUDICATIONS

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
  - Dishonesty, fraud, deceit, theft, misrepresentation;
  - Deliberate violence;
  - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Felony possession **or conspiracy to possess, or any misdemeanor or felony**; transfer, sale, distribution, or

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

conspiracy to ~~possess~~, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;

- **Felony driving while intoxicated (DWI); or**
- ~~Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or~~
- Acts constituting abuse or neglect under the Texas Family Code.

CRIMINAL HISTORY  
BACKGROUND CHECK

At least once annually, the District may 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 a police department, the Department of Public Safety, or the Texas Department of Corrections. [See DC]

An employee under felony indictment shall be recommended for suspension without pay pending adjudication of his or her case.

ELECTRONIC  
RECORDING  
CONVERSATIONS  
AND MEETINGS

An employee shall not electronically record by audio, video, or other means, any conversation or meeting unless each person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting shall obtain consent from anyone arriving late.

TELEPHONE  
CONVERSATIONS

An employee shall not electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded.

PUBLIC OR OTHER  
OPEN MEETINGS

These provisions are not intended to limit or restrict electronic recording of publicly posted Board meetings, Board committee meetings, appeals and grievance hearings, or any other Board-sanctioned meeting recorded in accordance with Board policy.

OFFICIAL  
INVESTIGATIONS

These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by the police or the department of human resources.

HARASSMENT

An employee shall not engage in conduct constituting racial, ethnic, religious, gender, or sexual orientation harassment of another employee, a student, or any person who seeks the campus community in any capacity or who interfaces with the District.

DEFINITION

Racial, ethnic, religious, gender, or sexual orientation harassment includes but is not limited to, oral, written, psychological, physical

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

(both climate and contact), and other demonstrative actions with regards to race, creed, ethnic origin, religious preference, gender, or sexual orientation that is harassing and/or abusive.

JOB DUTIES An employee shall not conduct private or personal activities during the workday in lieu of, or while conducting, his or her assigned job duties and responsibilities. Except as permitted by policy, an employee shall not conduct or participate in meetings or individual conferences related to a professional or employee association or organization in lieu of, or while conducting, his or her assigned job duties and responsibilities. [See also DGA and DMD]

SOLICITATION Except as approved in advance by the Superintendent or designee or permitted by District policy, commercial solicitation by an employee is prohibited on District property. "Commercial solicitation" for purposes of this policy shall mean:

1. Selling or attempting to sell products or services for personal profit on behalf of a commercial enterprise or for a purpose unrelated to the school or District;
2. Requesting contributions, pledges, or donations for a purpose unrelated to the school or District; or
3. Providing items or making announcements that endorse or market a personal or commercial enterprise or a product or service unrelated to the school or District either through personal contact, or by sending or causing to be sent a communication through the District's electronic, telephone, or mail system.

"Commercial solicitation" does not mean participation in an authorized District procurement process on behalf of the District or arranged on behalf of District employees.

An employee may neither meet nor make arrangements to meet on District property with persons conducting commercial solicitation.

An employee shall not engage in the sale of services, books, equipment, or other items by misrepresenting such services or items as being endorsed or recommended by the District or its officials. Such conduct is prohibited at all times on or off District property. An employee shall obtain consent from the Superintendent or designee before engaging in the sale of services or items endorsed or recommended by the District or its officials. [See also DBD regarding outside employment and for-profit activities]

DISTRIBUTION OF  
NONSCHOOL  
LITERATURE

Duplicated, written or printed materials, including handbills, petitions, photographs, pictures, films, audiotapes, and other visual or auditory materials concerning private or personal issues shall not

United ISD  
240903

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

be circulated, publicly displayed, emitted, or distributed on District property at any time unless permission has been obtained in accordance with policy GKDA and only in the locations designated by principals or department supervisors.

