

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

Date of Board Meeting: October 20, 2008

Subject: Consideration and Possible Action on Potential Amendments: TASB Policy
Update 83

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:

Recommend discussion, approval of potential amendments and Second Reading of the following (Local) policies in TASB Policy Update 83.

Potential amendments may be considered. Possible action may occur.

DEA: COMPENSATION AND BENEFITS: SALARIES AND WAGES
*DGBA: PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS/GRIEVANCES
FB: EQUAL EDUCATIONAL OPPORTUNITY
*FFH: STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND
 RETALIATION
*FFI: STUDENT WELFARE: FREEDOM FROM BULLYING
FL: STUDENT RECORDS
FNC: STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT
*FNG: STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT PARENT
 COMPLAINTS/GRIEVANCES
*FO: STUDENT DISCIPLINE
*GF: PUBLIC COMPLAINTS

The following LOCAL policies will be deleted and addressed in another policy.

CFE ACCOUNTING: PAYROLL PROCEDURES will be addressed in DEA.
DAA EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT will be addressed in DIA.
EHAC BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY) is
 addressed in EHAC (LEGAL).

The annotated Localized Policy Manual Update 83 was provided on September 5, 2008.

*Potential amendments are attached.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

The Superintendent shall recommend to the Board for approval compensation plans for all District employees. Compensation plans may include wage and salary structures, stipends, benefits, and incentives.

PAY ADMINISTRATION

The Superintendent shall administer the compensation plans consistent with the budget approved by the Board. The Superintendent or designee shall classify each job title within the compensation plans based on the qualifications and duties of the position. Within these classifications, the Superintendent or designee shall determine appropriate pay for new employees and employees re-assigned to different positions.

ANNUAL PAY
INCREASES

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine annual increases for individual employees, within budgeted amounts.

MID-YEAR PAY
INCREASES

CONTRACT
EMPLOYEES

A contract employee's pay shall not be increased after performance on the contract has begun unless there is a change in the employee's job assignment or duties that warrants additional compensation. Any such changes in pay during the term of the contract shall require Board approval.

NONCONTRACT
EMPLOYEES

The Superintendent may grant a pay increase to a noncontract employee after duties have begun only when there is a change in the employee's job assignment or duties, or when an adjustment in the market value of the job warrants additional compensation. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

CLASSIFICATION OF
POSITIONS

The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

EXEMPT

The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.

COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

	<p>The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the District's compensation plans.</p>
NONEXEMPT	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.</p> <p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
WORKWEEK DEFINED	<p>For purposes of FLSA compliance, the workweek for District employees shall be 12:01 a.m. Sunday until 12:00 a.m. Saturday.</p>
COMPENSATORY TIME ACCRUAL	<p>At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.</p> <p>Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 80 hours at any time during the duty year. <u>If an employee has a balance of more than 80 hours of overtime, the employee will be required to use compensatory time or, at the District's option, will receive overtime pay.</u></p>
USE	<p>An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a fiscal year, the District shall pay off any remaining compensatory time.</p> <p>Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.</p>
MERIT COMPENSATION PLAN—PURPOSE AND APPLICATIONS	<p>All counselors, educational diagnosticians, associate school psychologists, school social workers, and library media specialists who were assigned to the Merit Compensation Plan on August 31, 1993, shall continue to receive the stipend annually while employed with the District.</p>

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DEA(LOCAL)-X

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COMPENSATION AND BENEFITS
SALARIES AND WAGES

DEA
(LOCAL)

ANNUALIZED SALARY
REQUIRED

The District shall pay all salaried employees over 12 months, regardless of the number of months employed during the school year. A salaried employee shall receive his or her salary in equal monthly or bimonthly payments, beginning with the first pay period of the school year.

EARLY
SEPARATION

If a salaried employee separates from service before the last day of instruction, the employee shall receive in his or her final paycheck the unpaid amount the employee has actually earned from the beginning of the 12-month pay period until the date of separation. For purposes of this policy, "separation from service" shall be as defined in IRS regulation 26 CFR 1.409A-1(h).

A salaried employee who separates from service on or after the last day of instruction shall be paid as follows:

1. An employee who is retiring under the Texas Teacher Retirement System shall receive in his or her final paycheck the unpaid amount the employee has actually earned from the beginning of the 12-month pay period until the date of separation. If the employee is eligible and elects to continue enrollment in the District's group health coverage for one or more months of the summer, the employee's share of premiums shall be withheld from the final paycheck.
2. All other employees shall be paid according to the annualized salary provisions above.

