

Notice of Regular Business Meeting
The Board of Trustees
Fort Bend Independent School District

Monday, April 19, 2021

Notice is hereby given that a Board of Trustees Regular Business Meeting will be held on Monday, April 19, 2021, beginning at 6:00 PM in the Board Room of the Administration Building, 16431 Lexington Blvd., Sugar Land, TX 77479. Members of the public may view the live stream of the meeting at following address: <https://www.fortbendisd.com/March29LIVESTREAM>. Members of the public may also register to address the Board at the following address:

<https://www.fortbendisd.com/cms/lib/TX01917858/Centricity/Domain/83/New%20Regular%20Business%20Address%20Form%201-12-21.pdf>. Requests to address the Board must be submitted no later than 4:30 p.m. on the day of the meeting. It is the Board of Trustees' intent that a quorum of the Board of Trustees will be physically present at this location, although one or more Trustees may participate via video conference. The agenda packet for the meeting can be found here: <https://meetings.boardbook.org/Public/Organization/649>.

1. Call to order at 6:00 PM with announcement by the chair as to the presence of a quorum, that the meeting has been duly called and that notice of the meeting has been posted for the time and manner required by law
2. Information
 - A. Board Governance
 1. 2021-22 Strategic and Budgetary Update 4
3. Convene in closed session under Texas Open Meetings Act, Texas Government Code, Chapter 551 under the following sections: 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law; Section 551.072 - Consider purchase, exchange, lease, or value of real property, Section 551.074 - Personnel matters, Section 551.076 - Security matters, Section 551.082 - Student discipline matter or complaint, or Section 551.0821 - Personally identifiable information about public school student
4. Reconvene in Open Session
5. Consider Action on Closed Session Items
6. Review
 - A. Board Governance
 1. Review Revisions to Local Board Policies 5
 - a. CPC (Local): Office Management: Records Management 7
 - b. FNG (Local): Student Rights and Responsibilities: Student and Parent Complaints/Grievances 11
 - c. GF (Local): Public Complaints 27
 - d. GKA (Local): Community Relations: Conduct on School Premises 39
 2. Review Board's Commitment to Participate in Lone Star Governance Training as a Requirement of the School Action Fund Grant Award 41
 3. Review Revised Expenditure Authorization and Ratification of Expenditures Incurred during the February 2021 Winter Storm 44
 4. Review Previous Meeting Minutes 45
 - a. March 3, 2021: Special Called Meeting: Superintendent Search Firm Presentations
 - b. March 8, 2021: Special Called Meeting: Board Team Building
 - c. March 22, 2021: Called Meeting and Agenda Review
 - d. March 24, 2021: Special Called Meeting: Public Hearing on Mental Health Services

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| e. March 29, 2021: Regular Business Meeting | |
| f. March 31, 2021: Special Called Meeting: Planning with Superintendent Search Firm | |
| B. Board Goal 1: Fort Bend ISD will provide an equitable learning environment that provides all students access to the FBISD curriculum | |
| 1. Review Waiver for 40 Percent Campus Hybrid Instruction for Ninth through Twelfth Grade Students During District-Scheduled Testing Days | 46 |
| C. Scalable Systems | |
| 1. Review 2021-22 Fort Bend ISD Designated Hazardous Traffic Conditions List and Review Adoption of the Designated Hazardous Traffic Conditions Resolution | 49 |
| 2. Review Revised Project Budget for the Replacement of the Pool Filtration System at the Don Cook Natatorium and Review Utilization of Bond 2018 Program Contingency Funds | 56 |
| 3. Review Revised Project Budget for the Water Heaters/Boiler Package, Review Professional Services Agreement with Infrastructure Associates, Inc., and Review Utilization of 2018 Bond Program Contingency Funds | 59 |
| 4. Review Construction Services Agreement with Drymalla Construction Company for the Construction of New Elementary School 53 | 64 |
| 5. Review Purchases Exceeding \$50,000. Specifically for: | 69 |
| a. Review Purchase of Milk and Juice for the Child Nutrition Department from Oak Farms Dairy | 70 |
| b. Review Purchase of Clinic Supplies, Equipment, and Related Items | 75 |
| c. Review Purchase of Turnitin Software, Products, and Services | 79 |
| d. Review Purchase of Feedback and Customer Service Solutions with K12 Insight Technology and Communications Services | 81 |
| e. Review Purchase of Police-Worn Body Cameras and Related Items and Service | 83 |
| f. Review Purchase of Moving Services | 85 |
| D. 2018 Bond Program | |
| 1. Review Transfer of Funds within the 2018 Bond Budget for Information Technology Projects | 87 |
| 2. Review Using the 2018 Bond Program Contingency as Proposed | 89 |
| 7. Audience Responses to Agenda Items Posted for this Meeting | |
| 8. Action | |
| A. Board Governance | |
| 1. Consider Approval of Setting the Date, Time, and Place to Conduct a Public Budget Hearing for the Proposed 2021-22 School District Budget and Tax Rates on May 10, 2021 | 91 |
| 2. Consider Approval of the Proposed 2021 Maintenance and Operations Tax Rate | 92 |
| 3. Consider Approval of the Proposed 2021 Debt Service Tax Rate | 94 |
| 9. Adjournment | |

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC (LEGAL)]

The following Fort Bend ISD Goals may be referenced in agenda items included in this document:

Goal 1: Fort Bend ISD will provide an equitable learning environment that provides all students access to the FBISD curriculum.

Goal 2: Fort Bend ISD will ensure students own and are responsible for their learning, behavior, and progress through the FBISD curriculum.

- Goal 3: Fort Bend ISD will provide an inclusive, collaborative, and fluid learning environment with opportunities for both risk-taking and success.
- Goal 4: Fort Bend ISD will develop students' social-emotional, academic, literacy, language, and life skills in a robust Collaborative Community at every school.
- Goal 5: Fort Bend ISD will develop an organizational culture that embraces care, respect, safety, and inclusion.

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
**Action: Information: Strategic and
Budgetary Update**
**References: Board Policy CE (Legal)
Board Governance**
Department: Executive Leadership Team

Summary

Staff will provide an update on planning and budget development efforts for 2021-22, as well as information about how bills under consideration during the 87th Legislative Session may affect the District. Budget development activities are ongoing as staff works to allocate resources to best support the goals and priorities of the District.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Bryan Guinn
Chief Financial Officer

Luis Osorio
Director of Budget

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Revision to Policies CPC (Local), FNG (Local), GF (Local), and GKA (Local)
References: Board Policy: Local policies CPC, FNG, GF, and GKA
Department: Chief of Staff and Collaborative Communities

Recommendation

Consideration and possible approval of proposed revisions to policies CPC (Local), FNG (Local), GF (Local), and GKA (Local).

Summary

CPC (Local): Office Management: Records Management

The Administration is recommending revision of this policy to:

- Add sections with corresponding content to articulate the following: records management officer, notification, security of records, records control schedules and training.
- Create a separate section for procedures thereby having procedures apply to the entire policy.

The following policies have received minor revisions to ensure the District remains in compliance as a result of the Legislative Policy Update from the 86th Legislative Session. These policies have not gone through our Board Policy Committee to allow the Committee to focus their time on policies that are Board priorities.

FNG (Local): Student Rights and Responsibilities: Student and Parent Complaints/Grievances

The Administration is recommending revision of this policy to:

- Insert the word “calendar” to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the Board within 90 “calendar” days. This is an exception to how other timelines are calculated in the policy, which are based on “business” days in accordance with how days are defined.

GF (Local): Public Complaints

The Administration is recommending revision of this policy to:

- Insert the word “calendar” to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the Board within 90 “calendar” days. This is an exception to how other timelines are calculated in the policy, which are based on “business” days in accordance with how days are defined.

GKA (Local): Community Relations: Conduct on School Premises

The Administration is recommending revision of this policy to:

- Insert the word “calendar” to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 “calendar” days. This is an exception to how other timelines are calculated in the policy, which are based on “business” days in accordance with how days are defined.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Anthony Indelicato
Chief of Staff and Collaborative Communities

OFFICE MANAGEMENT
RECORDS MANAGEMENT

CPC
(LOCAL)

PHILOSOPHY

The Board believes District records should be efficiently maintained to ensure continuity, transparency, compliance with law, and maintenance of the public trust.

LOCAL GOVERNMENT
RECORDS ACT AND
ASSOCIATED CODES

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act- [\[CPC\(LE-GAL\)\]](#).

The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:

- Records Administrator, as prescribed by Local Government Code 176.001 and 176.007 [See BBFA and CHE]
- Officer for Public Information, as prescribed by Government Code 552.201–.205 [See GBAA]
- Public Information Coordinator, as prescribed by Government Code 552.012 [See BBD]

RECORDS
MANAGEMENT
OFFICER

The General Counsel shall serve as and perform the duties of the District’s records management officer as prescribed by Local Government Code 203.023, and shall administer the District’s records management program pertaining to local government records in compliance with the Local Government Records Act. [\[CQ \(LOCAL\)\]](#).

NOTIFICATION

The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

RECORDS
CONTROL
SCHEDULES

The records management officer shall file with the TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

[SECURITY OF
RECORDS](#)

[The District shall secure all records and limit access to personnel identified in administrative procedures. Records identified as public information shall be made available as required by law. \[See GB \(LEGAL\)\]. All records maintained by the District in electronic format shall conform to the requirements of the District’s cybersecurity plan. \[See CQB \(LOCAL\)\].](#)

WEBSITE POSTINGS

The District’s records management program shall address the length of time records will be posted on the District’s website when the law does not specify a posting period.

RECORDS
DESTRUCTION
PRACTICES

All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited.

OFFICE MANAGEMENT
RECORDS MANAGEMENT

CPC
(LOCAL)

The District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

TRAINING

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

PROCEDURES

The Superintendent shall establish administrative procedures that supports and align with the District's records management program.

OFFICE MANAGEMENT
RECORDS MANAGEMENT

CPC
(LOCAL)

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| PHILOSOPHY | The Board believes District records should be efficiently maintained to ensure continuity, transparency, compliance with law, and maintenance of the public trust. |
| LOCAL GOVERNMENT RECORDS ACT AND ASSOCIATED CODES | <p>The term “local government record” shall pertain to all items identified as such by the Local Government Records Act [CPC(LEGAL)].</p> <p>The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:</p> <ul style="list-style-type: none">• Records Administrator, as prescribed by Local Government Code 176.001 and 176.007 [See BBFA and CHE]• Officer for Public Information, as prescribed by Government Code 552.201–.205 [See GBAA]• Public Information Coordinator, as prescribed by Government Code 552.012 [See BBD] |
| RECORDS MANAGEMENT OFFICER | The General Counsel shall serve as and perform the duties of the District’s records management officer as prescribed by Local Government Code 203.023, and shall administer the District’s records management program pertaining to local government records in compliance with the Local Government Records Act. [CQ (LOCAL)]. |
| NOTIFICATION | The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position. |
| RECORDS CONTROL SCHEDULES | The records management officer shall file with the TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law. |
| SECURITY OF RECORDS | The District shall secure all records and limit access to personnel identified in administrative procedures. Records identified as public information shall be made available as required by law. [See GB (LEGAL)]. All records maintained by the District in electronic format shall conform to the requirements of the District’s cybersecurity plan. [See CQB (LOCAL)]. |
| WEBSITE POSTINGS | The District’s records management program shall address the length of time records will be posted on the District’s website when the law does not specify a posting period. |
| RECORDS DESTRUCTION PRACTICES | All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited. The District shall follow its records control schedules, records man- |

OFFICE MANAGEMENT
RECORDS MANAGEMENT

CPC
(LOCAL)

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The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

PROCEDURES

The Superintendent shall establish administrative procedures that support and align with the District's records management program.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Philosophy

The Board believes student success is best achieved in a well-functioning, positive, nurturing, and collaborative community. Therefore, the District shall provide an equitable process for addressing student and parent complaints that values students and parents, fosters positive resolution, and preserves relationships.

Guiding Principles

The Board encourages students and parents to discuss their concerns with the appropriate teacher, 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.

Direct
Communication with
Board Members

Students and parents may communicate with a member of the Board regarding District operations except when the communication would be inappropriate because of a pending grievance related to the student or parent. If a student or parent communicates with a Board member regarding an issue that is the subject of a pending grievance the Board member may be precluded from participating in any decision if the matter is presented to the Board.

