

Spring Branch Independent School District
Agenda Item Information

Date of Board Meeting: February 23, 2009

Subject: First Reading of (Legal) and (Local) Policies – TASB Policy Update 84

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:

Localized Policy Manual Update 84 was provided to trustees on January 30, 2009. Seven Local Policies in Update 84 are presented for first reading to advance to second reading and adoption. The thirty-eight Legal Policies in Update 84 are revised and presented for review by the Board.

A summary of the Update 84 packet follows:

LOCAL

There are seven Local Policies addressed in Update 84 and are being revised. Annotated versions are provided; as follows:

BJCF: SUPERINTENDENT NONRENEWAL
CDA: OTHER REVENUES: INVESTMENTS
CE: ANNUAL OPERATING BUDGET
CI: SCHOOL PROPERTIES DISPOSAL
CNA: TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION
DFBB: TERM CONTRACTS
EEH: INSTRUCTIONAL ARRANGEMENTS: HOMEBOUND INSTRUCTION

LEGAL

Thirty-six Legal Policies in Update 84 are being revised. CNC and EKBA are new Legal Policies.

EXHIBITS AND REGULATIONS

There are two Exhibits in Update 84. CDA and FMG have been revised.

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/or 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.

OTHER REVENUES
INVESTMENTS

CDA
(LOCAL)

INVESTMENT SCOPE

This investment policy covers all financial assets under the direct control of the District. Transactions involving the purchase, sale, and maintenance of all District financial investments are included within the jurisdiction of this policy.

OBJECTIVES AND
PRIORITIES

The objectives of the investment policy are as follows and in the following order of priority:

1. To comply with the laws of the state of Texas as defined in Government Code 10 (Chapter 2256), known as the Public Funds Investment Act (short title).
2. To provide for the safety of principal of all District funds.
3. To provide sufficient funds to meet the cash needs of the continuing operation of the District.
4. To attain a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs, and consistent with current and future bank depository contracts.
5. To acquire diversification in the types, issues, and maturities of District investments with due consideration to the quality of the investment.
6. To pursue an active versus a passive portfolio management philosophy; securities may be sold or exchanged before they mature if market conditions present an opportunity for the District to benefit from the trade or if necessary to meet the cash needs of the District. Under this investment policy, all investments shall be made with the intent of pursuing, at the time of purchase, the best rate of return on securities held until maturity, and not with the intent of speculative trading.
7. To maintain the highest professional and ethical standards, with capable and high-quality investment management, as custodians of the public trust.

MATURITY
REQUIREMENTS AND
RESTRICTIONS

It is the objective of the District to match the maturity of investment instruments to cash flow needs. The following restrictions apply to original maturities for all funds:

1. No investment security shall have an original stated maturity greater than three years.
2. The term of a repurchase agreement shall not be greater than 90 days unless bond proceeds are invested, in which case, the maturity shall not exceed projected cash expenditures.

OTHER REVENUES
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(LOCAL)

3. Commercial paper shall not have a stated maturity greater than 270 days.
4. Money market mutual funds shall have a dollar-weighted average stated maturity no greater than 90 days.

INVESTMENT
RESPONSIBILITY

DISTRICT
INVESTMENT
OFFICER

In accordance with Government Code 10 (Chapter 2256), the associate superintendent for finance, director of accounting operations, and treasury manager shall be the District's investment officers and may invest District funds that are not immediately required to pay the obligations of the District. These investment officers are hereby bestowed all of the obligations and authorities contained in the District investment policy. It is the responsibility of the investment officers to monitor the contents of the portfolio, the available markets, and the relative values of competing instruments, and adjust the portfolio accordingly.

TRAINING
REQUIREMENTS

Investment officers shall attend at least one formal training session within 12 months after taking office or assuming duties. Training must include education in investment controls, security risks, market risks, and compliance with Chapter 2256.

STANDARD OF
CARE

Investments shall be made with the judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. In determining whether the investment officers have exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the officer has responsibility rather than a consideration as to the prudence of a single investment, and whether the investment decision was consistent with the District's investment policy.

LIABILITY

District investment officers shall not be responsible for any loss of the District's funds through the failure or negligence of any depository, nor any loss resulting from normal fluctuations in the market value of investments or collateral securities. Nothing in this section shall release the investment officers from responsibility for misappropriation of funds by him or her.