### EDUCATORS' CODE OF ETHICS

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

#### 1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the District, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local Board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against District employees, Board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(EXHIBIT)

Standard 1.11. The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13. The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

2. Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local Board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

3. Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, e-mail, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- a. The nature, purpose, timing, and amount of the communication;
- b. The subject matter of the communication;
- c. Whether the communication was made openly or the educator attempted to conceal the communication;
- d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- e. Whether the communication was sexually explicit; and
- f. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, "instructional resources" refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other **instructional** materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District's educational program. [See EFAA for **the** selection and adoption **process** of state-adopted **instructional materials.**]~~textbooks]~~

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

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and cultural, ethical, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.
6. Place principle above personal opinions and reason above prejudice in the selection of materials of the highest quality.

**SELECTION CRITERIA**

In the selection of instructional resources ~~other than textbooks~~, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of indi-



INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

vidual schools and specific courses consistent with the District and campus improvement plans.

2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, factual content, and educational significance.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.
4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

A "library material" is any item purchased under the selection policy for the exclusive use of its library users. This may include print, ~~audiovisual~~ audio-visual, and electronic media such as books, magazines, digital cameras, laptops, and the like etc.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly. [See EFA(EXHIBIT)-C]

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

CONTROVERSIAL  
ISSUES

The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED  
MATERIALS

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL  
RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure::

1. The principal or ~~designee~~ other knowledgeable professional staff shall explain the school's selection process, the criteria

for selection, and the qualifications of the professional staff who selected the questioned material.

2. The principal or **designee** ~~other knowledgeable professional staff~~ shall explain the role the questioned material plays in the educational program, its intended educational usefulness, and any additional information regarding its use.
3. If appropriate, the principal **or designee** may offer a concerned parent **other instructional material** ~~another resource~~ to be used by that parent's child in place of the challenged material.
4. If the complainant wishes to make a formal challenge, the principal **or designee** shall provide the complainant a copy of this policy and a Request for Reconsideration of Instructional Materials form [see EFA(EXHIBIT)].

FORMAL  
RECONSIDERATION

All formal objections to instructional resources shall be made on the Request for Reconsideration of Instructional Materials form. The form shall be completed and signed by the complainant and submitted to the principal or designee. Upon receipt of the request, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who either has experience teaching the challenged material or is familiar with the challenged material. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and others deemed appropriate by the principal.

All members of the committee shall review the challenged material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall then prepare a written report. Copies of the report shall be provided to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at **the appropriate administrator. [See DGBA, FNG, and GF] Level Two.** The appeal shall contain **documentation** ~~a copy~~ of the **informal reconsideration process, if any, the Request for Reconsideration of Instructional Materials form** ~~original complaint~~, the reconsideration committee's report, and dates of conferences with the principal or designee.

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

GUIDING  
PRINCIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. **A complainant**~~A parent of a District student, any employee, or any District resident~~ may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.
3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.
4. Access to challenged material shall not be restricted during the reconsideration process.

The major criterion for the final decision on challenged materials is the appropriateness of the material for its intended educational use. No challenged library material shall be removed solely because of the ideas expressed therein.

## UPDATE 93 PROPOSED REVISIONS

(See Note on last page)

