Notice of Board Work Session
by Videoconference or Telephone Call
Board of Trustees
Thursday, April 9, 2026

A Board Work Session of the Board of Trustees will be held on Thursday, April 9, 2026, beginning at 6:00 PM, Boardroom of the Mark Henry, Ed.D. Administration Building, 11440 Matzke Road, Cypress, Texas 77429.

Due to health and safety concerns related to the COVID-19 coronavirus, this meeting will be conducted by videoconference or telephone call. At least a quorum of the board will be participating by videoconference or telephone call in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the governor.

Members of the public may access this meeting and or provide public comments as identified below:

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. For more information about public comment, see Policy BED. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

Notice of this meeting was mailed or electronically transmitted to the news media, who previously requested such notice, and a copy was posted in the main/front office window of the Cypress-Fairbanks Independent School District Mark Henry, Ed.D. Administration Building on April 6, 2026, at 7:30 a.m.

MEETING OPENING

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **District's Vision and Mission Statement**
4. **Recognitions and Awards Announcements**

A. The Superintendent will make remarks and announcements regarding the honors and achievements earned by staff and students in recent weeks and provide information regarding district and community events or items of interest.

B. The Board will recognize a CFISD business partner for their outstanding contribution to the district.

C. The Board will recognize CFO Karen Smith for receiving an award from the Texas Association of School Business Officials (TASBO).

D. The Board will recognize student athletes who placed in UIL State Tournaments.

MEETING AGENDA

5. **Public Comments**

A. **Agenda** **Comments**

Per BED (Local), patrons may address the Board during any Board Meeting under Agenda Comments regarding items listed on the agenda for that meeting. Individuals must register in

advance. Registration opens the day the agenda is posted to the district website, and the deadline for registering is 12:00 p.m. on the day of the meeting. To register, individuals must click on the "Register to Speak" link found under each agenda item listed for that meeting on the district website. This electronic speaker form must be completed in its entirety. Agenda Comments will generally be heard before each agenda item to be discussed or considered by the Board unless rearranged by the Board President. Any registered speaker who is absent from the meeting at the time for Agenda Comments forfeits the opportunity to address the Board at that meeting but may submit written comments to the Board.

B. **Citizen Participation**

Per BED (Local), patrons may address the Board during the Regular Board Meeting under Citizen Participation on any matters of interest or concerns that are not posted agenda items. Individuals may only register to speak one time per meeting and must register in advance. Registration opens the day the agenda is posted to the district website, and the deadline for registering is 12:00 p.m. on the day of the meeting. To register, individuals must click on the "Register to Speak" link found under the Citizen Participation heading in the agenda for that meeting on the district website. This electronic speaker form must be completed in its entirety. Any registered speaker who is absent from the meeting at the time for Citizen Participation forfeits the opportunity to address the Board at that meeting but may submit written comments to the Board.

CITIZEN PARTICIPATION WILL BE HEARD AT THE REGULAR BOARD MEETING ON MONDAY, APRIL 13, 2026.

6. **Reports**

A. The administration will provide an update on the general operating budget.

7. **Consent Items**

A. The Board will consider approving the minutes of the March 2, 2026, Regular Board Meeting.

B. The Board will consider approving the minutes of the March 25, 2026, Special-Called Board Meeting.

C. The Board will consider approving the 2026-2027 TEKS Certification Form.

D. The Board will consider awarding bids and contracts and/or authorizing purchase orders as recommended in the posted agenda item.

1. Carpet and Resilient Flooring
2. E-Rate - Internet and Related Services for DataBank HOU2 Project

E. The Board will consider granting a temporary construction easement to Harris County Municipal Utility District No. 264.

F. The Board will consider approving a change order to the construction contract for the 2024 Cy-Ranch HS Renovation project.

G. The Board will consider approving on second reading the additions, revisions, or deletions to district policies:

1. CLE (Local) Buildings, Grounds, and Equipment Management: Flag Displays (Revise)
2. CQD (Local) Technology Resources: Artificial Intelligence (Add)
3. DGBA (Local) Personnel-Management Relations: Employee Complaints/Grievances (Revise)
4. EIA (Local) Academic Achievement: Grading/Progress Reports to Parents (Revise)
5. EEP(Local) Instructional Arrangements: Lesson Plans (Add)
6. EFA(Local) Instructional Resources: Instructional Materials (Revise)
7. EHBAF(Local) Special Education: Video/Audio Monitoring (Revise)
8. FFG(Local) Student Welfare: Child Abuse and Neglect (Revise)

9. FNG (Local) Student Rights and Responsibilities: Student and Parent Complaint/Grievances (Revise)
10. GF(Local) Public Complaints (Revise)

8. **Non-Consent Items**

A. The Board will consider approving on first reading the additions, revisions, or deletions to district policies:

1. DBD (Local) - Employment Requirements & Restrictions: Conflict of Interest (Revise)
2. DC (Local) - Employment Practices (Revise)
3. DEC (Local) - Compensation & Benefits: Leaves and Absences (Revise)
4. DFBB (Local) - Term Contracts: NonRenewal (Revise)
5. FFB (Local) - Student Welfare: Crisis Intervention (Revise)
6. FFF (Local) - Student Welfare: Student Safety (Revise)

B. The Board will review and consider adoption of revised Board Operating Procedures outlining the duties of a public official. [This item may be discussed in closed session.]

C. The Board will consider approving the superintendent's contract recommendations to issue probationary, term, and annual contracts for the 2026-2027 school year for teachers, administrators, and professionals.

D. The Board will consider making a determination that good cause did not exist as required by law for Nicholas Sahawatana, Matthew Potter, Kabriea Haley, Frederica Haywood, and Meagan Kenny to resign their respective employment contracts. [This item may be discussed in closed session.]

9. **Board Comments**

Board members may make comments during this portion of the agenda regarding student achievement, district progress and data, community input and concerns, observations from school visits, meetings and conferences attended, district and community events and initiatives, or continuing education. The Board may not take action on items discussed.

10. **Closed Session**

If, during the course of the meeting covered by this notice, the Board should determine that a closed session of the Board should be held or is required in relation to any item included in this notice, then such closed session as authorized by Section 551.001 of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 through 551.084, of the Open Meetings Act.

A. There will be a Closed Session in accordance with Government Code Section 551.001 et. seq.

B. Section 551.071	C. For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law. For the purpose of consultation with the district's attorney concerning matters on which the attorney's duty to the district under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings laws.
D. Section 551.072	E. For the purpose of discussing the purchase, exchange, lease or value of real property.
F. Section 551.073	G. For the purpose of considering a negotiated contract for a prospective gift or donation.

H. Section 551.074	I. For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.
J. Section 551.076	K. To consider the deployment, or specific occasions for implementation, of security personnel or devices.
L. Section 551.0821	M. For the purpose of deliberating a matter regarding a public-school student if personally identifiable information about the student will necessarily be revealed.
N. Section 551.082	O. For the purpose of considering discipline of a public-school child or children or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing.
P. Section 551.083	Q. For the purpose of considering the standards, guidelines, terms or conditions the Board will follow, or instruct its representatives to follow, in consultation with representatives of employee groups in connection with consultation agreements provided for by section 13.901 of the Texas Education Code.
R. Section 551.084	S. For the purpose of excluding witness or witnesses from a hearing during examination of another witness.

11. **Adjournment**
12. **FFB (Local) - Student Welfare: Crisis Intervention**

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See TASB Policy BEC(LEGAL)]

On April 6, 7:30 a.m., this notice was mailed or electronically transmitted to the news media, who previously requested such notice, and a copy was posted in the main/front office window of the Cypress-Fairbanks Independent School District Mark Henry, Ed.D. Administration Building.

For the Board of Trustees

The U.S. and Texas flags shall be prominently displayed in each classroom to which a student is assigned during the time that the pledges of allegiance to those flags are recited.

Training

The Board delegates to the Superintendent the authority to:

1. Determine the artificial intelligence (AI) training program to be used in the District;
2. Verify and report compliance with training requirements in accordance with guidance from the Department of Information Resources; and
3. Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate.

The District shall complete periodic audits to ensure compliance with the AI training requirements.

Use in District

Employees and students shall be permitted to explore AI and implement its use in and out of the classroom in accordance with policy and administrative regulations. The use of AI shall only be as a support tool to enhance student outcomes and shall never take the place of teacher and student decision-making. Any use of AI must comply with law, policy, and administrative regulations relating to student and employee privacy and data security.

A student shall only use AI tools with teacher permission and shall be expected to produce original work and properly credit sources, including AI tools used in creating the work. Students who use AI tools to deceptively harm, bully, or harass others shall be disciplined in accordance with the Student Code of Conduct and policy. [See EIA(LOCAL), FFH, FFI, and the FO series]

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 ~~the~~ DIA ~~series~~.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with ~~the~~ DIA ~~series~~.
3. Complaints concerning retaliation ~~relating~~related to discrimination and harassment shall be submitted in accordance with ~~the~~ DIA ~~series~~.
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.