ETHICS AND
CONFLICTS OF
INTEREST

Each investment officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair his or her ability to make impartial investment decisions. The investment officers shall disclose to the Board any material financial interests in financial institutions that conduct business with the District and any personal financial/investment positions that could be related to the performance of the District's portfolio. Each investment officer shall subordinate his or her per-

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(LOCAL)

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| | <p>sonal investment transactions to those of the District, particularly with regard to the timing of purchases and sales.</p> |
| SUBJECT TO AUDIT | <p>The District, at a minimum, shall have an annual audit of all District funds by an independent auditing firm. The District's investment officers and the District's investment procedures shall be subject to an annual compliance audit and any special audits as required.</p> |
| INTEREST RATE RISK | <p>To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.</p> <p>The District shall monitor interest rate risk using weighted average maturity and specific identification.</p> |
| CONTROLS INTERNAL CONTROLS | <p>The investment officers shall establish a system of internal controls which shall be documented in writing and approved by the Board. The internal controls shall be reviewed with the independent auditor on an annual basis. These controls shall be designed to control collusion and to implement a separation of functions including the separation of transaction authority from accounting and record-keeping. The controls shall also establish custodial safekeeping guidelines, procedures for the delegation of authority to subordinate staff, and specific limitations regarding securities losses and remedial action. Furthermore, the controls shall require written confirmation of telephone transactions and documentation of transactions and strategies. Controls shall include the requirement for two separate authorizations to initiate wire transfers.</p> |
| SAFEKEEPING | <p>All purchased securities shall be held in safekeeping by the District, or a District account in a third-party financial institution, or with a Federal Reserve Bank.</p> <p>All certificates of deposit, insured by the U.S. Government, purchased outside the depository bank shall be held in safekeeping by either the District or a District account in a third-party financial institution.</p> <p>All pledged securities by the depository bank shall be held in safekeeping by the District, or a District account in a third party financial institution, or with a Federal Reserve Bank.</p> <p>All certificates of deposit pledged by the depository bank shall be held in custody of a Federal Reserve Bank for safekeeping; be the subject of a valid pledge agreement designating the District as the beneficiary of the pledge agreement; be insured by the U.S. Government; and be described in detail by a safekeeping receipt issued to the District by the Federal Reserve Bank.</p> |

OTHER REVENUES
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| DELIVERY VS. PAYMENT | All funds involved in the transaction of investment securities shall be transferred using the delivery vs. payment (DVP) method through the Federal Reserve System. By so doing, District funds or securities are not released by a third party until the counterparty presents the agreed-upon transaction. |
| COMPETITIVE BIDS | It is the policy of the District to require competitive bidding for all securities purchases and sales with the exception of those transactions involving money market mutual funds and public funds investment pools. At least three bids or offers must be solicited from approved broker dealers. In instances in which the exact security being offered cannot be found by competing dealers, offers on like securities may be used to establish a fair market price. |
| INVESTMENT STRATEGIES BY FUND | The District's investment strategies for each of its funds, including but not limited to operating, agency, debt service, and capital projects, are incorporated into this investment policy as follows. |
| GENERAL FUND | The General Fund includes the operating and payroll accounts. The investment strategy for this fund has as its primary objective to ensure the preservation and safety of principal. Secondly, the objective shall be that anticipated cash flows are matched with adequate investment liquidity. These objectives shall be accomplished by purchasing quality short- to medium-term securities whose maturities closely match the funds cash flow requirements. The dollar average weighted maturity of general fund investments shall not exceed 365 days. |
| SPECIAL REVENUE FUND | The Special Revenue Fund includes food service, public activity, and consolidated application funds. The investment strategy for this fund has as its primary objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements. These objectives shall be accomplished by purchasing quality short-term securities and by investing in investment pools. The dollar average weighted maturity of special revenue funds investments shall not exceed 365 days. |
| DEBT SERVICE FUND | The investment strategy for the Debt Service Fund has as its primary objective preservation and safety of principal. Secondly, the objective shall be sufficient liquidity to meet scheduled debt service payment obligations. The maximum maturity of any individual investment shall not exceed three years. |
| CAPITAL PROJECTS FUND | The investment strategy for the Capital Projects Fund has as its primary objective the preservation and safety of principal. The second objective is to ensure that anticipated cash flows are matched with adequate investment liquidity. These objectives shall be accomplished by purchasing short- to medium-term securities |

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or investment pools. The maximum maturity of any individual investment shall not exceed three years.

SELF-SUSTAINING
FUND

Investment strategy for the Self-Sustaining Fund has as its primary objective preservation and safety of principal. Secondly, the objective is to ensure that anticipated cash flows are matched with adequate investment liquidity. These objectives will be accomplished by purchasing short- to medium-term securities or investment pools. The dollar average weighted maturity of self-sustaining fund investments shall not exceed 365 days.