[For provisions on continuation of coverage after resignation, see CRD(LEGAL).]

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>
<u>NOTICE TO EMPLOYEES</u>	<p><u>The District shall inform employees of this policy.</u></p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint. {See DG}</p>
NOTICE TO EMPLOYEES	<p>The principal of each campus and other supervisory personnel shall inform employees of this policy.</p>
SPECIFIC COMPLAINTS	<p>For more information on how to proceed with complaints regarding:</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

OTHER REVIEW
PROCESSES

- ~~1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.~~
- ~~2. Instructional materials, see EFA.~~
- ~~3. A commissioned peace officer who is an employee of the District, see CKE.~~

~~Complaints alleging certain forms of harassment, including harassment by a supervisor, shall be processed in accordance with DIA.~~

~~Complaints arising from any of the following must be addressed through the local and statutory processes indicated below:~~

- ~~1. The proposed nonrenewal of a term contract issued under Chapter 21 of the Texas Education Code, in accordance with DFBB.~~
- ~~2. The proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Texas Education Code during the contract term, in accordance with DFAA, DFBA, or DFCA, respectively.~~

~~This policy shall apply to all other employee complaints.~~

DEFINITIONS

~~For purposes of this policy, terms are defined as follows:~~

COMPLAINT/
GRIEVANCE

~~The terms "complaint" and "grievance" shall have the same meaning. A complaint under this policy may include:~~

- ~~1. Grievances concerning an employee's wages, hours, or conditions of work;~~
- ~~2. Specific allegations of unlawful discrimination in employment based on the employee's sex, race, religion, national origin, age, or disability;~~
- ~~3. Specific allegations of unlawful discrimination or retaliation based on the employee's exercise of legally protected rights;
or~~
- ~~4. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the District or a District employee, i.e., "whistleblower complaints." [See DG]~~
- ~~5. Complaints arising from the dismissal or termination of an at-will employee. [See DCD]~~

PERSONNEL-MANAGEMENT RELATIONS
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(LOCAL)

	<p>6. Complaints arising from the termination at end of year of the probationary contract of a professional employee. [See DFAA]</p>
FILING	<p>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 the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
RESPONSE	<p>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 timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.</p>
DAYS	<p>"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."</p>
REPRESENTATIVE	<p>"Representative" means 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>
DESIGNATION OF REPRESENTATIVE	<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.</p>
WHISTLEBLOWER COMPLAINTS	<p>Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL TWO, below, 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>
GENERAL PROVISIONS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

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(LOCAL)

	<p>events that have been or could have been addressed in a previous complaint.</p>
<p><u>COMPLAINTS AGAINST SUPERVISORS</u></p>	<p><u>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.</u></p>
<p><u>COMPLAINTS</u></p>	<p><u>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.</u></p>
<p><u>EXCEPTIONS</u></p>	<p><u>This policy shall not apply to:</u></p>
	<ol style="list-style-type: none"><u>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]</u><u>2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]</u><u>3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]</u><u>4. Complaints concerning instructional materials. [See EFA]</u><u>5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]</u><u>6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]</u><u>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]</u>
<p><u>GENERAL PROVISIONS</u> <u>FILING</u></p>	<p><u>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.</u></p>

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(LOCAL)

<u>RESPONSE</u>	<u>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 timely if they are postmarked by U.S. Mail on or before the deadline.</u>
<u>DAYS</u>	<u>"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."</u>
<u>REPRESENTATIVE</u>	<u>"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.</u> <u>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.</u>
<u>CONSOLIDATION / CHANGE OF PATH</u>	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. 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.
<u>UNTIMELY FILINGS</u>	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days <u>from the date of the written dismissal notice</u> , starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
<u>COSTS INCURRED</u>	Each party shall pay its own costs incurred in the course of the complaint.
<u>COMPLAINT FORM</u>	Complaints under this policy shall be submitted in writing on a form provided by the District.

PERSONNEL-MANAGEMENT RELATIONS
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DGBA
(LOCAL)

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the 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 ~~requested~~required information if the refileing is within the designated time for filing a complaint.

COMPLAINTS
AGAINST
SUPERVISORS

~~Complaints alleging a supervisor's violation of law may be made to the Superintendent beginning at Level Two. A complaint alleging a violation of law by the Superintendent may be made directly to the Board beginning at Level Three.~~

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.

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 have ten days following the conference to 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 con-~~

LEVEL TWO

sider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

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 after receipt of a of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline at Level One.