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, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), or Section 504 (disability), shall be submitted in accordance with FFH.
2. Complaints concerning harassment or 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.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

7. Complaints concerning restrictions during placements and expulsions shall be submitted in accordance with FOD and the Student Code of Conduct.
8. Complaints concerning selection for or exit from the gifted and talented program shall be submitted in accordance with EHBB.
9. 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.
10. 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.
11. Complaints concerning instructional materials shall be submitted in accordance with EF.
12. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
13. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
14. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

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

**Notice to Students
and Parents**

The District shall inform students and parents of this policy through the parent-student handbook, which is located on the District's website.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form. [See FNG (Exhibit)]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

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

The District prohibits unlawful retaliation against any student or parent for asserting a complaint under this policy.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the Department of Student Affairs (DSA) by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the DSA no more than three days after the deadline.

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 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.

Days

“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

Representative

“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

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| | <p>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> |
| 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.</p> <p>When two or more complaints are sufficiently similar to permit their resolution through one proceeding, the District, at its discretion, 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. The complaint form must be completed in its entirety to be considered. Incomplete forms shall be returned to the complainant.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents at the time the complaint is filed, copies may be presented at the Level One conference. After the Level One conference, no new documents or other evidence may be submitted by the student or parent unless the student or parent did not know the documents or other evidence existed before the Level One conference.</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> |
| Level One | <p>Complaint forms must be filed with the DSA within ten 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.</p> |

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

A DSA employee shall note the date and time the complaint form was received and immediately forward the complaint form to the administrator who will hear the complaint at Level One. 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.

The Level One administrator shall investigate as necessary and schedule, at a mutually agreeable date, a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference. For complaints alleging prohibited conduct, as defined in policy FFH(LOCAL), the Level One administrator, may, at his or her discretion, allow the parent or student to present a reasonable number of witnesses in support of the complaint.

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

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 file an appeal of the Level One decision.

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, a DSA employee 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 with the original complaint form or during the Level One conference.
3. The written response issued at Level One and any attachments.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

4. All other documents referenced in the written response when reaching the Level One decision.
5. The transcript of the Level One conference, if any.

The Level Two administrator shall schedule, at a mutually agreeable date, a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference and shall make an audio recording of the conference.

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

The Level Two conference shall be recorded. Recordings 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, or at the Board's discretion, to a designated hearing officer who shall, in turn, make a written recommendation to the Board. [See If Hearing Officer Hears the Appeal, below]

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

If Board Hears the Appeal

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.

The Superintendent or designee shall provide the Board the record of the Level Two appeal at least five days prior to the Level Three hearing. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

3. Transcript of the recording from the Level Two conference.
4. The written response issued at Level Two and any attachments.
5. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration, parent, or student intends to rely on evidence not included in the Level Two record, the administration or grievant shall provide the administration, parent, or student the evidence at least three days before the hearing.

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

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

In addition to any other record of the Board meeting required by law, 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 representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It 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 a response by the Board upholds the administrative decision at Level Two.

If Hearing Officer
Hears the Appeal

If the Board designates a hearing officer to hear the Level Three appeal, he or she shall follow the Level Three procedures and timelines described above and at the end of the process shall prepare a written recommendation for the Board's consideration. A copy of the hearing officer's recommendation shall be provided to the student or parent and to the administration.

Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Hearing officers may also be impartial persons retained by the Board and not employed by the District.

Board's Review The Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The student or parent and the administration shall be given an opportunity at the meeting to respond to the hearing officer's recommendation either orally or in writing, at the Board's election.

Board's Decision The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Philosophy

The Board believes student success is best achieved in a well-functioning, positive, nurturing, and collaborative community. Therefore, the District shall provide an equitable process for addressing student and parent complaints that values students and parents, fosters positive resolution, and preserves relationships.

Guiding Principles

The Board encourages students and parents to discuss their concerns with the appropriate teacher, 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.

Direct
Communication with
Board Members

Students and parents may communicate with a member of the Board regarding District operations except when the communication would be inappropriate because of a pending grievance related to the student or parent. If a student or parent communicates with a Board member regarding an issue that is the subject of a pending grievance the Board member may be precluded from participating in any decision if the matter is presented to the Board.

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, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), or Section 504 (disability), shall be submitted in accordance with FFH.
2. Complaints concerning harassment or 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.

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7. Complaints concerning restrictions during placements and expulsions shall be submitted in accordance with FOD and the Student Code of Conduct.
8. Complaints concerning selection for or exit from the gifted and talented program shall be submitted in accordance with EHBB.
9. 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.
10. 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.
11. Complaints concerning instructional materials shall be submitted in accordance with EF.
12. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
13. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
14. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

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

**Notice to Students
and Parents**

The District shall inform students and parents of this policy through the parent-student handbook, which is located on the District's website.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form. [See FNG (Exhibit)]

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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

The District prohibits unlawful retaliation against any student or parent for asserting a complaint under this policy.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the Department of Student Affairs (DSA) by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the DSA no more than three days after the deadline.

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 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.

Days

“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

Representative

“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the

STUDENT RIGHTS AND RESPONSIBILITIES
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| | District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process. |
| Consolidating Complaints | Complaints arising out of an event or a series of related events shall be addressed in one complaint. 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. When two or more complaints are sufficiently similar to permit their resolution through one proceeding, the District, at its discretion, may consolidate the complaints. |
| Untimely Filings | All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the 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. |
| Costs Incurred | Each party shall pay its own costs incurred in the course of the complaint. |
| Complaint and Appeal Forms | Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. The complaint form must be completed in its entirety to be considered. Incomplete forms shall be returned to the complainant. Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents at the time the complaint is filed, copies may be presented at the Level One conference. After the Level One conference, no new documents or other evidence may be submitted by the student or parent unless the student or parent did not know the documents or other evidence existed before the Level One conference. 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. |
| Level One | Complaint forms must be filed with the DSA within ten 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. |

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A DSA employee shall note the date and time the complaint form was received and immediately forward the complaint form to the administrator who will hear the complaint at Level One. 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.

The Level One administrator shall investigate as necessary and schedule, at a mutually agreeable date, a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference. For complaints alleging prohibited conduct, as defined in policy FFH(LOCAL), the Level One administrator, may, at his or her discretion, allow the parent or student to present a reasonable number of witnesses in support of the complaint.

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

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 file an appeal of the Level One decision.

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, a DSA employee 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 with the original complaint form or during the Level One conference.
3. The written response issued at Level One and any attachments.

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4. All other documents referenced in the written response when reaching the Level One decision.
5. The transcript of the Level One conference, if any.

The Level Two administrator shall schedule, at a mutually agreeable date, a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference and shall make an audio recording of the conference.

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

The Level Two conference shall be recorded. Recordings 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, or at the Board's discretion, to a designated hearing officer who shall, in turn, make a written recommendation to the Board. [See If Hearing Officer Hears the Appeal, below]

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

If Board Hears the Appeal

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.

The Superintendent or designee shall provide the Board the record of the Level Two appeal at least five days prior to the Level Three hearing. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.

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3. Transcript of the recording from the Level Two conference.
4. The written response issued at Level Two and any attachments.
5. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration, parent, or student intends to rely on evidence not included in the Level Two record, the administration or grievant shall provide the administration, parent, or student the evidence at least three days before the hearing.

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

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

In addition to any other record of the Board meeting required by law, 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 representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It 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 a response by the Board upholds the administrative decision at Level Two.

If Hearing Officer
Hears the Appeal

If the Board designates a hearing officer to hear the Level Three appeal, he or she shall follow the Level Three procedures and timelines described above and at the end of the process shall prepare a written recommendation for the Board's consideration. A copy of the hearing officer's recommendation shall be provided to the student or parent and to the administration.

Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process.

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Hearing officers may also be impartial persons retained by the Board and not employed by the District.

Board's Review The Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The student or parent and the administration shall be given an opportunity at the meeting to respond to the hearing officer's recommendation either orally or in writing, at the Board's election.

Board's Decision The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

Philosophy

The Board believes student success is best achieved in a well-functioning, positive, nurturing, and collaborative community. Therefore, the District shall provide an equitable process for addressing community complaints that values individuals, fosters positive resolution, and preserves relationships.

Guiding Principles

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

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent. [See GF(EXHIBIT)]

Complaints

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

Other Complaint
Processes

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

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

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. The complainant shall be provided an opportunity 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)]

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

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

Freedom from Retaliation

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

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

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

Response

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual 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.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual 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.

When two or more complaints are sufficiently similar to permit their resolution through one proceeding, the District, at its discretion, may consolidate the complaints.

Timely Filings

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

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

Costs Incurred

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

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. [See GF(EXHIBIT)]

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

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.

Level One

Complaint forms must be filed with the Department of Student Affairs (DSA) within ten days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

A DSA employee shall note the date and time the complaint form was received and immediately forward the complaint form to the administrator who will hear the complaint at Level One. 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.

The Level One administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The Level One administrator may set reasonable time limits for the conference and may make an audio recording of the conference.

Absent extenuating circumstances, the Level One administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level One administrator may consider information provided at the Level One conference and any other relevant documents or information the Level One administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may file an appeal of the Level One decision.

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, a DSA employee shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual 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 individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.
5. The transcript of the Level One conference, if any.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

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

The Level Two conference shall be recorded. Recordings shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board, or, at the Board's discretion, to a designated hearing officer who shall, in turn, make a written recommendation for disposition to the Board. [See If Hearing Officer Hears the Appeal, below]

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

If Board Hears the Appeal

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal at least five days prior to the Level Three hearing. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Transcript of the Level Two conference.
4. The written response issued at Level Two and any attachments.
5. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

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

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

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal

and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

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

The Board shall then consider the complaint. It 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 a response by the Board upholds the administrative decision at Level Two.

If Hearing Officer
Hears the Appeal

If the Board designates a hearing officer to hear the Level Three appeal, he or she shall follow the Level Three procedures and timelines described above and at the end of the process shall prepare a written recommendation for the Board's consideration. A copy of the hearing officer's recommendation shall be provided to the complainant and to the administration.

Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process. Hearing officers may also be impartial persons retained by the Board and not employed by the District.

Board's Review

The Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The complainant and the administration shall be given an opportunity at the meeting to respond to the hearing officer's recommendation either orally or in writing, at the Board's election.

Board's Decision

The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

Philosophy

The Board believes student success is best achieved in a well-functioning, positive, nurturing, and collaborative community. Therefore, the District shall provide an equitable process for addressing community complaints that values individuals, fosters positive resolution, and preserves relationships.

Guiding Principles

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

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent. [See GF(EXHIBIT)]

Complaints

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

Other Complaint Processes

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

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

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. The complainant shall be provided an opportunity 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)]

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

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

Freedom from Retaliation

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

General Provisions

Filing

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Scheduling Conferences

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

Response

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual 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.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual 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.

When two or more complaints are sufficiently similar to permit their resolution through one proceeding, the District, at its discretion, may consolidate the complaints.

Timely Filings

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

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

Costs Incurred

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

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. [See GF(EXHIBIT)]

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

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.

Level One

Complaint forms must be filed with the Department of Student Affairs (DSA) within ten days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

A DSA employee shall note the date and time the complaint form was received and immediately forward the complaint form to the administrator who will hear the complaint at Level One. 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.

The Level One administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The Level One administrator may set reasonable time limits for the conference and may make an audio recording of the conference.

Absent extenuating circumstances, the Level One administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level One administrator may consider information provided at the Level One conference and any other relevant documents or information the Level One administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may file an appeal of the Level One decision.

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, a DSA employee shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual 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 individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.
5. The transcript of the Level One conference, if any.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

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

The Level Two conference shall be recorded. Recordings shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board, or, at the Board's discretion, to a designated hearing officer who shall, in turn, make a written recommendation for disposition to the Board. [See If Hearing Officer Hears the Appeal, below]

The appeal notice must be filed in writing to the DSA, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

If Board Hears the Appeal

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal at least five days prior to the Level Three hearing. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Transcript of the Level Two conference.
4. The written response issued at Level Two and any attachments.
5. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

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

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

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal

and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

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

The Board shall then consider the complaint. It 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 a response by the Board upholds the administrative decision at Level Two.

If Hearing Officer
Hears the Appeal

If the Board designates a hearing officer to hear the Level Three appeal, he or she shall follow the Level Three procedures and timelines described above and at the end of the process shall prepare a written recommendation for the Board's consideration. A copy of the hearing officer's recommendation shall be provided to the complainant and to the administration.

Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process. Hearing officers may also be impartial persons retained by the Board and not employed by the District.

Board's Review

The Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The complainant and the administration shall be given an opportunity at the meeting to respond to the hearing officer's recommendation either orally or in writing, at the Board's election.

Board's Decision

The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

Philosophy

The Board believes community collaboration should occur within a safe learning and working environment. To that end, visitors to District facilities are expected to abide by the laws, policies, and administrative procedures that govern the operation of a public school district

Access to District Property

Authorized District officials, including District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

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

Exceptions

No violation of this policy occurs when:

1. A valid Texas License to Carry permit holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Philosophy

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2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
**Action: Review: Lone Star Governance
Training and Letter of
Commitment for the Board of
Trustees**
References: Board Governance
Department: Chief of Schools

Recommendation

Consideration and possible approval of commitment for the Board of Trustees to complete Lone Star Governance (LSG) training by December 31, 2021, and authorization for the Board President to execute a Letter of Commitment for submission to the Texas Education Agency (TEA) as part of the School Action Fund (SAF) Grant application.

Summary

The Hunters Glen Early Literacy Center (HG ELC) received the SAF Grant, a TEA grant, for the 2019-20 school year. The funding supported the planning phase of the HG ELC that was scheduled to open in August 2020 but postponed to August 2021 due to the COVID-19 Pandemic. TEA has granted an extension of the grant timeline that permitted the continued utilization of grant funds in preparation for the school's opening.

FBISD is in the process of applying for the SAF Continuation Grant. If approved, continuation funds will support the implementation phase of the HG ELC, including instruction and programming. The application for the SAF Continuation Grant requires that all trustees participate in a two-day TEA LSG training for the school district to be eligible for the award. Participation in the training must occur by December 31, 2021.

Award and Timeline

During the planning phase, the HG ELC was awarded \$300,000. The award amount for the implementation phase is projected to be \$600,000; however, this amount could increase based on Fidelity of Implementation Tracker (FIT) scores. The Board's participation in the LSG training is one of the metrics on the FIT that could lead to an increase in the grant award.

The SAF Continuation Grant application is due to TEA on May 4, 2021, and the grant period is August 2021 to July 2022. FBISD was previously awarded an SFA Grant that was used for the opening and first two years of operation of the Ridgemont ELC. For previous SAF grant applications, the District was awarded points in the scoring rubric if the Board completed the LSG training, but the training was not required. That training is now a requirement for eligibility.

Training Options and Commitment

LSG training is typically offered in Austin; however, the FBISD Board of Trustees may select between two different options through the Region 4 Education Service Center.

- **Option 1:** Schedule a two-day session from 9:00 am to 6:00 pm for FBISD Trustees held at one of the district's facilities. LSG requires the invitation of FBISD community members as the audience and publication of the training as a Board Workshop.
- **Option 2:** Join a pre-planned two-day session from 9:00 am to 6:00 pm with another district at Region 4 scheduled on a tentative date in July.

Due to the COVID-19 Pandemic, the TEA has provided additional flexibility with the timeline for completion of the LSG training. Training options require extensive planning and would not be able to take place before the May 4, 2021, application deadline. Therefore, TEA will allow FBISD to submit a Letter of Commitment from the Board of Trustees to complete the LSG training by December 31, 2021, in fulfillment of the SAF Continuation Grant application requirements. A draft Letter of Commitment is attached.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Joe Rodriguez
Chief of Schools

Draft Letter of Commitment

[Date]

Texas Education Agency
Division of System Support and Innovation
1701 N. Congress Ave.
Austin, TX 78701

To Whom It May Concern:

The Fort Bend ISD Board of Trustees understands that Lone Star Governance (LSG) training is required for all Board Members by the Texas Education Agency (TEA) School Action Fund (SAF) Grant for Hunters Glen Elementary (SAF Cycle 3).

Due to COVID-19 and the requirement for the LSG training to be taken in person, we will be unable to complete the training by the end of the initial planning grant period of April 2021. The Board of Trustees commits to participating in this training by December 31, 2021, or when it is deemed safe to travel and attend this training in person. Should COVID-19 travel restrictions/recommendations extend beyond December 31, 2021, the Board of Trustees will identify and recommit to a new date to attend the training in 2022. The Board of Trustees is open and willing to complete the training requirements virtually should there be a change to the required format of the training.

We appreciate your flexibility and understanding in this matter and look forward to participating in the LSG training.

Sincerely,

[Board of Trustees President Name]
[Email Address]
[Phone Number]

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Winter Storm Ratification
References: Board Policy CH (Legal)
Scalable Systems
Department: Finance/Operations

Recommendation

Consideration and possible approval of the ratification of expenditures required during the recent severe winter storm event. Required expenditures resulted in purchases exceeding previously approved expenditure authorizations but were necessary to provide timely responses to emergency situations District-wide.

Summary

Beginning February 11, 2021, through February 21, 2021, Texas experienced a severe winter storm that resulted in FEMA issuing a disaster declaration on February 14, 2021. As a result of the storm, the District endured power outages District-wide and sustained damages due to frigid temperatures (i.e. burst pipes, flooding of buildings, and loss of supplies and equipment). To provide timely emergency response, staff relied on previously approved contracts to repair and remediate damage to District facilities.

Emergency repairs consumed, and in some cases exceeded available, approved expenditure authorizations for some contracts. Staff is finalizing the analysis and preparing documentation for presentation to the Board at the April 26, 2021, Regular Board Meeting. At that time, we will seek approval of revised expenditure authorization and ratification of expenditures above the threshold originally approved.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Bryan Guinn
Chief Financial Officer

Brenda Essenburg
Executive Director, Business Services

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Minutes of Previous Meetings
Reference: Board Policy BE (Local)
Department: Office of the Superintendent

Recommendation

Consideration and possible approval of minutes of the following Fort Bend ISD Board of Trustee meetings:

- March 3, 2021: Special Called Meeting
- March 8, 2021: Special Called Meeting
- March 22, 2021: Called Meeting and Agenda Review
- March 24, 2021: Public Hearing
- March 29, 2021: Regular Business Meeting
- March 31, 2021: Special Called Meeting

Summary

Board Policy BE (Local) states, “Board action shall be carefully recorded by the Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board.”

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Garrett Rosier
Recording Secretary

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Waiver for 40% Campus Hybrid Instruction for 9th-12th Grade Students
References: Board Policy CE (Legal) District Goal 1
Department: Academic Affairs and Department of School Leadership

Recommendation

Consideration and possible approval of a waiver for 40% campus hybrid instruction during District-scheduled testing days for students in 9th through 12th grade.

Summary

The Administration is requesting a Texas Education Agency (TEA) waiver to enable high school campuses, that may need additional space for testing, to provide asynchronous opportunities for students in 9th through 12th grade who are not scheduled to take an assessment on District-scheduled testing days.

This waiver, similar to the previously approved K-8th grade waiver for hybrid instruction, will assist campuses in creating a testing schedule that accounts for health and safety protocols, particularly social distancing, and help ensure there are enough testing proctors to administer the assessment under the required security procedures. This will reduce the number of students on a campus at any one time and increase the number of remote students that may report to campus to take the assessment. The campus testing plan will be dependent upon the number of students who opt into testing and the number of staff available to administer the assessment on campus. Staff who are not available to administer assessments at the campus will be providing support for asynchronous instruction on assessment days.

FBISD campuses will have an assessment plan that may use all or none of the available waiver days depending upon the number of students on each campus who need to test and the number of staff available to administer the assessments. After assessing results of the parent survey to opt into or out of testing, campuses will submit their testing plans for April and May to the Department of School Leadership (DSL) by the end of March and by the end of April, respectively. DSL will work with campuses to approve their plans and to provide guidance on any adjustments that must be made to accommodate the number of students participating in the assessment. Campuses are strongly encouraged to make use of days available for online testing (must occur in person), as the online testing windows are broader in order to give greater flexibility.

Campuses must also consider that there are several overlapping assessment windows that must be planned for such as the administration of TELPAS and semester examinations for high school courses during the available STAAR and EOC assessment windows.

TEA has provided several options this year to support campuses in administering state assessments, as all students who test will be required to test in person at the campus. For students in 9th through 12th Grade, FBISD may require students who are not scheduled to take an assessment to learn remotely on District-scheduled testing days in order to reduce the number of individuals on a campus at any one time and increase the number of remote students that come on campus to take the assessment. Online students may opt out of testing but are required to come in-person if they opt to test.

The District is encouraging all students to test as this provides a data point associated with student achievement that will assist with making decisions about individual students and their instructional needs. Additionally, students in high school courses tested by End-of-Course (EOC) tests must take the examinations at some point in order to meet their graduation requirements. If an EOC student opts out of testing, it reduces the number of opportunities the student has to meet the graduation requirements and causes the student to be further removed from the completion of instruction before taking the test. The District is strongly encouraging students who need to take EOC tests to test this spring if at all possible; however, it is ultimately the parent's choice.

The Administration is requesting approval of this waiver solely for the purpose of providing the option for remote instruction for non-testers, as necessary to create space and utilize staff appropriately, during the established assessment days. This particular waiver is for students in grades 9-12 and allows school systems to establish a less-than-daily on-campus attendance schedule as the sole offering for students in one or more high school campuses of the LEA in order to reduce the number of individuals on a campus at any one time and increase the total number of students served in an on-campus setting in the LEA. In the event there is not a daily on-campus attendance option in one or more of these grade levels, the LEA must ensure that on-campus attendance is offered as part of the hybrid schedule at least 40% of the days in each grading cycle (typically 6-or 9-weeks periods). All waivers will be conditionally approved upon receipt but may be subject to further review by TEA.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Dr. Joe Rodriguez
Chief of Schools

Beth Martinez
Chief Academic Officer

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
**Action: Review: 2021-22 Designated
Hazardous Traffic Conditions List**
**References: Board Policy CNA (Local)
Scalable Systems**
Department: Operations

Recommendation

Consideration and possible approval of the 2021-22 Fort Bend ISD Designated Hazardous Traffic Conditions List and approval to adopt the Designated Hazardous Traffic Conditions Resolution.

Summary

The Texas Education Code (TEC) 42.155 entitles funding for school districts for the transportation of students who reside two or more miles from a student's campus of regular attendance. Students living within two miles of the school are not eligible for regular transportation unless a hazardous condition exists. The TEC states that, "A hazardous condition exists where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition."

There are no recommended changes to the list for 2021-22, but it is important to note the following:

- Thornton MS and Leonetti ES will continue to have transportation services provided for areas within two miles through the 2021-22 school year. We originally expected to remove the hazardous designations in that area; however, construction and infrastructures on roads, sidewalks, and communities are incomplete in the area at this time.
- No hazardous routes are identified for Lakeview ES because the entire campus has been relocated to Barrington Place ES, and all Lakeview ES students will receive bus service.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Oscar Perez
Chief Operations Officer

RESOLUTION OF THE
FORT BEND INDEPENDENT SCHOOL DISTRICT BOARD
REGARDING HAZARDOUS TRAFFIC CONDITIONS

WHEREAS, Education Code 42.155(d) allows the Board of Trustees of Fort Bend Independent School District to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school;

WHEREAS, the TEA handbook on School Transportation Allotments requires the Board to adopt language providing the definition of hazardous traffic conditions applicable to the District and identifying the specific hazardous areas for which such funding is requested;

WHEREAS, the Board acknowledges the Education Code 42.155(d) provisions stating that a hazardous condition exists where no walkway is provided and students must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition;

NOW, THEREFORE, be it resolved that:

The Board of Trustees of Fort Bend Independent School District has defined hazardous traffic conditions in the same manner as stated in Education Code 42.155(d) and has identified the following specific hazardous areas in which such conditions exist.

ADOPTED THIS 26th DAY OF April, 2021.