~~**Guiding Principles**~~¶

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.

~~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**~~**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 resolution during the process, the employee must still 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. "Business days" shall mean District business days in accordance with the District's central office calendar. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Deadline Extensions

Because deadlines are substantive and not procedural, they shall be strictly followed unless otherwise required by law or mutual written consent.

Formal Process

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

encouraged to seek informal resolution of their concerns. An ~~Even after initiating the formal complaint process, employees are employee whose concerns are resolved may withdraw a formal~~ ¶

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 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.

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.

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

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

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. 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 ~~to the Superintendent or designee~~ 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 Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the ~~next level supervisor. Complaint forms~~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, ~~including email and fax;~~ 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 business days after the deadline.

Scheduling ~~Conferences~~Hearings

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If the employee fails to appear at a scheduled ~~conference~~hearing, the District may ~~dismiss the complaint. If the complaint is dismissed, it may be refiled, but only if within the time period for filing a complaint.~~ 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.

~~Response~~¶

~~At Levels One, Two and Three, "response" shall mean a written communication to the employee from the appropriate administrator.~~ ~~Responses~~The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Four, 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 ~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

~~Days~~¶

~~"Days" shall mean District business days in accordance with the complainant's work calendar. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."~~¶

~~Representative~~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 ~~him or her~~the employee in the complaint process.

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 business days' notice to the District before a scheduled ~~conference or~~ hearing, the District may reschedule the ~~conference or~~ hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process ~~regardless of the employee's representation~~.

Consolidating Complaints

~~Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file~~To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from ~~any~~an event or series of ~~events that have been or could have been addressed in a previous complaint.~~¶

~~When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may in its sole discretion consolidate the complaints.~~¶

~~Untimely Filings~~¶

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

~~If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point~~

~~during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.¶~~

~~Costs Incurred~~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 ~~in writing~~ on a form provided by the District.

Copies of any documents that support the complaint should be ~~attached to~~ included with the complaint form. If the employee does not have copies of these documents, ~~they~~copies may be presented at the Level One ~~conference~~hearing. After the Level One ~~conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference~~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. If records or issues are added at any level to the record

Remand

A comp~~laint~~ or appe~~al form that is incomplete in any material aspect may~~shall ~~be dismissed but may be refiled with all the requ~~ired information if the refiling is within the designated time for filing.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 due to the addition of new records or issues or any other reason, 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 due to the addition of new records or issues or any other reason.

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.

Audio Recording

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

Complaint Levels

Level One

~~Complaint forms must be filed:¶~~

~~8. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and¶~~

~~9. With the lowest level administrator who has the authority to remedy the alleged problem.¶~~

~~In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.¶~~

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

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

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

~~Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the~~

~~conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator~~At Level One, the appropriate hearing officer shall hold a hearing with the employee within 10 calendar days after receipt of the written complaint or on a later date selected by mutual written consent. 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 ~~response~~decision has expired, the employee may request a ~~conference with the appropriate central office administrator~~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 ~~ten~~20 calendar days of the date of the ~~written~~ Level One ~~response~~decision or, if no ~~response was received, within ten~~decision has been communicated to the employee, within 20 calendar days of the Level One ~~response~~decision deadline.

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

The Level One record shall include:

10. The original complaint form and any attachments.
11. ~~All~~Any other documents submitted by the employee at Level One.
12. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.
13. The decision issued at Level One and any attachments.
14. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The ~~Level Two administrator shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed* ~~conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference~~The hearing officer may set reasonable time limits for the hearing.

*or on a later date selected by mutual written consent.

The ~~Level Two administrator~~hearing officer shall provide the employee a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Level Two administrator~~hearing officer may consider the Level One record, any additional information provided ~~at~~prior to the Level Two ~~conference~~hearing, and any other relevant documents or information ~~that~~ the ~~Level Two administrator~~hearing officer believes will help resolve the complaint.

Recordings of the Level One and Level Two ~~conferences~~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 ~~response~~decision has expired, the employee may request a ~~conference with the Superintendent or designee~~hearing at Level Three to appeal the Level Two decision.

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

After receiving notice of the appeal, the Level Two ~~administrator~~hearing officer shall prepare and forward a record of the Level Two ~~appeal~~complaint to the Level Three ~~administrator.¶~~

~~The employee may request~~hearing officer and provide a copy of the Level Two record to the employee.

The Level Two record shall include:

15. The Level One record.

16. The notice of appeal from Level One to Level Two

17. Any other documents submitted by the complainant at Level Two.

18. The ~~written response~~decision issued at Level Two and any attachments.

19. All other documents relied upon by the ~~administration~~Level Two hearing officer in reaching the Level Two decision.

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

* or on a later date selected by mutual written consent.

The ~~Level Three administrator~~hearing officer shall provide the employee a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Level Three administrator~~hearing officer may consider the Level ~~One and Level~~ Two ~~records,~~record, any additional information provided ~~at~~prior to the Level Three ~~conference~~hearing, and any other relevant documents or information the ~~Level Three administrator~~hearing officer believes ~~shall~~will help resolve the complaint.

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

Level Four

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

The appeal notice ~~shall~~must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Three ~~response,~~decision or, if no ~~response was received, within ten~~decision has been communicated to the employee, within 20 calendar days of the Level Three ~~response~~decision deadline.

~~The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint shall be on the agenda for submission to the Board. ¶~~

~~The Superintendent or designee~~Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Three 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 Three 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 Three appeal. The employee may request a copy of the Level Three record.

The Level Three record shall include:

20. The Level One record.
21. The Level Two record.
22. The notice of appeal from Level Two to Level Three.
23. ~~The written response~~Any other documents submitted by the employee at Level Three.
24. The decision issued at Level Three and any attachments.
25. All other documents relied upon by the administration in reaching the Level Three decision.

The ~~appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.~~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]

~~The~~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 ~~the~~ Board. ~~The Board shall hear the complaint and may request that~~

~~the administration provide an explanation for the decisions at the preceding levels.~~ members.

In addition to any other record of the ~~Board~~ meeting required by law, the Board or Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from ~~the~~ 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 ~~may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.¶~~

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

Relation to Essential Knowledge and Skills

The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that each student's performance indicates the level of mastery of the designated District objectives.

Guidelines for Grading

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student's relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

The District shall permit a student who meets the criteria detailed in the grading guidelines a reasonable opportunity to redo an assignment or retake a test for which the student received a failing grade.

Progress Reporting

The District shall issue grade reports/report cards every nine weeks for elementary students and secondary school students ~~nine weeks for elementary students and four times each school year (two report cards each semester) for secondary school students~~~~six weeks for students in secondary grades and, for students in elementary grades, every nine weeks~~ on a form approved by the Superintendent or designee. Performance shall be measured in accordance with this policy and the standards established in EIE.

Interim Reports

Interim progress reports shall be issued for all students after the ~~fourth~~third or fourth week of each grading period ~~for elementary students and every three weeks for secondary school students~~. Supplemental progress reports may be issued at the teacher's discretion~~.~~

Conferences

Each ~~campus calendar~~year, the District shall provide ~~for~~at least two opportunities ~~during the school year~~ for in-person conferences between each parent ~~teacher conferences. Additionally,~~ and the student's teacher. Additional conferences may be requested by a teacher or parent as needed.

Academic Dishonesty

A student found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, the use of artificial intelligence to complete an

assignment in part or in whole unless approved by the classroom teacher [see CQD], and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, ~~or~~ information from students, or the use of an artificial intelligence detection tool selected by the District.

Makeup Work

Students shall make up assignments and tests after absences. Students shall receive a zero for any assignment or test not made up within the allotted time.

Teachers may assign additional work to ensure that students who have been absent have sufficient opportunity to master the essential knowledge and skills or to meet the subject or course requirements. The assignments shall be based on the instructional objectives for the subject or course.

Unexcused Absences

The District shall not impose a grade penalty for makeup work after an unexcused absence.

Suspension

The District shall not impose a grade penalty for makeup work after an absence due to suspension.

Information for Elementary Schools

At the end of the first four weeks of a grading period, notice of progress shall be sent to the parents/guardians of students in kindergarten-grade 5.

Progress Reports — Kindergarten-Grade 5

Report Cards

Student achievement in the mastery of grade-level Texas Essential Knowledge and Skills (TEKS) shall be reported to parents on a nine-week schedule for elementary school students.

Report card information shall include grades earned in foundation and enrichment courses, work/study habits, special program services (e.g., tutoring, ESL, and the like), conduct, and end-of-year placement decisions.

Note: Separate grades shall be recorded for reading, language arts, mathematics, science, social studies, art, music, and physical education. Student mastery of health TEKS shall be reported as part of the grades earned in science, social studies, and physical education.