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. ~~At the~~The conference, the Superintendent or designee shall consider only be limited to the issues and documents 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 shall have ten days following the conference to provide the employee a written response 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.

LEVEL THREE

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

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 after receipt of ~~of~~ the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline at Level Two.

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 with copies of the record of the Level Two complaint form, all responses, all appeal notices, and all written documentation previously submitted by the employee or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice. 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 or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach 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.

DGBA(LOCAL) Personnel- Management Relations Employee Complaints/Grievances

#1 - Page 5 of 9. Under the section "RESPONSE"

Add the following sentence to the end of the paragraph:
"Email is not considered a sufficient means of response."

#2 - Page 6 of 9. The first paragraph of the page, the last sentence of the paragraph.

The amendment is to insert the words "or the administration" after the words "by the employee" and after the words "unless the employee". If adopted, the sentence would read:

After the Level One decision is rendered, no new documents may be submitted by the employee or the administration unless the employee or the administration did not know the documents existed before the Level One conference.

Or

After the Level One decision is rendered, if new documents are submitted by the administration, the employee may submit additional relevant documents in response.

#3 - Page 7 of 9. Under the section "LEVEL TWO", the third paragraph.

The amendment is to strike the last sentence; "The employee may request a copy of the Level One record." and insert the following sentence in its place:

The employee will receive a copy of the Level One record in a timely manner.

#4 - In the very last paragraph, the amendment is to strike all the words after the words "provided at the Level Two conference". If adopted the sentence would read:

In reaching a decision, the Superintendent or designee may consider the Level One record and information provided at the Level Two conference.

#5 - Page 8 of 9. Under the section "LEVEL THREE", the fourth paragraph.

The amendment is to strike the last sentence "The employee may request a copy of the Level Two record" and insert the following sentence in its place:

The employee will receive a copy of the Level Two record in a timely manner.

#6 - Page 9 of 9. The last paragraph, the first sentence. The amendment is to strike the word "may" and insert the word "shall". If adopted that sentence would read:

The Board shall give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

#7 - Additionally, there is an amendment to strike the rest of that paragraph.

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

~~The Superintendent shall serve as coordinator for purposes of District compliance with antidiscrimination laws, except as provided below.~~

~~TITLE IX AND SECTION
504 COORDINATOR~~

The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and Section 504 of the Rehabilitation Act of 1973:

Name: Marjorie Duffey
Position: Associate Superintendent for Administration and Personnel
Address: 955 Campbell Road, Houston, TX 77024
Telephone: (713) 464-1511

SECTION 504
COORDINATOR

The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Deb Darmer
Position: Director for Special Education
Address: 9000 Westview, Houston, TX 77055
Telephone: (713) 365-4795

SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

COMPLAINTS

~~Allegations of unlawful discrimination shall be directed to the appropriate coordinator and shall be heard through FNG(LOCAL). Reports regarding, prohibited harassment, including sexual harassment, or retaliation shall be made according to FFH(LOCAL).~~

RECORDS
RETENTION

Copies of reports alleging discrimination ~~or, prohibited harassment, including sexual harassment, and retaliation;~~ investigation reports; and related records shall be maintained by the District for a period of at least three years. If the person alleged to have experienced discrimination ~~or, prohibited harassment, or retaliation~~ was a minor, the records shall be maintained until the person reaches the age of 21.

SECTION 504
COMMITTEE

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]
The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

REFERRALS A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.

PARENTAL CONSENT The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

NOTICE TO PARENTS Parents shall be given written notice of the District's refusal to evaluate a student or to provide specific aids and services the parents have requested.

PREPLACEMENT EVALUATION The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

IMPARTIAL HEARING Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.

STATE-MANDATED ASSESSMENTS Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been

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EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.
[See EKB]

DATE ISSUED: ~~4/1/2005~~ 7/18/2008
~~LDU-37-05~~ UPDATE 83
~~FB(LOCAL)-A2~~ FB(LOCAL)-A

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STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

Note: This policy addresses discrimination, harassment of , and retaliation involving District students. For provisions regarding discrimination, harassment of , and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. For provisions regarding bullying, see FFI.

STATEMENT OF
NONDISCRIMINATION

The District prohibits sexual discrimination, including harassment, dating violence, and harassment based on a person's against any student on the basis of race, color, religion, gender, national origin, disability, or religion any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

~~Employees shall not tolerate harassment of students and shall make reports as required at REPORTING PROCEDURES, below.~~

SEXUAL DISCRIMINATION

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

PROHIBITED
HARASSMENT

BY AN EMPLOYEE

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

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

Prohibited harassment includes dating violence as defined by this policy.

