

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

**Date of Board Meeting:** May 19, 2008

**Subject:** Adoption of (Local) Policies – TASB Policy Update 82

**Administrator Responsible:**

**Name:** Diane Jackson, Ed.D.

**Position:** Policy Administration & Governmental Relations

**Purpose of Agenda Item:**

Information only       Action needed       Report

**Additional Information and/or Back-Up:**

There are forty-one Legal Policies in TASB Policy Update 82 for review by the Board.

The following (Local) policies will be acted upon:

BJCF:	SUPERINTENDENT: NONRENEWAL	Replace
DBD:	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CONFLICT OF INTEREST	Replace
DBF:	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: NONSCHOOL EMPLOYMENT	Delete
FN:	STUDENTS RIGHTS AND RESPONSIBILITIES	Replace
FNA:	STUDENT EXPRESSION: DISTRIBUTION OF NONSCHOOL LITERATURE	Replace
GKDA:	NONSCHOOL USE OF SCHOOL FACILITIES: DISTRIBUTION OF NONSCHOOL LITERATURE	Replace

The annotated Localized Policy Manual Update 82 was provided on April 11, 2008 and First Reading was held April 28, 2008. BJCF (LOCAL) and FN (LOCAL) have been revised to reflect Board discussion on May 12, 2008.

REASONS

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of rights guaranteed by the Constitution, or based unlawfully on race, color, religion, sex, national origin, disability, or age. Reasons for the non-renewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Insubordination or failure to comply with Board directives.
5. Failure to comply with Board policies or administrative regulations.
6. Failure of the District to make measurable progress towards the goals stated in the District improvement plan. [See BQ]
7. Conducting personal business during school hours when it results in neglect of duties.
8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
10. Failure to meet the District's standards of professional conduct.
11. Failure to immediately report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL).
12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); and conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job.
15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or community, impairs or diminishes the Superintendent's effectiveness in the District.
16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.
17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.
18. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
19. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
20. Falsification of records or other documents related to the District's activities.
21. Falsification or omission of required information on an employment application.
22. Misrepresentation of facts to the Board or other District officials in the conduct of District business.
23. Failure to fulfill requirements for Superintendent certification.
24. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit or a Special Assignment Permit.
25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
26. Any reason constituting good cause for terminating the contract during its term.

NOTICE

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent by hand or certified mail, return receipt requested, written notice of the proposed nonrenewal. This notice shall contain the hearing procedures and shall be delivered not later than the 30th day before the last day of the contract term.

SUPERINTENDENT  
NONRENEWAL

BJCF  
(LOCAL)

REQUEST FOR  
HEARING

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall notify the Board in writing and file a written request with the Commissioner for an independent hearing examiner not later than the 15th day after receiving the notice of proposed action.

HEARING  
EXAMINER

The hearing shall be conducted by an independent hearing examiner in accordance with the process described at BJCF(EXHIBIT).

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with BJCF(EXHIBIT).

NO HEARING

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

DISCLOSURE —  
GENERAL STANDARD      An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

BUSINESS ENTITY      A business entity includes a sole proprietorship, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

POTENTIAL CONFLICT  
OF INTEREST

BUSINESS ENTITY      A potential conflict of interest exists if a person has a substantial interest in a business entity that would experience an economic effect by an action of the Board or the District distinguishable from its effect on the public.

REAL PROPERTY      A potential conflict of interest exists if a person has a substantial interest in real property for which it is reasonably foreseeable that an action of the Board or the District will have an economic effect on the value of the property distinguishable from its effect on the public.

SUBSTANTIAL  
INTEREST      A person has a substantial interest in a business entity if one of the following exists:

- BUSINESS ENTITY
1. Ownership of ten percent or more of the voting stock or shares of the business entity.
  2. Ownership of ten percent or more of the fair market value of the business entity.
  3. Ownership of \$15,000 or more of the fair market value of the business entity.
  4. Funds received from the business entity exceeding ten percent of the person's gross income for the previous year.

REAL PROPERTY      A person has a substantial interest in real property if the person has an equitable or legal ownership with a fair market value of at least \$2,500.

SPECIFIC  
DISCLOSURES

SUBSTANTIAL  
INTEREST  
AFFIDAVIT      The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have. Relatives of the first degree by consanguinity include mother, father, sons, and daughters. Relatives of the first degree by affinity include spouse, stepsons, stepdaughters, sons-in-law, daughters-in-law, mother-in-law, and father-in-law.

SUPERINTENDENT

OTHER      Any other employee who is in a position to affect a financial decision

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

EMPLOYEES involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent. If the employee knows of substantial interest of a relative of the first degree by consanguinity including mother, father, sons, and daughters, and for relatives of the first degree by affinity to include spouse, stepsons, stepdaughters, sons-in-law, daughters-in-law, mother-in-law, and father-in-law, he or she shall file an affidavit.