Grading Guidelines

Grade averages on report cards should:

- Reflect the level of mastery of TEKS designated in the District's scope and sequence for each nine weeks for elementary school students;
- Include a balance of assessment data — daily grades, test grades, benchmarks, and the like;
- Include a variety of student work samples—oral activities, journals, projects, worksheets, reports, and the like; and
- Reflect a sufficient and reasonable number of grades to support the nine-week average.

Caution~~:~~ Assessments with fewer than 10 items should be combined with similar tests for averaging purposes to avoid each question being weighted too heavily.

The report card should denote the instructional interventions being provided in each of the foundation subjects.

Campus Decisions The principal at each campus shall work with the faculty to draft specific grading criteria that reflect the generic District guidelines listed above. Decisions to be made at the campus level include determining the number and types of grades to be taken in each subject area, weighting daily/test grades, assigning instructional levels for individual students, and crediting homework as a work habit or part of the subject grade.

Performance Codes The following scales and coding systems shall be used to report student academic performance.

✓ and – The coding system for prekindergarten and kindergarten shall report achievement as "student demonstrates skill" or "student is unable to demonstrate skill." In prekindergarten and kindergarten, ✓ and – shall be used for all academic subjects.

E, S, and N In grade 1, the coding system should report achievement as excellent, satisfactory, and needs improvement. An E, S, and N grading scale shall be used for all subjects. In prekindergarten-grade 5, S and N shall be used to grade art, music, physical education, work habits, and conduct.

Numerical Grades The following numerical scale shall be used to report achievement in language arts, mathematics, science, and social studies in grades 2-5:

Numerical Grade	Letter Grade
90-100	A
80-89	B

Numerical Grade	Letter Grade
75-79	C
70-74	C-
*0-69	F

***Note:** A 50 may be recorded in lieu of a lower grade if the teacher, in exercising his or her professional judgment, thinks the student's academic efforts warrant it. A zero may be recorded if a student refuses to respond to an assignment.

Transfer Students

A student who transfers from one school to another during a grading period — interdistrict and intradistrict — shall receive a nine-week grade that combines the average recorded from the sending school with the current average being earned at the receiving school. The weight given to each average should reflect the percent of time the student spent in each school.

Information for Middle and Senior High Schools

Grading System

Secondary schools shall be guided by the following procedures in determining grades and grade averaging:

Academic grades:

Numerical Grade	Letter Grade
90-100	A
80-89	B
75-79	C
70-74	C-
69 and below	F

Conduct grades:

Grade	Conduct
E	Excellent
S	Satisfactory
I	Improvement needed

Grade	Conduct
U	Unsatisfactory

Mastery of TEKS

Acceptable Overall Mastery

Secondary students must earn a semester or yearly average of at least 70 to demonstrate acceptable overall mastery of the TEKS for a grade-level subject or course. (To receive credit for a high school course, the student must make at least a 70 average for the second semester of a full-year course and must have an overall average of 70 or better.) Instruction in the TEKS shall occur throughout the semester and year, as shall continuous assessment of student proficiency in mastering the TEKS. Teachers shall use various evaluation data to ascertain the level of student achievement in mastering TEKS. The nature of the TEKS shall determine the assignment(s) used for assessing the student's proficiency level.

Types of Assignments / Assessments Used in Determining Mastery of Teks

Ongoing Mastery Assessment:

1. Homework
2. Classwork/class participation
3. Daily quizzes
4. Major exams
5. Compositions
6. Projects
7. Performances
8. Demonstrations
9. Oral reports
10. Labs

End-of-term Mastery Assessment:

1. Grading period exams
2. Semester or final exams (may be designed by the teacher, team, or District committee)
3. District proficiency tests (comprehensive exams administered at designated times, but frequently near the end of the semester and/or near the end of the year)

Averaging Grades

~~Grades 6-8 — Semester~~For students in grades 6-8, semester grades shall be computed by allocating a weight of one half (1/2) for each of the two grading period grades.

~~High School — Semester~~For students in high school, semester grades shall be computed by allocating a weight of three-sevenths (3/7) for each grading period grade and one-seventh (1/7) for the semester exam.

Final grades for full-year classes in grades 6-12 shall be determined by averaging the two semester grades. Final grades shall be indicated on the student's report card as either pass or fail.

1. Students' grading period averages and semester/final exam grades shall be reported to parents by numerical grades.
2. Students, including middle school students, who take a high school course must take the final exam to earn a grade. If a student fails to take the exam, the student shall earn a zero, which shall be calculated as one-seventh (1/7) of the semester average.
3. Students' semester averages shall be reported to parents by the numerical grade, which shall also appear on the academic achievement record.
4. Teachers must maintain numerical grades in their grade books for each assignment, test, and activity evaluated. In cases where a student's grade falls below 50, the teacher may, at his/her discretion, record in the grade book a grade of 50 rather than the actual grade earned. The teacher may choose to exercise this option when, in his/her professional judgment, the student's academic efforts warrant it.

Campus Decisions

The principal at each campus shall work with the faculty to establish specific grading criteria that adhere to the parameters established in this policy and in content-area curriculum guides. Each department's decisions include determining the number and types of grades to be taken and the weighting of various categories of work, e.g., daily, homework, and tests.

Instructional Level

The instructional level of courses shall be, in many instances, designated by the course title on the student's report card, e.g., K-level, AP, H for HORIZONS, ICS for in-class support, and the like. Courses with no special designation shall be L-level or on-level courses.

Progress/Interim Reports

1. All teachers must issue a progress/interim report to students every three weeks. [See Interim Reports above.]
2. Between the second progress report and the time report cards are sent home, teachers should contact the parents of each student whose grading period average has dropped to below 70.

Remedial Instruction TEKS Available

Students experiencing difficulty in achieving mastery of TEKS shall be provided with remedial instruction.

~~Teks~~TEKS and Special Populations

Special ~~populations~~population students, such as those identified for the ESL, gifted, or special education programs, shall also be instructed in the TEKS assigned to a grade level or course. Modifications shall occur in pacing, materials, and instructional strategies to prepare students to demonstrate overall acceptable mastery of TEKS.

Promotion and Course Credit

Mastery of TEKS shall be reflected in a student's promotion to the next grade level or the award of credit for a course completed.

Award of Credit or Grade

~~A student not enrolled for a complete grading period in a course may still be awarded a grade and, ultimately, course credit. Teachers shall select from the following options to fit the student's particular circumstances and to ensure that the student has an opportunity to learn all the TEKS presented during the grading period.~~

Possible Options Depending Upon the Circumstances

A student not enrolled for a complete grading period in a course may still be awarded a grade and, ultimately, course credit. Teachers shall select from the following options to fit the student's particular circumstances and to ensure that the student has an opportunity to learn all the TEKS presented during the grading period.

1. The teacher shall average the student's grades in the teacher's course with the average the student earned in another school district. The weight given to each average shall reflect the percent of time the student spent in each school district; or
2. The teacher may temporarily record an I for incomplete on the report card until the student completes a sufficient number of assignments over TEKS for a grade to be awarded. Such assignments may be completed outside of class, at tutorials, or during summer school. Determination of when the assignments will be completed shall be based upon the following:
   a. The circumstances preventing the student from enrolling in the course for the entire grading period; and
   b. The student's demonstrated degree of mastery of TEKS and other course objectives; or
3. The student may take a test or combination of tests (credit by examination, TEKS test, teacher- or team-designed exam) to verify mastery of TEKS.

Instructional Plan and Course Syllabus

Prior to the beginning of each semester, each teacher shall provide a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction.

The teacher shall provide this information to the District administration and the parent of each student enrolled in the teacher's class. Additional copies of the instructional plan or course syllabus shall be made available to a parent of a student enrolled upon that parent's request.

District Website

The Superintendent shall develop administrative procedures for the posting of the instructional plans and course syllabi for each class offered in the District on the District's website.

Note: For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, library books when used for assignments, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

Selection

Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above. Library books when used as instructional materials in a classroom shall also comply with requirements in EFB(LOCAL).

The Board shall rely on District professional staff to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily

lives. [See also EMB regarding instruction about controversial issues.]

5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

Parent Request for Instructional Material Review

The Superintendent shall develop administrative regulations to ensure compliance with state law and rules that a parent or guardian of a District student may request an instructional materials review for a subject area in the grade level in which their student is enrolled on the basis of the following:

1. The material is not aligned with District-adopted materials; or
2. The material does not have the appropriate rigor for the grade level for the subject area in which the instructional material is used.

The regulations shall also address procedures for submitting a parent petition to review instructional materials, the appeal process if a petition for review is denied, criteria for reviewing any appeal, and timelines for each step in the process.

Reconsideration of Instructional Materials

A District employee, a parent or guardian of a District student, an adult student, or District resident may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and

adhered to the objectives for instructional materials set out in this policy.

