

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LOCAL)

PROPOSED REVISIONS

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CB and CBB.

**Disclosure —
General Standard**

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

Specific Disclosures
Substantial Interest

The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee or any of his or her relatives in the first degree has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent.

Interest in Property

The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

Annual Financial
Management
Report

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

[See BBFA]

Gifts

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CB, and CBB]

~~An employee shall report to his or her supervisor within 72 hours any gift, favor, service, or other benefit valued at more than \$25 and received from a vendor or potential vendor.~~

~~In the event the employee was unaware of his or her responsibility to report any gift, favor, service, or other benefit valued at more than \$25, the employee shall make the report within seven calendar days of when the employee knew or should have known about the duty to report.~~

~~An employee shall report the potential receipt of any gift, favor, service, or other benefit valued at more than \$25 before it is received whenever possible.~~

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~~An employee who is required to file a Conflicts Disclosure Statement (Form CIS) shall also file a separate District Conflict of Interest Disclosure form when reporting any gift, favor, service, or other benefit valued at more than \$25.~~

Endorsements

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

Sales

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

**Nonschool
Employment**

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

Private Tutoring

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

**Personal Services
Performed by an
Administrator**

An administrator, as defined in law, shall not receive any financial benefit for the performance of personal services except as permitted by and in accordance with law.

An administrator, other than a Superintendent or an assistant superintendent, who wishes to seek Board approval to perform personal services permitted by law shall submit that request to the Superintendent in accordance with administrative regulations.

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Personnel Duties	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
Posting Vacancies	<u>The Superintendent shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.</u>
Applications	All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position. An applicant who misrepresents any information on his or her application, including but not limited to credentials, qualifications, or education history, shall be automatically disqualified from consideration for employment or recommended for termination. [For information related to the evaluation of criminal history records, see DBAA.]
Superintendent's Authority Regarding Transfers and Reassignments	In accordance with DK(LOCAL) and notwithstanding the provisions addressing assignment and posting vacancies below, the Superintendent may appoint an employee to fill any vacant position, whether newly budgeted or currently existing, by a lateral transfer or reassignment when the employee's current position and the vacant position are of equal pay grade or level and require the same number of working days.
Posting Vacancies	The guidelines that follow for advertising employment opportunities and posting notices of vacancies shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees are eligible to apply for any vacancy. The continuing need to improve the educational quality of the District makes it imperative that the best qualified person, as determined by the District, fill each position. [See DC(LEGAL)]
Contractual Vacancies	Subject to the provisions for campus-based administrative positions and Education Code 11.1513, notice of vacancies for contractual positions shall be advertised by posting public notices for not fewer than 10 school days. Posting shall be at the District's administrative offices, at each school campus, and on the District's internet website. Each principal/director shall further ensure posting in locations available to employees. For purposes of retaining and

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~~promoting current employees, employment opportunities for all professional vacancies in the position of assistant principal, associate principal, dean, director, or above shall be advertised in the District's human resources department, local and regional websites, and the District's administrative offices and school campuses.~~

~~The posting of vacancies for contractual positions shall include a current copy of the job description for the posted position. Any changes made to current job descriptions prior to posting must be approved by the Superintendent.~~

~~School employees shall be permitted to apply for any vacancy; however, the needs of the District, as determined by the District, shall prevail over any assignment or reassignment.~~

~~Interested candidates shall complete an application provided by the District and file it with appropriate documents in the office of human resources no later than the posted closing date in the announcement.~~

~~Administrator
Vacancies~~

~~The following procedures shall be followed for administrator vacancies in the position of assistant principal, associate principal, dean, director, or above:~~

- ~~1. All applications shall be reviewed by the human resources department to ensure that all required materials have been submitted.~~
- ~~2. Selection of finalists: A committee comprised of central office and/or campus personnel shall prescreen qualified personnel. Once the applications have been prescreened, the committee shall interview selected candidates, and a list of finalists shall be established for the appropriate central office supervisor.~~
- ~~3. Final selection: The appropriate central office supervisor shall conduct the interviews of finalists and make a recommendation to the Superintendent.~~
- ~~4. The Superintendent shall make recommendations to the Board until a recommendation is accepted.~~
- ~~5. Any exception to these provisions in employment must be specifically approved by the Board.~~

~~Classroom
Teacher
Vacancies~~

~~The following procedures shall be followed for classroom teacher vacancies:~~

- ~~1. All applications shall be reviewed by the human resources department to ensure that the applicant meets the District's criteria.~~

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~~2. Once the applicant meets the criteria, he or she shall become part of the District's pool of qualified applicants.~~

~~The process for final selection of classroom teachers shall be conducted as follows:~~

~~1. An interview committee comprised of the campus principal, site-based decision-making (SBDM) committee representatives, and other appropriate persons shall interview from the District's pool of qualified applicants.~~

~~2. The interview committee shall recommend a list of finalists to the campus principal.~~

~~3. The principal shall make a recommendation to the Superintendent.~~

~~4. If the vacancy is for the following academic year, the principal(s) shall be authorized to approve a teacher transfer to fill the vacant position pursuant to DK(LOCAL).~~

Summer School
Positions

~~When a teaching vacancy occurs for summer school classroom teaching positions, the human resources department shall review and determine the pool of qualified applicants from current District teachers for the specific vacancy. From the pool of qualified applicants, the campus or summer school principal may proceed to interview candidates from the pool. If the principal chooses not to make a recommendation from the pool of qualified applicants, the vacancy shall be advertised according to established procedures, and a selection shall be made as detailed in this paragraph.~~

Paraprofessional/
Auxiliary Positions

~~Notice of vacancies for all paraprofessional/auxiliary positions shall be advertised for five working days by posting a public notice in the District's administrative offices and school campuses. Each principal/director shall further ensure posting in locations available to employees. When necessary, all employment opportunities shall periodically be advertised through local and out-of-town news media.~~

~~Current employees shall be permitted to apply for a vacancy; however, the needs of the District, as determined by the District, shall prevail over any assignment or reassignment.~~

~~Interested candidates shall complete an application provided by the District and file it with appropriate documents in the office of human resources no later than the posted closing date.~~

~~The following procedures shall be followed for paraprofessional/auxiliary vacancies:~~

- ~~1. All applications shall be reviewed by the human resources department to ensure that the applicants meet the District's criteria.~~
- ~~2. Applicants who meet the District's criteria shall become part of the District's pool of qualified applicants.~~
- ~~3. The campus principals and/or central office administrators shall interview from the District's pool of qualified applicants and make a recommendation to the human resources department.~~

Applications

~~All applicants shall complete the application form supplied by the District. Information in applications for contractual positions shall be verified before a contract is offered, and information in applications for noncontractual positions shall be verified before hiring.~~

~~[For information related to the evaluation of criminal history records, see DBAA.]~~

Applicant's Former Employment

Except as indicated below, an applicant seeking employment shall not be considered for employment by the District if he or she has been terminated or nonrenewed by any former employer, was asked to resign, resigned due to employee misconduct, has negative references, or has a "do not hire" recommendation from a prior employer or supervisor. The only exceptions that the District may take into consideration are when an employer severed the employment relationship due to:

1. A reason not caused or attributed to any misconduct by the employee, which said reason shall be documented by the previous employer, in writing. In the event that the previous employer does not provide documentation, then third-party documentation (Texas Workforce Commission documentation) shall be considered. Documentation must be provided to the District prior to interviewing/hiring.
2. Lay-off due to the employer's economic conditions.
3. A reduction in force.
4. A termination that occurred prior to the age of 18.

In addition to the exceptions noted above, and only for a position of assistant principal or below, the Superintendent shall have the authority to take other factors into consideration to determine whether the applicant is eligible for hire.

Criminal History Record Check—Applicants

~~Under authority of the Education Code, the District shall obtain the criminal history record for each applicant for employment with the~~

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~~District who, in the opinion of the District, is a serious candidate and who may be offered a position.~~

~~The District shall not issue any applicant a written contract of employment until it has obtained a criminal history record and reviewed it under the guidelines of this policy.~~

~~For the purposes of this policy, "conviction" shall include probation, deferred adjudication, a finding of guilt, or acceptance by the court of a plea of guilty or *nolo contendere*.~~

~~A person shall not be denied employment solely on the basis of the deferred adjudication. Rather, the underlying facts that led to the deferred adjudication shall be examined prior to any recommendation to employ.~~

Confidentiality Requirement

~~Criminal history information is privileged and for the use of the District and the State Board for Educator Certification. No District employee shall release or disclose such information to a person other than the applicant, the legal review committee, or the Superintendent under penalty of law and/or discharge.~~

Moral Turpitude

~~No one convicted of a felony or any misdemeanor involving moral turpitude in the past ten years shall be considered for employment in the District if the nature of the crime is directly related to the duties and responsibilities of the position. Moral turpitude is an act of baseness, vileness, or depravity in the private or social duties outside the accepted standards of decency that shocks the conscience of an ordinary person.~~

~~No one currently on probation, including deferred adjudication probation, for any offense shall be considered for employment, unless allowed by the legal review committee, in accordance with provisions below.~~

Arrests, Indictments, Convictions, and Other Adjudications

~~Conviction records shall constitute reliable evidence that a person engaged in the conduct alleged because the criminal justice system requires the highest degree of proof ("beyond a reasonable doubt") for a conviction. Therefore, excluding extraordinary circumstances, the District shall treat a conviction as proof of guilt.~~