FIDUCIARY FUNDS

Investment strategies for the Fiduciary Funds shall have as their primary objective preservation and safety of principal. Secondly, the objective is to ensure that anticipated cash flows are matched with adequate investment liquidity. These objectives will be accomplished by purchasing short- to medium-term securities or investment pools. The dollar average weighted maturity of fiduciary fund investments shall not exceed 365 days.

SUITABILITY

The primary investment objectives of the District are preservation of principal and liquidity; income is secondary. The investments must be appropriate to meet the needs and circumstances of the District's operating budget. The investment officers shall use reasonable judgment to determine whether the investment is applicable to the portfolio needs of the District.

PRESERVATION
AND SAFETY OF
PRINCIPAL

The investment officers shall exercise diligence and thoroughness in making an investment transaction. Receipts for confirmations of trades will include information on trade date, par value, maturity, price, settlement date, and description of securities purchased, and they will show the District as the purchaser.

LIQUIDITY

Maturities of investments made shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll, debt service payments, and general expenditures), anticipated payouts of capital project expenditures, sizable blocks of anticipated revenue, and periodic reimbursements from other funds or accounts. Investments will be made with the intent of pursuing, at the time of purchase, the best rate of return on securities held until maturity, and not with the intent of speculative trading. Securities, however, may be sold or exchanged before they mature if market conditions present an opportunity to benefit from the trade or if necessary to meet cash needs. Careful consideration will be given to the effect of the sale on the remaining portfolio.

INVESTMENT
DIVERSIFICATION

The District shall diversify the investment instruments within the portfolio to avoid incurring reasonable risks inherent in overinvesting in specific instruments, individual financial institutions, or ma-

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(LOCAL)

turities, so that no single investment or class of investments can have a disproportionate impact on the total portfolio. The asset allocation in the portfolio should, however, be flexible depending upon the outlook for the economy and the securities markets. Diversification to avoid overconcentration in a specific instrument does not apply to U.S. Treasury securities.

The District recognizes that investment risks may result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. The investment officers are expected to display prudence in the selection of securities as a way to minimize default risk. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio. In the event of default by a specific issuer, the investment officers shall review, and, if appropriate, proceed to liquidate securities having comparable credit risks. To control market price risks, volatile investment instruments shall be avoided.

YIELD

Investment officers shall strive to earn a competitive total return on the portfolio consistent with the objectives and priorities stated in this policy. Total return shall mean the interest or dividend payments and appreciation or depreciation of the principal of the investment. Cash flow forecasts are used to make investment decisions. All available funds should be invested to earn interest for the District. Enough of the funds will be invested in nonvolatile, liquid investments to ensure payments when due. Moderate income volatility is permitted. Financial risk is unacceptable, and because the investment time horizon of the funds are relatively short, exposure to interest rate risk and purchasing power risk will be minimal. The annual time-weighted rate of return on the portfolio should meet or exceed the total return on three-month Treasury bills.

AUTHORIZED
INVESTMENTS

All investments made or sold on behalf of the District must fall within the guidelines provided in Government Code 10 (Chapter 2256), Public Funds Investments Act (short title), and are subject to such other restrictions as may be imposed by the District Board by resolution or order. The following investments are authorized for District funds, with restrictions as noted [see CDA(LEGAL)— AUTHORIZED INVESTMENTS]:

1. Obligations of the United States or its agencies and instrumentalities;
2. Direct obligations of this state or its agencies and instrumentalities;

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CDA
(LOCAL)

3. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities.
4. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States; and have a stated maturity no longer than ten years.
5. Certificates of deposit. Must be fully collateralized and guaranteed or insured by the FDIC.
6. Repurchase agreements. Must be fully collateralized (102%), pledged to and held in Spring Branch ISD's name, and deposited at the time the investment is made with Spring Branch ISD or with a third party selected and approved by Spring Branch ISD, with a defined termination date, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled doing business in this state.
7. Commercial paper. Must have a stated maturity of 270 days or fewer and a rating of not less than A-1/P-1 by two nationally recognized credit rating agencies; or a fully secured irrevocable letter of credit (LOC) from a U.S. bank and one A-1/P-1 credit rating.
8. Money Market Funds. Must be approved by Board resolution and invest its funds only in investments approved by this investment policy. Mutual fund must have as a stated policy objective maintaining a \$1 net asset value.
9. Public Funds Investment Pools. Must be approved by Board resolution and invest its funds only in investments approved by this investment policy.