SEXUAL
HARASSMENT

BY AN EMPLOYEE

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

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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or not the student submits to the conduct; or

2. The conduct is so severe, persistent, or pervasive that it:

a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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

BY OTHERS

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

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include, but are not limited to, sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

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

DATING VIOLENCE

Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

DATE ISSUED: ~~9/28/2007~~ 7/18/2008
~~UPDATE 84~~ UPDATE 83
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Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

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

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

~~OTHER PROHIBITED
HARASSMENT~~

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

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

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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<u>RETALIATION</u>	<u>The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.</u>
<u>EXAMPLES</u>	<u>Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions.</u>
<u>PROHIBITED CONDUCT</u>	<u>In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.</u>
<u>REPORTING PROCEDURES</u>	<p>Any student who believes that he or she has experienced prohibited harassment <u>conduct</u> or believes that another student has experienced <u>prohibited conduct</u> should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.</p> <p>Any District employee who receives notice that a student has or may have experienced prohibited harassment is required to immediately report the alleged acts to an appropriate person designated below.</p> <p>Any other person who knows or believes that <u>Alternatively</u>, a student has experienced <u>may report</u> prohibited harassment should immediately report the alleged acts to the appropriate person designated below.</p> <p>Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]</p>
<u>TIMELY REPORTING</u>	<p>Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.</p> <p>Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment <u>conduct</u> directly to one of the District officials below:</p>

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DEFINITION OF
DISTRICT
OFFICIALS

~~4. For sexual harassment, the purposes of this policy, District officials are the Title IX coordinator. [See FB(LOCAL)]~~

~~For all other prohibited harassment, the , the Section 504 coordinator, and the Superintendent.~~

TITLE IX
COORDINATOR

~~A report against the Title IX coordinator may be made directly to the Superintendent; a Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:~~

~~Name: Marjorie Duffey~~

~~Position: Associate Superintendent for Administration and Personnel~~

~~Address: 955 Campbell Road, Houston, TX 77024~~

~~Telephone: (713) 464-1511~~

SECTION 504
COORDINATOR

~~Reports of discrimination based on disability may be directed to the Section 504 coordinator. The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:~~

~~Name: Deb Darmer~~

~~Position: Director for Special Education~~

~~Address: 9000 Westview, Houston, TX 77055~~

~~Telephone: (713) 365-4795~~

SUPERINTENDENT

~~The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.~~

ALTERNATIVE
REPORTING
PROCEDURES

~~A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or Section 504 coordinator, may be directed to the Superintendent.~~

~~A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.~~

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NOTIFICATION TIMELY
REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

NOTICE OF REPORT

Upon receipt of a report of harassment, a principal Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

NOTICE TO PARENTS

The principal or District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited harassment conduct by a District employee or another adult, associated with District. In cases of student-to-student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.

INVESTIGATION OF THE
REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notification notice of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment conduct as defined by District this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, the District shall promptly take interim action calculated to prevent harassment prohibited conduct during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other

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information or documents related to the allegations.

~~The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.~~

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

DISTRICT ACTION

If the results of an investigation indicate that prohibited harassment conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment conduct.

The District may take disciplinary action based on the results of an investigation, even if the ~~District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy or~~ unlawful conduct.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

APPEAL

~~A student, including a complainant, who is dissatisfied with the~~ outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. ~~A complainant student~~ shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

RETALIATION
PROHIBITED

~~Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.~~

Spring Branch ISD
101920

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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(LOCAL)

RECORDS RETENTION Retention of records shall be in accordance with FB(LOCAL)- and CPC(LOCAL).

ACCESS TO POLICY Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

FFH(LOCAL) Student Welfare – Freedom from Discrimination, Harassment and Retaliation

#1 - Page 6 of 8. Under the section “NOTICE TO PARENTS”, the first sentence.

The amendment is to strike the word “or” and then insert the words “or another student” at the end of the sentence. If adopted, the sentence would read:

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee, another adult or another student.

Note: This policy addresses bullying of District students. For provisions regarding discrimination, harassment, and retaliation involving District students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

BULLYING
PROHIBITED

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

DEFINITION

Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that:

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

EXAMPLES

Bullying of a student may include, but is not limited to hazing, threats, taunting and teasing.

TIMELY REPORTING

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING
PROCEDURES

Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. A report may be made orally or in writing.