~~Arrest records standing alone shall not be considered reliable evidence that a person has actually committed a crime. However, an arrest record may trigger an inquiry into whether the conduct underlying the arrest occurred and justifies denial of employment or an adverse employment action. The review committee shall examine the surrounding circumstances, offer the employee an opportunity to explain, and, if the employee denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his or her~~

~~credibility. The review committee is not required to conduct an informal trial or an extensive investigation to determine the employee's guilt or innocence. However, the review committee shall make simple inquiries that could shed light on the likelihood of the individual's guilt in committing the underlying offense.~~

~~Deferred adjudication involves an individual entering a plea of guilty or no contest, which the court finds to be substantiated by evidence of guilt. A grant of deferred adjudication shall be viewed as more indicative of a conviction. The review committee shall make inquiries into evidence substantiating guilt similar to the inquiries made when an arrest is reported.~~

~~Not guilty adjudications and withdrawn or dismissed charges indicate that a court, a jury, or a law enforcement authority did not have sufficient proof beyond a reasonable doubt, which may or may not be indicative of guilt. The employee shall be asked to explain, in writing, the circumstances and must provide a certified copy of the court paperwork showing the final disposition of every charge. The review committee may make additional inquiries into evidence substantiating guilt.~~

Felony

~~A felony is an offense designated as such in the Texas Penal Code. If the employee was convicted of a felony, the District must determine if the underlying offense relates to the duties and responsibilities of the position or if the conviction was for a non-reviewable felony. An employee may continue to be eligible for employment in the District if a felony conviction does not relate to the duties and responsibilities of the employee's position and was not for a nonreviewable offense. If a felony conviction does relate to the duties and responsibilities of the employee's position, then the review committee must consider the likelihood of recurrence of the employee's criminal behavior. A determination by the review committee that the employee's behavior shall not recur makes the employee eligible for continued employment; a finding to the contrary makes the employee ineligible for continued employment.~~

Class A and Class B Misdemeanors

~~Class A and Class B misdemeanors are those offenses designated as such in the Texas Penal Code. An employee may be eligible for continued employment if the conviction for a Class A or Class B misdemeanor is not related to duties and responsibilities of the employee's position. If the conviction does relate to the duties and responsibilities of the employee's position, the employee is ineligible for continued employment in the District if the review committee determines there is a high degree of likelihood for the recurrence of the behavior.~~

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**~~Class C
Misdemeanor~~**

~~Class C misdemeanors are those offenses designated as such in the Texas Penal Code. The District shall not employ anyone convicted of a Class C misdemeanor involving moral turpitude if the nature of the crime is directly related to the duties and responsibilities of the projected position. If convicted of a Class C misdemeanor that does not involve moral turpitude, the employee is ineligible for continued employment in the District if the review committee determines there is a high degree of likelihood for recurrence of the behavior and if the nature of the crime is directly related to the duties and responsibilities of the projected position.~~

~~Multiple Offenses~~

~~An employee with multiple offenses that individually do not make him or her ineligible for employment may be deemed ineligible for continued employment when repetitious criminal behavior indicates a high degree of likelihood for recurrence of the behavior and if the nature of the crime is directly related to the duties and responsibilities of the projected position.~~

**~~Unlisted Criminal
History~~**

~~If a criminal history record does not list an event reported by the employee, he or she shall be asked to explain, in writing, the circumstances for each reported incident. A certified copy of pertinent court paperwork showing final disposition of the charge must be included. The review committee may make additional inquiries.~~

~~Nondisclosure~~

~~In accordance with state law, an employee who has successfully completed a deferred adjudication and who has succeeded in having the criminal court grant an order of nondisclosure may thereafter deny the occurrence of the arrest and prosecution.~~

~~Juvenile Record~~

~~An employee shall not be asked to disclose the contents of confidential juvenile records unless the employee was adjudicated as an adult.~~

**~~Legal Review
Committee~~**

~~The application of a person who has a criminal record that would preclude employment with the District using the criteria listed above shall be reviewed by the legal review committee as established by the District's human resources department. The school attorney shall serve in an advisory capacity.~~

**~~Governing Criteria
for Employment
Decisions~~**

~~In determining whether or not to recommend a waiver of the criminal history restrictions to employment, the legal review committee shall consider the following:~~

- ~~1. — The relationship and seriousness of the crime.~~
- ~~2. — The nature of the crime.~~
- ~~3. — The nature of the job position.~~

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- ~~4. The extent to which employment might offer an opportunity to engage in further criminal activity of the same type as that in which the person had previously been involved.~~
- ~~5. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and the responsibilities of the position with the District.~~
- ~~6. The age of the person at the time of the commission of the crime.~~
- ~~7. The time elapsed since the person's last criminal activity.~~
- ~~8. The evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.~~
- ~~9. If the person holds a professional license, the results of any action taken by the licensing authority.~~
- ~~10. The other evidence of the person's present fitness, including letters of recommendation from prosecutors, law enforcement or correctional officers involved in the prosecution, arrest, or custody of the person; law enforcement officers in the community where the person resides or any other persons in contact with the convicted person.~~
- ~~11. The individual's patterns of habitual criminal activity.~~
- ~~12. The publicity surrounding the actual crime.~~
- ~~13. The person's clear and present danger to other staff, students, or the general public.~~
- ~~14. Probable guilt or innocence.~~
- ~~15. The accuracy of the information the employee provided to the District.~~
- ~~16. The potential impact of the conduct on the educational environment.~~
- ~~17. Any extenuating circumstances.~~

Recommendation

~~If, after applying the criteria outlined above, the legal review committee believes that the applicant should be considered for employment, the committee shall jointly sign a recommendation to the Superintendent that such applicant is eligible for hire.~~

**Superintendent's
Decision**

~~If the Superintendent approves the recommendation, the applicant shall be considered eligible for hire.~~

**Failure to Disclose
Information on
Application**

An applicant shall not be employed by the District if he or she fails to disclose information on the employment application or during questioning regarding any arrest, criminal conviction, crime, deferred adjudication, or similar type of decree, or if he or she misrepresents any information regarding such arrest, criminal conviction, crime, deferred adjudication, or similar type of decree.

**Criminal History
Background Check
—Employees**

~~At least once annually, the District shall obtain criminal history records of Webb County and the counties contiguous to Webb County. The District may obtain this information from any other county when it has reason to believe that an employee has been convicted of a crime related to the employee's duties and responsibilities.~~

~~The District may suspend or terminate the employment of any person convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the individual.~~

**Penalties for Failing
to Disclose Criminal
Information**

~~The legal review committee shall assess the records of employees found to have criminal records that would bar them from employment with the District. The committee shall use the following guidelines to determine if an employee should be recommended for termination based on his or her criminal record:~~

- ~~1. The omission by the employee to not disclose a prior criminal conviction that would bar him or her from employment when requested at the time of employment shall be presumed to be intentional. The District however, shall have the burden of proof.~~
- ~~2. If the employee was not asked to divulge any previous convictions as a prerequisite to employment, a recommendation for termination shall be based on the same criteria as required for applicants.~~
- ~~3. If a conviction involving a felony or misdemeanor involving moral turpitude is discovered subsequent to employment, a recommendation for termination shall be based on the same criteria as required for applicants as found above.~~

~~An employee shall notify the District's human resources office within three calendar days if he or she is arrested, indicted, convicted, pleads no contest, enters a guilty plea, or is granted other adjudication for any criminal offense. This notification shall be made in writing to the human resources office. Failure to make such notification may result in termination of employment.~~

~~Any employee placed on deferred adjudication may be recommended for termination based upon the underlying facts that led to the deferred adjudication. For the purposes of any termination~~

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~~hearing, the facts to which the individual pleaded in order to obtain the deferred adjudication shall be presumed to exist and be true and correct.~~

~~The District may suspend or terminate the employment of any person convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the individual or directly relates to or adversely affects the mission of the District.~~

~~An employee under felony indictment that adversely affects the mission of the District shall be recommended for suspension without pay pending adjudication of his or her case.~~

~~After notification of a proposed suspension without pay or employment termination, a contract employee may request a hearing in accordance with the DF series.~~

**Employment of
Contractual
Personnel**

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the position of associate principal, dean, or above.

The Board retains final authority for employment of contractual personnel in the position of associate principal, dean, or above. ~~If the Board rejects the Superintendent's recommendation for contractual personnel, the Superintendent shall make alternative recommendations for the Board's consideration at the next regular Board meeting, unless otherwise directed by the Board.~~

The Board delegates to the Superintendent final authority for employment of all other contractual personnel.

[See DCA, DCB, DCC, and DCE as appropriate]

**Employment of
Noncontractual
Personnel**

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis.
[See DCD]

**Employment
Assistance
Prohibited**

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DHA(LEGAL) for the Educators' Code of Ethics.]

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**District Supervision
Prohibition**

No person shall be assigned to a campus or department where a member of his or her own family who is related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree serves as an administrator. The provision of this policy shall apply prospectively. [See DBE] Adopted or foster relationships shall be treated as natural relationships. For the purposes of this policy, the term "administrator" shall not mean school counselor, librarian, or coordinator.

**Exit Interviews and
Exit Reports**

~~An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.~~

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Contracts Required by Law

After any applicable probationary contract period required by the District, term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to:

1. Any employees in positions required by statute to receive such contracts, including SBEC-certified employees serving full-time as principals, assistant principals, teachers, school counselors, diagnosticians, librarians, and athletic directors;
2. Full-time professional employees in other positions for which the District requires current SBEC certification; and
3. Full-time nurses.

For purposes of this policy, the District shall consider only full-time registered nurses to be eligible for educator term contracts.