FORT BEND INDEPENDENT SCHOOL
DISTRICT

By: _____
Addie Heyliger
President, Board of Trustees

Attest: _____
Grayle James
Secretary, Board of Trustees

DESIGNATED HAZARDOUS TRAFFIC CONDITIONS

Definition of Hazardous Conditions: A hazardous condition exists when no walkway is provided and children must walk along or cross a freeway or expressway, an underpass or bridge, an uncontrolled major traffic artery, an industrial or commercial area or another comparable condition. Construction areas may be considered hazardous on an as-needed basis.

| HIGH SCHOOLS | DESIGNATED HAZARDOUS AREAS |
|-----------------------|---|
| Grades 9 to 12 | (Within two miles of campus) |
| AUSTIN: | Areas within two miles of campus south and east of Old Richmond; and all areas west of FM 1464, and Aliana Development south of West Airport Blvd |
| BUSH: | Areas within two miles of the campus in the Mission Bend North, Mission Bend South, Mission West and Mission Oaks subdivisions, and the area south of Beechnut Street and east of FM 1464 |
| CLEMENTS: | Areas within two miles of the campus north of Hwy 59 in The Lakes/Meadow Lakes subdivisions |
| DULLES: | Areas within two miles of campus north of American Water Canal and along Brand Avenue, north of Avenue E |
| ELKINS: | Areas within two miles of campus except for Stonebrook and Creekstone Village subdivisions |
| HIGHTOWER: | All areas within two miles of campus |
| KEMPNER: | Areas within two miles of campus except Covington Woods, Covington West, Greenbriar, Ragus Lakes, Imperial Woods and Gannoway Lakes subdivisions |
| MARSHALL: | All areas within two miles of campus |
| RIDGE POINT: | No hazardous areas |
| TRAVIS: | Areas within two miles of campus except Harvest Green subdivision |
| WILLOWRIDGE: | Areas within two miles of campus north of Court Road and east of South Post Oak; along and north of Mackinaw; east of Park Manor; north of Westfield and west of Rockwell |

| MIDDLE SCHOOLS | DESIGNATED HAZARDOUS AREAS |
|-----------------------|--|
| Grade 6 to 8 | (Within two miles of campus) |
| BAINES: | Areas within two miles of campus except Bees Creek and Silver Ridge subdivisions |
| BOWIE | No hazardous areas |
| CROCKETT: | Areas within two miles of campus except Bradford Park |
| DULLES: | Areas within two miles of campus north of American Water Canal and along Brand Avenue, north of Avenue E |
| FIRST COLONY: | No hazardous areas |

| | |
|------------------|---|
| FORT SETTLEMENT: | No hazardous areas |
| GARCIA: | Areas within two miles of campus except Pheasant Creek and Summerfield subdivisions, Aliana Development south of West Airport Blvd, and Windsor Estates Development west of FM 1464 and south of West Airport Blvd |
| HODGES BEND: | Areas within two miles of campus west of FM 1464; west of Clodine Reddick; north of Beechnut Street and west of Londres; east of Addicks Clodine. All areas within two miles of campus north of West Bellfort Street and north of Madden Road and east of FM 1464 and west of Hwy 6 |
| LAKE OLYMPIA: | No hazardous areas |
| MCAULIFFE: | Areas within two miles of campus north of Court Road; east of Park Manor; east of Chimney Rock Road |
| MISSOURI CITY: | Areas within two miles of campus north of Hwy 90; east of Texas Pkwy; east of Moore Road; north of Grand Park Drive |
| QUAIL VALLEY: | Areas within two miles of campus north of Cartwright and all areas west of FM 1092 |
| SARTARTIA: | No hazardous areas |
| SUGAR LAND: | No hazardous areas |
| THORNTON: | Areas within two miles of campus for 2021-22 will be eligible for transportation until the infrastructure between the campus and communities is fully developed |

| ELEMENTARY Grades K to 5 | DESIGNATED HAZARDOUS AREAS (Within two miles of campus) |
|---|--|
| ARMSTRONG: | Areas within two miles of campus except Fifth Street area |
| ARIZONA FLEMING: | Areas within two miles of campus east of Hwy 6; west of Gaines Road; along and both sides of Old Richmond Road; Gaines Road north of Castle Gate Drive |
| AUSTIN PARKWAY: | Areas within two miles of campus west of Hwy 6; southeast of University Blvd. |
| BARRINGTON PLACE: | Areas within two miles of campus except Barrington Place, Ashford Lakes I and Ashford Lakes II subdivisions |
| BLUE RIDGE: | Areas within two miles of campus east of South Post Oak Road; south of FM 2234; west of Chimney Rock |
| BRAZOS BEND: | All areas within two miles of campus in the Williams Landing and Thompson Chapel subdivisions, and the New Territory Apartments |
| BRIARGATE: | Areas within two miles of campus in the Briargate Townhomes, Pine Island, and Willow Park subdivisions |
| BURTON: | Areas within two miles of campus east of FM 521; along and off of South Post Oak; along and off of Kansas Street; Davis Street; West Davis Street |
| COLONY BEND: | No hazardous areas |

| | |
|-------------------|--|
| COLONY MEADOWS: | Areas within two miles of campus north of Hwy 59 in The Lakes/Meadow Lakes subdivisions |
| COMMONWEALTH: | No hazardous areas |
| CORNERSTONE: | No hazardous areas |
| RITA DRABEK: | Areas within two miles of campus west of Hwy 6; east of Burney; Woodbridge Landing subdivision |
| DULLES: | Areas within two miles of campus north of American Water Canal and along Brand Avenue, north of Avenue E, and east of Dulles Avenue |
| E.A. JONES: | Areas within two miles of campus north of Hwy 90; east of Texas Pkwy; west of Staffordshire; east of Scanlin |
| EDGAR GLOVER: | Areas within two miles of campus along and east of Staffordshire and north of Independence; along and east of FM 2234 |
| GOODMAN: | Areas within two miles except Teal Run, Estates of Teal Run and Teal Run Meadows subdivisions |
| HERITAGE ROSE: | All areas within two miles of campus |
| HIGHLANDS: | Areas within two miles of campus north & west of Hwy 59; along and off of Cypress Lane |
| HOLLEY: | Areas within two miles of campus except Eaglewood, Boss Gaston, Kingsbridge Meadow, and Kingsbridge Enclave subdivisions |
| HUNTERS GLEN: | No hazardous areas |
| JORDAN: | Areas within two miles of campus south of Beechnut Street |
| LAKEVIEW: | No hazardous areas for the 2021-22 school year due to the reconstruction of the campus and student relocation to the Barrington Place ES campus. All students will be bused. |
| LANTERN LANE: | Areas within two miles of campus along Hawks Road; north of FM 2234 |
| LEONETTI: | Areas within two miles of campus for 2021-22 will be eligible for transportation until the infrastructure between the campus and communities is fully developed |
| LEXINGTON CREEK: | Areas within two miles of the campus in the Riverbend South, Frost Lake, Lakeshore Park at Brightwater and Lakeshore at Brightwater subdivisions |
| MADDEN: | Areas within two miles of campus north of West Belfort Street /Madden Rd and east of FM 1464 and south of West Airport Blvd |
| MALALA YOUSAFZAI: | No hazardous areas |
| MEADOWS: | Areas within two miles of campus south of West Airport Blvd; west of Dairy Ashford |
| MISSION BEND: | No hazardous areas |
| MISSION GLEN: | Areas within two miles of campus east of Addicks Clodine |
| MISSION WEST: | Areas within two miles of campus west of Clodine Reddick |
| NEILL: | No hazardous areas |

| | |
|------------------|--|
| OAKLAND: | Areas within two miles of campus except Waterside Estates |
| OYSTER CREEK: | Areas within two miles of campus except Village of Oak Lake subdivision between Old Richmond and FM 1464 |
| PALMER: | Areas within 2 miles of campus south of Lake Olympia Pkwy in the Parkview Village and Sunrise Bay subdivisions; north of Lake Olympia Pkwy in the Mustang Crossing and Crescent Oak Village subdivisions |
| PARKS: | Areas within two miles of campus north of Trammel-Fresno Road and east of Chimney Rock Road |
| PATTERSON: | Areas within 2 miles of campus south of Beechnut Street |
| PECAN GROVE: | The areas within 2 miles of campus for the last ¼ mile of Timothy Lane, inclusive of Lola Lane and Watkins Street (outside of the Pecan Grove subdivision) |
| QUAIL VALLEY: | Areas within two miles of campus except the Quail Village Town Homes |
| RIDGEGATE: | Areas within two miles of campus along and north of Mackinaw and east of South Post Oak Road; south of Court Road and west of South Post Oak Road |
| RIDGEMONT: | No hazardous areas |
| SCANLAN OAKS: | No hazardous areas |
| SCHIFF: | No hazardous areas |
| SEGUIN: | Areas within two miles of campus south of Beechnut Street and west of Harlem Road |
| SETTLERS WAY: | No hazardous areas |
| SIENNA CROSSING: | Areas within two miles of campus north of Old Woods Passage; north of McKeever |
| SULLIVAN: | Areas within two miles of campus east of LJ Parkway and south of Hagerson Road |
| SUGAR MILL: | No hazardous areas |
| TOWNEWEST: | Areas within two miles of campus north of Old Richmond Rd and west of Sugar Land Howell; east of Belknap; Keegans Wood subdivision; Oak Bend Forest Street |
| WALKER STATION: | No hazardous areas |

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
**Action: Review: Construction Services for
Replacement of Pool Filtration
System at Don Cook Natatorium**
**References: Board Policy CV (Local)
Scalable Systems**
Department: Operations

Recommendation

Consideration and possible approval for a not-to-exceed amount of \$850,000 for the replacement of the pool filtration system at Don Cook Natatorium through existing Mercer Complex and Don Cook Natatorium package (PKG014), approval of the revised total project budget amount of \$12,373,750 and utilization of Bond 2018 Program Contingency funds.

Summary

On December 17, 2018, the BOT approved all project budgets for the 2018 Bond Program.

On November 9, 2020, the BOT approved a Construction Services Agreement with Prime Contractors, Inc., and a new revised project budget for the renovations of the Mercer Complex and Don Cook Natatorium (PKG014). The original BOT-approved PKG014 project budget was \$7,703,750 based on assumptions of replacing existing components on a like-for-like basis; but after meeting with City permitting officials, it was determined that the renovation project for Mercer Stadium and the Fieldhouse needed to meet current codes, and the project budget was amended to \$11,523,750.

Due to recent findings with the pool filtration system, and upon completion of the re-allocation of available funding within the package from various categories, staff requires an additional \$850,000 for the replacement of the pool filtration system, thus requesting project budget increase from \$11,523,750 to \$12,373,750.

The original pool filtration system was installed during the 1998 construction of the Don Cook Natatorium. With a 15-year expected service life, the system captures particulates from recirculated pool water and provides better water quality for the Don Cook Natatorium pools. During the 2017 Facilities Assessment, the pool filtration system was identified as Priority 2, but was not included under the Bond 2018 funded scope.

After several equipment failures and numerous attempts made by FBISD Facilities to repair and replace parts within the filtration system, the FBISD Facilities and Athletics Departments have determined that the system has reached the end of its service life.

During the Design phase of 2018 Bond PKG014, Mercer Complex and Don Cook Natatorium, the Project team utilized a pool consultant to design the new required pool filtration system and included the scope as an Alternate in PKG014 during the bidding phase. However, due to PKG014's budget constraints, the 2018 Bond Project team was not able to include the item for replacement.

With more recent equipment failures having occurred and concerns emphasized by FBISD Athletic Department administrators, the project team seeks Board approval of additional funds to the project budget in the amount of \$850,000 in order to have Prime Contractors, Inc., replace the pool filtration system as designed, while performing all scope construction activities at the Don Cook Natatorium.

Staff requests utilization of \$850,000 from Bond 2018 Program Contingency for the purpose of replacing the pool filtration system at the Don Cook Natatorium.

| CSP Contract | Package Number | Description | Revised Project Budget |
|---------------------|-----------------------|---|-------------------------------|
| CSP20-023KB | PKG014 | Renovations of Mercer Complex and Don Cook Natatorium | \$12,373,750 |

The attached Exhibit 1 provides the revised detailed project budget for PKG014.

