

**Spring Branch Independent School District
Agenda Item Information**

Date of Board Meeting: February 22, 2010

Subject: Adoption of (Legal) and (Local) Policies – TASB Policy Update 86

Administrator Responsible:

Name: Diane Jackson, Ed.D.

Position: Executive Director, Policy Administration & Governmental Relations

Purpose of Agenda Item: Adoption of Policy

ADDITIONAL INFORMATION AND/OR BACK-UP:

There are 60 Legal Policies in Update 86 for review by the Board. Fifty-eight Legal Policies are being revised. CFD and FDE are new Legal policies. F is a revised Table of Contents.

The following (Local) policies will be acted upon:

CFD:	ACCOUNTING: ACTIVITY FUNDS MANAGEMENT	REVISED
CLB:	BUILDING, GROUNDS, AND EQUIPMENT MANAGEMENT MAINTENANCE	REVISED
CV:	FACILITIES CONSTRUCTION	REVISED
DGBA:	PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS/ GRIEVANCES	REVISED
EIA:	ACADEMIC ACHIEVEMENT	REVISED
EIE:	ACADEMIC ACHIEVEMENT: RETENTION AND PROMO	REVISED
EIF:	ACADEMIC ACHIEVEMENT: GRADUATION	REVISED
FDD:	ADMISSIONS: SCHOOL SAFETY TRANSERS	DELETED (Moved to FDE)
FDE:	ADMISSIONS: SCHOOL SAFETY TRANSFERS	NEW
FEA:	ATTENDANCE: COMPULSORY ATTENDANCE	REVISED
FEC:	ATTENDANCE: ATTENDANCE FOR CREDIT	REVISED
FFAD:	WELLNESS AND HEALTH SERVICES: COMMUNICABLE DISEASES	REVISED

The annotated Localized Policy Manual Update 86 was provided on January 8, 2010 and First Reading was held January 19, 2010.

No policies were amended during the Board Workshop on February 8, 2010.

Copies are attached.

ACCOUNTING
ACTIVITY FUNDS MANAGEMENT

CFD
(LOCAL)

FIDUCIARY
RESPONSIBILITY

The Superintendent, principal, and sponsor, as applicable, shall be responsible for the proper administration of District and campus activity funds and student activity funds in accordance with state law and local policy, District-approved accounting practices and procedures, and the TEA *Financial Accountability System Resource Guide*.

Teachers or sponsors of club/school activities and students who are members of clubs/school activities shall not establish individual accounts at banks, savings and loans, credit unions, or other such institutions with school-related funds. School-related monies shall not be comingled in private, individual checking accounts. Sponsors of fund-raising activities shall maintain and annually submit an accurate record of goods and services invoiced, assigned, returned, and/or sold. The principal shall monitor such records and reconcile them with activity fund records. All monies collected shall be recorded on Form 014170 (Tabulation of Monies) and all money disbursed shall be requested on Form 013725-R-11/85 (Request for Check). The activity fund accounting procedures manual in the principal's office contains the forms to be used.

STUDENT ACTIVITY
FUNDS

The Superintendent or designee shall ensure that student activity accounts are maintained to manage all class funds, organization funds, and any other funds collected from students for a school-related purpose. The principal or designee shall issue receipts for all funds prior to their deposit into the appropriate District account at the District depository.

Student activity funds shall be included in the annual audit of the District's fiscal accounts. [See CFC]

USE AND
EXPENDITURE

Funds collected by student groups shall be used only for purposes authorized by the organization or upon approval of the sponsor. The principal or designee shall approve all disbursements. All funds raised by student organizations must be expended for the benefit of the students.

DISTRICT AND
CAMPUS ACTIVITY
FUNDS

The Superintendent shall establish regulations governing the expenditure of District and campus activity funds generated from vending machines, rentals, gate receipts, concessions, and other local sources of revenue over which the District has direct control. Funds generated from such sources shall be expended for the benefit of the District or its students and shall be related to the District's educational purpose.