No Certification Required

Educator term contracts shall also be provided for the following positions for which neither SBEC nor the District requires current SBEC certification: teachers of core academic courses hired under the District's innovation plan.

[For District employees hired under a continuing contract, see also DCC]

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Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Suspension

An at-will employee may be suspended with or without pay by the Superintendent ~~or designee~~ at any time the Superintendent ~~or designee~~ determines that the District's best interest will be served by the suspension.

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeals of Employment Actions

A ~~suspended or~~ dismissed employee may appeal the dismissal in accordance with DGBA(LOCAL) ~~request to be heard by the Superintendent or designee within ten workdays of the date of termination or suspension. If the employee is not satisfied with the decision, the employee may appeal to the Board within seven workdays of receipt of the decision.~~

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Non-Chapter 21 Contracts

Non-Chapter 21 contracts shall be provided for positions included on the list approved by the Board. A non-Chapter 21 contract shall not be governed by Chapter 21 of the Education Code.

Any employee who was issued a Chapter 21 contract in lieu of a non-Chapter 21 contract prior to May 31, 2018, shall remain eligible for a Chapter 21 contract as long as there is no break in service with the District

~~The District shall employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code, the following positions: noncertified professionals and teachers with District-issued permits.~~

~~As of May 31, 2018, all current employees who have been issued a Chapter 21 term contract in lieu of a non-Chapter 21 contract shall not be affected.~~

Termination During Contract Term

In accordance with DCE(LEGAL), an employee may request a hearing before the Board to appeal discharge during the contract period.

An employee whose contract is not reissued at the end of the contract period may appeal in accordance with DGBA(LOCAL).

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The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

Pay Administration

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget.

Midyear Pay Increases

Contract Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

Noncontract Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board.

Position Reclassification

A position reclassification occurs when a position classification is changed to a higher or lower pay grade. The Superintendent shall have the sole authority to determine that a position reclassification is necessary in the best interest of the District. The Superintendent shall report all position reclassifications to the Board. After September 30, 2026, the reclassification of a position at the level of coordinator or above to a higher pay grade shall require Board approval.

Pay During Closing

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by

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Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools]

Premium Pay
During Disasters

~~Nonexempt employees who are required to work to mitigate the reason for an emergency closing shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.~~

~~Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.~~

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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.

Nonexempt

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 up to and including a 40-hour workweek.

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.

Workweek Defined

For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Monday and end at 11:59 p.m. Sunday.

Compensatory Time

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.

Accrual

Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time.

Use

An employee shall **generally** use compensatory time within the duty year in which it is earned. Compensatory time shall be used by the employee prior to the use of any accumulated paid state or local leave. [See DEC(LOCAL)] The District may require the employee to use compensatory time when in the best interest of the District.

~~Employees shall be compensated (as allowed by law) for all hours worked. Further, if~~ an employee has any unused compensatory time remaining at the end of the duty year, the District shall allow ~~a maximum of eight hours of~~ limited compensatory time to carry over into the next duty year in accordance with administrative regulations and the employee's position.

~~The District may require the employee to use compensatory time when in the best interest of the District. Compensatory time shall be used by the employee prior to the use of any accumulated paid state or local leave. [See DEC(LOCAL)]~~

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Leave Administration

The Superintendent shall develop administrative regulations, addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Daily Rate of Pay

The "daily rate" of a contract employee, including a teacher, school counselor, or librarian, shall be computed by dividing the employee's annual salary by the number of duty days in the employee's contract year.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or

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recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Leave
Proration**

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than four consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

**Nondiscretionary
Use**

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

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Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

*Request for
Leave*

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall not exceed two consecutive workdays.

Campus
Employees

A maximum of five percent of campus employees in each category shall be permitted to use discretionary leave at the same time.

Local Leave

Each employee shall earn paid local leave days per school year in accordance with administrative regulations and the following:

Months of Service Annually	Number of Days
10 months (183-193 days of service annually)	5 days
11 months (207-220 days of service annually)	6 days
12 months (at least 224 226 days of service annually)	7 days

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

Bereavement Leave

A full-time employee shall be granted three days of bereavement leave, per occurrence, upon the death of a member of the employee's immediate family. Such leave shall be taken with no loss of pay or other paid leave.

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local leave or state personal leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time.

The Superintendent shall develop regulations for the operation of the sick leave bank that address the following:

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1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

Sick Leave Pool

An employee who has exhausted all paid leave, including sick leave bank days as applicable, as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave or state personal leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

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Military Leave

After all other paid leave is exhausted, an employee who is granted a leave of absence from work due to a voluntary or involuntary enlistment in the military to serve the country at war shall receive "differential pay" from the District for a period of 12 calendar months. For purposes of this policy, differential pay shall mean the normal daily wage earned by the employee for the position held prior to enlistment minus the employee's earned daily wage from the U.S. government. In order to receive differential pay, an employee must submit verification of his or her military earnings to the department of human resources. An employee who receives a higher daily wage from the government than from the District shall not be entitled to differential pay.

Mental Health Leave

A District peace officer or a full-time telecommunicator, as defined by law, who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative guidelines and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop guidelines regarding mental health leave that address the following:

1. Circumstances or reasons under which an eligible employee may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

Quarantine Leave

A District peace officer shall be granted quarantine leave when ordered by the local health authority or the peace officer's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative guidelines and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop guidelines regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and

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3. Other procedures deemed necessary for administering this provision.

**Line of Duty Illness
or Injury Leave of
Absence**

Following a leave of absence with full pay as required by law, the District shall not extend the leave of absence for a police officer's line of duty illness or injury. In accordance with law, the police officer may use accumulated leave.

**Family and Medical
Leave**

The District shall make FMLA leave available to employees in accordance with DECA(LEGAL) and the following provisions.

**Concurrent Use of
Paid Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable, except as provided below.

Exception

A teacher shall notify the appropriate administrator if they choose not to use paid leave concurrently with FMLA leave for an absence related to pregnancy or the birth or adoption of child.

**Twelve-Month
Period**

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.

**Combined Leave for
Spouses**

When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.

**Intermittent or
Reduced Schedule
Leave**

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

**Certification of
Leave**

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

**Fitness-for-Duty
Certification**

In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.

**Leave at the End of
Semester**

When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

**Temporary Disability
Leave**

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

**SBEC Certified
Employees**

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	An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.
Other Employees	Temporary disability leave may also be granted to other eligible full-time employees for a maximum of 180 calendar days, upon approval from the Superintendent. In order to qualify for this type of an unpaid leave of absence, an employee must have worked 1,250 hours during the previous 12-month period from the date of the request for temporary disability leave. Applications for temporary disability leave shall be submitted in accordance with administrative procedures. Reinstatement to regular employment shall be on a position-available basis only. The District shall place the employee in an assignment and shall make its best effort to place the employee within five business days.
Reinstatement or Resignation	An employee reaching the end of the temporary disability leave period shall provide 30 calendar days' timely written notice of his or her intention to resume active duty or to request an extension of leave pursuant to the Americans with Disabilities Act (ADA). Failure to timely comply with the notification provisions shall constitute good cause for termination of contract employees, in accordance with law and District policies. [See DF policy series]
Reassignment Following Leave	Employees who are not certified by SBEC and who are returning from temporary disability leave after being absent 60 or fewer calendar days shall be returned to the same position. Unless otherwise prescribed by law, employees returning from temporary disability leave in excess of 60 calendar days shall be given priority for assignment to a comparable position as determined by the Superintendent based on the needs of the District.
Concurrent Use	The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.
Workers' Compensation	Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.
	An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.
Paid Leave Offset	The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

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Assault Leave	An employee who is physically assaulted during the performance of regular duties shall be entitled to assault leave in accordance with law.
Working While on Leave	With the exception of noncontract and paid vacation leave, while on any type of leave status with the District, the employee shall be prohibited from performing work in any capacity except as approved by the associate superintendent of human resources or designee as part of an approved return-to-work or transitional duty assignment at the District. Working during a leave of absence shall be considered a violation of the District's leave policy and may be grounds for immediate termination of an at-will employee or recommendation of termination for a contract employee.
Court Appearances	Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.
Payment for Accumulated Leave Upon Retirement	The following leave provisions shall apply to state and local leave accumulated beginning on the original effective date of this program. Effective July 1, 2026, an employee hired prior to the 2026-27 school year who retires from the District under the Teacher Retirement System of Texas (TRS), or the designated beneficiary of an otherwise eligible employee who passes away while employed by the District, shall be eligible for payment of state and local leave if the employee has at least 10 years of service with the District immediately preceding retirement. The rate of pay shall be established based on the District's approved base pay plan; stipends and extra duty pay shall not be included. The payment shall be a one-time-only benefit for the eligible employee. The payment rates established by the Board shall remain in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.
Professional Employee Rate	A professional employee shall receive payment for each day of state and local leave, to a maximum of 40 days of state leave and 40 days of local leave. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee. Leave shall be paid according to the following prorated schedule:

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1. The first five days of state leave at 100 percent of the employee's daily base rate;
2. The next 10 days of state leave at 75 percent of the employee's daily base rate;
3. The next 25 days of state leave at 50 percent of the employee's daily rate; and
4. Up to 40 days of local leave at \$100 per day.

**Paraprofessional
and Auxiliary
Employee Rate**

A paraprofessional or auxiliary employee shall be reimbursed for each day of state and local leave, to a maximum of 80 days of leave. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee. Leave shall be reimbursed according to the following prorated schedule:

1. The first 10 days of leave at 100 percent of the employee's daily base rate;
2. The next 15 days of leave at 75 percent of the employee's daily base rate; and
3. The next 55 days of leave at 50 percent of the employee's daily base rate.