NOTICE OF REPORT

Any District employee who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.

INVESTIGATION OF
REPORT

If a report is made orally, the campus principal or designee shall reduce the report to written form.

The campus principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, and if so proceed under that policy instead.

The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of

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FREEDOM FROM BULLYING

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(LOCAL)

an investigation, if appropriate.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the campus principal or designee shall take additional time if necessary to complete a thorough investigation.

The campus principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Superintendent or designee.

DISTRICT ACTION

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]

The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

RECORDS RETENTION

Retention of records shall be in accordance with CPC(LOCAL).

ACCESS TO POLICY

Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

FFI(LOCAL) Student Welfare – Freedom from Bullying

#1 - Page 2 of 2. Add a new section “NOTICE TO PARENTS” after the section “DISTRICT ACTION”

Under this new section, the following sentence shall be added:

The District official or designee shall promptly notify the parents of any student alleged to have experienced bullying by a District employee, another adult or another student.

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COMPREHENSIVE
SYSTEM

The Superintendent or designee shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

CUMULATIVE RECORD

A cumulative record shall be maintained for each student from entrance into District schools until seven years after withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See GBA]

CUSTODIAN OF
RECORDS

The principal is custodian of all records for currently enrolled students at the principal is the assigned school and custodian of records for students who have withdrawn or graduated. The student handbook ~~distributed annually is made available~~ to all students.

TYPES AND
LOCATIONS OF
EDUCATION
RECORDS

~~Each~~ The record custodian, ~~at the location listed in the student handbook,~~ shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

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c. Immunization records. [See FFAB]

6. Attendance records.
7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Other records that may contribute to an understanding of the student.

REQUEST
PROCEDURES

The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

STUDENT RIGHTS

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

ACCESS BY SCHOOL
OFFICIALS

For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of students with disabilities. The term also includes attorneys, consultants, and independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of students with disabilities.

STUDENT RECORDS

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(LOCAL)

School officials have a "legitimate educational interest" in a student's records when they are working with the student; considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an education record to fulfill the official's professional responsibility; or investigating or evaluating programs.

ACCESS BY PARENTS Parents may be denied copies of records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of postsecondary education, or if they fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.

FEES FOR COPIES Copies of records are available at a per copy cost, payable in advance, as specified in the annual notice to parents of their privacy rights.

TRANSCRIPTS AND TRANSFERS OF RECORDS The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

The District shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

RECORDS RESPONSIBILITY FOR STUDENTS IN SPECIAL EDUCATION The official responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education shall be the director of elementary and secondary special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the office of the director of elementary and secondary special education.

PROCEDURE TO AMEND RECORDS Within 15 school days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten school days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to

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(LOCAL)

present evidence, and at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

DIRECTORY
INFORMATION

The District has designated the following categories of information as directory information: student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

A parent or legal guardian shall be permitted to object to the release of directory information to any requestor, while maintaining the option to approve release of such information for school or District uses only.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

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(LOCAL)

STUDENT HANDBOOK
— STUDENT CODE OF
CONDUCT

The District's rules of conduct and discipline, maintained in the student handbook and/or the Board-adopted Student Code of Conduct, are established to achieve and maintain order in the schools, and to teach respect toward others and responsible behavior. [See FO series]

EXTRACURRICULAR
ACTIVITIES:
STANDARDS OF
BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. [See FO]

PROHIBITED
HARASSMENT

Students shall not engage in prohibited harassment, including sexual harassment, of:

1. Other students, as defined at FFH.
2. District employees, as defined at DIA.

While subject to the disciplinary control of the District, students shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.

BEHAVIORAL
STANDARDS

The following specific policies address student conduct in the areas of:

1. Attendance — FEC
2. Bullying — FFI
- ~~2.3.~~ School-sponsored publications — FMA
- ~~3.4.~~ Appropriate attire and grooming — FNCA
- ~~4.5.~~ Damage to school property — FNCB
- ~~5.6.~~ Prohibited organizations and hazing — FNCC
- ~~6.7.~~ Tobacco use — FNCD
- ~~7.8.~~ Telecommunications devices — FNCE
- ~~8.9.~~ Drug and alcohol use — FNCF
- ~~9.10.~~ Weapons — FNCG
- ~~10.11.~~ Assault — FNCH
- ~~11.12.~~ Disruptions — FNCI, GKA

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

GUIDING PRINCIPLES
INFORMAL
PROCESS

The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

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

FREEDOM FROM
RETALIATION

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

NOTICE TO STUDENTS
AND PARENTS

The principal of each campus ~~District~~ shall inform students and parents of this policy.