INVESTMENT
INSTITUTIONS AND
REPRESENTATIVES

The District investment officers shall invest District funds with any or all of the following institutions or groups consistent with federal and state law and the current bank depository contract:

1. Depository bank.
2. Other state or national banks domiciled doing business in Texas that are insured by FDIC;
3. Savings and loan associations banks domiciled doing business in Texas that are insured by FSLIC (or its successor);
4. Public funds investment pools;

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(LOCAL)

5. Money market funds;
6. Government securities brokers and dealers.

QUALIFIED
INSTITUTIONS AND
FIRMS

A written copy of the investment policy shall be presented to any person seeking to sell the District an authorized investment if the investment officers desire to do business with this person. The registered principal of the business organization seeking to sell an authorized investment to the District shall execute a written instrument substantially to the effect that the registered principal has: (1) received and thoroughly reviewed the investment policy of the District; and (2) acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted by the District and the organization.

The investment officers shall maintain a list of business organizations qualified to transact sales and purchases of investment instruments with the District. The list shall be reviewed and updated periodically. All firms must submit annual audited financial statements and be in good standing with the ~~National Association of Securities Dealers~~. Financial Industry Regulatory Authority (FINRA). Representatives shall be registered with the Texas State Securities Board.

REPORTING AND
PERFORMANCE
MONTHLY REPORT

The investment officers shall generate and submit to the Board a monthly investment report that includes the current portfolio of securities at cost and market value by security type, indicating the appropriate fund.

QUARTERLY
REPORT

The investment officers shall prepare and submit to the Board a quarterly report of investment transactions for all funds for the preceding reporting period. The report must:

1. Describe in detail the portfolio position of the District on the date of the report.
2. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
3. Contain a summary statement of each pooled fund group that states beginning market values, changes in market values, and ending market values for the reporting period;
4. State the maturity date of each separately invested asset that has a maturity date;
5. State the fund for which each individual investment was acquired;

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(LOCAL)

6. State the compliance of the investment portfolio as it relates to the investment strategy expressed in the District investment policy and relevant provisions of Government Code 10, Chapter 2256; and
7. Be signed by the investment officers.

ANNUAL OPERATING BUDGET

CE
(LOCAL)

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| FISCAL YEAR | The District shall operate on a fiscal year beginning July 1 and ending June 30. |
| BUDGET PLANNING | Budget planning shall be an integral part of overall program planning so that the budget effectively reflects the District's programs and activities and provides the resources to implement them. In the budget planning process, general educational goals, specific program goals, and alternatives for achieving program goals shall be considered, as well as input from the District and campus-level planning and decision-making committees. Budget planning and evaluation are continuous processes and shall be a part of each month's activities. |
| AVAILABILITY OF PROPOSED BUDGET | After it is presented to the Board and prior to adoption, a copy of the proposed budget shall be available upon request from the business office or Superintendent. The Superintendent or designee shall be available to answer questions arising from inspection of the budget. |
| BUDGET MEETING | The annual public meeting to discuss the proposed budget and tax rate shall be conducted as follows: <ol style="list-style-type: none">1. The Board President shall request at the beginning of the meeting that all persons who desire to speak on the proposed budget and/or tax rate sign up on the sheet provided.2. Prior to the beginning of the meeting, the Board may establish time limits for speakers.3. Speakers shall confine their remarks to the appropriation of funds as contained in the proposed budget and/or the tax rate.4. No officer or employee of the District shall be required to respond to questions from speakers at the meeting. |
| AUTHORIZED EXPENDITURES | The adopted budget provides authority to expend funds for the purposes indicated and in accordance with state law, Board policy, and the District's approved purchasing procedures. The expenditure of funds shall be under the direction of the Superintendent or designee who shall ensure that funds are expended in accordance with the adopted budget. |
| BUDGET AMENDMENTS | The <u>Board shall amend the</u> budget shall be amended when a change is made increasing any one of the functional spending categories or increasing revenue object accounts and other resources. |

ANNUAL OPERATING BUDGET

CE
(LOCAL)

FUND BALANCE

To keep the District in a strong financial position, it is the goal of the Board to maintain the fund balances of the General and Debt Service Funds at an adequate level. The level of adequacy for fund balances shall be 19 percent of the current budget for the General Fund (unreserved) and 35 percent of the current year debt service requirements for the Debt Service Fund. This level of fund balance will protect the District against potential revenue shortfalls and will provide operating funds until tax revenues are received.

If the Board determines that this level of fund balance is not obtainable in the proposed budget being considered, it shall be the goal of the Board to reach this level within a specified period of time, no longer than three years.