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002. [See BBFA]

CONFLICTS DISCLOSURE STATEMENT No employee other than the Superintendent shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003-.004.

ANNUAL FINANCIAL MANAGEMENT REPORT The Superintendent, as the executive officer of the District, shall provide to the District in a timely manner information necessary for the District's annual financial management report.

[See BBFA]

GIFTS A budget manager (an employee with signature authority over a District budget) shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA] A budget manager may accept items with an insignificant value of less than \$50, excluding cash or a negotiable instrument as described in Texas Business and Commerce Code Section 3.104. This prohibition does not apply to meals when accepted as a guest in the donor's presence.

No gift, favor, loan, services, or anything of more than token value shall be accepted by District budget managers from any District vendor or prospective vendor seeking to do business with the District. Items of token value include trinkets of minimal value such as coffee mugs, key chains, caps, T-shirts, inexpensive pens, and the like. Plaques and commemorative items are not considered to be gifts.

Exceptions may be made for employees being honored for their professional achievement with the Superintendent's or designee's approval, in accordance with Business and Commerce Code 3.104. In the case of the Superintendent, approval from the Board

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

or its designee shall be required.

ENDORSEMENTS

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.

SALES

An employee shall not use his or her position with the District to attempt to sell products or services.

NONSCHOOL  
EMPLOYMENT

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District. Employment outside the assigned duties in the District during the period of the contract or work year shall not:

1. Interfere with the employee's performance of assigned duties; or
2. In any way, directly or indirectly, result in a relationship whereby the employee could use his or her position with the District, and/or information acquired in the course of employment with the District, to the advantage of the employee or in any way that would cause harm to the District.

An employee shall not use his or her position with the District, or information obtained in the course of employment with the District, to obtain outside employment that would in any manner directly or indirectly be disadvantageous to the District or result in interest(s) that are adverse, antagonistic, or detrimental to the District.

PRIVATE TUTORING

Teachers shall not privately tutor for pay any student whom they are currently teaching.

OUTSIDE ACTIVITIES,  
EMPLOYMENT,  
CONSULTANT DUTIES,  
AND DIRECTORSHIPS

An employee shall not be permitted to promote, participate, or develop any private venture that would result in financial gain to the employee or any associate during the duty day. Honoraria, fees, or compensation from any source for services rendered during the regular duty day shall be in compliance with Texas law and Board policies.

No budget manager shall receive financial or other compensation from a vendor, supplier, or contractor who does business with the District without approval of the Superintendent or designee. If the

Spring Branch ISD  
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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

employee is the Superintendent, then the Superintendent shall request  
written Board approval.

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~~LDU 2007.17~~ UPDATE 82  
DBD(LOCAL)-X

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
NONSCHOOL EMPLOYMENT

DBF  
(LOCAL)

Employment outside the assigned duties in the District during the period of the contract or work year shall not:

1. Interfere with the employee's performance of assigned duties;  
or
2. In any way, directly or indirectly, result in a relationship whereby the employee could use his or her position with the District, and/or information acquired in the course of employment with the District, to the advantage of the employee or in any way that would cause harm to the District.

An employee shall not use his or her position with the District, or information obtained in the course of employment with the District, to obtain outside employment that would in any manner directly or indirectly be disadvantageous to the District or result in interest(s) that are adverse, antagonistic, or detrimental to the District.

NONSCHOOL  
TUTORING

Teachers shall not privately tutor for pay any student whom they are currently teaching.

Inasmuch as all employees are required by Board-adopted policy adhere to the official rules, regulations, and policies of the Board, any employee who ignores or deliberately disobeys such policies, rules or regulations shall be considered guilty of insubordination and be subject to disciplinary action in accordance with the policies of the Board [see DCD and DF series].

STUDENT RIGHTS AND RESPONSIBILITIES

FN  
(LOCAL)

Each student is expected to respect the rights and privileges of other students, teachers, and District staff. All teachers, administrators, and other District personnel are expected to respect the rights and privileges of students. [See DH series]

STUDENT HANDBOOK The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

DISTRIBUTION Student handbooks shall be made available on the District's Web site and distributed to the students at the beginning of the school year. Amendments to the handbook shall be communicated promptly to students and parents.

[For provisions on the Student Code of Conduct, see FO]

STUDENT EXPRESSION  
DISTRIBUTION OF NONSCHOOL LITERATURE

FNAA  
(LOCAL)

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization (Literature) shall not be sold, circulated, distributed, or posted on any District premises by any District student, except in accordance with this policy.

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed by students.

For purposes of this policy, "distribution" means the circulation of more than ten copies of material from a source other than the District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be considered nonschool literature and shall not be governed by this policy.