Absence Reporting

With the exception of an approved leave of absence, an employee shall notify his or her immediate supervisor prior to an absence, or as soon as practical in the event of an emergency, so that a substitute can be secured if necessary. Notification to the employee's immediate supervisor shall be in accordance with administrative, campus, and department regulations. An employee shall also notify his or her immediate supervisor if the employee is going to be late for work for any reason. An employee who is absent beyond five consecutive workdays, except for vacation, shall apply for a leave of absence. Failure to apply for a leave of absence shall constitute grounds for disciplinary action up to and including termination.

**Excessive
Absences/Tardies**

When an employee's absences/tardies become a concern or when an employee establishes a pattern of absences/tardies or exceeds the annual number of state and local leave days an employee can earn, with the exception of approved leave, such absences/tardies shall be considered excessive. If absences/tardies are deemed excessive, the employee may be subject to disciplinary action, up to and including termination of employment.

An employee's excessive absences/tardies shall be subject to verification and referral for eligible leaves of absence by the District. If

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the absences/tardies are not approved, the employee may be subject to disciplinary action, up to and including termination of employment.

Supervisors shall report absences/tardies for individuals in excess of 15 workdays in a school year to the Superintendent or designee, who shall take whatever action is deemed appropriate. Such action may result in disciplinary action including termination of employment.

**Unauthorized
Absence**

An employee may be terminated when he or she is:

1. Released by a doctor to return to work but fails to contact the District's department of human resources to pursue a work assignment;
2. Unable to report to work and fails to request or extend a leave of absence; or
3. Unable to report to work and has no earned paid leave available and, if eligible to apply for leave of absence, does not request a leave.

Job Abandonment

An employee who is absent from work for three consecutive working days without notice and who cannot be reached by his or her immediate supervisor shall be deemed to have voluntarily resigned from the District and shall be separated from service with the District for job abandonment in accordance with this policy. [See DC, and DF series]

Sanctions for Abuse

All employee leave shall be provided for the specific purpose stipulated in this policy. It is not intended to be used as a vacation or for mere convenience. Except for discretionary use of state personal or local leave, documentation may be required for any absence at the discretion of the Superintendent. Abuse of the employee leave program, misrepresentation of the need to use leave, or falsification of a document from a health-care provider is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment, in accordance with appropriate District policies. [See DCD and DF series]

**Neutral Absence
Control**

If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave, regardless of the reason for the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination.

COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

PROPOSED REVISIONS

**Prior Approval
Required**

An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's supervisor and in accordance with administrative regulations.

**Documentation
Required**

For any allowable expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses.

Exception

Expenses for meals associated with authorized overnight travel not related to a state or federal grant shall be paid to employees on a per diem basis. No receipts shall be required for expenses paid on a per diem basis.

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

PROPOSED REVISIONS

**General
Requirements**

All resignations shall be submitted in writing to the Superintendent or Board-appointed designee in accordance with this policy. The employee shall give reasonable notice and shall include in the letter ~~or the District's separation from employment form~~ a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

~~An employee may submit a letter of resignation or the District's separation of employment form via U.S. Mail, fax, email, or hand-delivery to the Superintendent's office or the District's human resources department.~~

At-Will Employees

The Superintendent ~~or Board-appointed designee~~ shall be authorized to accept the resignation of an at-will employee at any time. The Superintendent may delegate to other administrators the authority to accept a resignation of an at-will employee.

Contract Employees

The Superintendent or Board-appointed designee shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or Board-appointed designee. The resignation requires no further action by the District and is accepted upon receipt by the Superintendent or Board-appointed designee.

The Superintendent or Board-appointed designee shall be authorized to accept a contract employee's resignation submitted or effective at any other time. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or Board appointed designee. The Superintendent or Board appointed designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law. ~~with an effective date during the contract term or after the penalty-free resignation period by providing the employee written notice of acceptance that includes the signature of the Superintendent or Board-appointed designee. The written notice shall be delivered to the employee via U.S. Mail, fax, email, or hand-delivery. No further action is needed by the Board if the Superintendent or Board-appointed designee accepts the resignation. If the resignation is not accepted, the Superintendent or Board-appointed designee shall submit the matter to the Board in order to pursue sanctions allowed by law.~~

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

Board-Appointed
Designee

For purposes of this policy, the Board-appointed designees include the following: the associate superintendent of human resources, the director of employee relations, and the compensation administrator.

Withdrawal of
Resignation

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Superintendent.

PROPOSED REVISIONS

An employee's participation in community, political, or employee organization activities shall be entirely voluntary and shall not:

1. Interfere with the employee's performance of assigned duties and responsibilities.
2. Result in any political or social pressure being placed on students, parents, or staff.
3. Involve trading on the employee's position or title with the District.

Political Materials in the Classroom

An employee shall not attempt to influence a student's selection of a particular candidate or position on a ballot issue. District teachers shall not assign points or grades to students for participation in national, state, or local campaigns.

Political Candidates and Officials ~~Non-District Award or Recognition~~

Employees shall not invite a candidate for a city, county, state, or federal political office to visit or speak at any District campus or any department during the three months preceding any election involving the candidate.

The Superintendent may cancel any visit or speaking engagement by a candidate for city, county, state, or federal political office in the best interest of the District. [\[See GKD\]](#)

~~Prohibited Use of District Property~~

~~An employee shall not use District property for any political efforts related to the election of public officials or a proposed public measure.~~

Personal or Partisan Political Participation

~~Employees receiving salaries that are either fully funded or partially funded with federal monies shall be prohibited from participating in political activities during the workday.~~

Federal and state law restricts the use of public monies for partisan political purposes, including school bond elections. Employees shall not participate in partisan political activities during [performance of assigned duties or responsibilities during](#) the workday or use District materials, supplies, email, or other resources to promote political candidates or causes.

Employees shall not display campaign materials in District facilities and shall not wear clothing or badges supporting a political candidate or political position during the workday.

Employees shall be permitted to display campaign stickers on personal vehicles parked on District property. However, the District shall not allow vehicles onto District property that display or carry signs that are not affixed to the vehicle's window or bumper.

EMPLOYEE RIGHTS AND PRIVILEGES
FREEDOM OF ASSOCIATION

DGA
(LOCAL)

Employees shall be required to use personal leave, vacation leave, or leave without pay in order to be off from work to participate in political activities as private citizens. In no way shall an employee's participation in political activities be construed as representing the position or interest of the District.

Political Materials

~~Materials that contain endorsements, advertising, or solicitation of a political nature shall not be posted in District facilities. Additionally, distribution of campaign literature or active promotion of political candidates shall not be permitted on District property at any time, including weekends. For purposes of this policy, campaign literature includes, but is not limited to, push cards, t-shirts, and caps.~~

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

Complaints

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

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process has been followed:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning 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 shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications and on the District's website.

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate campus or District administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Filing Deadlines

If an employee has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

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resolution during the process, the employee must file a complaint within 15 business 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.

Deadline Extensions

All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process

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

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.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the employee shall file Level One complaints with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

Prior to the Level One hearing, the employee shall have a mediation conference before a mediator assigned by the human resources department. At the mediation conference, the following shall be discussed:

1. The concern;
2. The justification or rationale for the concern;
3. The harm sustained or being sustained by the employee; and
4. The remedy sought for resolution.

If mediation is unsuccessful, a Level One hearing shall be held within 10 calendar days of the complaint initially being filed.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. Mediation shall not apply for a complaint against a Board member or the Superintendent. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint

PERSONNEL-MANAGEMENT RELATIONS
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	form was received and immediately forward the complaint form to the appropriate administrator.
Option to Continue Informal Process	Even after initiating the formal complaint process, the employee is encouraged to seek informal resolution of their concerns. An employee may withdraw a formal complaint at any time. A representative need not consent to the complaint being withdrawn by the complainant.
Notice of Complaint	A District employee against whom a complaint has been filed shall be provided notice of the complaint. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.
Freedom from Retaliation	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
Whistleblower Complaints	Whistleblower complaints shall be filed within the time specified by law and may be made beginning at Level Two. Timelines 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] Complaints that do not meet the elements of a whistleblower grievance by law shall begin at Level One.
Complaints Against Supervisors	Complaints alleging a violation of law by a supervisor may be made to the Superintendent. Complaints alleging a violation of law by the Superintendent may be submitted directly to the Board or Board's designee.
Direct Communication with Board Members	Employees shall not be prohibited from communicating with a member of the Board 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.
General Provisions Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three calendar days after the deadline.

PERSONNEL-MANAGEMENT RELATIONS
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(LOCAL)

Scheduling
Hearings

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

Decision

A "decision" shall mean a written communication to the employee from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.

The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Representative

"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 the employee in the complaint process. If the employee designates more than one representative, only one representative shall be allowed to ~~attend, participate, or present on behalf of the complainant present~~ during any level of the complaint process. ~~If more than one representative or attorney is designated as the representative, only one shall be allowed to attend, participate, or present on behalf of the complainant at any level of the complaint process.~~ Witnesses shall not be allowed during any level of the complaint process. The only parties that shall be allowed to ~~attend or participate in a hearing or conference during a presentation~~ at any level of the complaint process shall be the employee and one representative, if designated.

The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three calendar days' notice to the District before a scheduled hearing, the District may reschedule the 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.