APPLICATION
EXCEPT AS
ADDRESSED BY
SPECIFIC
COMPLAINTS, BELOW,
THIS POLICY APPLIES
TO ALL COMPLAINTS
OR GRIEVANCES
FROM STUDENTS OR
PARENTS.

~~Complaints alleging certain forms of harassment shall be processed in accordance with FFH.~~

EXCEPTIONS
SPECIFIC
COMPLAINTS

~~For more information on how to proceed with complaints regarding:~~

~~1. Alleged discrimination, see FB.~~

~~Loss~~In this policy, the terms "complaint" and "grievance" shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.

This policy shall not apply to:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion. [See FFH]
2. Complaints concerning dating violence. [See FFH]
3. Complaints concerning retaliation related to discrimination and harassment. [See FFH]
4. Complaints concerning bullying. [See FFI]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

- ~~2.5. Complaints concerning loss of credit on the basis of attendance, see. [See FEC.]~~
- ~~3.6. Removal~~ Complaints concerning removal to a disciplinary alternative education program, see. [See FOC.]
- ~~4.7. Expulsion, see~~ Complaints concerning expulsion. [See FOD and the Student Code of Conduct.]
- ~~5.8. Identification~~ Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504, see. [See FB.]
- ~~6.9. Identification~~ Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act, see. [See EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education.]
- ~~7.10. Instructional materials, see~~ Complaints concerning instructional materials. [See EFA.]
- ~~8. On-campus distribution of nonschool materials, see FNAA.~~
- ~~9.11.A~~ Complaints concerning a commissioned peace officer who is an employee of the District, see. [See CKE.]

DEFINITIONS

COMPLAINT/
GRIEVANCE

~~For purposes of this policy, terms are defined as follows:~~

~~The terms "complaint" and "grievance" shall have the same meaning.~~

- ~~12. Complaints concerning intradistrict transfers or campus assignments. [See FDB]~~

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 student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the

STUDENT RIGHTS AND RESPONSIBILITIES
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DAYS	<p>deadline and received by the student or parent or designated representative no more than three days after the response deadline.</p> <p><u>"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."</u></p>
REPRESENTATIVE	<p>"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.</p> <p>The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel.</p>
DAYS	<p>"Days" shall mean The District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall may be determined represented by counting the following day as "day one."counsel at any level of the process.</p>
GENERAL PROVISIONS <u>CONSOLIDATING COMPLAINTS</u>	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT 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 student or parent does not have copies of these documents, copies may be presented at the</p>

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

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Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent 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 ~~requested~~required information if the refiling is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

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

In most circumstances, students and parents shall file Level One complaints with the campus principal.

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 student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

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

LEVEL TWO

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

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

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

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 student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent 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. ~~At the~~The conference, the Superintendent or designee shall consider only be limited to the issues and documents presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied on 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 ~~have~~provide the student or parent a written response within ten days following the conference to provide the student or parent a written response. 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 student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days after receipt of a of the written Level

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

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Two response or, if no response was received, within ten days of the Level Two response deadline at Level Two.

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

~~The Superintendent or designee shall provide the Board with copies of the record of the Level Two complaint form, all responses, all appeal notices, and all written documentation previously submitted by the student or parent or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice. The student or parent may request a copy of the Level Two record.~~

The Level Two record shall include:

1. The Level One record.
2. The 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 records, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

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

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

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

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

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The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If ~~for any reason the Board fails to reach~~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.

FNG(LOCAL) Student Rights and Responsibilities – Student and Parent Complaints/Grievances

#1 - Page 4 of 7 First paragraph. The amendment is to insert the words “or the administration” after the words “by the student or parent” and after the words “the student or parent”. If adopted the sentence would read:

After the Level One decision is rendered, no new documents may be submitted by the student or parent or the administration unless the student or parent or the administration did not know the documents existed before the Level One conference.

Or

After the Level One decision is rendered, if new documents are submitted by the administration, the student or parent may submit additional relevant documents in response.

#2 - Page 5 of 7. The last sentence of the second paragraph “The student or parent may request a copy of the Level One record” and replace with the following sentence:

The student or parent will be provided a copy of the Level One record in a timely manner.

#3 - Page 5 of 7, the fifth paragraph (beginning with “The Superintendent or designee shall....”). The amendment is for the last sentence; to strike all of the words after “ the Level Two conference”. If adopted, the sentence would read:

In reaching a decision, the Superintendent or designee may consider the Level One record and information provided at the Level Two conference.