APPROVAL

Approval from the immediate supervisor or designee shall be obtained prior to a disbursement being made to any employee, including the principal.

Spring Branch ISD
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ACCOUNTING
ACTIVITY FUNDS MANAGEMENT

CFD
(LOCAL)

CARRYOVER FUNDS

All funds shall be left in the appropriate account and each sponsoring group shall retain the carryover funds for the next fiscal year. If an organization ceases to function or exist, the unexpended funds of the organization shall be credited to the appropriate administrative activity account.

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

CLB
(LOCAL)

INTEGRATED PEST MANAGEMENT PROGRAM	The District is committed to following integrated pest management guidelines in all pest control activities that take place on District property.
DEFINITION	As provided in the Texas Administrative Code, integrated pest management (IPM) is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve best control of pests. These tactics shall possibly include, but are not limited to, the judicious use of pesticides.
STANDARDS	In accordance with Part 4, Title 7 of the Administrative Code and Chapter 1951 of the Occupations Code, the District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities.
IPM COORDINATOR	The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law.
APPLICATION TIME FRAME	The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), shall coordinate with appropriate District administrators or other designated and trained employees regarding pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and an exception to the 48-hour notice requirement may be made.
NO UNAUTHORIZED APPLICATION	No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a school facility without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

FACILITIES CONSTRUCTION

CV
(LOCAL)

COMPLIANCE WITH
LAW

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

Legal counsel shall be made available to the Superintendent to assure the legality of all contracts and agreements entered into by the District. [See also BDD]

CAPITAL PROJECTS
BUDGET PROCESS

Under the authority of the Financial Accountability System Resource Guide (FASRG), Section 2.6.3, the Board authorizes the District administration, as part of the budget preparation process, to budget for capital projects on a per project basis rather than on a fiscal year basis. [See CE]

CONSTRUCTION
CONTRACTS

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series]

For construction contracts valued at or above \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH]

PROJECT
ADMINISTRATION

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

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

PERFORMANCE
BONDS

In addition to the requirements of law, the District requires prime contractors who contract with the Board for the construction, alteration, or repair of any public building or public works valued in excess of \$50,000 to execute a performance bond. [See CV preceding]

REQUIRED
INSURANCE

Contractors shall carry insurance as follows for the duration of their contract:

1. Builders' risk insurance in the contractor's and the District's name against loss or damage by fire or storm on the entire work including structures, as well as materials and equipment in or adjacent thereto intended for use on the project, in the amount of 100 percent of the value.
2. Workers' compensation as required by statute.

FACILITIES CONSTRUCTION

CV
(LOCAL)

3. Public liability in limits of \$100,000/\$300,000.
4. Property damage in limits of \$10,000/\$25,000.
5. Owner's protective liability insurance:
 Bodily Injury Liability - \$100,000/\$300,000
 Property Damage Liability - \$10,000/\$25,000

These insurance coverages shall be carried with companies satisfactory to the District. Certificates of each of the above policies, together with a statement by the issuing company to the effect that the policy shall not be cancelled without prior notice being given the District, shall be delivered to the senior executive director of facilities and operations or designee before any work is started.

CONSTRUCTION
CONTRACTS VALUED
IN EXCESS OF \$10,000

When construction contracts are expected to exceed \$10,000, but are less than \$25,000, quotations of prices from contractors shall be called for and the purchase shall be made from the firm offering the best and lowest quotation if quality is equal.

CHANGE ORDERS

Any change orders in excess of \$50,000 submitted to approved construction contracts shall require the approval of the Board. The submission of change orders on a component basis, with the intention of circumventing the policy requiring Board approval for change orders in excess of \$50,000 is prohibited.

In accordance with Local Government Code 271.060, the original contract price may not be increased by more than 25 percent. The original price may not be decreased by more than 25 percent without the consent of the contractor.