SCHOOL PROPERTIES DISPOSAL

CI
(LOCAL)

~~All damaged property owned by the District shall be repaired when economically feasible. All unrepairable, obsolete, unusable or surplus property shall be stored or kept in a secure place. The Superintendent or designee shall establish procedures for the sale at fair market value of any surplus personal property such as books, equipment, and supplies. Items obtained as federal surplus shall be handled in accordance with federal regulations. Personal property includes any item owned by the District not classified as real estate.~~

~~Disposal of such property shall be in accordance with the following procedures:~~

- ~~1. When items are of little value or have limited use and competitive bids are not practical, the Superintendent or designee shall have the authority to dispose of such items if the amount does not exceed \$500. These items may be disposed of on the basis of competitive quotations or by offering them for sale at a predetermined price based on the last price the District received for like items during a public auction.~~

~~Disposal of property estimated to bring more than \$500 shall be by the taking of competitive sealed bids from three or more interested parties or by holding a public auction. The administration is authorized to hold as often as necessary a public auction to dispose of these items. The Superintendent or designee is authorized to declare District materials, equipment, and supplies to be unnecessary and shall dispose of unnecessary materials, equipment, and supplies for fair market value. If the unnecessary property has no value, the Superintendent or designee may dispose of such property according to administrative discretion.~~

~~Items obtained as federal surplus shall be managed according to federal regulations.~~

TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION

CNA
(LOCAL)

ELIGIBILITY

At the Board's direction, the Superintendent or designee shall permit students for whom the District does not receive state transportation funds to use District transportation, ~~within the limits of time and space and~~ in accordance with guidelines established by the administration time and space limitations and administrative regulations.

BUS STOPS

All students who use District transportation shall board buses at authorized stops. Authorized bus stops shall be designated annually by the Superintendent or designee. Bus drivers shall load and unload passengers only at authorized stops.

~~SAFETY
PRECAUTIONS~~

~~Safety precautions shall be exercised in bus operations at all times. If at any time the bus driver is uncertain about road or vehicle conditions, or other safety factors, the driver shall park the vehicle until safe operating conditions are assured.~~

HAZARDOUS
CONDITIONS

~~The District may apply to the Commissioner for an additional amount of up to ten percent of its regular transportation allotment to be used for the transportation of students living within two miles of the school they attend, who would be subject to hazardous conditions.~~—The District has developed standardized Board-approved criteria, formulated where each route shall be evaluated. [See CNA(EXHIBIT)]

REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. A decision by a campus intervention team under Education Code 39.1324 that the employee not be retained at a reconstituted campus.
11. 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.
12. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
13. Failure to meet the District's standards of professional conduct.
14. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication including but not limited to probation, pretrial diversion, intervention, suspended sentence, community supervision for any felony, any crime involv-

ing moral turpitude, or other offense listed at DH(LOCAL).
[See DH]

15. Conviction, of no contest or guilty plea, or deferred adjudication, probation, pretrial diversion, intervention, suspended sentence, community supervision or any other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); ~~and~~ or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
16. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
17. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
18. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
19. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
20. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
21. A significant lack of student progress attributable to the educator.
22. Behavior that presents a danger of physical harm to a student or to other individuals.
23. 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.
24. 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.
25. Falsification of records or other documents related to the District's activities.
26. Falsification or omission of required information on an employment application.
27. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

28. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
29. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
30. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
31. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
32. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
33. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS
FROM
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. ~~The Superintendent shall require that each~~ Each administrator's recommendation for nonrenewal shall be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. ~~Copies of written evaluations, other supporting~~ Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal. The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF
PROPOSED RENEWAL
OR NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

REQUEST FOR
HEARING

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing and shall also file a written request with the Commissioner of Education not later than the 15th day after the date the employee received the notice of proposed nonrenewal. The employee shall provide the Board a copy of this request.

HEARING
PROCEDURE

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

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with DFD(LEGAL).

NO HEARING

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

INSTRUCTIONAL ARRANGEMENTS
HOMEBOUND INSTRUCTION

EEH
(LOCAL)

| | |
|---------------------------|---|
| GENERAL EDUCATION | <p><u>A-Consistent with TEA's Student Attendance Accounting Handbook (SAAH), a student to be confined for a minimum of four consecu- tive-weeks to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the U-S-nited States may be eligible for general education homebound services. The parent's request for services shall be made through the principal in accordance with TEA's Student Attendance Accounting Handbook-SAAH and administrative procedures.</u></p> <p>The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information.</p> |
| SPECIAL EDUCATION | <p>For special education students, the ARD committee shall determine the type and amount of instruction to be provided and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information.</p> |
| DOCUMENTATION OF SERVICES | <p>The District shall maintain, in accordance with administrative procedures, full documentation about students receiving homebound services.</p> |