STUDENT DISCIPLINE

FO
(LOCAL)

GENERAL GUIDELINES

~~When imposing discipline, District personnel shall adhere to the following general guidelines:-~~ when imposing discipline:

1. ~~Discipline~~A student shall be administered~~disciplined~~ when necessary to improve the student's behavior, to maintain essential order, or to protect other students, school employees, or property and maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
 - a. The seriousness of the offense;
 - b. The student's age;
 - c. The frequency of misconduct;
 - d. The student's attitude;
 - e. The potential effect of the misconduct on the school environment;
 - f. Requirements of Chapter 37 of the Education Code; and
 - g. The Student Code of Conduct adopted by the Board.

STUDENT CODE OF CONDUCT

~~The Student Code of Conduct containing information regarding student discipline shall be distributed at~~ At the beginning of the school year to students and parents, teachers, and administrators. Throughout the school year as necessary, the Student Code of Conduct shall be provided also to newly hired professional employees, newly enrolled students, and any other person on request.;

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's Web site and/or as hard copy to students, parents, teachers, administrators, and to others on request.

REVISIONS

Revisions to the Student Code of Conduct approved by the Board during the year shall be ~~communicated~~made available promptly to students and parents, teachers, and administrators, and shall also be posted on campus~~others.~~

'PARENTS' DEFINED

Throughout the Student Code of Conduct and discipline policies, the term "parents" includes ~~the single~~a parent, legal guardian, or other person having lawful control of the child.

STUDENT DISCIPLINE

FO
(LOCAL)

DETENTION	For minor infractions <u>violations</u> of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days, as provided by the discipline management program and/or Student Code of Conduct. Before being assigned to detention, a student shall be informed of the behavior that allegedly constitutes the violation, and shall be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention shall be used for educational purposes.
NOTICE TO PARENTS	When detention is used <u>assigned</u> , notice shall first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student . Except in the case of a student who is 18 years of age or older, the detention shall not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.
CORPORAL PUNISHMENT GUIDELINES	Corporal punishment may be used as a discipline management technique in accordance with the Student Code of Conduct. Corporal punishment shall be used sparingly, cautiously, and with the best interest of the student in mind. When corporal punishment is to be administered, the following procedures shall be followed: <ol style="list-style-type: none">1. Corporal punishment shall be permitted only with parent permission.2. The student shall be told of the reason corporal punishment is being administered and shall have an opportunity to indicate if there is any family or medical reason why the punishment should not be administered.3. Corporal punishment may be administered only by the principal or an adult of the principal's choice <u>designee</u>, to ensure that it is being administered in a respectful manner and without emotional involvement. When administered, it shall be done in the presence of the principal and two other adult witnesses and shall take place out of the view of other students.
PARENT REQUEST	The District shall honor a parent request that corporal punishment not be administered to his or her child; however, the District shall impose other disciplinary measures consistent with the offense.
DISCIPLINARY RECORDS	The disciplinary record of any corporal punishment shall include any previous <u>related</u> disciplinary actions, the type of corporal punishment administered , the name of the person administering the punishment, the names of witnesses present, and the date and time of punishment.

PHYSICAL RESTRAINT

~~Any District employee may, within~~ Within the scope of the an em-
ployee's duties, use and apply physical restraint to a District em-
ployee may physically restrain a student if the employee reasona-
bly believes restraint is necessary in order to:

1. Protect a person, including the person using physical re-
straint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
- ~~3. Protect property from serious damage.~~
- 4.3. Remove a student refusing a lawful command of a school
employee from a specific location, including a classroom or
other school property, in order to restore order or to impose
disciplinary measures.
4. ~~Restrain~~Control an irrational student.
5. ~~Protect property from serious damage.~~

EXTRACURRICULAR
STANDARDS OF
BEHAVIOR

~~With the approval of the principal and Superintendent, sponsors
and coaches of extracurricular activities, including interscholastic
athletics and marching band, may develop and enforce standards
of behavior that are higher than the District-developed Student
Code of Conduct and may condition membership or participation in
the activity on adherence to those standards. Extracurricular stan-
dards of behavior may take into consideration conduct that occurs
at any time, on or off school property. No provision of an extracur-
ricular~~Extracurricular behavioral standards shall not have
the effect of discriminating on the basis of sex, gender, race, color,
disability, religion, or ethnicity, or national origin.