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Representatives shall conduct themselves with common courtesy and respect for the rights of others. If, at any level, an employee or representative is deemed to be unruly, disrespectful, or disruptive to the hearing process, the grievance hearing shall be concluded, and the employee and representative shall be issued a decision based on the written record and oral arguments set forth by the employee and representative, as applicable.

**Consolidating
Complaints**

To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from an event or series of related events shall be consolidated.

Costs Incurred

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

**Complaint and
Appeal Forms**

Complaints and appeals under this policy shall be submitted on a form provided by the District.

Copies of any documents that support the complaint should be included with the complaint form. If the employee does not have copies of these documents, copies may be presented at the Level One hearing. After the Level One hearing, the employee may supplement the record with additional documents or include additional claims.

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee who filed the complaint, documents determined relevant by District personnel, and the decision.

Remand

A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Assignment of
Hearing Officer**

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the employee mutually agree, all deadlines shall be suspended during an investigation.

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**Audio/Video
Recording**

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

The District prohibits video recording of a Level One or Level Two hearing; however, the District shall be responsible for securing a recording of the Level Three hearing. If the employee or his or her representative insists on video recording the hearing, the hearing officer may terminate the hearing at his or her discretion.

Complaint Levels

Level One

At Level One, the appropriate hearing officer shall hold a hearing with the employee within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the employee a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

Level Two

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

The appeal notice must be filed in writing, on a form provided by the District, within 20 calendar days of the date of the Level One decision or, if no decision has been communicated to the employee, within 20 calendar days of the Level One decision deadline.

After receiving notice of the appeal, the Level One hearing officer shall prepare and forward a record of the Level One complaint to the Level Two hearing officer and provide a copy of the Level One record to the employee.

The Level One record shall include:

1. The original complaint form and any attachments.
2. Any other documents submitted by the employee at Level One.
3. If the complaint is against a District employee, the written response of the District employee, if any.
4. The decision issued at Level One and any attachments.
5. All other documents relied upon by the Level One hearing officer in reaching the Level One decision.

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The hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the employee a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider the Level One record, any additional information provided prior to the Level Two hearing, and any other relevant documents or information the hearing officer believes will help resolve the complaint.

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

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a decision 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 20 calendar days of the date of the Level Two decision or, if no decision has been communicated to the employee, within 20 calendar days of the Level Two decision deadline.

Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the employee whether the Board or a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the employee a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

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

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3. Any other documents submitted by the employee at Level Two.
4. The decision issued at Level Two and any attachments.
5. All other documents relied upon by the administration in reaching the Level Two decision.

The employee may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]

At the meeting, 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 Board members.

In addition to any other record of the meeting required by law, the Board or Board committee 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 Board members with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board or Board committee shall then consider the complaint. It shall make a decision no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The employee shall be provided a decision in accordance with this policy and state law.

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**Violations of
Standards of
Conduct**

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DHA(LEGAL)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

**District
Investigation
Duties**

During any official District investigation, employees should:

1. Direct all inquiries from suspected individuals, attorneys, or representatives to the department of human resources;
2. Not contact the suspected individual in an effort to determine facts or demand restitution;
3. Not discuss the case, facts, suspicions, or allegations with anyone outside the organization or those within the organization who do not have a legitimate need to know, unless specifically asked to do so by the department of human resources; and
4. Cooperate with the investigative process by answering questions, furnishing written statements, and volunteering information important to the investigation.

Throughout the course of an official District investigation or inquiry, every District employee has an affirmative duty to provide all relevant and factual information about the situation to his or her supervisor or any other District official investigating the matter, including but not limited to providing a written statement.

An employee failing to volunteer such information shall receive a directive from an administrator to provide a written statement. Failure to comply with the directive shall constitute insubordination, a violation that has grounds for disciplinary action up to and including termination. [See DCD, DCE, and DF series]

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When directed by an administrator or a District investigator, an employee shall submit a notarized affidavit about his or her knowledge of the matter under investigation. Intentional falsification, misstatement, or the concealment of a material fact in connection with the investigation shall be grounds for disciplinary action up to and including termination. Additionally, providing false or incorrect statements under oath may subject the employee to a criminal charge of perjury.

Covered Activities

Each District employee has the responsibility to protect District assets and is expected to be alert to the potential for theft of property, theft of services, theft of anything of value, fraud, and financial impropriety. [See CAA]

Inappropriate Conduct

Examples of activities constituting inappropriate conduct include, but are not limited to, the following:

1. Misappropriation of activity funds or any funds collected by the District;
2. Misappropriation of District furniture, fixtures, or equipment;
3. Misappropriation of funds through fraudulent reporting on travel records;
4. Forgery or alteration of District checks;
5. Forgery or alteration of District purchase orders; and
6. Forgery or alteration of payroll time sheets.

Duty to Report

Any employee who knows or has reason to know of or suspects an occurrence of fraud, misappropriation, financial impropriety, or covered activity shall immediately notify his or her supervisor. If the employee has reason to believe that the supervisor may be involved, the employee shall immediately notify the department of human resources.

The employee shall not discuss the matter with anyone other than his or her supervisor and/or the police department. Employees who knowingly make false allegations shall be subject to discipline up to and including dismissal.

Weapons Prohibited

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

Exceptions

No violation of this policy occurs when:

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1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic
Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions, if any, for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DHA(LEGAL)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with

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	the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]
Personal Use	All employees shall be held to the same professional standards in their public use of electronic communication, including cellular phones that cannot be used for personal purposes during instructional time, as for any other public conduct. If an employee's use of electronic communication, including cellular phones, takes away from instructional time; violates state or federal law or District policy; or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
Reporting Improper Communication	In accordance with administrative regulations and as required by applicable law , an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.
Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
Prohibited Classroom Instruction or Activities	An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].
Prohibited Diversity, Equity, and Inclusion Duties	An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly: • Engages in diversity, equity, and inclusion (DEI) duties. • Assigns to another individual DEI duties. [See BT(LEGAL)]
Social Transitioning	An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.
Safety Requirements	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
Harassment or Abuse	An employee shall not engage in prohibited harassment, including sexual harassment, of: 1. Other employees. [See DIA] 2. Students. [See FFH; see FFG regarding child abuse and neglect.]

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While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct.

[See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

For purposes of this policy, possessing these items shall not include having the prohibited items inside a personal vehicle parked on District property. In addition, an employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours or while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,

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hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

**Videotaping of
Students**

~~An employee shall obtain written consent of a student's parent or guardian and from the campus principal before the employee may make or authorize the videotaping of a student or record or authorize the recording of a student's voice, unless the recording is made by a student for the purpose of facilitating classroom instruction.~~

Principal's Approval

~~The principal's written consent shall be obtained prior to videotaping or recording a student even when the law does not require the consent of a parent or guardian, such as when the videotape or recording is to be used for purposes of safety or for a purpose related to regular classroom instruction, as provided by law. [See FL]~~

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Exception	In the case of videotaping a deposition for an employee termination or grievance action, the only consent to be obtained in advance shall be that of the student's parent or guardian.
Care of Nonenrolled Children	An employee shall not bring his or her own child or another person's child to school for the purpose of child care or babysitting. Personnel are employed to perform District functions while on duty and shall not bring or care for a child who is not enrolled on the campus at that time to the building to remain during working hours of the regular school day or summer school, or after school hours if the employee is still performing work-related duties. In instances where an employee has been allowed to enroll his or her child at his or her campus, the principal may allow for the student to be cared for by his or her parent after school/work hours.
Arrests, Indictments, Convictions, and Other Adjudications	An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee.
Criminal History Background Check	At least once annually, the District may obtain criminal history records of Webb County and the counties contiguous to Webb County. The District may obtain this information from any other county when it has reason to believe that an employee has been convicted of a crime in such county or from a police department, the Department of Public Safety, or the Texas Department of Corrections. [See DC] An employee under felony indictment shall be recommended for suspension without pay pending adjudication of his or her case.
Electronic Recording	An employee shall not electronically record by audio, video, or other means any conversation or meeting unless each person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting shall obtain consent from anyone arriving late.
Conversations and Meetings	
Telephone Conversations	An employee shall not electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded.
Public or Other Open Meetings	These provisions are not intended to limit or restrict electronic recordings of publicly posted Board meetings or workshops, Board committee meetings, appeals and grievance hearings, or any other Board-sanctioned meeting recorded in accordance with Board policy.

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**Official
Investigations**

These provisions are not intended to limit or restrict electronic recordings involving authorized investigations conducted by the police or the department of human resources.

Job Duties

An employee shall not conduct private or personal activities during the workday in lieu of, or while conducting, his or her assigned job duties and responsibilities. Except as permitted by policy, an employee shall not conduct or participate in meetings or individual conferences related to a professional or employee association or organization in lieu of, or while conducting, his or her assigned job duties and responsibilities. [See also DGA and DMD]

Solicitation

Except as approved in advance by the Superintendent or permitted by District policy, commercial solicitation by an employee is prohibited on District property. "Commercial solicitation" for purposes of this policy shall mean:

1. Selling or attempting to sell products or services for personal profit on behalf of a commercial enterprise or for a purpose unrelated to the school or District;
2. Requesting contributions, pledges, or donations for a purpose unrelated to the school or District; or
3. Providing items or making announcements that endorse or market a personal or commercial enterprise or a product or service unrelated to the school or District either through personal contact, or by sending or causing to be sent a communication through the District's electronic, telephone, or mail system.

"Commercial solicitation" does not mean participation in an authorized District procurement process on behalf of the District or arranged on behalf of District employees.

An employee may neither meet nor make arrangements to meet on District property with persons conducting commercial solicitation.