Upon Board approval, staff will coordinate with Prime Contractors, Inc., for the replacement of the pool filtration system at the Don Cook Natatorium and will work in partnership with Athletic Department administrators to minimize disruption to facility usage.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Oscar Perez
Chief Operations Officer

Package 14 - Mercer/Don Cook Renovations

EXHIBIT - 1

| | A | B | C | D | E | F | G | H | I | TOTAL |
|-------------------------|---------------------------------|--------------------|-----------------------------|--------------------|--------------------------|------|------------------|-----------------------------|---------------------|---------------------|
| Description | A/E Design Fees & Reimbursables | Design Contingency | Other Professional Services | Construction | Construction Contingency | FF&E | Site Development | Admin & Other Project Costs | Project Contingency | |
| DON COOK NATATORIUM | \$155,208 | \$10,448 | \$29,503 | \$1,222,000 | \$972,200 | | | \$3,000 | \$4,269 | \$2,396,628 |
| MERCER ATHLETIC COMPLEX | \$704,553 | \$68,609 | \$303,946 | \$8,024,500 | \$802,450 | | | \$5,000 | \$68,065 | \$9,977,123 |
| TOTAL: | \$859,761 | \$79,057 | \$333,449 | \$9,246,500 | \$1,774,650 | | | \$8,000 | \$72,334 | \$12,373,750 |

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Water Heaters/Boilers
PKG024
References: Board Policy CV (Local)
Scalable Systems
Department: Operations

Recommendation

Consideration and possible approval of a not-to-exceed amount of \$771,786 to address the identified water heater and boiler deficiencies within package (PKG 024), approval of the total revised project budget of \$4,245,547 for the water heaters and boilers package (PKG024), approval of a Professional Services Agreement with Infrastructure Associates, Inc., utilization of Bond 2018 Contingency funds, and authorization for the Superintendent to negotiate and execute or terminate the contracts.

Summary

On November 6, 2018, FBISD successfully passed the 2018 Bond Program. On December 17, 2018, the BOT approved all project budgets for the 2018 Bond Program.

The original project budget approved by the Board on December 17, 2018 for PKG024 was \$3,473,761. Upon completion of the re-allocation of available funding within the package from various categories, staff requires an additional \$771,786 to address the identified deficiencies and ensure the boilers installed at these campuses meet code and are safe for operation.

After water heaters and boilers package (PKG024) was completed in the summer of 2020, Design & Construction reached out to Infrastructure Associates, Inc., to request assistance with performing a design review and installation assessment of all newly installed boilers due to non-functioning issues within several of the new boiler installations. The assessment report provided by Infrastructure Associates, Inc., identified 14 campuses included in PKG024 as currently having boiler design deficiencies and deferred maintenance needs. The identified campuses are as follows:

- Blue Ridge Elementary School
- Brazos Bend Elementary School
- Colony Bend Elementary School
- Commonwealth Elementary School
- Drabek Elementary School
- Fleming Elementary School
- Oyster Creek Elementary School
- Ridgeway Elementary School
- Ridgemont Elementary School
- Sienna Crossing Elementary School
- Missouri City Middle School
- Quail Valley Middle School
- Marshall High School
- Willowridge High School

Identified systematic deficiencies include inadequate provisions for normal thermal expansion of the heating systems and mismatch between constant speed boiler pumping systems and variable flow heating system equipment. Brown & Root will perform corrective work on these and other miscellaneous deficiencies and deferred maintenance needs within this project scope.

During the December 2018 BOT meeting, the Board approved a Job Order Contracting (JOC) pool of five contractors to provide both bond and non-bond services to the District. Brown & Root were included as one of the selected firms. Brown and Root was hired as the selected JOC to perform installation of all boilers under PKG024 and will continue to provide installation services required to address the identified design deficiencies within this package.

Staff requests utilization of \$771,786 from the Bond 2018 Program Contingency for this purpose. The revised detailed project budget for PKG024 Water Heaters/Boilers is provided on the attached Exhibit1.

| Package Number | Description | Revised Project Budget |
|-----------------------|-----------------------|-------------------------------|
| PKG024 | Water Heaters/Boilers | \$4,245,547 |

Upon Board approval, staff will execute and amend the necessary contracts for water heaters and boilers. If approved by the Board, work is to begin in the summer of 2021 and will not have an impact on student learning.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Oscar Perez
Chief Operations Officer

Project Summary
Package 24 - Water Heaters/Boilers
EXHIBIT - 1

| Description | A A/E Design Fees & Reimbursables | B Design Contingency | C Other Professional Services | D Construction | E Construction Contingency | F FF&E | G Site Development | H Admin & Other Project Costs | I Project Contingency | TOTAL |
|---|---|----------------------------|--|-------------------|----------------------------------|-----------|--------------------------|-------------------------------------|-----------------------------|-----------|
| ADMINISTRATION BUILDING | \$34,860 | \$2,726 | \$3,370 | \$379,908 | \$56,047 | | | \$1,500 | \$0 | \$478,411 |
| AQUATIC PRACTICE FACILITY-NATATORIUM II | \$1,474 | | | \$16,144 | \$126,865 | | | | \$656 | \$145,139 |
| AUSTIN HIGH SCHOOL | \$21,110 | \$1,970 | \$3,450 | \$228,674 | \$2,974 | | | \$1,500 | \$762 | \$260,440 |
| BARRINGTON PLACE ELEMENTARY SCHOOL | \$15,908 | \$1,970 | \$3,450 | \$57,899 | \$22,129 | | | \$1,500 | \$11,242 | \$114,098 |
| BLUE RIDGE ELEMENTARY SCHOOL | \$13,354 | \$1,764 | \$4,653 | \$109,934 | \$13,604 | | | | \$3,745 | \$147,054 |
| BRAZOS BEND ELEMENTARY SCHOOL | \$16,992 | \$2,298 | \$4,653 | \$130,512 | \$7,349 | | | | \$2,807 | \$164,610 |
| BRIARGATE ELEMENTARY SCHOOL | \$769 | | | \$8,228 | \$1,070 | | | | \$0 | \$10,067 |
| COLONY BEND ELEMENTARY SCHOOL | \$8,396 | \$771 | \$2,653 | \$68,248 | \$5,480 | | | | \$1,429 | \$86,976 |
| COLONY MEADOWS ELEMENTARY SCHOOL | \$1,477 | | | \$16,360 | \$3,126 | | | | \$0 | \$20,963 |
| COMMONWEALTH ELEMENTARY SCHOOL | \$16,947 | \$2,291 | \$4,653 | \$130,225 | \$5,926 | | | | \$2,879 | \$162,921 |
| DRABEK ELEMENTARY SCHOOL | \$24,105 | \$3,155 | \$4,653 | \$165,075 | \$25,871 | | | \$1,500 | \$14,417 | \$238,774 |
| DULLES HIGH SCHOOL | \$1,462 | | | \$16,191 | \$2,816 | | | | \$0 | \$20,469 |
| DULLES MIDDLE SCHOOL | \$1,465 | | | \$16,228 | \$3,022 | | | | \$0 | \$20,715 |
| ELKINS HIGH SCHOOL | \$769 | | | \$0 | \$0 | | | | \$0 | \$769 |
| FIRST COLONY MIDDLE SCHOOL | \$6,259 | | \$3,450 | \$68,969 | \$3,937 | | | | \$632 | \$83,247 |
| FLEMING ELEMENTARY SCHOOL | \$21,735 | \$2,255 | \$4,653 | \$201,053 | \$12,129 | | | | \$5,144 | \$246,969 |
| GOODMAN ELEMENTARY SCHOOL | \$8,723 | \$1,080 | \$3,450 | \$78,740 | \$6,011 | | | | \$0 | \$98,004 |
| HERITAGE ROSE ELEMENTARY SCHOOL | \$558 | | | \$6,037 | \$3,684 | | | | \$0 | \$10,279 |
| HIGHTOWER HIGH SCHOOL | \$24,907 | \$2,065 | \$3,450 | \$270,937 | (\$30,433) | | | \$1,500 | \$6,050 | \$278,476 |
| HUNTERS GLEN ELEMENTARY SCHOOL | \$3,830 | | | \$42,801 | (\$42,801) | | | | \$782 | \$4,612 |
| LAKE OLYMPIA MIDDLE SCHOOL | \$31,815 | \$3,939 | \$3,450 | \$0 | \$0 | | | \$1,500 | \$0 | \$40,704 |
| MARSHALL HIGH SCHOOL | \$46,330 | \$5,515 | \$5,856 | \$394,686 | \$13,219 | | | \$1,500 | \$1,677 | \$468,783 |
| MISSION WEST ELEMENTARY SCHOOL | \$3,202 | | | \$35,745 | \$8,479 | | | | \$782 | \$48,208 |
| MISSOURI CITY MIDDLE SCHOOL | \$20,960 | \$2,582 | \$4,653 | \$206,729 | \$9,856 | | | \$1,500 | \$1,580 | \$247,859 |
| OYSTER CREEK ELEMENTARY SCHOOL | \$17,015 | \$2,301 | \$4,653 | \$130,930 | \$6,378 | | | | \$8,748 | \$170,025 |
| QUAIL VALLEY MIDDLE SCHOOL | \$4,182 | \$132 | \$1,203 | \$42,229 | \$36,943 | | | | \$2,680 | \$87,369 |

Project Summary
Package 24 - Water Heaters/Boilers
EXHIBIT - 1

| Description | A | B | C | D | E | F | G | H | I | TOTAL |
|-----------------------------------|------------------------------------|-----------------------|-----------------------------------|--------------------|-----------------------------|------|---------------------|--------------------------------|------------------------|--------------------|
| Description | A/E Design Fees & Reimbursables | Design Contingency | Other Professional Services | Construction | Construction Contingency | FF&E | Site Development | Admin & Other Project Costs | Project Contingency | TOTAL |
| RIDGEGATE ELEMENTARY SCHOOL | \$10,578 | \$771 | \$4,653 | \$91,031 | \$10,862 | | | | \$4,548 | \$122,442 |
| RIDGEMONT ELEMENTARY SCHOOL | \$11,344 | \$566 | \$4,653 | \$105,957 | \$5,817 | | | | \$4,839 | \$133,175 |
| SARTARTIA MIDDLE SCHOOL | \$1,477 | | | \$16,181 | \$16,555 | | | | \$653 | \$34,866 |
| SETTLERS WAY ELEMENTARY SCHOOL | \$3,271 | | | \$36,516 | \$8,479 | | | | \$782 | \$49,048 |
| SIENNA CROSSING ELEMENTARY SCHOOL | \$14,908 | \$1,148 | \$4,653 | \$128,191 | \$6,277 | | | | \$2,298 | \$157,474 |
| WILLOWRIDGE HIGH SCHOOL | \$8,445 | \$151 | \$5,856 | \$64,146 | \$10,651 | | | | \$3,352 | \$92,601 |
| TOTAL: | \$398,627 | \$39,449 | \$86,168 | \$3,264,504 | \$362,321 | | | \$12,000 | \$82,479 | \$4,245,547 |

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Construction Services Agreement for New Elementary School 53
References: Board Policy CV (Local) Scalable Systems
Department: Operations

Recommendation

Consideration and possible approval of a Construction Services Agreement with Drymalla Construction Company for the construction of new Elementary School 53 (PKG009) for a contract amount of \$30,585,000, and authorization for the Superintendent to negotiate and execute, or terminate the contract documents.

Summary

On December 17, 2018, the BOT approved all Project Budgets for the 2018 Bond Program.

The competitive sealed proposal solicitation, CSP 21-049DE, requested bids for the construction of new Elementary School 53. Five firms responded to the CSP, but one was disqualified due to failure to meet the submission deadline and therefore, was not ranked. Design & Construction staff, in collaboration with the Director of Purchasing and Materials Management acting in an oversight capacity, evaluated the proposals, using an evaluation team composed of FBISD staff members from the Design & Construction, Procurement, and Finance Departments.

The final ranking of the contractors is as follows:

| Firm Name | CSP Score | Base Bid Amount |
|-------------------------------|------------------|------------------------|
| Drymalla Construction Company | 93.29 | \$29,865,000 |
| Prime Contractors, Inc. | 81.03 | \$32,400,000 |
| ICI Construction, Inc. | 80.64 | \$30,706,000 |
| Sedalco, Inc. | 76.85 | \$31,925,000 |
| Satterfield and Pontikes | DQ | |

This contract will include the scope identified on the base bid for a total of \$29,865,000, plus an additional \$720,000 for accepted alternates, for a total contract amount of \$30,585,000.

Alternate breakdown is as follows:

- Alternate 2: \$366,000 for Thompson Ferry Road Improvements
- Alternate 3: \$94,000 for Outdoor Activity Play Area
- Alternate 4: \$91,000 for Outdoor Learning Center
- Alternate 5: \$169,000 for Operable Partitions at Classrooms

| CSP Contract | Package Number | Description | Project Budget |
|---------------------|-----------------------|--|-----------------------|
| CSP21-049DE | PKG009 | Construction of new Elementary School 53 | \$45,751,823 |

The scope of work for this package includes construction of new Elementary School 53.

The attached Exhibit 1 provides the detailed project budget for PKG009. Negotiated contract amount will be funded with the 2018 Bond Program Funds as detailed on the above table.