FINAL PAYMENT

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

HEARING OFFICER

The Board designates the Superintendent or designee as hearing officer to hear cases under the policy. The Board reserves the right to hear or review any cases assigned to the hearing officer.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

GUIDING PRINCIPLES INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.</p> <p>An employee who has a complaint shall meet for an informal conference with the principal or immediate supervisor within 15 working days of the time the employee first knew or should have known of the event or series of events on which the complaint is based. The employee and supervisor shall attempt to resolve the problem informally. A decision from the informal meeting shall be rendered within two working days. An employee is entitled to have representation present. Informal complaint resolutions are not required to be in writing.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
DIRECT COMMUNICATION WITH BOARD MEMBERS	<p>Employees shall not be prohibited from communicating with Board members regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.</p>
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>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.</p>
NOTICE TO EMPLOYEES	<p>The District shall inform employees of this policy.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
WHISTLEBLOWER COMPLAINTS	<p>Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

COMPLAINTS AGAINST SUPERVISORS Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.

COMPLAINTS In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.

EXCEPTIONS This policy shall not apply to:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]
4. Complaints concerning instructional materials. [See EFA]
5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]
7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See DFAA, DFBA, or DFCA, respectively]

GENERAL PROVISIONS
FILING Complaint forms and appeal notices may be filed by hand-delivery, fax, or 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. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be

	<p>timely if they are postmarked by U.S. Mail on or before the deadline. E-mail shall not be considered a sufficient means of response.</p>
DAYS	<p>“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>
REPRESENTATIVE	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATION / CHANGE OF PATH	<p>When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, the Superintendent may, in his or her sole discretion, consolidate the complaints.</p> <p>When the Superintendent determines that the circumstances warrant skipping one or more levels of the grievance process, the Superintendent may, in his or her sole discretion, change the path of the grievance by assigning it for consideration from one level to any higher level.</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 employee, at any point during the complaint process. The employee 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 FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have cop-</p>

ies 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 employee unless the employee did not know the documents existed before the Level One conference.

A complaint 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 a complaint.

AUDIO RECORDING

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor. [See DGBA(EXHIBIT), Exhibit A]

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

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

The appropriate administrator shall investigate as necessary and hold a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the employee 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 administrator believes will help resolve the complaint.

LEVEL TWO

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

The appeal notice must be filed in writing, on a form provided by the District, within 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. [See DGBA(EXHIBIT), Exhibit B]

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee 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 employee 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.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee 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 Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

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

The appeal notice must be filed in writing, 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. [See DGBA(EXHIBIT), Exhibit C]

The Board shall, within no more than 30 calendar days, schedule a time and date for its consideration of the grievance; the Superintendent or designee shall inform the employee 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 complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The Board may appoint a hearing officer who is not a Board member to preside but such hearing officer shall not have the right to vote on the grievance, if one is taken.

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 employee 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 employee or the employee'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. The Board's consideration of the matter is in the nature of an appeal based on the documents and issues raised at earlier levels. No formal evidentiary rules apply but the presiding officer or appointed hearing officer may exercise reasonable control over the presentations to maintain order, protect the interest of a participant or other persons, and focus the presentations on the relevant issues. Neither side has the right to cross examine any person making a presentation or to compel testimony of a witness.

The Board may give notice of its decision orally and 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.

ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

EIA
(LOCAL)

PHILOSOPHY	<p>The principal purpose of the grading and reporting of student progress is to engage educators, students, and parents in the process of increasing student achievement. Parents shall be provided any relevant information concerning their child that will enhance their understanding of the child's ability, effort, success, or progress in the school program.</p>
RELATION TO ESSENTIAL KNOWLEDGE AND SKILLS	<p>The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.</p> <p>Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student's performance indicates the level of mastery of the designated District objectives. The student's mastery level shall be a major factor in determining the grade for a subject or course.</p>
GUIDELINES FOR GRADING	<p>The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student's relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.</p>
RETESTING	<p>In accordance with grading guidelines, a student shall be permitted a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.</p> <p>The principal at each campus shall work with faculty to establish policies that address retesting and the grading of retested material. These policies shall align with District standards and be consistent within grade levels and/or departments. The specifics of these policies shall be clearly communicated to parents and students.</p>
ELEMENTARY SCHOOLS	<p>In elementary schools, grades shall reflect academic progress and achievement and shall not be based on nor adjusted for nonacademic criteria, such as discipline, attendance, or tardies except as provided by state law. If nonacademic assessment is to be documented, it shall be documented separately on all reports to parents [see FEC and the Student Code of Conduct].</p>
SECONDARY SCHOOLS	<p>In secondary schools, grades shall reflect academic achievement and shall not be based on nor adjusted for nonacademic criteria, such as discipline, attendance, tardies, or participation in extracurricular activities, except as provided by state law and set out in local policy [see FEC and the Student Code of Conduct].</p>

ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

EIA
(LOCAL)

PROGRESS
REPORTING / REPORT
CARDS

Grade reports shall be issued every six or nine weeks on a form approved by the Superintendent or designee. Performance shall be measured in accordance with this policy and the standards established in EIE.

INTERIM REPORTS /
PROGRESS
REPORTS

Interim progress reports shall be issued for all students after the third week of each grading period. Each teacher of students in kindergarten through grade 12 who has a student who is failing, near failing, or who has had a significant drop in grades (two or more letter grades) at the midpoint of the grading period shall notify the student's parents by sending an unsatisfactory grade notice. Notice of a student's consistent unsatisfactory performance shall be issued in accordance with law. Supplemental progress reports may be issued at the teacher's discretion.

CONFERENCES

In addition to conferences scheduled on the campus calendar, conferences may be requested by a teacher or parent as needed.

ACADEMIC
DISHONESTY

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.

FAILING GRADES

At the elementary and middle school levels, the District shall record a 50 in the permanent record for any grading period average or cumulative average numerical grade that is lower than 50. The grade of 50 shall be used in the calculation of the final grade average. At the high school level, the actual numerical grade earned shall be recorded in the student's permanent record.

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

REQUIREMENTS FOR PROMOTION	<p>Grade level promotion and course credit shall be based on a matrix that considers:</p> <ol style="list-style-type: none">1. The recommendation of the student's teacher;2. The student's grade in each subject or course;3. The student's score on assessments; and4. Any other information the district determines necessary.
STANDARDS FOR MASTERY	<p>In addition to the factors in law that must be considered for promotion, mastery shall be determined as follows:</p> <ol style="list-style-type: none">1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or "S" (satisfactory) or higher shall be considered a passing grade.2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final examinations or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.
GENERAL GUIDELINES (ELEMENTARY)	<p>At the end of each school year, principals shall collaborate with faculty, support staff, and designated committees to review and confirm individual student placement decisions for the next school year. Report card data, standardized assessments, permanent records, and other pertinent student information shall be used to make final placement decisions for students who do not meet full promotion standards as defined above.</p>
KINDERGARTEN	<p>In kindergarten, retention shall be considered only in unusual circumstances and with the approval of the student's parents. A written recommendation for retention, including suggestions for assistance for the student shall be signed by the student's teacher, parent, and the principal, and with the approval of the Superintendent's designee. A matrix using <i>Light's Retention Scale</i> shall be a part of the decision-making process. Upon request, parents may review this instrument.</p>
GRADES 1-5	<p>In grades 1-5, promotion to the next grade level shall be based on an overall average of 70 (or S) on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 (or S) or above in language arts and mathematics, and either science or social studies. A matrix using <i>Light's Retention Scale</i> shall be a part of the decision-making process. Upon request, parents may review this instrument.</p>
GRADES 6-8	<p>In grades 6-8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level,</p>

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts, mathematics, science, and social studies. A matrix using *Light's Retention Scale* shall be a part of the decision-making process. Upon request, parents may review this instrument.

Students in grades 6, 7, and 8 who fail to meet the above requirements shall attend summer school and successfully master the requirements prior to being promoted.