2. A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.

3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator may offer a concerned parent an alternative instructional material to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee unless the challenged instructional resource is a supplemental instructional material selected by a classroom teacher or grade level (and not from the District curriculum) and has not already been through an informal reconsideration review. In this event, the campus principal should conduct an informal reconsideration review and make a determination regarding the instructional material. In the event the campus principal determines the instructional material is appropriate, a complainant may elect to proceed with the formal reconsideration process and the principal shall proceed with appointing a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Note: For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB~~(LOCAL)~~.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, library books when used for assignments, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

Selection

Instructional materials that are textbooks and related supplemental materials, ~~shall be chosen~~which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above. Library books when used as instructional materials in a classroom shall also comply with requirements in EFB(LOCAL).

The Board shall rely on District professional staff to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily

lives. [See also EMB regarding instruction about controversial issues.]

5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

~~Challenged Resources~~Parent Request for Instructional Material Review

~~A~~The Superintendent shall develop administrative regulations to ensure compliance with state law and rules that a parent or guardian of a District student~~, a student who is 18 years of age or older, an individual employee, or any District resident may challenge an~~ may request an instructional materials review for a subject area in the grade level in which their student is enrolled on the basis of the following:

6. The material is not aligned with District-adopted materials; or

7. The material does not have the appropriate rigor for the grade level for the subject area in which the instructional material is used.

The regulations shall also address procedures for submitting a parent petition to review instructional materials, the appeal process if a petition for review is denied, criteria for reviewing any appeal, and timelines for each step in the process.

Reconsideration of Instructional Materials

A District employee, a parent or guardian of a District student, an adult student, or District resident may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to ~~challenges~~a request for reconsideration of instructional materials:

8. ~~6.~~A complainant may raise an objection to an instructional material used in a school's educational program, despite the

fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives for instructional materials set out in this policy.

9. ~~7.~~A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.

10. ~~8.~~Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator may offer a concerned parent an alternative instructional material to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for Reconsideration

A complainant shall make any formal ~~challenge to~~request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee unless the challenged instructional resource is a supplemental instructional material selected by a classroom teacher or grade level (and not from the District curriculum) and has not already been through an informal reconsideration review. In this event, the campus principal should conduct an informal reconsideration review and make a determination regarding the instructional material. In the event the campus principal determines the instructional material is appropriate, a complainant may elect to proceed with the formal reconsideration process and the principal shall proceed with appointing a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee may include District-

level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Note: Unless otherwise noted, the terms “video recording,” “video surveillance,” and “video monitoring” shall also include any associated audio recordings. In addition, the term “classroom” shall also include other special education settings subject to video and audio recording required by law.

To promote student safety, the District shall comply with requests for video and audio monitoring of certain ~~self-contained~~ special education classrooms as required by law. Regular or continual monitoring of video recordings shall be prohibited. Video recordings shall not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

The ~~Superintendent~~Superintendent is responsible for coordinating the provision of equipment to campuses in compliance with the law.

The Superintendent shall ensure that administrative regulations are developed to implement this policy.

Requests

For Following Year

A parent of a student receiving special education services and whose placement for the following school year will be in a ~~self-contained~~special education classroom eligible for video surveillance may request in writing that a video camera be placed in the classroom by the end of the current school year or by the ~~tenth~~10th District business day after the student’s admission, review, and dismissal (ARD) committee determines the student’s placement, whichever is later. If such a request is made, the campus shall begin operation of the camera by the deadlines in law, except when the District is granted an extension of time. (“District business day” means a day that the District’s instructional support center is fully open to the public.)

For Current Year

Written requests from a parent, assistant principal, principal, staff member, or the Board shall be submitted and processed in accordance with the procedures in law.

Response

As required by law, the District shall provide a response to the requester not later than the seventh District business day after receipt of the request.

Notice

Before a camera is activated, the principal shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be conducted in the classroom. If a parent who requested installation of a camera in an eligible classroom withdraws his or her child from the District prior to the

camera being installed and active, the District shall consider the parent's request to be withdrawn.

Installation and Operation

The classroom subject to the request shall begin operation of video surveillance not later than the time frames required in law, except when the District is granted an extension of time.

When the District has installed video cameras in a classroom as required by law, the District shall operate the cameras during the instructional day at all times when one or more students are in the classroom. For purposes of this policy, the instructional day shall be defined as the portion of a school day during which instruction is taking place in the classroom.

For the school year in which a campus receives a request for video and audio surveillance, the campus shall continue to operate and maintain any video cameras placed in the classroom for as long as the classroom continues to satisfy the requirements in Education Code 29.022(a). However, the campus may discontinue operation of the video camera during the year if the requester withdraws the request in writing and no request is submitted to continue the surveillance. Before a camera is deactivated, the principal shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be discontinued in the classroom and of the opportunity to request continued video and audio surveillance.

Video cameras must be capable of recording video and audio of all areas of the eligible classroom, including a room attached to the classroom used for time out as defined by law. No visual monitoring, other than incidental coverage, shall be conducted of the inside of a bathroom or other area used for changing a student's clothes in an eligible classroom. However, audio recording of the inside of the eligible bathroom or area of the eligible classroom where a student's clothes are changed is required.

The District shall post notice at the entrance to a classroom in which video cameras are placed stating that video and audio surveillance is conducted in that classroom.

Retention of Recordings

Video recordings shall be retained for at least three months after the date of the recording but may be retained for a longer period in accordance with the District's records management program, or as required by law. [See CPC]

Confidentiality of Recordings

Video recordings made in accordance with this policy shall be confidential and shall only be released or viewed by the individuals and in the limited circumstances permitted by law. The following individuals may have authority to view video recordings to the extent permitted by the Family Educational Rights and Privacy Act (FERPA):

1. A District employee or a parent of a student who is involved in an alleged incident documented by a recording and reported to the District;
2. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child;
3. A peace officer, school nurse, District administrator trained in de-escalation and restraint techniques, or human resource staff member in response to a report of an alleged incident or an investigation of an employee or a report of alleged abuse committed by a student; and
4. Appropriate Texas Education Agency or State Board for Educator Certification personnel or their agents as part of an investigation.

For purposes of this policy, the term “human resource staff member” shall include the Superintendent, a principal, an assistant principal or other campus administrator, and any supervisory position within the District’s human resources office. If an individual listed in items ~~2–4~~2-4, above, believes that a recording shows a violation of District policy or campus procedures, the individual may allow access to the recording by appropriate legal and human resources personnel designated by the District for the purpose of determining whether a policy or procedure has been violated.

The District is not required to provide video equipment to a campus of another district, charter school, or nonpublic school.

Any person who suspects that child abuse or neglect has occurred shall report this suspicion as required by law and District policy. [See FFG]

Reporting an Incident

A person alleging that an incident, as defined by law, has occurred in a classroom in which video surveillance is conducted shall file a report on the form provided by the District with the principal as soon as possible after the person suspects the alleged incident. If possible, an incident report form shall be filed within ~~48~~24 hours of the facts giving rise to the allegation. The principal shall promptly view, or direct an authorized individual to view, the video surveillance footage to identify the relevant portion of the recording. No

later than ~~ten District business days~~10 District business days after the report is filed, the principal or designee shall respond by notifying the person whether the alleged incident was recorded in the District's video surveillance footage and shall initiate other steps as required by law, District policy, or local procedures.

Complaints

Complaints related to video and audio recordings under this policy shall be filed in accordance with DGBA, FNG, or GF, as applicable. A complainant who is dissatisfied with the outcome of the District's complaint process may appeal in writing to the commissioner of education in accordance with Education Code 7.057 and 19 Administrative Code 103.1303. A parent, staff member, or District administrator may request an expedited review in limited circumstances in accordance with 19 Administrative Code 103.1303 during an appeal to the commissioner, as allowed by law.

Expedited Review for Denial of Requests

Denial of requests for installation of cameras and release of copies of video and requests for an extension of time for the installation of cameras may be subject to a request for expedited review by the commissioner of education simultaneously with the grievance process. Once an eligible request is administratively denied, the requestor may appeal the denial using the local complaint process but may also request an expedited review by the commissioner simultaneously, however, the requestor must still exhaust administrative remedies through the school district's grievance process even if the requestor opts for the expedited review process as well, in accordance with 19 Administrative Code 103.1303.

An expedited review allows a requestor to receive a preliminary judgment from the commissioner as to a decision to deny a request related to a video while at the same time respecting the school grievance process. A request for an expedited review shall be filed with the commissioner by the deadlines in law. However, the final commissioner's decision is to be based on the substantial evidence review of the school district's grievance record.

Expedited Review Exception

The expedited review process does not apply to a request to view a video.