Upon Board approval, staff will negotiate the contract for the construction of new Elementary School 53 and will begin once the contract is executed.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Oscar Perez
Chief Operations Officer

Tabulation Summary
 CSP 21-049DE PKG009
 Construction of New Elementary School #53

| Vendor | Purchase Price (40 pts. max) | Offeror's Experience and Reputation, Past Experience with FBISD and other school districts (19 pts. max) | Quality of the offeror's goods and services, Quality of contractor's response in the proposal, Project Plan and Schedule (21 pts. max) | Offeror's safety record (5 pts max) | Offeror's proposed personnel (5 pts max) | Offeror's financial capability (5 pts max) | SBEP commitment (5pts max) | Proposer's Total Score (100 pts. max) |
|----------------------------------|---------------------------------|---|--|---|--|---|----------------------------------|---|
| Drymalla Construction Company | 40.00 | 16.60 | 20.35 | 4.15 | 2.60 | 4.59 | 5.00 | 93.29 |
| Prime Contractors, Inc. | 36.87 | 15.62 | 12.95 | 3.75 | 3.30 | 4.29 | 4.25 | 81.03 |
| ICI Construction, Inc | 38.90 | 15.25 | 11.05 | 3.45 | 2.45 | 4.54 | 5.00 | 80.64 |
| SEDALCO INC | 37.42 | 15.96 | 15.15 | 1.05 | 2.1 | 4.42 | 0.75 | 76.85 |

Satterfield & Pontikes Construction - No alternate submission

CSP 21-049DE PKG009 Construction of New Elementary School #53

| | Evaluation Criteria (Government Code 2269) | Point System |
|---|---|---------------------|
| 1 | The price; Section 2269.055.a (1) Total Proposed Pricing - Provides thoroughly developed, competitive pricing using the tables in Pricing Delivery information section of the CSP | 40 points |
| 2 | Offeror's experience and reputation; Section 2269.055.a (2) Provides a summary of nature of work, on time delivery and quality of recent work contracted with FBISD and/or other school districts of similar scope and scale. (14 pts) | 19 points |
| | Past experience with FBISD and other school districts Provides a summary of nature of work, on time delivery and quality of work contracted with FBISD and/or other school districts and FBISD's assessment of the presented summary. (5 pts) | |
| 3 | Quality of the offeror's goods or services; Section 2269.055.a (3) Contractor's products should be new and be of the highest quality with an option to substitute for a company branded item of equivalent quality. (14pts) | 21 points |
| | Quality of contractor's response in the proposal Effectively responds and processes all request for information and documentation included in this CSP (2pts) | |
| | Project Plan and schedule (5pts) | |
| 4 | Utilization of historically underutilized businesses; Section 2269.055.a (4) | N/A |
| 5 | Offeror's safety record; Section 2269.055.a (5) Provides a summary of Experience Modification Rate (EMR) for the last three years, as well as a summary of your company's safety policies and procedures | 5 points |
| 6 | Offeror's proposed personnel; Section 2269.055.a (6) Proposed Personnel, personnel directly assigned to work on this project | 5 points |
| 7 | Offeror's financial capability appropriate to the size and scope of the project; Section 2269.055.a (7) Provide proof of Insurance, financial stability and Letter of Surety from Bonding Company | 5 points |
| 8 | SBE Commitment; CV (Local) 2017.04 | 5 points |
| | TOTAL | 100 points |

Package 09 - Elementary School 53 Riverstone

EXHIBIT - 1

| | A | B | C | D | E | F | G | H | I | TOTAL |
|---------------------------------|---------------------------------|--------------------|-----------------------------|--------------|--------------------------|-------------|------------------|-----------------------------|---------------------|--------------|
| Description | A/E Design Fees & Reimbursables | Design Contingency | Other Professional Services | Construction | Construction Contingency | FF&E | Site Development | Admin & Other Project Costs | Project Contingency | |
| ELEMENTARY SCHOOL 53 RIVERSTONE | \$2,033,797 | \$148,837 | \$3,845,563 | \$32,941,312 | \$1,629,739 | \$3,804,722 | \$432,355 | \$15,000 | \$1,664,063 | \$45,751,823 |
| TOTAL: | \$2,033,797 | \$148,837 | \$3,845,563 | \$32,941,312 | \$1,629,739 | \$3,804,722 | \$432,355 | \$15,000 | \$1,664,063 | \$45,751,823 |

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Purchase in Excess of
\$50,000
References: Board Policy CH (Local)
Board Goal 1
Department: Chief Financial Officer

Recommendation

According to Policy CH (Local), purchases that cost or aggregate to a cost of \$50,000 or greater shall require Board approval.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Beth Martinez
Chief Academic Officer

Veronica Sopher
Chief Communications Officer

Bryan Guinn
Chief Financial Officer

| | |
|-------------------------------------|--|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | RFP 21-042AB |
| References: | District Goal Scalable Systems |
| Description: | <p>Milk and Juice</p> <p><u>Recommendation</u></p> <p>The Administration is seeking Board approval for the continued purchase of milk and juice for the Child Nutrition Department with Oak Farms Dairy in an amount not to exceed \$9,900,000 over a four-year period, and authorization for the Superintendent to negotiate and execute the agreements through May 2025.</p> <p><u>Summary</u></p> <p>On May 11, 2020, the Board approved Milk, Juice, and Related Items through a Central Texas Purchasing Alliance purchasing cooperative contract that expires on May 15, 2021. The United States Department of Agriculture and Texas Department of Agriculture require dairy products and fluid milk for both the School Breakfast Program and the National School Lunch Program.</p> <p>On January 10, 2021 Fort Bend ISD issued RFP 21-042AB soliciting proposals for milk and juice for the Child Nutrition Department. This bid requested pricing for healthy dairy products and drink choices for students, faculty, and staff throughout the District.</p> <p>To ensure fair and equitable price comparison, the pricing evaluation has been condensed to twenty-five commonly bid items. After evaluating pricing, as well as other evaluation criteria, the Child Nutrition Department recommends Oak Farms Dairy, which offers the best value to the District. Oak Farms Dairy has the capacity to deliver once daily to all Fort Bend ISD campuses ensuring seamless operations.</p> <p><u>Background</u></p> <p>Expenditures in 2019-20 were \$1,500,000. Expenditures year to date in 2020-21 are \$1,801,000. Expenditures will not exceed \$9,900,000 through 2025, which includes estimated amounts to support the Child Nutrition program as well as the CTE Culinary Arts program. Funding is included in the respective budgets.</p> |
| Requested By: | Bryan Guinn, Chief Financial Officer Matthew Antignolo, Director of Child Nutrition |
| Vendors: | Oak Farms Dairy |
| Budget Sources: | General Fund Federal Funds |
| Amount: | Not to Exceed - \$9,900,000 through May 15, 2025 |
| Other Supporting Information | |
| Sole Source: | No |

| | |
|---|---------------------------------|
| Number of vendors contacted by Purchasing: | 1 |
| Number of vendors contacted by FBISD Notification System: | 105 |
| Number of vendors downloaded the solicitation: | 18 |
| Number of responses received: | 2 |
| Number of "no bid" responses received: | 1 |
| Length of commitment: | Through May 15, 2025 |
| Last solicitation date: | March 9, 2016 |
| Supporting documents: | Evaluation Summary and Criteria |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None |

Evaluation Summary
RFP 21-042AB - Milk & Juice

| Vendor | Purchase Price (40 pts. max) | Reputation of the Vendor and of the Vendors Goods or Services (5 pts. max) | Quality of the Vendors Goods or Services (10 pts. max) | Extent to Which the Goods or Services Meet the Districts Needs (25 pts. max) | Vendors Past Relationship with the District or Similar Sized District (5 pts. max) | Long-Term Cost to the District to Acquire the Vendors Goods or Services (5 pts. max) | Agreement to Fort Bend ISD Terms and Conditions (10 pts. max) | Insurance Requirements (Pass/Fail) | Total Score (100 pts. max) | Proposers Ranking |
|-----------------|---|---|---|---|---|---|--|---|---|--------------------------|
| Oak Farms Dairy | 40.00 | 4.84 | 10.00 | 22.60 | 4.20 | 5.00 | 10.00 | Pass | 96.64 | 1 |
| Borden Dairy | 37.48 | 3.65 | 10.00 | 22.00 | 3.00 | 4.69 | 10.00 | Fail | 90.82 | 2 |

**RFP 21-042AB
Milk and Juice**

| | Evaluation Criteria | Point System |
|---|---|---------------------|
| 1 | <p>Purchase Price</p> <p>Offer a fair and reasonable price for items or services to be procured by Fort Bend ISD. Pricing will be calculated using the Price Delivery Sheet in this document.</p> | 40 points |
| 2 | <p>Reputation of the Vendor and of the Vendor's Goods or Services</p> <p>Vendor should have a solid reputation with other ISD's, Government or Collegiate entities that show a high level of customer service, a high level of quality of good or services. (References will be contacted via email with a deadline. If no response is received by the deadline, there will be points deducted in this section.)</p> | 5 points |
| 3 | <p>Quality of the Vendor's Goods or Services</p> <ul style="list-style-type: none"> • service capabilities • demonstrated competence: experience, etc. • qualifications: education, certification, licenses, etc. | 10 points |
| 4 | Extent to Which the Goods or Services Meet the District's Needs | 25 points |
| 5 | Vendor's Past Relationship With the District | 5 points |
| 6 | <p>Long-Term Cost to the District to Acquire the Vendor's Goods or Services</p> <p>Warranty, setup fee; maintenance or other fees</p> | 5 points |
| 7 | <p>Extent to which the vendor agrees to our Standard Form of Agreement, embedded herein as Appendix A. By Signing the Agreement, you assent to the Terms and Conditions of Fort Bend ISD</p> | 10 points |
| 8 | <p>Insurance Requirements</p> <p>Vendor meets insurance requirements and included a copy of the Certificate of Insurance in their proposal.</p> | PASS/FAIL |
| | TOTAL | 100 points |

| | |
|--------------------------|--|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | RFP 21-039KB |
| References: | District Goal Scalable Systems |
| Description: | <p>Clinic Supplies, Equipment, and Related Items (Catalog)</p> <p><u>Recommendation</u></p> <p>The Administration is seeking possible Board approval of the purchase of clinic supplies, equipment, and related items from multiple vendors in an amount not to exceed \$1,850,000, and authorization for the Superintendent to negotiate and execute the agreements through April 2026.</p> <p><u>Summary</u></p> <p>On April 25, 2016, the Board approved RFP 16-033KB, Clinic Supplies, Equipment, and Related Items over a five-year period, which expires April 2021. On April 20, 2020, the Board approved a \$250,000 increase for AED equipment and accessories.</p> <p>On January 5, 2021, Fort Bend ISD issued RFP 21-039KB requesting a percentage discount on clinic supplies, equipment, and related items.</p> <p>The solicitation allows for a myriad of clinical supplies and equipment to be purchased at a percentage discount outlined by each vendor. Commonly purchased items include glucose monitors, blood pressure cuffs, wheelchairs, Automated External Defibrillators (AEDs), Stop the Bleed kits, disposable under pads (changing pads), adult size baby wipes, etc. These items are utilized across the District by various campuses and departments. Prior to purchasing any of the cataloged items, the District will solicit quotes from awarded vendors to ensure Fort Bend ISD receives the best value on each order.</p> <p>Due to the expiration of multiple AEDs currently located on campuses, replacements are needed to ensure all equipment and accessories necessary for support of medical emergency responses are maintained in a state of readiness by the District. Below is a chart that shows the number of AEDs currently on campuses that need to be replaced and the estimated expenditure per year through April 2026. Because this bid is a discount on catalog, prices may fluctuate. The expenditures reflected below are estimates only.</p> |

| School Year | Replace 2021-22 School Year | Replace 2022-23 School Year | Replace 2023-24 School Year | Replace 2024-25 School Year | Replace 2025-26 School Year |
|--|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Amount per AED | \$5,000 | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| Number of AEDs Needed | 8 | 1 | 115 | 19 | 20 |
| Total Expenditure | \$40,000 | \$5,000 | \$575,000 | \$95,000 | \$100,000 |
| <u>Background</u> | | | | | |
| Expenditures for FY 2019-20 were \$188,897. Expenditures year-to-date in 2020-21 are \$170,451. Expenditures are not expected to exceed \$1,850,000 through 2026, and funding is included in the budget. | | | | | |
| Requested By: | Joe Rodriguez, Chief of Schools Bryan Guinn, Chief Financial Officer | | | | |
| Vendors: | Alert Services, Inc. Emergency Medical Supply Professionals, Inc. dba EMS Professionals Henry Schein, Inc. Medicaleshop, Inc. School Health Corporation School Nurse Supply, Inc. William V. MacGill & Co. | | | | |
| Budget Sources: | General Fund, Federal Funds, Enterprise Funds, Activity Funds | | | | |
| Amount: | Not to exceed \$1,850,000 through April 30, 2026 | | | | |
| Other Supporting Information | | | | | |
| Sole Source: | No | | | | |
| Number of vendors contacted by Purchasing: | 7 | | | | |
| Number of vendors contacted by FBISD Notification System: | 297 | | | | |
| Number of vendors downloaded the solicitation: | 27 | | | | |
| Number of responses received: | 16 | | | | |
| Number of "no bid" responses received: | 0 | | | | |
| Length of commitment: | Through April 30, 2026 | | | | |
| Last solicitation date: | April 25, 2016 | | | | |
| Supporting documents: | Evaluation Summary and Criteria | | | | |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None | | | | |