GRADES 9–12

Grade-level advancement for students in grades 9–12 shall be earned by course credits. [See EI]

STUDENTS WITH
DISABILITIES

For students eligible for special education services, the ARD committee shall determine promotion standards and appropriate assessment and acceleration options, as established by the student's individualized education programs (IEP).

LIMITED ENGLISH
PROFICIENCY
STUDENTS

In assessing mastery of the essential knowledge and skills for students of limited English proficiency, the District shall allow the students to demonstrate knowledge or competency independent of their English language skills in the following ways:

1. Assessment in the primary language.
2. Assessment using ESL methodologies.
3. Assessment with multiple varied instruments. [See EHBE]

STUDENT SUCCESS
INITIATIVE

In addition to local standards for mastery and promotion, students in grades 5 and 8 must meet the passing standard on an applicable assessment instrument in the subjects required under state law in order to be promoted to the next grade.

GRADE
ADVANCEMENT

For students in grades 1–5 who do not meet local requirements for promotion, but who meet state assessment requirements, as applicable, the principal, in consultation with the student's teacher(s) and/or other professional staff members knowledgeable of the student's academic progress, shall make a decision regarding the student's promotion/retention. In addition, the Superintendent or designee shall develop guidelines that schools shall follow in developing accelerated instruction plans and reviewing student performance for students so affected.

DEFINITION OF
'PARENT'

For purposes of this policy and decisions related to the student success initiative, a student's "parent" shall be defined to include either of the student's parents or guardians; a person designated by the parent, by means of a Power of Attorney, to have responsibility for the student in all school-related matters (see FD); a surrogate parent acting on behalf of a student with a disability; a person

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

designated by the parent or guardian to serve on the grade placement committee (GPC) for all purposes; or in the event that a parent, guardian, or designee cannot be located, a person designated by the Superintendent or designee to act on behalf of the student. [See EIE(LEGAL)]

NO ALTERNATE
ASSESSMENT
INSTRUMENT

The District shall use only the statewide assessment instrument for the third testing opportunity.

STANDARDS FOR
PROMOTION UPON
APPEAL

If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law and shall apply the following standards in deciding to promote or retain the student:

1. Evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, previous state assessments, or individual reading or mathematics diagnostic tests or inventories, as appropriate;
2. Improvement in student test performance over the three testing opportunities;
3. Extenuating circumstances that may have adversely affected the student's participation in instruction, required assessments, or accelerated instruction; and
4. Consideration of whether a student was not enrolled in a Texas public school for part of the school year.

The student shall not be promoted unless:

1. All members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction during the following school year in accordance with the educational plan developed by the GPC; and
2. The student completes accelerated instruction in the subject area for which the student failed to demonstrate proficiency before placement in the next grade level.

Whether the GPC decides to promote or to retain a student in this manner, the committee shall determine an accelerated instruction plan for the student for the following school year, providing for interim reports to the student's parent and opportunities for the parent to consult with the teacher or principal as needed. The principal or designee shall monitor the student's progress during the following school year to ensure that he or she is progressing in accordance with the plan.

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

STUDENTS NEW TO THE DISTRICT	<p>When a student moves into the District and has failed to demonstrate proficiency on applicable assessment instruments after two testing opportunities, a GPC shall convene for that student. The GPC shall review any available records of decisions regarding testing and accelerated instruction from the previous district and determine an accelerated instruction plan for the student.</p> <p>If a parent initiates an appeal for promotion when a student transfers into the District having failed to demonstrate proficiency after three testing opportunities, the GPC shall review any available records of decisions regarding testing, accelerated instruction, retention, or promotion from the previous district and issue a decision in accordance with the District's standards for promotion.</p>
ASSIGNMENT OF RETAINED STUDENTS	<p>A student not promoted to the next grade level shall remain at the same campus or shall be assigned to a similar campus setting. In the event a student is not promoted to the next grade level due to state testing requirements, the District may assign the student to an age-appropriate campus unless:</p> <ol style="list-style-type: none">1. The student's parent requests that the student be assigned to the same or a similar campus setting; or2. The student's GPC determines that it would be in the student's best interest to be assigned to the same or a similar campus setting. Criteria to be considered for this decision may include:<ol style="list-style-type: none">a. Recommendations from the student's teachers.b. Observed social and emotional development of the student.
AGE-APPROPRIATE ASSIGNMENT OF RETAINED STUDENTS	<p>The following provision shall apply only when:</p> <ol style="list-style-type: none">1. A student who is 12 years old is retained in grade 5; or2. A student who is 15 years old is retained in grade 8. <p>In the event a student is not promoted to the next grade level, the District shall assign him or her to an age-appropriate campus unless:</p> <ol style="list-style-type: none">1. The student's parent requests that the student be assigned to the same or similar campus setting; or2. The student's GPC determines that it would be in the student's best interest to be assigned to the same or a similar campus setting. Criteria to be considered for this decision may include:

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

- a. Recommendations from the student's teachers and other professional staff as appropriate.
- b. Observed social and emotional development of the student.
- c. Enrollment data: mobility and attendance.
- d. Previous records of retention and student's age.
- e. Record of previous intervention (including ARI/AMI) and Individual Learning Plan.
- f. Previous referrals for Special Education eligibility.
- g. Schedules and notes from parent conferences.
- h. Parent contacts.
- i. Any other appropriate information from the student's permanent record.

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which cause the student to be retained. (19 TAC 101.2019)

RECORDKEEPING

Principals shall file annually with the associate superintendent the following reports on the indicated dates:

1. Retention by Grade by Reason in grades PK – 2 shall be submitted to associate superintendent for curriculum and instruction by May 1.
2. Retention by Grade by Reason in grades 3 – 12 shall be submitted to the Associate Superintendent for Curriculum & Instruction by August 1.
3. Alternative Program Placements by Category and Reason – secondary (September) to associate superintendent for administration and personnel.
4. Dismissal from Alternative Program Placement – secondary (quarterly) to associate superintendent for administration and personnel.

REPEATED HIGH
SCHOOL COURSES
AND GRADE POINTS

Upon request, high school students may be allowed to repeat courses during summer school or the regular school year for which graduation credits have been earned previously.

1. These students are required to meet the same standards and course requirements established for the class.

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

2. Entries on the student's permanent record and transcript shall be made to indicate the following information about the repeated course:
 - a. Course title (with notation that the course had been passed previously); and
 - b. The numerical grade earned.

Grade points shall only be awarded for repetition of courses completed previously if a grade of 85 or less was first earned. Grade points earned previously for a repeated course shall remain a part of the record and shall also be used in computation of class rank.

Graduation credit may be awarded only once for passing the same course.

REDUCING STUDENT
RETENTION

The District shall establish procedures designed to reduce retaining students at a grade level, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LOCAL)

MINIMUM PROGRAM	The District requires no additional credits for graduation under the Minimum Program beyond those mandated by the state.
RECOMMENDED PROGRAM	The District requires no additional credits for graduation under the Recommended Program beyond those mandated by the state.
ADVANCED / DISTINGUISHED ACHIEVEMENT PROGRAM	The District requires no additional credits for graduation under the Advanced/Distinguished Achievement Program beyond those mandated by the state.
PHYSICAL EDUCATION SUBSTITUTIONS	The District shall allow students to substitute certain physical activities for the required credits of physical education. Such substitution shall be based on the physical activity involved in the courses listed for this purpose in state rules. [See EIF(LEGAL)]
OTHER PHYSICAL ACTIVITY PROGRAMS	The District shall award state graduation credit for physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education. [See also EHAC]
READING CREDITS	<p>The District shall offer up to 3 credits of reading for state graduation credit. The Superintendent or designee shall be responsible for establishing procedures to assess individual student needs and evaluate student progress, and shall monitor instructional activities to ensure that student needs are met. Students shall be identified as eligible to earn reading credit based on:</p> <ol style="list-style-type: none">1. Recommendation by teacher or counselor.2. Scores on assessment instruments and/or achievement tests.