Extension of Time

A request by a school district for an extension of time to begin the operation of a video camera shall be filed with the commissioner by the deadlines in law. The procedures governing these proceedings are found at 19 Administrative Code 103.1303 and Texas Education Code 29.022.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority. In accordance with law, the definitions of abuse and neglect specifically exclude the refusal of a person responsible for a child's care, custody, or welfare to affirm the child's expressed sexual orientation or perception of the child's gender, including a refusal to use the child's preferred name or pronouns, regardless of whether the child's name has been legally changed.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within ~~48~~24 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact

with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of ~~educator~~ misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use (1) a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child or (2) a parent's choice of recognized alternative health care treatment or therapy for the child that could be considered as new, emerging, or nonstandard as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A ~~state or local~~ law enforcement agency, as defined in law;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the Texas Abuse Hotline website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a

person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or

3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

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[1] Texas Abuse Hotline website: http://www.txabusehotline.org

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 ~~the~~ FFH ~~series~~.
2. Complaints concerning dating violence shall be submitted in accordance with ~~the~~ FFH ~~series~~.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with ~~the~~ FFH ~~series~~.
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 removal to a disciplinary alternative education program shall be submitted in accordance with FOC and the Student Code of Conduct.¶~~
7. ~~7.~~ Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
8. 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.
9. 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.
10. 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.

11. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

12. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.

13. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

14. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

15. 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 Activities¶~~

~~In accordance with Texas Education Code 26.001, the District is not required to address a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of Chapter 26 of the Education Code. Complaints regarding extracurricular activities shall be addressed by the appropriate campus administrator and appealed to the campus principal. The decision of the campus principal shall be final.¶~~

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.

~~**Guiding Principles¶**~~

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.

~~**Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except**~~**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
- 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

Because deadlines are substantive and not procedural, 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.

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

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

~~Freedom from Retaliation~~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.

Option to Continue Informal Process

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

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. 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, ~~including email and fax;~~ 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 business days after the deadline.

Scheduling ~~Conferences~~Hearings

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If a ~~student or parent~~complainant fails to appear at a scheduled ~~conference~~hearing, the District may ~~dismiss the complaint. If the complaint is dismissed, it may be refiled, but only if within the time period for filing a complaint~~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.

~~Response~~¶

~~At Levels One, Two, and Three, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses~~The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Four, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the ~~student's or parent's~~complainant's email address of record, or sent by U.S. Mail to the ~~student's or parent's~~complainant's mailing address of record. Mailed

~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.¶

~~Days~~¶

~~"Days" shall mean District business days in accordance with the District's school calendar, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."~~

Representative

"Representative" shall mean any person who or organization that is designated by the ~~student or parent~~complainant to represent the ~~student or parent~~complainant in the complaint process. A student may be represented by an adult at any level of the complaint.

The ~~student or parent~~complainant may designate a representative through written notice to the District at any level of this process. ~~If the student or parent~~The representative may participate in person or by telephone conference call. If the complainant designates a representative with fewer than three business days' notice to the District before a scheduled ~~conference or~~ hearing, the District may reschedule the ~~conference or~~ hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process ~~regardless of the student's or parent's representation~~.

Consolidating Complaints

~~Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file~~To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from ~~any~~an event or series of ~~events that have been or could have been addressed in a previous complaint.~~¶

~~Untimely Filings~~¶

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

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

Copies of any documents that support the complaint should be ~~attached to~~ included with the complaint form. If the ~~student or parent~~complainant does not have copies of these documents, copies may be presented at the Level One ~~conference~~hearing. After the Level One ~~conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference~~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. If records or issues are added at any level to the record, the complaint or appeal may be remanded in accordance with this policy.

Remand

A complaint or appeal form that is incomplete in any material aspect ~~may~~shall be ~~dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.~~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 due to the addition of new issues or any other reason, 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 due to the addition of new records or issues or any other reason

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.

~~**Level One**¶~~

~~Complaint forms must be filed:¶~~

16. ~~Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and¶~~

17. ~~With the lowest level administrator who has the authority to remedy the alleged problem.¶~~

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

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

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

~~The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.¶~~

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

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 or on a later date selected by mutual written consent. 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 ~~student or parent~~complainant did not receive the relief requested at Level One or if the time for a ~~response~~decision has expired, the ~~student or parent~~complainant may request a ~~conference with the appropriate central office administrator~~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 ~~ten~~20 calendar days of the date of the ~~written~~ Level One ~~response~~decision or, if no ~~response was received, within ten~~decision has been communicated to the complainant, within 20 calendar days of the Level One ~~response~~decision deadline.

After receiving notice of the appeal, the Level One ~~administrator~~hearing officer shall prepare and forward a record of the Level One complaint to the Level Two ~~administrator. The student or parent may request~~hearing officer and provide a copy of the Level One record to the complainant.

The Level One record shall include:

18. The original complaint form and any attachments.
19. ~~All~~Any other documents submitted by the ~~student or parent~~complainant at Level One.
20. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.
21. The decision issued at Level One and any attachments.
22. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The ~~Level Two administrator shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed* ~~conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference~~ The hearing officer may set reasonable time limits for the hearing.

*or on a later date selected by mutual written consent.

The ~~Level Two administrator~~hearing officer shall provide the ~~student or parent a written response within ten~~complainant a

decision within 20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Level Two administrator~~hearing officer may consider the Level One record, any additional information provided ~~at~~prior to the Level Two ~~conference~~hearing, and any other relevant documents or information the ~~Level Two administrator~~hearing officer believes will help resolve the complaint.

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

Level Three

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

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

After receiving notice of the appeal, the Level Two ~~administrator~~hearing officer shall prepare and forward a record of the Level Two ~~appeal~~complaint to the Level Three ~~administrator.~~¶

~~The student or parent may request~~hearing officer and provide a copy of the Level Two record~~.~~ to the complainant.

The Level Two record shall include:

23. The Level One record.
24. The notice of appeal from Level One to Level Two.
25. ~~The written response~~Any other documents submitted by the complainant at Level Two.
26. The decision issued at Level Two and any attachments.
27. All other documents relied upon by the ~~administration~~Level Two hearing officer in reaching the Level Two decision.

The ~~Superintendent or designee shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed* ~~onference shall be limited~~

*or on a later date selected by mutual written consent

~~to the issues and documents considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Superintendent or designee may set reasonable time limits for the conference~~ The hearing officer may set reasonable time limits for the hearing.

The ~~Superintendent or designee~~hearing officer shall provide the ~~student or parent a written response within ten~~complainant a decision within 20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Superintendent or designee~~hearing officer may consider the Level ~~One and Level~~ Two ~~records,~~record, any additional information provided ~~at~~prior to the Level Three ~~conference~~hearing, and any other relevant documents or information the ~~Superintendent or designee~~hearing officer believes will help resolve the complaint.

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

Level Four

If the ~~parent or student~~complainant did not receive the relief requested at Level Three or if the time for a ~~response~~decision has expired, the ~~parent or student~~complainant may appeal the decision to the Board.

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

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

~~The Superintendent or designee shall provide to the Board the record of the Level Three appeal. The student or parent~~Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Three 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 Three 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 Three appeal. The complainant may request a copy of the Level Three record.

The Level Three record shall include:

28. The Level One record.
29. The Level Two record.
30. The notice of appeal from Level Two to Level Three.
31. ~~The written response~~Any other documents submitted by the complainant at Level Three.
32. The decision issued at Level Three and any attachments.
33. All other documents relied upon by the administration in reaching the Level Three decision.

The ~~appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.~~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]

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

In addition to any other record of the ~~Board~~ meeting required by law, the Board or Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation,

including the presentation by the ~~student~~complainant or ~~parent or the student's~~the complainant's representative, any presentation from the administration, and questions from ~~the~~ 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 ~~may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.¶~~

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

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 ~~filed~~submitted in accordance with the EF series.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be ~~filed~~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)]

~~**Guiding Principles**¶~~

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

Because deadlines are substantive and not procedural, 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.

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

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

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

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. 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, ~~including email and fax;~~ 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 business days after the deadline.

Scheduling ~~Conferences~~Hearings

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If the ~~individual~~complainant fails to appear at a scheduled ~~conference~~hearing, the District may ~~dismiss the complaint. If the complaint is dismissed, it may be refiled, but only if within the time period for filing a complaint.~~ 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.

~~Response¶~~

~~At Levels One, Two, and Three, "response" shall mean a written communication to the individual from the appropriate administrator.~~

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

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

~~Days¶~~

~~"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."¶~~

Representative

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

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

Consolidating Complaints

~~Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file~~To promote efficiency in addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from ~~any~~an event or series of ~~events that have been or could have been addressed in a previous complaint.¶~~

~~Untimely Filings¶~~

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

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

~~complaint was dismissed. Such appeal shall be limited to the issue of timeliness~~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 ~~in writing~~ on a form provided by the District.

Copies of any documents that support the complaint should be ~~attached to~~i ncluded with the complaint form. If the ~~individual~~complainant does not have copies of these documents, ~~they~~copies may be presented at the Level One ~~conference~~hearing. After the Level One ~~conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference~~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. If records or issues are added at any level to the record, the complaint or appeal may be remanded in accordance with this policy.

Remand

A complaint or appeal form that is incomplete in any material aspect may~~shall be dismissed but may be refiled with all the if the refiling is within the designated time for filing.~~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 l evel 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.