Evaluation Summary
RFP 21-039KB Clinic Supplies, Equipment, and Related Items (Catalog)

| Vendor | Purchase Price (25 pts. Max) | Reputation of Vendor and Vendor's Goods and Services (5 pts. Max) | Quality of Vendors Goods and Services (25 pts. Max) | Extent to which the Goods and Services Meet the Needs of the District (25 pts. Max) | Vendors Past Relationship with the District (10 pts. Max) | Long Term Cost to the District (10 pts. Max) | Proposer's Total Score (100 pts. Max) | Proposer's Ranking |
|--|---|--|--|--|--|---|--|-------------------------------|
| School Health Corporation | 9.00 | 3.00 | 22.75 | 23.00 | 9.25 | 8.00 | 75.00 | 1 |
| William V. MacGill & Co. | 9.00 | 2.00 | 23.25 | 22.75 | 7.75 | 10.00 | 74.75 | 2 |
| School Nurse Supply | 9.00 | 2.00 | 22.50 | 22.75 | 8.50 | 8.00 | 72.75 | 3 |
| Alert Services, Inc. | 9.00 | 2.00 | 18.25 | 18.00 | 6.50 | 8.00 | 61.75 | 4 |
| Emergency Medical Supply Professionals, Inc. dba EMS Professionals | 9.00 | 1.00 | 19.00 | 19.50 | 3.00 | 10.00 | 61.50 | 5 |
| Henry Schein, Inc. | 9.00 | 3.00 | 17.50 | 17.25 | 6.75 | 8.00 | 61.50 | 5 |
| Medicaleshop, Inc. | 9.00 | 4.00 | 16.25 | 16.75 | 4.75 | 10.00 | 60.75 | 6 |
| Texas Medical Center Supply, LLC | 9.00 | 1.00 | 19.00 | 16.75 | 4.00 | 10.00 | 59.75 | 7 |
| Zhou Medical Solutions, LLC | 9.00 | 3.00 | 17.00 | 15.25 | 4.25 | 10.00 | 58.50 | 8 |
| Unipak Corporation | 9.00 | 3.00 | 14.00 | 15.25 | 3.25 | 10.00 | 54.50 | 9 |
| Maxi Aids, Inc. | 9.00 | 3.00 | 15.50 | 11.50 | 3.75 | 8.00 | 50.75 | 10 |
| North Star PPE Solutions, LLC | 5.00 | 3.00 | 14.50 | 11.00 | 4.00 | 10.00 | 47.50 | 11 |
| Paragon Supply Company, LLC | 12.00 | 1.00 | 11.50 | 8.25 | 4.25 | 8.00 | 45.00 | 12 |
| Cartagena Sun dba Be Ready Medical Supply | 5.00 | 2.00 | 11.25 | 9.75 | 4.50 | 8.00 | 40.50 | 13 |
| QYK Brands, LLC | 9.00 | 1.00 | 12.50 | 7.75 | 3.50 | 3.00 | 36.75 | 14 |
| IRIS USA, Inc. | 5.00 | 3.00 | 10.25 | 4.75 | 2.75 | 8.00 | 33.75 | 15 |

RFP 21-039KB
Clinic Supplies, Equipment, and Related Items (Catalog)

| | Evaluation Criteria | Point System |
|---|---|---------------------|
| 1 | <p>Purchase Price</p> <p>Offer a fair reasonable price for items or services to be procured by Fort Bend ISD. Pricing will be calculated using the Price Delivery Sheet in this document.</p> | 25 points |
| 2 | <p>Reputation of the Vendor and of the Vendor's Goods or Services</p> <p>Vendor should have a solid reputation with other ISD's, Government or Collegiate entities that show a high level of customer service, a high level of quality of good or services. (References will be contacted via email with a deadline. If no response is received by the deadline, there will be points deducted in this section.)</p> | 5 points |
| 3 | <p>Quality of the Vendor's Goods or Services</p> <ul style="list-style-type: none"> • Service capabilities • Demonstrated competence: experience, etc. • Qualifications: education, certification, licenses, etc. | 25 points |
| 4 | <p>Extent to Which the Goods or Services Meet the District's Needs</p> <ul style="list-style-type: none"> • Variety of medical related inventory, including brand specific items | 25 points |
| 5 | <p>Vendor's Past Relationship with the District</p> | 10 points |
| 6 | <p>Long-Term Cost to the District to Acquire the Vendor's Goods or Services</p> <p>Warranty, setup fee; maintenance or other fees</p> | 10 points |
| | <p>TOTAL</p> | 100 points |

| | |
|--------------------------|--|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | 21-061LB National Cooperative Purchasing Alliance (NCPA) |
| References: | District Goal Scalable Systems |
| Description: | <p>Turnitin Software Products, Services and Training</p> <p><u>Recommendation</u></p> <p>The Administration is seeking Board approval for the continued purchase of Turnitin® software products and services under a cooperative contract with National Cooperative Purchasing Alliance (NCPA) in an amount not to exceed \$457,600 and authorization for the Superintendent to negotiate and execute the agreements through July 2025.</p> <p><u>Summary</u></p> <p>On August 15, 2016, the Board approved the purchase of Turnitin®, LLC, through the Region 14 Education Service Center purchasing cooperative contract that expires April 30, 2021.</p> <p>The Turnitin® subscription service is an internet-based tool that provides a way for instructors of all subjects to effectively manage assignment submissions, evaluation, and grading – all online.</p> <p>Turnitin® was primarily used by Language Arts teachers in the past; however, it is now a valuable technology tool for all subjects. It promotes engagement in the writing process, and it does the same for projects in various other subjects at all secondary levels.</p> <p>The current NCPA cooperative contract allows for an uninterrupted continuation of service. The current cooperative contract contains renewal options through July 31, 2025. Should the contract not renew for the full term, staff will return to the Board to request authorization to utilize an alternate cooperative contract, or an alternate procurement method.</p> <p><u>Background</u></p> <p>Expenditures for these services in 2019-20 was \$103,480. Expenditures year-to-date in 2020-21 are \$103,500. Expenditures will not exceed \$457,600 through 2025, which includes a 10% contingency. Funding is included in the budget.</p> |
| Requested By: | Beth Martinez, Chief Academic Officer Bryan Guinn, Chief Financial Officer |
| Vendor: | Turnitin® |
| Budget Sources: | General Fund |
| Amount: | Not to Exceed - \$457,600 through July 31, 2025 |

| Other Supporting Information | |
|---|-----------------------|
| Sole Source: | No |
| Number of vendors contacted by Purchasing: | N/A |
| Number of vendors contacted by FBISD Notification System: | N/A |
| Number of vendors downloaded the solicitation: | N/A |
| Number of responses received: | N/A |
| Number of "no bid" responses received: | N/A |
| Length of commitment: | Through July 31, 2025 |
| Last solicitation date: | N/A |
| Supporting documents: | N/A |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None |

| | |
|--------------------------|---|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | 21-065MT OMNIA Partners |
| References: | District Goal Scalable Systems |
| Description: | <p>Feedback and Customer Services Solutions for Schools</p> <p><u>Recommendation</u></p> <p>The Administration is seeking Board approval for the continued purchase of feedback and customer services solutions with K12 Insight Technology and Communications Services (K12 Insight) under a cooperative contract with OMNIA Partners in an amount not-to-exceed \$213,600 and authorization for the Superintendent to negotiate and execute the agreements through March 2022.</p> <p><u>Summary</u></p> <p>On May 16, 2016, the Board approved K12 Insight Technology and Communication Services for Feedback and Customer Services Solutions for Schools through OMNIA Partners, formerly known as The Cooperative Purchasing Network (TCPN) purchasing cooperative contract, which expires on May 31, 2021.</p> <p>The Fort Bend ISD Communications Department has partnered with K12 Insight since 2013. The goal of the partnership has been to increase engagement with parents, students, staff, and community members. The District also works with K12 Insight staff to collaborate in the creation of an annual engagement plan that includes surveys and other projects aligned with the District’s Strategic Plan.</p> <p>Fort Bend ISD works with K12 Insight to improve customer service and community interaction through the “Let’s Talk” cloud-based communications solution for parents, teachers, staff, and community members. In addition, the Human Resources Department uses an adaptive cloud-based version of “Let’s Talk” and Talent Connection, as an online resource for Fort Bend ISD staff to connect with Human Resources.</p> <p>K12 Insight also serves as a research partner; they have played a central role in key district engagements that have included campus climate, parent engagement, student engagement, leadership/professional development, and school and district feeder patterns. The company’s researchers and former educators also help District staff comply with state and federal funding requirements, including Title 1 and House Bill 5 Accountability Ratings.</p> <p>District and campus leaders utilize findings from K12 Insight surveys and engagement projects to improve decision-making, connect with members of the school community and plan for the future. K12 Insight provides the following services:</p> |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Engage – access to high-quality research-based online surveys • Custom online/paper survey creation, deployment, and reporting • Pre- and post-survey communications • Focus group discussion facilitation and reporting • Let’s Talk, a cloud-based customer service and communications solution that helps the District listen and respond to community concerns – subscription to Let’s Talk Platform, online training and support, and awareness and communications campaigns • Talent Connection, an online resource for Fort Bend ISD staff to connect with Human Resources. <p>The OMNIA Partners contract will allow the District to fulfill the customer service, surveys, and public interaction needs of the Communication Department efficiently and effectively and complies with school district bidding requirements. The current cooperative contract has renewal options through March 2022. In moving forward, Fort Bend ISD will issue our own solicitation for this project.</p> <p><u>Background</u></p> <p>Expenditures in 2019-20 were \$231,000 for these services. Expenditures year to date in 2020-21 are \$231,000. Expenditures will not exceed \$213,600 through March 2022 and funding is included in the budget.</p> |
| Requested By: | Veronica Sopher, Chief Communications Officer Bryan Guinn, Chief Financial Officer |
| Vendor: | K12 Insight Technology and Communication Services |
| Budget Sources: | General Fund |
| Amount: | Not to Exceed - \$213,600 through March 31, 2022 |
| Other Supporting Information | |
| Sole Source: | No |
| Number of vendors contacted by Purchasing: | N/A |
| Number of vendors contacted by FBISD Notification System: | N/A |
| Number of vendors downloaded the solicitation: | N/A |
| Number of responses received: | N/A |
| Number of “no bid” responses received: | N/A |
| Length of commitment: | Through March 31, 2022 |
| Last solicitation date: | N/A |
| Supporting documents: | N/A |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None |