NEW POLICY

SAFE SCHOOLS DATA	<p>The Superintendent or designee shall ensure that the District complies with TEA guidelines for the collection and maintenance of data regarding:</p> <ol style="list-style-type: none">1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD], and2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while in or on the grounds of the school the student attends:<ol style="list-style-type: none">a. Attempted murder;b. Indecency with a child;c. Aggravated kidnapping;d. Assault resulting in bodily injury or aggravated assault;e. Sexual assault or aggravated sexual assault; orf. Aggravated robbery.
SCHOOL SAFETY TRANSFERS	<p>The parent of a student who becomes a victim of a violent criminal offense as described above or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.</p> <p>For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.</p>
FROM A PERSISTENTLY DANGEROUS SCHOOL	<p>The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.</p> <p>The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.</p> <p>Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.</p>

NEW POLICY

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

**FOR A VICTIM OF A
VIOLENT CRIMINAL
OFFENSE**

Within 14 calendar days after a violent criminal offense described above occurs in or on the grounds of the school the student attends, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

**ADDITIONAL
TRANSFER OPTIONS**

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus. [See also FDA and FDB]

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

Students in violation of the compulsory attendance law shall be reported to the District police department, who may institute court action as provided by law.

STUDENTS AGE 18
AND OVER

A student who voluntarily attends school after the student's 18th birthday shall be required to attend school until the end of the school year.

HIGHER EDUCATION
VISITS

A student shall be excused for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

WITHDRAWAL FOR
NONATTENDANCE

The District may initiate withdrawal of a student under the age of 18 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

For withdrawal of students 18 or older, see FEA(LEGAL).

STUDENTS IN
HOMESCHOOLS

When the District becomes aware that a student is being or will be homeschooled, the Superintendent or designee may request in writing a letter of notification from the parents of their intention to homeschool using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

If the parents refuse to submit a letter of notification or if the District has evidence that the school-age child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LOCAL)

ATTENDANCE
COMMITTEES

The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092.

The District shall have one attendance committee appointed per campus. The principal shall appoint no fewer than three persons to the committee in accordance with legal requirements.

TRANSFER STUDENTS
WITHIN TEXAS

The attendance standards shall apply to all students who transfer from any district in Texas into the District. The number of absences the student has accrued for the school year at the previous district at the time of transfer shall be applied to the District's local policy on attendance.

OUTSIDE TEXAS

The attendance standards shall apply to all students who transfer from a district in another state into the District. The principal shall adjust the number of days for attendance accounting on out-of-state students for the remainder of the current semester.

Extenuating circumstances shall be considered should there be a difference between the two districts as to the number of days in the semester.

PARENTAL NOTICE
OF EXCESSIVE
ABSENCES

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

METHODS FOR
REGAINING CREDIT

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit by submitting a written petition to the appropriate attendance committee.

Petitions for credit may be filed at any time the student receives notice but, in any event, no later than 30 days after the last day of classes.

The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit. The committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered.

Students who have lost credit because of excessive absences may regain credit by fulfilling the requirements established by the attendance committee.

PERSONAL ILLNESS

When a student's absence for personal illness exceeds five consecutive days, the principal or attendance committee may require that the student present a statement from a physician or health clinic verifying the illness or condition that caused the student's extended absence from school as a condition of classifying the absence as one for which there are extenuating circumstances.

If a student has established a questionable pattern of absences, the principal or attendance committee may require that a student present a physician's or clinic's statement of illness after a single day's absence as a condition of classifying the absence as one for which there are extenuating circumstances.

GUIDELINES ON
EXTENUATING
CIRCUMSTANCES

The attendance committee shall adhere to the following guidelines to determine attendance for credit:

DAYS OF
ATTENDANCE

1. All absences shall be considered in determining whether a student has attended the required percentage of days. If makeup work is completed satisfactorily, absences for the following reasons shall be considered days of attendance for this purpose:
 - a. Religious holy days;
 - b. Required court appearances;
 - c. Activities related to obtaining U.S. citizenship;
 - d. Serving as an election clerk;
 - e. Visiting an institution of higher education [see FEA]; and
 - f. Health-care appointments.