	<p>Students shall be assigned to schools in the attendance areas in which they reside.</p>
CLASS CHANGES	<p>The campus principal shall be authorized to investigate and approve transfers of students from one classroom to another on that campus.</p>
CAMPUS ASSIGNMENTS	<p>A parent of a student who wishes to attend a school other than as assigned shall obtain prior approval from the Superintendent or designee. Exceptions shall be considered as follows:</p> <ol style="list-style-type: none"><li>1. A curriculum transfer may be allowed if a course or courses are not offered in the school in the student's attendance zone. Upon completion of the course or courses, the student shall return to his or her home campus. Assignment shall be made on the basis of space available in a particular course and with consideration of all issues involved.</li><li>2. Transfers may be designed to balance student loads by relieving overcrowding in a particular school. The Superintendent may assign any student from one school facility or classroom within the District to another facility or classroom within the District.</li><li>3. An administratively initiated transfer may be used to address special situations involving students. Sufficient documentation to substantiate the severity of the situation is required.</li><li>4. Current full-time employees may request that their children be transferred to the school where the parent works or to the campus in closest proximity to his or her employment site. Such requests shall be approved provided that space is available. If space is not available, then the next nearest campus shall be considered.</li></ol> <p>A transfer is granted through the highest grade at a school as long as space remains available or until a transfer is revoked. A full-time employee's student who remains in good academic, attendance and disciplinary standing shall be allowed to transfer to the middle school and/or high school feeder that pertains to his or her currently enrolled school. However, this transfer benefit shall become void if the employee is terminated, and the student shall be returned to his or her designated home campus.</p>

5. A student may be assigned by the Superintendent to a school outside the student's attendance zone if it is in the best interest of the student and/or school.

INTRADISTRICT  
TRANSFER  
REQUESTS

Parents wishing their children to attend schools outside their attendance areas may apply for intradistrict student transfers in accordance with the following guidelines:

1. Hardship transfers shall be considered under the following circumstances:
  - a. Severe medical need must be certified by a physician, psychologist, psychiatrist, licensed professional counselor, or licensed master social worker who has been providing professional services to the student for a minimum of 30 days.
  - b. A written recommendation from the principal of the sending school must indicate that denial of the transfer would adversely affect the student's physical safety.
2. Students in their attendance zones shall always have first priority in assignments.
3. Parents shall be notified in writing of their children's acceptance or denial no later than the first instructional day of each school year.
4. Requests for transfers of siblings of identified GT students or magnet students attending a designated site shall not be approved.
5. Parents who have a child in a special education self-contained classroom may request a transfer for siblings to attend a school within the same attendance zone of the child in a special education unit.
6. There shall be no guarantee that students approved for intradistrict transfers shall be permitted to attend the schools outside their attendance areas in future years, although they shall be given first priority if space is available.
7. The District shall not provide transportation for intradistrict transfer students.
8. A student shall have no more than one intradistrict transfer approved at the elementary level, one at the middle school level, and one at the high school level.

ADMISSIONS  
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB  
(LOCAL)

APPLICATION  
PROCEDURES

Intradistrict transfer applications become available on the first business day of the third week of April of each year at the student's designated home campus. Transfer requests shall not be accepted or granted after the end of the third week of June of each year for currently enrolled students for the next school year. Extenuating circumstances, however, may be considered in emergency situations.

The procedure for applying shall be as follows:

1. The parent shall initiate a transfer request at the student's requested campus. A conference shall be held with the requested campus principal to review the request. The principal shall then make a recommendation to accept or deny the request.
2. After obtaining the requested campus principal's signature, the parent shall schedule a conference with the sending campus principal to discuss the request. The parent may be requested to provide documentation to support the request. The sending principal shall make a recommendation to accept or deny the request.
3. The sending campus principal may delay a transfer recommendation for a student who owes any campus fines, books, fees, or dues at the time the parent makes a transfer request.
4. The receiving principal may confer with the sending principal and/or the Superintendent's designee.
5. The parents must then submit the transfer request to the Superintendent's designee's office.
6. The Superintendent's designee shall review requested transfers and render a decision. Parents shall be notified in writing of the decision.
7. Level One Appeal: For transfer requests submitted by end of the third week of June of each year, a parent may appeal the decision of the Superintendent's designee to the associate superintendent for student support services. The associate superintendent will review requested transfers and render a decision. Parents shall be notified in writing of the decision.
8. Level Two Appeal: For transfer requests submitted by the end of the third week of June of each year, a parent may appeal the decision of the associate superintendent for student support services. The written appeal shall be filed with the associate superintendent's office within five school/business

days of the issuance of the decision by the associate superintendent for student support services.