~~Students shall be informed of any extracurricular behavior stan-
dards at the beginning of each school year or, in the case of inter-
scholastic athletics and marching band, at the time when the stu-
dents report for workouts or practices that occur prior to the actual
beginning of classes first begin participation in the activity. Stu-
dents and their parents shall sign and return to the sponsor or
coach a statement that they have read the extracurricular behavior
standards and consent to them as a condition of participation in the
activity.~~

~~Organizational standards~~Standards of behavior of for an extracur-
ricular activity are independent of the Student Code of Conduct.
Violations of these standards of behavior that are also violations of
the Student Code of Conduct may result in independent discipli-
nary actions.

STUDENT DISCIPLINE

FO
(LOCAL)

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of ~~organizational-extracurricular~~ standards of behavior ~~or for an extracurricular activity~~ or for violation of the Student Code of Conduct.

FO(LOCAL) Student Discipline

#1 - Page 2 of 4, the section "CORPORAL PUNISHMENT GUIDELINE"

The amendment is to strike all of the language in the section and delete the section entirely.

PUBLIC COMPLAINTS

GF
(LOCAL)

GUIDING PRINCIPLES
INFORMAL
PROCESS

The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.

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

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

FREEDOM FROM
RETALIATION

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

APPLICATION

EXCEPT AS
ADDRESSED BY
SPECIFIC
COMPLAINTS, BELOW,
THIS POLICY APPLIES
TO ALL COMPLAINTS
OF ~~EXPERIENCES~~
FROM THE PUBLIC.

~~For more information on how to proceed with complaints regarding:~~

~~1. Alleged discrimination, see GA.~~

~~In this policy, the term "complaint" and "grievance" shall have the same meaning. This policy shall apply to all complaints from the public except as provided below.~~

~~This policy shall not apply to:~~

~~2.1. Complaints concerning instructional materials. [See EFA.]~~

~~3. On-campus distribution of nonschool materials, see GKDA.~~

~~4.2. A Complaints concerning a commissioned peace officer who is an employee of the District, see. [See CKE.]~~

SPECIFIC
COMPLAINTS

DEFINITIONS

COMPLAINT /
GRIEVANCE

~~For purposes of this policy, terms are defined as follows:~~

~~The terms "complaint" and "grievance" shall have the same meaning.~~

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.

DAYS

~~"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."~~

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline ~~and received by the individual or designated representative no more than three days after the response deadline.~~

DAYS

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

REPRESENTATIVE

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

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

GENERAL
PROVISIONS

CONSOLIDATING
COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS

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

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

PUBLIC COMPLAINTS

GF
(LOCAL)

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

COMPLAINT FORM | Complaints under this policy shall be submitted in writing on a form provided by the District.

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

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the ~~requested~~required information if the refiling is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

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

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 individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall ~~have ten days following the conference to provide the individual a written response~~ within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may 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 after receipt of a ~~of the date of the written Level One response~~ or, if no response was received, within ten days of the Level One response deadline at Level One.

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 individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

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

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis for 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 individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

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

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

The Superintendent or designee shall provide the Board with copies of the record of the Level Two complaint form, all responses, all appeal notices, and all written documentation previously submitted by the individual or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice. The individual 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 individual notice of the nature of the evidence at least three days before the hearing.

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

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

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

PUBLIC COMPLAINTS

GF
(LOCAL)

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If ~~for any reason the Board fails to reach~~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.

GF(LOCAL) Public Complaints

#1 – Page 3 of 6. Under the section “Complaint Form”, the last sentence of the first paragraph. The amendment is to insert the words “or the administration” after the words “by the individual” and “the individual”. If adopted, the sentence would read:

After the Level One decision is rendered, no new documents may be submitted by the individual or the administration unless the individual or the administration did not know the documents existed before the Level One conference.

Or

After the Level One decision is rendered, if new documents are submitted by the administration, the individual may submit additional relevant documents in response.

#2 – Page 4 of 6. The fourth paragraph beginning with the words “The Superintendent or designee shall provide.....” The amendment is for the last sentence, to strike all the words after “the Level Two conference”. If adopted, the sentence would read:

In reaching a decision, the Superintendent or designee may consider the Level One record and information provided at the Level Two conference.

#3 – Page 6 of 6. The amendment is to strike the word “may” in the second sentence and insert the word “shall”. If adopted, the sentence would read:

It shall give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

#4 – Additionally, there will be an amendment to strike the rest of the paragraph that follows that sentence.