~~**Level One**¶~~

~~Complaint forms must be filed:¶~~

~~3. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and¶~~

~~4. With the lowest level administrator who has the authority to remedy the alleged problem.¶~~

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

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

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

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

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 or on a later date selected by mutual written agreement. 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 ~~individual~~complainant did not receive the relief requested at Level One or if the time for a ~~response~~decision has expired, ~~he or she~~the complainant may request a ~~conference with the appropriate central office administrator~~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 ~~ten~~20 calendar days of the date of the ~~written~~ Level One ~~response~~decision or, if no ~~response was received, within ten~~decision has been communicated to the complainant, within 20 calendar days of the Level One ~~response~~decision deadline.

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

The Level One record shall include:

5. The original complaint form and any attachments.

6. ~~All~~Any other documents submitted by the ~~individual~~complainant at Level One.

7. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.

8. The decision issued at Level One and any attachments.

9. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The ~~Level Two administrator shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed* ~~The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference~~hearing officer may set reasonable time limits for the hearing.

*or on a later date selected by mutual written agreement.

The ~~Level Two administrator~~hearing officer shall provide the ~~individual a written response within ten~~complainant a decision within 20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Level Two administrator~~hearing officer may consider the Level One record, any additional information

provided ~~at~~prior to the Level Two ~~conference~~hearting, and any other relevant documents or information the ~~Level Two administrator~~hearing officer believes will help resolve the complaint.

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

Level Three

If the ~~individual~~complainant did not receive the relief requested at Level Two or if the time for a ~~response~~decision has expired, ~~he or she~~the complainant may request a ~~conference with the Superintendent or designee~~hearing at Level Three to appeal the Level Two decision.

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

After receiving ~~the~~ notice of the appeal, the Level Two ~~administrator~~hearing officer shall prepare and forward a record of the Level Two ~~appeal~~complaint to the ~~Superintendent or designee.~~ ¶

~~The individual may request~~Level Three hearing officer and provide a copy of the Level Two record to the complainant.

The Level Two record shall include:

10. The Level One record.
11. The notice of appeal from Level One to Level Two
12. Any other documents submitted by the complainant at Level Two.
13. The written response issued at Level Two and any attachments.
14. All other documents relied upon by the ~~administration~~Level Two hearing officer in reaching the Level Two decision.

The ~~Superintendent or designee shall schedule a conference within ten~~hearing officer shall hold a hearing within 10 calendar days after the appeal notice is filed* The ~~conference shall be limited to the issues and documents considered at Level One and Two and identified in the Level Three appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the~~ Level Two

*or on a later date selected by mutual written agreement.

~~decision. The Superintendent or designee may set reasonable time limits for the conference~~hearing officer may set reasonable time limits for the hearing.

The ~~Superintendent or designee~~hearing officer shall provide the ~~individual a written response within ten~~complainant a decision within 20 calendar days following the ~~conference. The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~Superintendent or designee~~hearing officer may consider the Level ~~One and Level~~ Two ~~records,~~record, any additional information provided ~~at~~prior to the Level Three ~~conference~~hearing, and any other relevant documents or information the ~~Superintendent or designee~~hearing officer believes will help resolve the complaint.

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

Level Four

If the ~~individual~~complainant did not receive the relief requested at Level Three or if the time for a ~~response~~decision has expired, ~~the individual~~he or she may appeal the decision to the Board.

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

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

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

~~The Superintendent or designee shall provide the Board the record of the Level Three appeal. The individual~~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 Three 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 Three appeal. The complainant may request a copy of the Level Three record.

The Level Three record shall include:

15. The Level One record.

16. The Level Two record.

17. The notice of appeal from Level Two to Level Three.

18. ~~The written response issued at Level Three and any attachments.¶~~

~~19.~~ All other documents ~~relied upon~~submitted by the ~~administration in reaching the~~complainant at Level Three~~decision.~~.

20. The ~~appeal shall be limited to the issues and documents considered~~decision issued at Level Three~~, except that if at the Level Four hearing~~ and any attachments.

21. All other documents relied upon by the administration ~~intends to rely on evidence not included in the Level Three record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing~~in reaching the Level Three decision.

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

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

In addition to any other record of the ~~Board~~ meeting required by law, the Board or Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation,

including the presentation by the ~~individual~~complainant or ~~his or her~~the complainant's representative, any presentation from the administration, and questions from ~~the~~ 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 ~~may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.¶~~

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

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

All employees shall avoid any conflict between their personal interests and the interest of the District in dealing with students, parents, vendors, customers, and all other organizations or individuals doing or seeking to do business with the District.

~~Disclosure—General~~Disclosure — General Standard

An employee shall disclose in writing 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 has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

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]

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.

An employee who is employed outside the District, including self-employment, may sell personal goods or services to other District employees. However, the District employee receiving the personal goods or services must not be someone to whom the employee supervises or reports, including supervisors within the departmental chain of command. In addition, the employee who sells goods or services may not use District time or equipment for the outside employment.

Private Tutoring

During the school year, an employee shall not privately tutor for pay a student the employee also teaches or serves. An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay. The employee's principal or supervisor shall determine if the private tutoring creates a conflict of interest with the proper discharge of the employee's assigned duties and responsibilities.

Private Service Provider

During the school year, an employee shall not provide private services, such as child care or respite care, for pay for a student the employee also teaches or serves. An employee must disclose in writing to his or her immediate supervisor any private services for pay for any other District student. The employee's principal or supervisor shall determine if the outside employment creates a conflict of interest with the proper discharge of the employee's assigned duties and responsibilities.

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 associate or 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.

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.

~~Diversity, Equity, and Inclusion Duties Prohibited~~

~~Unless required by state or federal law, the District may not assign diversity, equity, and inclusion duties to any person and shall prohibit a District employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the District.~~

~~*Definition*~~

~~For purposes of this policy, "diversity, equity, and inclusion duties" means:~~

~~1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;~~

~~2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;~~

~~3. Developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except:~~

~~a. For the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts or open-enrollment charter schools; or~~

~~b. As necessary to comply with state or federal law; and~~

~~4. Compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement; or~~

~~5. Giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.~~

~~The definition does not include:~~

~~1. Contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;~~

~~2. Acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A, Chapter 28;~~

~~3. Analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address~~

~~achievement gaps and differentials described by Section 39.053;~~

4. ~~Instructing students consistent with essential knowledge and skills adopted by the State Board of Education;~~

5. ~~Collecting, monitoring, or reporting data; or~~

6. ~~Engaging in a policy, practice, procedure, program or activity intended to enhance student academic achievement or post-graduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity.~~

Posting Vacancies

The Superintendent or designee 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.

Employing Related Employees

In all cases involving employment, fair and equitable hiring practices shall be observed. Persons responsible for employment in the District shall avoid any act or practice that might be interpreted as preferential consideration shown a relative.

No spouse of the Superintendent, an associate superintendent, or the assistant superintendent of human resources shall be employed by the District. If a current employee is promoted to the position of Superintendent, associate superintendent, or assistant superintendent of human resources, the continued employment of the spouse shall be considered on an individual, case-by-case basis.

The provisions of this policy shall not apply to persons employed before the adopted date of this policy revision, but the administration should direct efforts to eliminate those situations that would not meet these guidelines as circumstances permit.

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.

Assignment Identification on Contracts

In most circumstances, contracts shall not be for specific assignments but shall indicate employment as "teacher," "administrator," or other general employment category.

Selection, Employment, and Dismissal of 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 the final authority to hire contractual (professionals and paraprofessionals) and noncontractual personnel, except those identified immediately below. The term “hire” shall mean the initial employment of a person or rehire after a break in previous employment with the District. All other actions regarding the contracts of current employees shall be taken according to applicable Board policy. [See also BJA] In addition, the Board delegates to the Superintendent the authority to dismiss ancillary and annual contract employees, in accordance with DCD(LOCAL) and DCE(LOCAL).

Exceptions

Final authority for selection and employment of the Superintendent, internal auditor, and general counsel shall be retained by the Board.

All selection and employment decisions made by the Superintendent shall be made in accordance with District policies, procedures, and practices.

Campus / District Hiring

For campus teacher and staff employments, it shall be the responsibility of the principal to approve appointments from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the Superintendent. One of the hiring requirements is to have on file one or more positive references for the candidate that is (are) deemed appropriate and acceptable to the Superintendent for the position being filled.

Procedures for Hiring Students

The hiring of students shall be exempt from local policy requiring the posting of job openings.

The Superintendent or designee shall approve the hiring of any student and shall determine his or her placement in the pay system.

The director of ancillary personnel shall be responsible for providing the necessary hiring procedures and shall also be responsible for ensuring that the District is in compliance with state and federal laws with respect to the employment of minors.

The associate superintendent for business services shall be responsible for providing the accounting and payroll reporting procedures.

Criminal History Record

The District shall obtain criminal history record information on a person the District intends to employ. [See DC(LEGAL)]

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

Resignations

The Superintendent or designee shall have authority to accept the written resignation of any employee, including employees hired under provisions of the Education Code Chapter 21. [See DFE]

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 DH(EXHIBIT) for the Educators' Code of Ethics.]