[See FEB]

TRANSFERS /
MIGRANT
STUDENTS

2. A transfer or migrant student incurs absences only after his or her enrollment in the District.

BEST INTEREST
STANDARD

3. In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the best interest of the student.
4. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.

ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LOCAL)

DOCUMENTATION	5. The committee shall consider the acceptability and authenticity of documented reasons for the student's absences.
CONSIDERATION OF CONTROL	6. The committee shall consider whether the absences were for reasons out of the student's or parent's control.
STUDENT'S ACADEMIC RECORD	7. The committee shall consider whether or not the student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
INFORMATION FROM STUDENT OR PARENT	8. The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit.
DIVORCE DECREE ORDER FOR A STUDENT	<p>A student shall be given an excused absence when the student's parents have been divorced and the divorce decree stipulates that the child spend a specific amount of time with one parent or the other, and that time falls during the school's instructional time.</p> <p>The managing or possessory conservator shall present to the principal the divorce decree well in advance of the child being absent from school for visitation rights specified to the possessory conservator.</p>
TO REGAIN CREDIT LOST DUE TO EXCESSIVE ABSENCES	<p>When accrued absences make it impossible for a student to be in attendance 90 percent of the days the class is offered, the student and parent shall be notified in writing by the school administration that the student may be assigned an alternative learning activity to make up for the absences and to comply with the statutory requirements. For every absence thereafter, the student may be required to complete an alternative learning activity to support his or her appeal to the attendance committee, as deemed appropriate by the teacher.</p>
ALTERNATIVE LEARNING ACTIVITY PROGRAM	<p>Alternative learning activities may be assigned by a campus principal or designee. Documentation of the activities shall be the responsibility of the student and parent and shall be one of the major criteria used in the determination of credit(s) awarded or denied by the attendance committee.</p>
ALTERNATIVE LEARNING ACTIVITIES	<p>The list of possible activities includes, but is not limited to:</p> <ol style="list-style-type: none">1. Tutorials.2. Additional assignments.3. Research projects.4. Individual papers or oral reports.5. Library activities.

ATTENDANCE
ATTENDANCE FOR CREDIT

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(LOCAL)

6. Lab activities.
7. Computer-assisted instruction.
8. Peer tutoring.
9. Assessment of classroom objectives (test).
10. Daily or Saturday guided study.
11. Alternative education assignment.
12. Community or campus service.
13. Summer school.
14. An examination to earn credit in accordance with EEJA.
15. Other activities as deemed appropriate by the principal.

In all cases, the student must also earn a passing grade in order to receive credit.

APPEAL PROCESS

A student may initiate an appeal at any time after alternative learning activities have been completed. The principal shall inform the student by written notice of the appeal process and when the attendance committee will meet. Documentation of the student's alternative learning activity shall be the major criterion used for the determination of gain or loss of credit in each class. The student shall assume the primary responsibility for the alternative learning activity documentation being furnished to the attendance committee for review.

The campus attendance committee's decision may be appealed first to the central attendance committee and then to the Board by submitting a written request to the Superintendent. Appeals shall be handled as provided by the student complaint policy. [See FNG(LOCAL)]

BOARD LEVEL

The appeal to the Board shall be considered by those members present. The Board may consider the appeal upon written documentation or may choose to have the hearing by "trial de novo."

WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

FFAD
(LOCAL)

BODY FLUIDS
MANAGEMENT

Written routine procedures for handling body fluids in the school or school-related setting shall be formulated and be applicable to transmission concerns for any communicable disease. All District personnel shall be trained in these precautionary procedures which shall include: wearing gloves to clean up blood and other designated body fluid spills; disinfecting body fluid spills with a District-approved disinfectant solution; washing hands with soap and water after cleaning up or coming into contact with blood or body fluid spills; and placing items soaked with blood or body fluids in leak-proof bags for washing or further disposition.