[For distribution of nonschool literature by nonstudents, see GKDA]

LIMITATIONS ON  
CONTENT

Nonschool literature shall not be distributed by students on District property if:

1. The Literature is obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The Literature endorses actions endangering the health or safety of students.
3. The Literature promotes illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such Literature would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The Literature contains defamatory statements about public figures or others.
6. The Literature advocates imminent lawless or disruptive action and is likely to incite or produce such action.
7. The Literature is hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the Literature would materially and substantially interfere with school activities or the rights of others.

STUDENT EXPRESSION  
DISTRIBUTION OF NONSCHOOL LITERATURE

FNAA  
(LOCAL)

8. There is reasonable cause to believe that distribution of the nonschool Literature would result in material and substantial interference with school activities or the rights of others.

PRIOR REVIEW

All nonschool literature intended for distribution by students on school campuses or other District premises under this policy shall be submitted to the principal for prior review in accordance with the following:

1. Literature shall include the name of the person or organization sponsoring the distribution.
2. Using the standards found in this policy at LIMITATIONS ON CONTENT, the principal shall approve or reject submitted Literature within two school days of the time the materials were received.

EXCEPTIONS TO  
PRIOR REVIEW

Prior review shall not be required for distribution of nonschool literature by District students only in the following circumstances:

1. Distribution of materials by a student to other attendees during a meeting of a noncurriculum-related student group authorized to meet at school during noninstructional time in accordance with FNAB(LOCAL); or
2. Distribution of nonschool materials in circumstances for which exceptions to prior review are authorized at GKDA(LOCAL).

Even when prior review is not required, all other provisions of this policy shall apply.

TIME, PLACE, AND  
MANNER  
RESTRICTIONS

Each campus principal shall designate times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed by students to students or others at the principal's campus.

The associate superintendent shall designate times, locations, and means for distribution of nonschool literature by students at District facilities other than school campuses, in accordance with this policy.

VIOLATIONS OF  
POLICY

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming Literature, suspension of a noncurriculum-related student group's use of District facilities, and/or other disciplinary action in accordance with the Student Code of Conduct.

APPEALS

Decisions made by the administration in accordance with this policy may be appealed in accordance with FNG(LOCAL).

NONSCHOOL USE OF SCHOOL FACILITIES  
DISTRIBUTION OF NONSCHOOL LITERATURE

GKDA  
(LOCAL)

DISTRIBUTION OF  
NONSCHOOL  
LITERATURE  
PERMITTED

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District, except in accordance with this policy.

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed on any District premises.

[See CPAB regarding use of the District's internal mail system and FNAA regarding distribution of nonschool literature by students]

LIMITATIONS ON  
CONTENT

Nonschool literature shall not be distributed on District property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others.

PRIOR REVIEW

All nonschool literature intended for distribution on school campuses or other District premises under this policy shall be submitted to the associate superintendent for administration and personnel or designee for prior review in accordance with the following:

1. Materials shall include the name of the person or organization sponsoring the distribution.

NONSCHOOL USE OF SCHOOL FACILITIES  
DISTRIBUTION OF NONSCHOOL LITERATURE

GKDA  
(LOCAL)

2. Using the standards found in this policy at LIMITATIONS ON CONTENT, the associate superintendent for administration and personnel or designee shall approve or reject submitted materials within three school days of the time the materials were received.

EXCEPTIONS TO  
PRIOR REVIEW

Prior review shall not be required for distribution of nonschool literature in the following circumstances:

1. Distribution of materials by an attendee to other attendees at a school-sponsored meeting intended for adults and held after school hours;
2. Distribution of materials by an attendee to other attendees at a community group meeting held in accordance with GKD (LOCAL) or a noncurriculum-related student group meeting held in accordance with FNAB(LOCAL); or
3. Distribution for electioneering purposes during the time a school facility is being used as a polling place in accordance with state law [see BBB].

All nonschool literature distributed under these exceptions shall be removed from District property immediately following the event at which the materials were distributed.

Even when prior review is not required, all other provisions of this policy shall apply.

TIME, PLACE,  
AND MANNER  
RESTRICTIONS

Each campus principal shall designate reasonable times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed to students or others at the principal's campus.

The associate superintendent for administration and personnel or designee shall designate reasonable times, locations, and means for distribution of nonschool literature at District facilities other than school campuses, in accordance with this policy.

VIOLATIONS OF  
POLICY

Failure to comply with this policy regarding distribution of non-school literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials and/or suspension of use of District facilities. Appropriate law enforcement officials may be called if a person refuses to comply with this policy or fails to leave the premises when asked. [See GKA]

APPEALS

Decisions made by the administration in accordance with this policy may be appealed in accordance with the appropriate District complaint policy. [See DGBA or GF]