9. The Board President shall appoint a student transfer committee to review the Superintendent's designee's decision and report its recommendation at the next available regular Board meeting.
10. Pending a decision by the Board, the student shall attend the school in his or her attendance area.
11. A student under the age of 18 who has established a residence in the District pursuant to FD(LEGAL) and (LOCAL) but desires to establish a new residence in another attendance zone separate and apart from the student's parent, guardian, or other person having lawful control under a court order must present a valid court order giving guardianship of the student to an adult residing in the desired attendance zone.

Transfer requests shall be approved or denied based on the availability of space at the requested campus and grade level. An approved intradistrict transfer is honored up to the highest grade level at that campus provided that space is available. An approved transfer may be revoked at any time if:

1. The campus and respective grade level become overcrowded.
2. The student:
  - a. Does not pass all classes.
  - b. Does not meet the District attendance goal for that grade level.
  - c. Commits a violation of the Student Code of Conduct that is Level II or higher.
  - d. Is not punctual.
  - e. Is not picked up daily as per campus regulations.

Students whose approved transfers are revoked shall attend school in their attendance areas beginning the following week. Students whose transfers have been revoked do not qualify to apply for new transfer requests to any other school.

MAGNET / SPECIAL  
PROGRAMS

Students who qualify for admission to magnet or special programs that are offered on a campus other than the one in their attendance areas shall be admitted to the campus with the program. Students who start a magnet or special program on a campus other than their home campus, but fail to continue to meet the criteria for the

program, shall be disenrolled, and returned to the home campus. Students who voluntarily withdraw from the program shall also be returned to the home campus the following week.

EXCEPTION

If a student is a graduating senior or graduating junior and fails to meet criteria for the magnet program or chooses to withdraw from the program, he or she may remain at the campus of the magnet program for the senior year. Transportation shall not be provided.

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**Note:** For the transfers of a students who are-is the victims of bullying or who engaged in bullying, see FDB(LEGAL). For the transfers of a students who attend a persistently dangerous school, become a victims of a violent criminal offense, or becomes a victims of sexual assault, see FDE.

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

DISCRIMINATION

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

PROHIBITED  
HARASSMENT

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

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

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

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

SEXUAL HARASSMENT  
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

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

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

BY OTHERS

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

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

EXAMPLES

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

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

**GENDER-BASED  
HARASSMENT**

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

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

EXAMPLES

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

**DATING VIOLENCE**

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

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

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

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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 <b>by a student or District employee</b> against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report <b>of harassment or discrimination</b> , serves as a witness, or <del>otherwise</del> participates in an investigation.
EXAMPLES	<b>Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.</b>
FALSE CLAIM	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, <b>shall be</b> <del>is</del> subject to appropriate <b>disciplinary action</b> <del>discipline</del> .
EXAMPLES	<del>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.</del>
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	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, <del>or</del> other District employee, <b>or the appropriate District official listed in this policy.</b>
STUDENT REPORT	
EMPLOYEE REPORT	<b>Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.</b>
	<del>Alternatively, a student may report prohibited conduct directly to one of the District officials below:</del>

United ISD  
240903

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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>
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 <b>immediately</b> report may impair the District's ability to investigate and address the prohibited conduct.
NOTICE OF REPORT	<del>Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify</del>

	<p><del>the appropriate District official listed above and take any other steps required by this policy.</del></p>
NOTICE TO PARENTS	<p>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.</p>
INVESTIGATION OF THE REPORT	<p>The District may request, but shall not <del>require</del><del>insist upon</del>, 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. <b>If not, the District official shall refer the complaint for consideration under FFI.</b></p> <p><b>If an investigation is required in accordance with this policy, the District official shall also determine whether the allegations, if proven, would constitute bullying, as defined by FFI.</b></p> <p>If appropriate, the District shall promptly take interim action calculated to <del>address prevent</del> prohibited conduct <b>or bullying</b> during the course of an investigation.</p> <p>The investigation may be conducted by the District official or a designee, such as the <del>campus</del>-principal, or by a third party designated by the District, such as an attorney. When appropriate, the <del>campus</del> 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, 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. <b>The report shall include a determination of whether prohibited conduct or bullying occurred.</b> The report shall be filed with the District official overseeing the investigation.</p>