An employee shall not engage in the sale of services, books, equipment, or other items by misrepresenting such services or items as being endorsed or recommended by the District or its officials. Such conduct is prohibited at all times on or off District property. An employee shall obtain consent from the Superintendent before engaging in the sale of services or items endorsed or recommended by the District or its officials. [See also DBD regarding outside employment and for-profit activities.]

**Distribution of
Nonschool Literature**

Duplicated, written, or printed materials, including handbills, petitions, photographs, pictures, films, audiotapes, and other visual or auditory materials concerning private or personal issues shall not

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be circulated, publicly displayed, emitted, or distributed on District property at any time unless permission has been obtained in accordance with District policy and only in the locations designated by principals or department supervisors. [See GKDA]

Identification Badges

All District employees shall wear their District-issued identification badges in a clearly visible manner while at any District campus or facility. The badges must not be altered and must remain free of any item or material that covers any part of the front surface of the badge. A District employee that observes anyone on campus without a District-issued identification badge or visitor name badge shall inquire as to the person's reason for being at the location. A visitor without a visitor name badge shall be directed to the front office or front desk in order to obtain a visitor name badge. Any person who appears to present a security concern shall be reported immediately to law enforcement and District security.

The employee's picture on his or her identification badge shall be used as the picture on the employee's District email account.

**Electronic Building-
Access Cards**

Each District employee issued a District electronic building-access card shall be responsible for safeguarding the card against loss or theft. Should loss or theft occur, the employee shall immediately notify his or her supervisor so that the card can be deactivated.

The District shall replace an employee's lost or stolen electronic building-access card no more than two times. Following that, an employee shall pay a \$10 fee each time his or her card needs to be replaced.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

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**Statement of
Purpose**

~~The District's greatest resource is its children and personnel, whose continued safety and health the Board is dedicated to protect. The Board has determined that there is a compelling need to eliminate illegal and unauthorized drug use, including but not limited to, the use and/or effects of alcohol and its deleterious effects in the workplace.~~

~~Because of the Board's compelling interest in providing a drug-free school setting and workplace, the objectives of this policy shall be to:~~

- ~~1. Create a safe environment for District students;~~
- ~~2. Create a safe and healthy working environment for District employees, visitors, and members of the public;~~
- ~~3. Reduce the opportunities for accidental injuries;~~
- ~~4. Provide employees with access to confidential counseling and/or rehabilitation programs;~~
- ~~5. Protect the property of the District;~~
- ~~6. Comply with the contractual obligations of applicable city, state, and/or federal grants and regulations; and~~
- ~~7. Protect the reputation and credibility of the District and its school system.~~

**Reasonable
Suspicion Searches**

The District reserves the right to conduct searches when the District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. ~~Accordingly, employees shall have no expectation of privacy when reasonable suspicion exists. District employees and their personal items, including but not limited to, their~~ The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles on District premises or worksites used in District business ~~shall be subject to search for prohibited/illegal drugs and/or weapons or other evidence of misconduct when reasonable suspicion of such exists.~~ Searches that reveal a violation of the District's standard of conduct may result in disciplinary action. [See DH]

~~Limitations~~

~~Reasonableness of a search shall depend on all circumstances. Except as otherwise authorized by law or policy, any search shall be justified initially by a reasonable suspicion, and the scope and conduct of the search shall be reasonably related to the circumstances that give rise to a search. If the employee refuses to allow~~

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observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening. [See Opportunity to Explain, below].

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH].

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required
DOT Testing
Program**

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

**Drug-Related
Violations**

The following constitute drug-related violations under DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.

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to and including termination of employment with the District may be considered.

Note: The following provisions address the District's drug- and alcohol-testing program.

**Employees Subject
to District Drug and
Alcohol Testing**

Under its own authority, the District shall conduct random drug- and alcohol-testing of all new hires ~~to the District and to~~ in the categories of employees listed below who are in positions where safety of students or staff is a concern, including but not limited to:

1. District police;
2. Maintenance and custodial staff;
3. Food service staff;
4. Transportation department mechanics and inspectors;
5. Employees outside the transportation department who regularly transport students in a District vehicle; and
6. Employees whose duties require a commercial driver's license (CDL).

The Superintendent shall annually determine the list of employees in the random testing pool.

**~~Search of District
Property~~**

~~District-owned property is subject to search at all times. At least annually, notice shall be given to all employees that District vehicles, lockers for which personal locks have not been authorized, and other District property, including but not limited to classrooms, lockers, desks, computers, work areas, and closets are subject to search at all times.~~

~~Use of Dogs~~

~~Notice shall be given to all employees, at least annually, that all District facilities, equipment, and all privately owned vehicles parked on and around District premises or worksites, or used in District business, shall be subject to inspection by trained drug dogs, which may result in a search upon reasonable suspicion of the presence of any of the prohibited items listed above.~~

~~The District may use trained dogs to sniff out and alert for the presence of concealed prohibited items, including but not limited to:~~

- ~~1. Weapons;~~
- ~~2. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,~~

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~~for motor vehicles in the District's transportation or maintenance departments.~~

- ~~3. Handler: A District applicant for employment or current employee whose job description includes the possibility, under normal operating conditions or foreseeable emergencies, of handling hazardous chemicals as defined by the Texas Health and Safety Code. It shall not apply to workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances.~~
- ~~4. Safety-sensitive position: Operator, mechanic, and handler as defined above, as well as positions published annually by the District as being safety-sensitive.~~

**Accidents Not
Involving DOT
Testing**

Any operator, mechanic, or handler not covered by Department of Transportation (DOT) drug- and alcohol-testing regulations shall be required to take a drug or alcohol test following an accident in a motor vehicle or during the performance of another safety-sensitive duty while at work or while conducting District business when the accident results in injury to a person or in damage or loss of property. The test sample shall be taken at the time of any medical treatment or as soon as possible after the accident.

The testing shall be conducted by a certified laboratory chosen by the District. The laboratory shall be instructed to perform a second test in the event the first test is positive and to perform only tests relating to the presence of alcohol, prohibited drugs, or controlled substances; under no circumstances shall the laboratory be authorized to perform any additional tests.

Criminal Charges

An operator or mechanic who is criminally charged with selling drugs, possessing illegal drugs or alcohol, or using drugs shall be required to take a drug and/or alcohol test.

**Random Drug /
Alcohol Testing:
Safety-Sensitive
Positions**

~~The District shall conduct random alcohol and/or drug testing of employees in safety-sensitive positions to prevent impaired employees from performing safety-sensitive functions and for the continued health and safety of the District's students. [See Definitions, above]~~

~~Annually, the District shall notify each employee assigned to a safety-sensitive position of the employee's obligations regarding the random alcohol and drug testing program.~~

**Screening
Procedures**

~~A certified laboratory chosen by the District shall conduct all alcohol and drug screening tests. In the event the first test is positive, the laboratory shall perform a second test on the sample to confirm the first test results. The laboratory shall take all necessary steps to~~

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3. Providing an adulterated, diluted, or substituted specimen on an alcohol or drug test;
4. Possesses, uses, or is under the influence of alcohol, prohibited drugs, or controlled substances in the workplace. An employee need not be "legally intoxicated" to be considered under the influence of alcohol or drugs [See DF];
5. Testing positive for alcohol, at a concentration of 0.02 or above, in a reasonable suspicion test; or
6. Testing positive for controlled substances in a reasonable suspicion test.

Rehabilitation

~~Only those employees not subject to DOT regulations who receive a positive test result conducted through random testing and who continue to be employed by the District shall be:~~

- ~~1. Referred to an EAP or shall enroll in another District-approved rehabilitation program, which shall provide counseling and measure treatment progress with further testing and monitoring.~~
- ~~2. Subject to retesting to be scheduled by the physician after 30 days of enrollment in a program.~~
- ~~3. Subject to frequent and unannounced testing for the presence of drugs or alcohol in accordance with the EAP or rehabilitation procedures.~~
- ~~4. Subject to random testing as frequently as monthly for a period of one year following successful completion of the rehabilitation program.~~
- ~~5. Terminated from employment following a second positive test result.~~

~~**Note:** — Breath, blood, saliva, or urine may be used for testing related to the rehabilitation program.~~

**Suspension of
Duties**

~~Mandatory participation in the EAP or other District-approved program shall require suspension of safety-sensitive duties as defined by this policy until such time as the employee is cleared to resume such duties, but not sooner than 30 calendar days. During the suspension, other duties may be assigned outside the employee's normal job description. If an employee cannot be reassigned during this period, he or she may be suspended from employment pending the successful completion of the rehabilitation program. Suspension shall be without pay, subject to any required due process,~~

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~~8. Testing positive for controlled substances in a required confirmation test.~~

~~9. Testing positive for alcohol, at a concentration of 0.02 or above, in a reasonable suspicion test.~~

~~10. Testing positive for controlled substances in a reasonable suspicion test.~~

Privacy

~~In all aspects of administering the drug and alcohol testing program, the District shall respect the employee's privacy.~~

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**Superintendent's
Authority**

All personnel are employed subject to assignment and reassignment by the Superintendent ~~or designee~~ when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract of a contract employee. Any change in an employee's contract shall be in accordance with policy DC.