Definitions

The term "immediate family" is defined as:

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.
6. Any person residing in the employee's household at the time of illness or death.

To confirm a family relationship, the District may require the employee using leave to provide reasonable documentation, such as a child's birth certificate, a marriage license, a court order, or a sworn statement from the employee.

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, use, or recording of leave shall mean the number of hours per day equivalent to 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 life-threatening 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 and, if applicable, vacation days, earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

Line of Duty Eligible Action

An eligible action taken in the line of duty for the purposes of law enforcement line of duty leave is defined as a reasonable, lawful, and authorized law enforcement action required by or authorized because the employee is a commissioned police officer on duty for

the District. An eligible action does not include illness or injury resulting from routine or administrative duties not specific to law enforcement that occur during the course of employment.

Availability

In accordance with administrative regulation DEC(REGULATION), the District shall make state personal leave and local leave for the current year available for use at the beginning of the fiscal year.

Earning Local Leave

An employee using full or proportionate paid leave shall be considered to be in paid status.

Deductions

Leave Without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration

Employed for Less Than Full Year

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local 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:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

Recording

The following is provided to allow for absences of less than a full day for professional employees:

1. If a professional employee is absent more than three instructional periods or three hours of the day, he or she shall be charged with a full leave day of absence.
2. If a professional employee is absent two or three instructional periods, he or she shall be charged with one-half leave day of absence from duty.
3. Conference or planning periods shall be counted as periods of employment.
4. For the purpose of this provision, elementary schools and support facilities may use hours in the workday in lieu of instructional periods.

The following is provided to allow for absences of less than a full day for hourly and paraprofessional employees:

1. If a paraprofessional employee is absent in excess of 50 percent of his or her workday, the absence shall be charged as one full leave day.
2. If a paraprofessional employee is absent up to 50 percent of his or her workday, the absence shall be charged as one-half leave day.
3. If an hourly employee is absent a portion of his or her workday, the employee shall be charged for the absence on an hourly basis.

If an employee is taking intermittent Family and Medical Leave Act (FMLA) leave, leave shall be recorded in one-hour increments.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave or vacation. [See DEAB]

Unless an employee requests a different order for leave or vacation, available paid leave and vacation shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995-96 school year.
3. Vacation, if applicable.
4. State personal leave.

Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require employees to use accrued compensatory time concurrently with unpaid FMLA leave. The District shall then require employees to use accrued paid leave concurrently with unpaid FMLA leave, unless the employee is a classroom teacher who elects in writing to solely use unpaid FMLA leave for an absence due to pregnancy or the birth or adoption of a child. Temporary disability leave shall apply after FMLA leave is exhausted.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. 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.

Medical Certification

An employee shall submit medical certification of the reason for absence if:

1. The employee is absent more than three 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;

3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or

4. The employee requests FMLA leave for military caregiver purposes.

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

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

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)]

Discretionary Use

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

Limitations

Request for Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes. Discretionary use of state personal leave shall be granted on a first-come, first-served basis on each campus or within each department.

Duration of Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays except when used under the student teaching leave provisions for paraprofessional and ancillary employees.

Local Leave

All employees shall earn five paid local leave days per school year, in accordance with administrative regulation DEC(REGULATION), for the first 187 workdays of employment.

Employees in positions requiring more than 187 workdays per year shall earn additional local leave days, in accordance with administrative regulation DEC(REGULATION).

Local leave shall accumulate without limit.

Local leave may be used under the student teaching leave provisions for paraprofessional and ancillary employees.

Unless expressly stated otherwise in this policy, local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year. [See DEC(LEGAL)]

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local 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 or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and vacation, if applicable.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

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

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.

Emergency Closure Leave

All eligible employees shall receive 10 leave days of emergency closure leave per fiscal year, in accordance with administrative regulation DEC(REGULATION). Emergency closure leave shall not carry over beyond the fiscal year in which it is allocated. Emergency closure leave may only be used if the Superintendent, in accordance with EB(LOCAL), has closed the District, individual campus(es), or facility as a result of a local, regional, or national disaster, epidemic, or other emergency condition resulting in the unplanned closure of the District, individual campus(es), or facility.

Compensation During Closure	Employees who are required to work during an emergency closure of the District or their respective campus(es) or facility shall be compensated in accordance with DEA(LOCAL) and DEA(REGULATION).
Parental Bonding	Local leave and/or state non-discretionary personal leave to a maximum of 10 leave days may be used by an employee for bonding with a child 12 months of age or younger. Paid leave for bonding shall not be granted in conjunction with the provisions of paid leave for adoption or foster care placement for more than a total of 30 days of paid leave. Use of paid leave for parental bonding under this paragraph shall run concurrently with leave under the FMLA, if applicable.
Adoption / Foster Care	Local leave and/or state non-discretionary personal leave to a maximum of 30 leave days may be used for primary care of an adopted child or for the placement of a child with the employee for foster care if the child is 60 months of age or younger. If both parents of the child are employed by the District, the District shall permit combined paid leave for this purpose to a total of 30 days. Use of paid leave for adoption/foster care under this paragraph shall run concurrently with leave under the FMLA, if applicable.
Mental Health Leave	An employee is eligible for up to three days of mental health leave through administrative leave with pay, granted in response to a traumatic event that occurred in the scope of the employee's employment with the District, as defined in DEC(REGULATION). Mental health leave is provided without a deduction in salary or other leave. Requests for mental health leave must be submitted in writing to the employee's immediate supervisor within seven calendar days of the traumatic event. Mental health leave requests shall be treated with confidentiality.
Assault Leave	An eligible employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the assault, for up to two (2) years from the date of injury. A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee: 1. Could be prosecuted for assault; or 2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person not responsible for purposes of criminal liability. Assault Leave runs concurrent with any other eligible leave.

An employee is considered recuperated from physical injuries sustained once the employee can return to duty with or without accommodations, unless doing so would worsen an injury or additional leave would facilitate the healing process.

Communicable Disease Leave for Peace Officers

A commissioned peace officer employed by the District as a police officer pursuant to CKEA(LOCAL) is eligible for quarantine or isolation leave if the officer in the scope of employment is:

1. Exposed to or contracts a communicable disease defined as a notifiable condition by the Texas Department of State Health Services in Title 25 of the Texas Administrative Code Section 97.3; and

2. Is ordered by the chief of police or the Harris County Public Health Department to quarantine or isolate as a result of the notifiable condition. The communicable disease leave for District police officers under this provision is provided without a deduction in salary or other leave.

If a District police officer is ordered to quarantine by the Harris County Public Health Department under this provision, the officer is eligible for reimbursement for reasonable costs of lodging and meals for the ordered quarantine in accordance with DEC(REGULATION) and District policy.

Law Enforcement Line of Duty Leave

A commissioned peace officer employed by the District as a police officer pursuant to CKEA(LOCAL) is eligible for law enforcement line of duty leave for physical illness or injury resulting from an eligible action taken while on duty. For up to one year, days of law enforcement line of duty leave may not be deducted from the officer's personal leave. In the event an officer also qualifies for assault leave under this policy, the officer will also be placed on assault leave, which shall run concurrently with law enforcement line of duty leave.

Following exhaustion of law enforcement line of duty leave, the District shall not extend the leave of absence for a police officer's line of duty illness or injury. However, the officer may utilize and any other eligible leave for which the officer qualifies under this policy (i.e., assault leave) or use accumulated personal leave and in accordance with DEC(REGULATION). Injuries or illness resulting from routine or administrative duties not specific to a law enforcement action that occur during employment may be covered by other leave or benefit entitlements for which the officer qualifies and is eligible.

Other Absences

Any other release time granted or approved days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD]

Family and Medical Leave

~~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~~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.

Combined Leave for Spouses

If 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. [See DECA(LEGAL)]

Intermittent or Reduced Schedule Leave

The District shall not permit the use of intermittent or reduced schedule FMLA leave for the care of a newborn child or the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of Leave

If an employee requests or is placed on leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

When the need for leave is foreseeable, the employee must return the completed medical certification to the human resources department within 15 calendar days of receiving the form. The healthcare provider must describe the appropriate medical facts regarding the person's health condition. Failure to return the forms on a timely basis, or submission of incomplete forms, may result in a delay or denial of leave and could result in the employee's absence being designated as unexcused and unprotected.

The employee shall provide subsequent medical certification every 30 days except as provided by FMLA regulations.

Fitness-for-Duty Certification

If 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.

The medical certification shall contain a statement about the employee's ability to perform essential job functions. Failure to provide the certification may result in a delay or denial of restoration of employment. The costs associated with obtaining the certification shall be the employee's responsibility. The fitness-for-duty requirement shall not apply to employees returning from intermittent or reduced schedule leave.