DISTRICT ACTION <b>PROHIBITED CONDUCT</b>	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary <b>action in accordance with the Student Code of Conduct and may take</b> <del>of</del> corrective action reasonably calculated to address the conduct.
<b>CORRECTIVE THE DISTRICT MAY TAKE ACTION</b>	<b>Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where harassment has occurred, and reaffirming the District's policy against discrimination and harassment.</b>
<b>BULLYING</b>	<del>If based on</del> the results of an investigation <b>indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.</b>
<b>IMPROPER CONDUCT</b>	<b>If the investigation reveals improper conduct that,</b> <del>even if the conduct</del> did not rise to the level of prohibited conduct or bullying, <b>the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the</b> <del>or unlawful</del> conduct.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student 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.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).
<b>ACCESS TO POLICY AND PROCEDURES</b>	Information regarding this policy <b>and any accompanying procedures</b> shall be distributed annually <del>to District employees and included in the employee and student handbooks.</del> <b>handbook.</b> Copies of the policy <b>and procedures</b> shall be <b>posted on the District's Web site, to the extent practicable, and</b> readily available at each campus and the District's administrative offices.

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

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BULLYING  
PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy **and is prohibited.**

DEFINITION

Bullying occurs when a student or group of students engages in written or verbal expression, **expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:** ~~or physical conduct that:~~

1. **Has the effect or will** ~~will~~ have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, ~~and~~ pervasive **enough** that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**This conduct is considered bullying if it:**

1. **Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and**
2. **Interferes with a student's education or substantially disrupts the operation of a school.**

EXAMPLES

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name ~~calling~~, rumor spreading, ~~or~~ **and** ostracism.

RETALIATION

**The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.**

EXAMPLES

**Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.**



<b>FALSE CLAIM</b>	<b>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.</b>
<b>TIMELY REPORTING</b>	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to <b>immediately promptly</b> report may impair the District's ability to investigate and address the prohibited conduct.
<b>REPORTING PROCEDURES</b> <b>STUDENT REPORT</b>	<b>To obtain assistance and intervention, any</b> Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. <del>A report may be made orally or in writing.</del>
<b>EMPLOYEE NOTICE OF REPORT</b>	Any District employee who <b>suspects or</b> receives notice that a student <b>or group of students</b> has or may have experienced bullying shall immediately notify the <del>campus</del> principal or designee.
<b>A REPORT FORMAT INVESTIGATION OF REPORT MAY BE</b>	<del>If a report is</del> made orally or in writing. <b>The</b> <del>the campus</del> principal or designee shall reduce <b>any oral reports</b> <del>the report</del> to written form.
<b>PROHIBITED CONDUCT</b>	The <del>campus</del> principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, <b>including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability.</b> <b>If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct and if so proceed under that policy instead.</b>
<b>INVESTIGATION OF REPORT</b>	The <del>campus</del> principal or designee shall conduct an appropriate investigation based on the allegations in the report. The <del>campus</del> principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>CONCLUDING THE INVESTIGATION</b>	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the <b>initial report alleging bullying</b> ; however, the <del>campus</del> principal or designee shall take additional time if necessary to complete a thorough investigation.  The <del>campus</del> principal or designee shall prepare a <b>final</b> , written report of the investigation. <b>The report shall include</b> <del>including</del> a determination of whether bullying occurred, and <b>if so, whether the</b>