Assignment and transfer of professional staff members to positions in various District schools, divisions, or departments shall be a joint effort by administrators and shall be consistent with District-approved personnel actions. [See BQ series and DK(LEGAL)]

When possible, without violating contract obligations or policy provisions, the principal or department supervisor shall have input into the selection and placement of personnel. Assignments shall be made to budgeted or approved positions only. If a vacancy exists for which an employee returning from leave is qualified, the employee returning shall have priority in being assigned to the vacancy on the campus or department where last assigned. [See Right to Reinstatement in DECA(LEGAL)]

**Supervision of
Relatives Prohibited**

No person shall be assigned to a campus or department where a member of his or her own family who is related by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree serves as an administrator. [See DBE(EXHIBIT)] Adopted or foster relationships shall be treated as natural relationships. For the purposes of this policy, the term "administrator" shall not mean counselor, librarian, or coordinator.

**Campus or
Department
Assignments**

~~Within Campus or
Department~~

The campus principal or department supervisor shall be responsible for the assignment and reassignment of all personnel to the specific grade, subject area, or position for which the employee is qualified in his or her area of certification or skill level within the campus or department. Requests from employees for changes in assignment at the campus or department shall be submitted in writing to the principal or department supervisor.

Transfer

The primary reason for transfers shall be for improvement of the District's instructional programs. Generally, an employee shall be considered eligible for transfer only after he or she has been assigned to a campus for three or more years; however, the Superintendent may approve an employee transfer request sooner if it is made on the basis of an extreme hardship. For purposes of this policy, extreme hardship may include, but not be limited to, physical or personal circumstances that necessitate transfer to another campus.

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The Superintendent shall consider District needs and campus demographics in establishing an allowable maximum percentage of transfers per campus.

Principals shall submit recommendations to the District human resources department concerning personnel assignments at their respective schools.

All personnel may request a transfer to another employment position within the District. Individuals electing to seek assignments to other campuses, positions, locations, and the like shall complete the District transfer form, which shall be submitted to the campus administrator or department supervisor and then to the human resources department. The human resources department shall coordinate the transfer with the appropriate administrator. A transfer shall not be made during the school year except in unusual or exceptional cases, as approved by the Superintendent. The Superintendent shall make the final decision on all transfer requests and shall consider the District's needs and campus demographics in establishing the maximum allowable percentage of transfers. The Superintendent shall consider the following factors in approving or declining a transfer in the following order:

1. Identified needs of District campuses, departments, special assignments, and/or staffing-management committee recommendations.
2. Analysis of the number of transfer requests.
3. Date of hire.
4. Employee certification.
5. Years of experience in the District.
6. Years of experience at the present campus.
7. Years of experience at the present grade or assignment.

During the spring semester, a designated date shall be announced, and the appropriate administrator shall furnish the Superintendent with a projection of estimated student enrollment for the next school year, as well as a projection of staff needs.

Professional/
Paraprofessional
Reassignment

The factors to be considered in the reassignment of professional and paraprofessional staff members shall be in the following order:

1. Identified needs of District campuses, departments, special assignments, and/or staffing-management committee recommendations.
2. Analysis of transfer volunteer requests.

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3. Date of hire.
4. Employee certification.
5. Years of experience in the District.
6. Years of experience at the present campus.
7. Years of experience at the present grade or assignment.

Personnel may be reassigned at any time in the best interest of the District as determined by the Superintendent.

Shifts in student population, the opening of a new school, and/or budgetary necessity may cause decreases or reductions in personnel allocations or reassignment of personnel from a campus or department. The human resources department shall be responsible for determining the individuals who shall be reassigned with the approval of the Superintendent.

Principal's Approval

Procedures to be followed by the principal in approving staff assignments are:

1. Identify the campus personnel needs;
2. Notify the human resources department of campus needs;
3. Select qualified applicants from the pool of pre-screened applicants (i.e., those who have been screened and have met all requirements) provided by the human resources department;
4. Schedule and conduct interviews; and
5. Notify the human resources department in writing of his or her choice of applicants.

Supplemental Duties

Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.

Work Calendars and Schedules

Subject to the Board-adopted budget and compensation plan and in harmony with employment contracts, the Superintendent shall determine required work calendars for all employees. [See DC, EB]

Daily time schedules for all employees shall be determined by the Superintendent ~~or designee~~ and principals.

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Tardiness

Employees are expected to arrive at work at the time designated by their supervisors. Unexcused or excessive tardiness may result in disciplinary action, including termination of employment.

Employee Work Year

~~Full-time employees shall render service in accordance with the following provisions:~~

- ~~1. Beginning and ending work dates for each employee category shall be designated in the official salary notice.~~
- ~~2. Leave such as for personal illness, illness in the family, death in the family, and personal business shall be considered as leave with pay, as stipulated in DEC(LOCAL).~~
- ~~3. Holiday schedules for various employment periods shall be issued by the Superintendent.~~
- ~~4. A pay rate for each employee's workday shall be calculated from the annual pay scale.~~
- ~~5. Unless approved by the Superintendent or in emergency situations, employees shall work only the total number of days provided in the funding source for the position.~~

~~In cases of emergency, or when schools must close, the Superintendent is authorized to modify the above provisions within the constraints of the law.~~

Employee Work Schedules

Teachers shall be on duty at least seven hours and 45 minutes each day as determined by the school principal. A principal may require additional duty time for in-service training, staff meetings, and/or "parent/teacher nights" with as much notice as possible to the teachers, unless urgent circumstances arise that demand immediate attention.

Paraprofessional and auxiliary/classified personnel, with the exception of transportation and department of safety personnel, shall be on duty seven to eight hours each day, as determined by their individual job assignments and by the principal or department supervisor.

All other professional and support personnel shall be on duty a minimum of eight hours each day. Additional duty time shall be expected when necessary to accomplish individual jobs in a satisfactory and professional manner, as determined by the principal or department supervisor.

For purposes of guidance, the following minimums are suggested:

1. Employees on Administrative/Professional Scale (pay grades 1-11) — at least 40 hours per week.

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2. Employees on Teacher Job Scale (teachers and nurses) — at least seven hours and 45 minutes per day.
3. Paraprofessional Employees — seven to eight hours per day, depending on position, with a weekly range of 35-40 hours.
4. Auxiliary/Classified Employees — six to eight hours per day, depending on position, with a weekly range of 30-40 hours.

Appeals

~~Appeals shall be made in accordance with DGBA(LOCAL).~~

PROPOSED REVISIONS

Note: This local policy has been revised in accordance with the District's innovation plan. [See AF(LOCAL)]

In accordance with the District's innovation plan, the District shall establish guidelines in order for each campus to be responsible for their own staff development needs to ensure training remains flexible and responsive to campus needs and data aimed at improving student success.

~~The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:~~

- ~~1. Be guided by the SBEC clearinghouse training recommendations;~~
- ~~2. Note any differences in the District's plan from the clearinghouse recommendations; and~~
- ~~3. Include a schedule of the required professional development for all District employees.~~

PROPOSED REVISIONS

T-TESS

The District shall appraise teachers using the Texas Teacher Evaluation and Support System (T-TESS) in accordance with law and administrative regulations and upon approval of the Board.

The Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

Annual Appraisal

District teachers shall be appraised annually.

Exception

Teachers who are eligible for less frequent evaluations in accordance with law [see DNA(LEGAL)] and the local criteria established in this policy shall be appraised in accordance with the provisions below.

Less-Than-Annual

Eligibility

In addition to meeting the eligibility requirements in state rules, to be eligible for less-than-annual evaluations under the T-TESS, a teacher shall:

1. Be employed on an educator term or continuing contract;
2. Hold SBEC certification;
3. Be assigned in his or her certification area;
4. Have been employed by the District for at least three years;
~~and~~
5. Have no areas of "improvement needed" noted on the Goal Setting Professional Development (GSPD) plan or reprimand issued regarding an instructional issue;
6. Not be seeking Teacher Incentive Allotment (TIA) designation;
and
- ~~5.7. Not be participating in the Teacher Incentive Allotment (TIA) program.~~

Frequency

Eligible teachers shall be appraised every two years.

During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party.

A teacher's supervisor shall have the authority to return a teacher to the annual appraisal cycle as a result of performance deficiencies documented in accordance with state rule.

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Complaints

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

**Other Complaint
Processes**

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process has been followed:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

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11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.
14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

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

**Extracurricular
Activity Complaints**

A complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by Education Code Chapter 26, of a Board policy, or of a provision of Education Code Title II shall be addressed by the Extracurricular Complaint Committee established by the Superintendent. The ~~Level Two~~ decision of the Extracurricular Complaint Committee is final and may not be appealed to the Board.

**Notice to Students
and Parents**

The District shall inform students and parents of this policy through appropriate District publications and on the District's website.

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other appropriate campus or District administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Filing Deadlines

**After Informal
Process**

If a student or parent has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the student or parent shall have the later of:

- Ninety calendar days to file a complaint from 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

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- Thirty calendar days to file a complaint from the date on which the District provided information to the student or parent regarding how to file a grievance.

[See Formal Process, below]

**No Prior Informal
Process**

If the student or parent has not engaged in the informal process, the student or parent shall have no more than 60 calendar days from 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 to file a complaint using the appropriate forms.

Deadline Extensions

All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

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.

The complaint form shall be filed 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 for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board's or Board committee's decision.

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.

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Option to Continue Informal Process/ Withdrawal	Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant may withdraw a formal complaint at any time. A representative need not consent to the complaint being withdrawn by the complainant.
Notice of Complaint	A District employee against whom a complaint has been filed shall be provided notice of the complaint. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.
Freedom from Retaliation	Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.
General Provisions Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three calendar days after the deadline.
Scheduling Hearings	The District shall make reasonable attempts to schedule hearings at a mutually agreeable time. If a complainant fails to appear at a scheduled hearing, the District may hold the hearing and issue a decision in the complainant's absence.
Decision	A "decision" shall mean a written communication to the complainant from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested. The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner. A decision may be hand-delivered, sent by electronic communication to the complainant's email address of record, or sent by U.S.