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|--------------------------|--|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | 21-068TA Sourcewell Cooperative |
| References: | District Goal Scalable Systems |
| Description: | <p>Police-Worn Body Cameras and Related Items and Services</p> <p><u>Recommendation</u></p> <p>The Administration is seeking Board approval for the continued purchase of police-worn body cameras and related items and services under a cooperative contract with Sourcewell Cooperative from Axon Enterprises, Inc., in an amount not-to-exceed \$300,000, and authorization for the Superintendent to negotiate and execute the agreements through February 2024.</p> <p><u>Summary</u></p> <p>On November 12, 2018, the Board approved the purchase of police-worn body cameras through the BuyBoard purchasing cooperative contract with Axon Enterprises, Inc., which expires on May 31, 2021. The Fort Bend ISD Police Department is seeking approval for the continued purchase of police-worn body cameras, to include all camera accessories, maintenance, upgrades, software licenses, annual support, warranty service, and video storage from Axon Enterprises through a cooperative contract with Sourcewell.</p> <p>The Fort Bend ISD Police Department issues one police-worn body camera to each officer as a part of their standard equipment. The current body cameras have reached their end of life. This contract will allow the District to refresh the Police Department’s current body cameras, provide maintenance and upgrades, maintain software licenses, warranty, video storage services, and to purchase additional cameras dependent on department growth.</p> <p>The Sourcewell cooperative purchasing contract will allow the District to fulfill the Police Department body camera life cycle needs efficiently and effectively and complies with school district bidding requirements. The current cooperative contract contains renewal options through February 2024. Should the contract not renew for the full term, staff will return to the Board to request authorization to utilize the new cooperative contract, an alternate cooperative contract, or an alternate procurement method.</p> <p><u>Background</u></p> <p>Expenditures in 2019-20 were \$69,894 for these services. Expenditures year to date in 2020-21 are \$69,894. Expenditures will not exceed \$300,000 through February 21, 2024, which includes a 15% contingency. Funding is included in the budget.</p> |

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| Requested By: | David Rider, Chief of Police Long Pham, Chief Information Officer Bryan Guinn, Chief Financial Officer |
| Vendor: | Axon Enterprises, Inc. |
| Budget Sources: | General Fund |
| Amount: | Not to Exceed - \$300,000 through February 21, 2024 |
| Other Supporting Information | |
| Sole Source: | No |
| Number of vendors contacted by Purchasing: | N/A |
| Number of vendors contacted by FBISD Notification System: | N/A |
| Number of vendors downloaded the solicitation: | N/A |
| Number of responses received: | N/A |
| Number of "no bid" responses received: | N/A |
| Length of commitment: | Through February, 2024 |
| Last solicitation date: | N/A |
| Supporting documents: | N/A |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None |

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|---|---|
| BOT Meeting: | April 19, 2021 |
| Solicitation No.: | 21-068TA Choice Partners Cooperative |
| References: | District Goal Scalable Systems |
| Description: | <p>Moving Services</p> <p><u>Recommendation</u></p> <p>The Administration is seeking Board approval for the continued purchase of moving services under cooperative contract through Choice Partners Cooperative from multiple vendors in an amount not-to-exceed \$600,000 through February 2022, and authorization for the Superintendent to negotiate and execute the agreements.</p> <p><u>Summary</u></p> <p>On October 15, 2018, the Board approved the purchase of moving services through a BuyBoard purchasing cooperative contract from multiple vendors, which expires on May 31, 2021.</p> <p>The District utilizes moving companies to assist with construction projects, T-building moves, and additional moves throughout the District to include moving offices, departments, and/or campuses to and from buildings. Awarded vendors will have the capacity to provide not only moving services; they also provide supplies, and assembly/disassembly of furniture.</p> <p>The Choice Partners Cooperative Purchasing Contract will allow the District to fulfill moving services needs efficiently and effectively through February 2022 as staff conducts a bid for future award. Prior to acquiring any moving services, the District will solicit quotes from the Choice Partners vendors to ensure Fort Bend ISD receives the best value on each order.</p> <p><u>Background</u></p> <p>Expenditures in 2019-20 were \$628,000 for these services. Expenditures year to date in 2020-21 are \$153,800. Expenditures will not exceed \$600,000 through February 2022 and funding is included in the budget.</p> |
| Requested By: | Oscar Perez, Chief Operations Officer Bryan Guinn, Chief Financial Officer |
| Vendor: | A-Rocket Moving and Storage Roadrunner Moving and Storage |
| Budget Sources: | General Fund, Bond Funds |
| Amount: | Not to Exceed - \$600,000 through February 2022 |
| Other Supporting Information | |
| Sole Source: | No |
| Number of vendors contacted by Purchasing: | N/A |

| | |
|---|-----------------------|
| Number of vendors contacted by FBISD Notification System: | N/A |
| Number of vendors downloaded the solicitation: | N/A |
| Number of responses received: | N/A |
| Number of "no bid" responses received: | N/A |
| Length of commitment: | Through February 2022 |
| Last solicitation date: | N/A |
| Supporting documents: | N/A |
| Disclosure under Board Policy CH, CV, or DBD (Local): | None |

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Budget Amendment
Regarding Transfer of 2018 Bond
Budget Between Projects
References: Board Policy CV (Local)
Scalable Systems
Department: Information Technology

Recommendation

Consideration and possible approval for the transfer of funds within the 2018 Bond Budget for Information Technology Services projects as proposed.

Background

The 2018 Bond Budget for Information Technology Services consisted of six categories: Classroom Toolset, Campus Audio/Video, Staff Device Refresh, Technology Systems, Infrastructure, and Telephone/Network.

The original budgets for each project were developed based on estimates of product costs and installation pricing in 2018. Funds are being transferred between projects to accommodate current quotations and estimations for these projects. The moving of funds between projects does not reduce the scope of any project.

The Administration is seeking approval for the transfer of funds between four information Technology project categories: Classroom Toolset, Campus Audio/Video, Staff Device Refresh, and Technology Systems. Below is a breakdown of how the funds will be utilized:

- Classroom Toolset transfer of (\$4,844,606) consisting of:
 - Campus Audio/Video: The scope of this project consists of AV refresh in cafeterias, libraries, and auditoriums. Transfer (\$3,400,000) out of Classroom Toolset into Campus Audio/Video.
 - Staff Device Refresh: The scope of this project consists of device refreshes for teachers and staff throughout the District. Transfer (\$1,444,606) out of Classroom Toolset into Staff Refresh.
- Technology Systems net transfer of \$600,000 consisting of:
 - Campus Audio/Video: The scope of this project consists of AV refresh in cafeterias, libraries, and auditoriums. Transfer (\$600,000) out of Technology Systems into Campus Audio/Video.

- Campus Audio/Video transfer in of \$4,000,000 consisting of:
 - \$3,400,000 from Classroom Toolset and \$600,000 from Technology Systems.

| 2018 Bond IT Projects | | | |
|------------------------------|---------------------------------|---------------------|--------------------------------|
| Project | Approved Original Budget | Net Transfer | Proposed Revised Budget |
| Classroom Toolset | \$94,000,000 | (\$4,844,606) | \$89,155,394 |
| Campus Audio/Video | \$2,010,000 | \$4,000,000 | \$6,010,000 |
| Staff Device Refresh | \$11,300,000 | \$1,444,606 | \$12,744,606 |
| Technology Systems | \$7,300,000 | (\$600,000) | \$6,700,000 |
| Total | \$114,610,000 | \$0 | \$114,610,000 |

The transfer of 2018 Bond budget between Information Technology projects does not change the scope of any project, does not change the 2018 Bond totals, and does not require additional funds.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Long Pham
Chief Information Officer

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Review: Budget Amendment
Regarding Use of 2018 Bond
Program Contingency Funds
References: Board Policy CV (Local)
Scalable Systems
Department: Operations

Recommendation

Consideration and possible approval of the use of the 2018 Bond Program Contingency as proposed.

Summary

PKG014 Mercer/Don Cook Renovations, and PKG024 Water Heaters/Boilers were identified as projects requiring additional funds. The 2018 Bond Program was established with an initial program contingency of \$5,019,364, intended to address unforeseen critical issues. The cumulative program contingency as of March 31, 2021 is \$3,933,414.

It is important to note that the program contingency discussed above is a “working” program contingency account that fluctuates on a day-to-day basis as surplus budgeted funds are contributed to the account, or as the Board approved the use of available funds.

Background

The program contingency is comprised of the initial approved contingency budget, and any surplus budget from completed projects or amounts unspent due to a change of scope. The table includes projects that will be recommended for approval at the April 26 Board Meeting and reflects the program contingency balance as of April 2021.

| Description | Budget |
|---|--------------------|
| Cumulative Program Contingency as of March 31, 2021 | \$3,933,414 |
| <i>Contributions</i> | |
| PKG011 Extended Day Suite & SPED | \$3,000,000 |
| | |
| Contribution Sub-Total | \$3,000,000 |
| <i>Uses</i> | |
| PKG014 Mercer/Don Cook Renovations | (\$850,000) |
| PKG024 Water Heaters/Boilers | (\$771,786) |
| | |
| Use Sub-Total | (\$1,621,786) |
| | |
| Net Proposed Activity April 2021 | \$1,378,214 |
| Cumulative Bond Program Contingency as of April 26, 2021 | \$5,311,628 |

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Oscar Perez
Chief Operations Officer

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Action: Proposed Date, Time and Place for Public Budget Hearing
References: Board Policy CE (Legal)
Board Governance
Department: Business and Finance

Recommendation

Consideration and possible approval of setting the date, time, and place to conduct a public budget hearing to receive information, comments, and taxpayers' views on the proposed 2021-22 school district budget and tax rates on May 10, 2021, beginning at 5:30 p.m. in the Board Room of the Fort Bend ISD Administration Building.

Summary

In accordance with Board Policy CE (Legal), the Board of Trustees shall call a public meeting to discuss the proposed budget and proposed tax rates to provide taxpayers the opportunity to offer input on the proposed budget and maintenance and operation and debt service tax rates.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Bryan Guinn
Chief Financial Officer

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Action: Proposed 2021
Maintenance & Operations Tax
Rate
References: Board Policy CE (Legal)
Board Governance
Department: Business and Finance

Recommendation

Consideration and possible approval of setting the Proposed Tax Year 2021 Maintenance and Operations Tax Rate at \$0.9802. This represents a \$0.03 increase from the prior year's Maintenance and Operations Tax Rate ("the Tax Rate").

Summary

The Tax Rate increase is due to the potential need to adjust the tax rate by \$0.03 for disaster pennies attributable to COVID-19 related costs. Staff anticipates that this increase could be offset by additional ad valorem growth over the four percent that is budgeted or from Federal funds approved by President Biden in March that have not been released by the state.

Texas Tax Code 26.08(a-1) allows political subdivisions to increase their tax rate after a disaster to mitigate the impact of the disaster. The tax levy would be for one year only and would expire at the end of fiscal year 2021-22 based on the governor's March 2020 declaration of the pandemic as a disaster. The District has \$0.02 golden pennies and up to \$0.09 copper pennies available to levy as disaster pennies. Based on initial estimates, staff estimates that up to \$0.03 disaster pennies will be needed to support COVID-related costs. The Board would adopt action to increase the Tax Rate, but no voter election is required. The Tax Rate adoption by the Board occurs when the Tax Rate is adopted in September 2021.

The establishment of this proposed rate is not the adoption of the tax rate, but an action required so that the rate may be discussed at the public budget meeting and voted on during a subsequent Regular Board of Trustees Meeting. Once set and posted, this rate may not be increased without providing proper notice to taxpayers. The new laws mandate the Texas Education Agency (TEA) to utilize Certified Property Tax Rolls, released prior to or on July 25, to calculate a District's Tier I Tax Rate and certify it by August 5, 2021. The District would then calculate the District's Tax Rate based on TEA's Tier I Tax Rate and Certified Tax Rolls. Thus, the final Tax Rate could come in lower than the \$0.9802 based on tax rate compression.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Bryan Guinn
Chief Financial Officer

For: Fort Bend ISD Board of Trustees
Date: April 19, 2021
Action: Action: Proposed 2021 Debt Service Tax Rate
References: Board Policy CE (Legal)
Board Governance
Department: Business and Finance

Recommendation

Consideration and possible approval of setting the proposed 2021 Debt Service Tax Rate at \$0.29. This rate is unchanged from last year.

Summary

The proposed \$0.29 cent Debt Service Tax rate (the Tax Rate) supports the debt service payments that finance bond projects approved by the voters in the 2018 Bond Program and previous bond programs. When the 2018 Bond Program was first proposed, the District estimated the need to increase the Tax Rate by three pennies (\$0.03) to support the 2018 Bond. The Tax Rate to support the 2018 Bond Program was previously increased by two pennies in tax year 2019 (fiscal year 2020) and an additional penny in tax year 2020 (fiscal year 2021). Thus, the tax rate would remain unchanged for tax year 2021 (fiscal year 2021-22).

The establishment of this proposed rate is not the adoption of the tax rate, but an action required so that the rate may be discussed at the public budget meeting, and then voted on during a subsequent Regular Meeting of the Board of Trustees. Once set and posted, this rate may not be increased without providing proper notice to taxpayers. According to House Bill 3 and Senate Bill 2 statutes, Interest and Sinking Tax Rates are not subject to compression or recapture.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Bryan Guinn
Chief Financial Officer