	<p>victim used reasonable self-defense. <del>Send</del> a copy of the report shall be sent to the Superintendent or designee.</p>
NOTICE TO PARENTS	<p>If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.</p>
DISTRICT ACTION BULLYING	<p>If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take <del>or</del> corrective action reasonably calculated to address the conduct. <del>in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]</del></p>
DISCIPLINE	<p>A student who is a victim of bullying and who used reasonable self-defense in response to <del>The District may take action based on</del> the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to <del>results of an investigation, even if</del> the Student Code of Conduct.</p>
CORRECTIVE ACTION	<p>Examples of corrective action may include a training program for <del>District concludes that</del> the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.</p>
TRANSFERS	<p>The principal or designee shall refer to FDB for transfer provisions.</p>
COUNSELING	<p>The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.</p>
IMPROPER CONDUCT	<p>If the investigation reveals improper conduct that <del>did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action</del> <del>bullying under this policy.</del></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</p>

United ISD  
240903

STUDENT WELFARE  
FREEDOM FROM BULLYING

FFI  
(LOCAL)

	witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
APPEAL	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
RECORDS RETENTION	Retention of records shall be in accordance with CPC(LOCAL).
ACCESS TO POLICY AND PROCEDURES	<del>This information regarding this policy and any accompanying procedures shall be distributed annually to District employees and included in the employee and student handbooks. handbook.</del> Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices. †

DATE ISSUED: 2/22/2012~~7/16/2008~~  
UPDATE 9383  
FFI(LOCAL)-A

ADOPTED:

4 of 4

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(EXHIBIT)

The following are felony offenses listed in Title 5 of the Penal Code, Offenses Against the Person.

Section 19.02: Murder

Section 19.03: Capital Murder

Section 19.04: Manslaughter

Section 19.05: Criminally Negligent Homicide

Section 20.02: Unlawful Restraint (if [1] the person restrained was younger than 17 years of age, [2] the actor recklessly exposes the victim to a substantial risk of serious bodily injury, [3] he actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty, or [4] the actor while in custody restrains any other person)

Section 20.03: Kidnapping

Section 20.04: Aggravated Kidnapping

Section 20.05: Unlawful Transport

Section 20A.02: Smuggling of Persons

Section 21.02: Continuous Sexual Abuse of Young Child or Children

Section 21.11: Indecency with a Child

Section 21.12: Improper Relationship between Educator and Student

Section 21.15: Improper Photography or Visual Recording

Section 22.01: Assault (if the actor intentionally, knowingly, or recklessly causes bodily injury to [1] a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; [2] a person the actor knows is a security officer [see Occupations Code 1702.002, 1702.221] while the person is performing a duty as a security officer; [3] a person the actor knows is emergency services personnel while the person is providing emergency services; [4] a person who contracts with the government to perform a service at a correctional facility [see Penal Code 1.07(a)(14)] or a secure correctional or detention facility for juveniles [see Family Code 51.102(13), (14)]; and [5] under certain circumstances, a family member)

Section 22.011: Sexual Assault

Section 22.02: Aggravated Assault

Section 22.021: Aggravated Sexual Assault

Section 22.04: Injury to a Child, Elderly Individual, or Disabled Individual

Section 22.041: Abandoning or Endangering a Child

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STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(EXHIBIT)

Section 22.05: Deadly Conduct (if the person knowingly discharges a firearm at or in the direction of one or more individuals or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied)

Section 22.07: Terroristic Threat (if the actor threatens to commit any offense involving violence to any person or property with intent to: [1] prevent or interrupt the occupation or use of a building, room, place, or conveyance if the prevention or interruption causes pecuniary loss to the owner of \$1,500 or more; [2] cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; [3] place the public or a substantial group of the public in fear of serious bodily injury; or [4] influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision)

Section 22.08: Aiding Suicide (if the conduct causes suicide or attempted suicide that results in serious bodily injury)

Section 22.09: Tampering with Consumer Product

Section 22.11: Harassment by Persons in Certain Correctional Facilities or of Public Servant