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Mail to the complainant's mailing address of record. Mailed decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Representative

"Representative" shall mean any person who or organization that is designated by the complainant to represent the complainant in the complaint process. A student may be represented by an adult at any level of the complaint. If the student or parent designates more than one representative, only one representative shall be allowed to attend, participate, or present on behalf of the complainant ~~present~~ during any level of the complaint process. If more than one representative or attorney is designated as the representative, only one shall be allowed to attend, participate, or present on behalf of the complainant at any level of the complaint process. Witnesses shall not be allowed during any level of the complaint process. The only parties that shall be allowed to attend or participate in a hearing or conference ~~during a presentation~~ at any level of the complaint process shall be the student, parent/legal guardian, and one representative.

The complainant may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the complainant designates a representative with fewer than three calendar days' notice to the District before a scheduled hearing, the District may reschedule the 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.

Representatives shall conduct themselves with common courtesy and respect for the rights of others. If at any level a student, parent/legal guardian, or representative is deemed to be unruly, disrespectful, or disruptive to the hearing process, the grievance hearing shall be concluded, and the student and/or parent and representative shall be issued a decision based on the written record and oral arguments set forth by the student or parent and representative, as applicable.

Consolidating
Complaints

To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from an event or series of related events shall be consolidated.

Costs Incurred

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

Complaint and
Appeal Forms

Complaints and appeals under this policy shall be submitted on a form provided by the District.

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Copies of any documents that support the complaint should be included with the complaint form. If the complainant does not have copies of these documents, copies may be presented at the Level One hearing. After the Level One hearing, the complainant may supplement the record with additional documents or include additional claims.

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the complainant, documents determined relevant by District personnel, and the decision.

Remand

A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Assignment of
Hearing Officer**

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

**Audio/Video
Recording**

A student or parent shall be permitted to make an audio recording of a hearing under this policy in which the substance of the student or parent complaint is discussed. The student or parent shall notify all attendees present that an audio recording is taking place. The District prohibits video recording of a Level One or Level Two hearing; however, the District shall be responsible for securing a recording of the Level Three hearing. If the student or parent or representative insists on video recording the hearing, the hearing officer may terminate the hearing at his or her discretion.

Complaint Levels
Level One

At Level One, the appropriate hearing officer shall hold a hearing with the complainant within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the

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hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

Level Two

If the complainant did not receive the relief requested at Level One or if the time for a decision has expired, the complainant may request a hearing at Level Two to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within 20 calendar days of the date of the Level One decision or, if no decision has been communicated to the complainant, within 20 calendar days of the Level One decision deadline.

After receiving notice of the appeal, the Level One hearing officer shall prepare and forward a record of the Level One complaint to the Level Two hearing officer and provide a copy of the Level One record to the complainant.

The Level One record shall include:

1. The original complaint form and any attachments.
2. Any other documents submitted by the complainant at Level One.
3. If the complaint is against a District employee, the written response of the District employee, if any.
4. The decision issued at Level One and any attachments.
5. All other documents relied upon by the Level One hearing officer in reaching the Level One decision.

The hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider the Level One record, any additional information provided prior to the Level Two hearing, and any other relevant documents or information the hearing officer believes will help resolve the complaint.

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

Level Three

With the exception of complaints regarding extracurricular activities, described above, if the complainant did not receive the relief requested at Level Two or if the time for a decision has expired, the complainant may appeal the decision to the Board.

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The appeal notice must be filed in writing, on a form provided by the District, within 20 calendar days of the date of the Level Two decision or, if no decision has been communicated to the complainant, within 20 calendar days of the Level Two decision deadline.

Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the complainant whether the Board or a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent shall provide the Board the record of the Level Two appeal. The complainant may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Any other documents submitted by the complainant at Level Two.
4. The decision issued at Level Two and any attachments.
5. All other documents relied upon by the administration in reaching the Level Two decision.

The complainant may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]

At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the complainant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by Board members.

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

The Board or Board committee shall then consider the complaint. It shall make a decision no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The complainant shall be provided a decision in accordance with this policy and state law.

PUBLIC COMPLAINTS

GF
(LOCAL)

Complaints

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

Other Complaint Processes

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

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

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

Informal Process

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

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Filing Deadlines

If a member of the public has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the individual must file a complaint within 15 business 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.

Deadline Extensions

All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process

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

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.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the individual shall file a Level One complaint with the

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campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board's or Board committee's decision.

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.

Option to Continue
Informal Process/
Withdrawal

Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant may withdraw a formal complaint at any time. A representative need not consent to the complaint being withdrawn by the complainant.

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.

**Freedom from
Retaliation**

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

General Provisions

Filing

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

Scheduling
Hearings

The District shall make reasonable attempts to schedule hearings at a mutually agreeable time. If the complainant fails to appear at a

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scheduled hearing, the District may hold the hearing and issue a decision in the complainant's absence.

Decision

A "decision" shall mean a written communication to the complainant from the appropriate administrator that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.

The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the complainant's email address of record, or sent by U.S. Mail to the complainant's mailing address of record. Mailed decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Representative

"Representative" shall mean any person who or organization that is designated by a complainant to represent the complainant in the complaint process. If the complainant designates more than one representative, only one representative shall be allowed to ~~attend, participate, or present on behalf of the complainant-present~~ during any level of the complaint process. ~~If more than one representative or attorney is designated as the representative, only one shall be allowed to attend, participate, or present on behalf of the complainant at any level of the complaint process.~~ Witnesses shall not be allowed during any level of the complaint process. The only parties that shall be allowed ~~to attend or participate in a hearing or conference during a presentation~~ at any level of the complaint process shall be the complainant and one representative, if designated.

The complainant may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the complainant designates a representative with fewer than three calendar days' notice to the District before a scheduled hearing, the District may reschedule the 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.

Representatives shall conduct themselves with common courtesy and respect for the rights of others. If, at any level, a complainant or representative is deemed to be unruly, disrespectful, or disruptive,

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tive to the hearing process, the grievance hearing shall be concluded, and the complainant and representative shall be issued a decision based on the written record and oral arguments set forth by the complainant and representative, as applicable.

**Consolidating
Complaints**

To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from an event or series of related events shall be consolidated.

Costs Incurred

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

**Complaint and
Appeal Forms**

Complaints and appeals under this policy shall be submitted on a form provided by the District.

Copies of any documents that support the complaint should be included with the complaint form. If the complainant does not have copies of these documents, copies may be presented at the Level One hearing. After the Level One hearing, the complainant may supplement the record with additional documents or include additional claims.

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the complainant, documents determined relevant by District personnel, and the decision.

Remand

A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

**Assignment of
Hearing Officer**

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

**Audio/Video
Recording**

A complainant shall be permitted to make an audio recording of a hearing under this policy at which the substance of the complainant's complaint is discussed. The complainant shall notify all attendees present that an audio recording is taking place.

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The District prohibits video recording of a Level One or Level Two hearing; however, the District shall be responsible for securing a recording of the Level Three hearing. ~~complainant, representative, if designated, and the hearing officer shall be prohibited from video recording the hearing.~~ If the complainant or his or her representative insists on video recording the hearing, the hearing officer may terminate the hearing at his or her discretion.

Complaint Levels

Level One

At Level One, the appropriate hearing officer shall hold a hearing with the complainant within 10 calendar days after receipt of the written complaint. The hearing officer may set reasonable time limits for the hearing.

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider information provided with the complaint form and any other relevant documents or information the hearing officer believes will help resolve the complaint.

Level Two

If the complainant did not receive the relief requested at Level One or if the time for a decision has expired, the complainant may request a hearing at Level Two to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within 20 calendar days of the date of the Level One decision or, if no decision has been communicated to the complainant, within 20 calendar days of the Level One decision deadline.

After receiving notice of the appeal, the Level One hearing officer shall prepare and forward a record of the Level One complaint to the Level Two hearing officer and provide a copy of the Level One record to the complainant.

The Level One record shall include:

1. The original complaint form and any attachments.
2. Any other documents submitted by the complainant at Level One.
3. If the complaint is against a District employee, the written response of the District employee, if any.
4. The decision issued at Level One and any attachments.
5. All other documents relied upon by the Level One hearing officer in reaching the Level One decision.

The hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed. The hearing officer may set reasonable time limits for the hearing.

Level Three

The hearing officer shall provide the complainant a decision within 20 calendar days following the hearing. In reaching a decision, the hearing officer may consider the Level One record, any additional information provided prior to the Level Two hearing, and any other relevant documents or information the hearing officer believes will help resolve the complaint.

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

If the complainant did not receive the relief requested at Level Two or if the time for a decision 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 20 calendar days of the date of the Level Two decision or, if no decision has been communicated to the complainant, within 20 calendar days of the Level Two decision deadline.

Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the complainant whether the Board or a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent shall provide the Board the record of the Level Two appeal. The complainant may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Any other documents submitted by the complainant at Level Two.
4. The decision issued at Level Two and any attachments.

5. All other documents relied upon by the administration in reaching the Level Two decision.

The complainant may request that the complaint be heard in open or closed meeting. The District shall honor that request unless the Texas Open Meetings Act or other applicable law requires otherwise. [See BE]

At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the complainant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by Board members.

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

The Board or Board committee shall then consider the complaint. It shall make a decision no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The complainant shall be provided a decision in accordance with this policy and state law.