An employee shall give notice of the intent to return to duty before expiration of the FMLA leave. The employee ordinarily shall give notice two business days before his or her projected date of return in order to minimize potential workplace disruption and to allow for the smooth transition of assignments from other employees to the returning employee.

End-of-Semester Leave

If 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. [See DECA(LEGAL), Leave at the End of a Semester]

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Temporary Disability Leave

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave. The employee shall provide medical documentation of the need for leave.

A contract employee on temporary disability leave shall notify the Superintendent or designee of the desire to return to active duty at least 30 days prior to the expected date of return. The notice must include a fitness-for-duty certification.

A contract employee returning from temporary disability leave during the last month of service of a contract period must return a minimum of 10 workdays prior to the end of the contract period.

Contract Employees — Certified Educators

Any full-time contract employee whose position requires educator certification by the State Board of Educator Certification (an "educator") shall be eligible for temporary disability leave as stated herein. The maximum length of temporary disability leave shall be 180 calendar days or until all paid leave and vacation days, if any, have been exhausted, whichever is greater.

The Superintendent or designee shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent or designee upon review of the medical documentation and/or in consultation with the physician

who has performed a medical exam, the employee's condition interferes with the performance of regular duties. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another location may voluntarily approve the appointment of an educator who wishes to return from leave of absence. However, if no other principal approves the assignment of the educator by the beginning of the next school year, the District must place the educator at the school where the educator formerly taught or was assigned.

Contract Employees — Noncertified Positions

Other full-time contract employees (a "full-time employee") shall be eligible for temporary disability leave as stated herein. The maximum length of temporary disability leave shall be 180 calendar days or until all paid leave and vacation days, if any, have been exhausted, whichever is greater.

The Superintendent or designee shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent or designee upon review of the medical documentation and/or in consultation with the physician who has performed a medical exam, the employee's condition interferes with the performance of regular duties. [See DBB(LOCAL)]

The District shall make an effort to place a full-time employee returning to active duty after a leave of absence for temporary disability in an assignment at the school or work location where the full-time employee formerly worked, subject to the availability of the same or a similar position. In any event, the full-time employee shall be placed on active duty no later than the beginning of the next school year; however, the assignment may not be in the same or a similar position.

Noncontract Employees

The District may grant a noncontract employee a leave of absence for temporary disability for a maximum of 60 workdays per 12-month period or until all paid leave is exhausted, whichever is greater. A 12-month period is measured backward from the date the employee was granted temporary disability.

The Superintendent or designee shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent or designee upon review of the medical documentation and/or in consultation with the physician

who has performed a medical exam, the employee's condition interferes with the performance of regular duties. [See DBB(LOCAL)]

A noncontract employee returning to active duty after a leave of absence for temporary disability shall be assigned to his or her former position, subject to the availability of the position. In the event the former position is no longer available, the employee shall be assigned to the first available comparable or similar position. If a comparable or similar position does not become available within six weeks from the employee's request to return to active duty, the District shall have no further obligation to return the employee to duty; and the employee's employment shall be terminated.

A noncontract employee unable or unwilling to return to work at the conclusion of temporary disability leave and exhaustion of all available leave shall be terminated.

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. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]

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.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use accumulated paid leave instead of receiving weekly income benefits.

An employee choosing to use paid leave shall not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-injury or pre-illness wage. If the employee does not elect to use paid leave, the employee shall receive workers' compensation wage benefits only, which may not equal his or her pre-injury or pre-illness wage.

Jury Duty

An employee shall be granted leave with pay and without loss of paid leave for jury duty. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation for this service.

Other Court Appearances

An employee shall be granted leave with pay and without loss of paid leave for absences due to compliance with a valid subpoena in the following circumstances:

1. The employee, who is not a party to the litigation, is ordered to appear in a legal proceeding pursuant to a lawfully issued subpoena, in accordance with law. [See DEC(LEGAL)]

2. The employee is a defendant in a lawsuit based on actions taken in the course and scope of his or her employment, and the employee is requested by the District's legal counsel to participate in activities and proceedings related to the defense of the lawsuit.

3. The employee is not a party to a lawsuit involving the District but is otherwise requested by the District's legal counsel to provide information, assistance, or testimony in connection with litigation involving the District.

An employee who is a party to non-District litigation or legal proceedings and is absent due to activities and/or proceedings related to the litigation or legal proceedings must use available state personal leave for the absence.

Professional Study Leave

At the recommendation of a professional employee's principal or supervisor and the Superintendent, a leave of absence without pay may be granted by the Superintendent or designee for up to one contract year for the purposes of pursuing education study or research that are deemed beneficial to the District. The employee must have been employed by the District for at least three years and hold a term or continuing contract with the District to be eligible to apply.

Return to employment in the position or at the site employed prior to the leave is not guaranteed by the District or the employee. Upon presentation to the District of acceptable documentation of fulfillment of the leave, an employee returning to the District from a professional study leave to the same type of position held immediately prior to the leave shall retain previously accumulated unused local leave, contract status earned in the position held immediately prior to the leave, and career ladder status, if any, in the position held immediately prior to the leave.

Paraprofessional / Ancillary Employee Leave for Student Teaching

At the recommendation of a paraprofessional/ancillary employee's principal or supervisor, the Superintendent or designee may grant a leave of absence with or without pay for one semester as identified on the current District school calendar for the purpose of student teaching. Student teaching is defined as on-campus classroom teaching at a District school under the direction of a university supervisor and cooperating teacher.

The paraprofessional/ancillary employee must have been employed by the District for at least three years and be currently enrolled in a program of study leading to a bachelor's degree, teacher certification, and qualification for highly qualified status under federal law.

The District shall not guarantee a return to employment in the same position or at the site employed prior to the leave. A paraprofessional/ancillary employee returning to the District from this leave shall be assigned to a comparable paraprofessional/ancillary position unless selected for a teaching position.

Reimbursement of Leave Upon Retirement

An employee eligible to earn paid leave benefits shall be reimbursed for earned accumulated local leave, state sick leave, and state personal leave if the employee is eligible to retire under the regulations of the Texas Teacher Retirement System (TRS) and submits a letter of resignation giving notice of retirement from the District.

For an employee whose local, state sick, and state personal leave days have been accumulated on less than a full-day (seven-hour) work schedule, leave days shall be converted to full-day equivalents for this benefit.

The following guidelines shall apply:

1. An eligible employee is defined as one who is eligible to retire and receive a standard annuity that is not reduced for early retirement under the TRS Program. If an employee meets the criteria to retire under TRS and another state system, and elects the other retirement system, the employee is eligible for reimbursement of earned accumulated leave upon retirement.
2. Maximum benefits shall only be paid to employees who have been employed by the District for 10 years prior to retirement. Employees who have been employed five to nine years may draw 50 percent to 90 percent of the maximum benefit, respectively.
3. The one-time maximum benefit to an employee shall be $125 for each unused day of local leave, state sick leave, and state personal leave, not to exceed a maximum of 150 days.
4. This benefit shall be paid to employees who submit their resignation with the intent to retire either:
    a. At the completion of the semester as identified in the current school calendar; or
    b. At the completion of their annual work calendar year.

The last professional day in each semester for teachers may serve as the end of the semester for hourly employees for purposes of retirement and payment of this benefit. An eligible employee who has not completed a full semester as identified by the current school calendar or completed his or her annual work calendar because of medical conditions certified in writing by a physician shall be paid for his or her accumulated leave balance. Benefits shall be paid in the month following the retirement date.

Reasons

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

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency. [See DFFA]
10. Reduction in force because of a program change. [See DFFB]
11. The employee is not retained at a campus in accordance with the provisions of a campus turnaround plan. [See AIC]
12. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
13. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
14. Failure to meet the District's standards of professional conduct.
15. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime

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

16. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]

17. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

18. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job, with or without reasonable accommodation.

19. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, or the community, impairs or diminishes the employee's effectiveness in the District.

20. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.

21. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.

22. A significant lack of student progress attributable to the educator.

23. Behavior that presents a danger of physical harm to a student or to other individuals.

24. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

25. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

26. Falsification of records or other documents related to the District's activities.

27. Falsification or omission of required information on an employment application.

28. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

29. Failure to fulfill requirements for state licensure or certification, including passing certification or licensing examinations required by state or federal law or by the District, for the employee's assignment.

30. Failure to maintain licensing and certification requirements, including the completion of required continuing education hours, for the employee's assignment.

31. Failure to complete certification or permit renewal requirements, or failure to fulfill the requirements of a deficiency plan, under an Emergency Permit or a Temporary Classroom Assignment Permit.

32. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.

33. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

34. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

35. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.

~~34.~~36. Any reason constituting good cause for terminating the contract during its term.

Recommendations from Administration

Administrative recommendations for renewal or proposed nonrenewal of term contracts shall be submitted to the Superintendent. A recommendation for proposed nonrenewal shall be supported by any relevant documentation. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

Superintendent's Recommendation

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal.

The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

Notice of Proposed Nonrenewal

After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.

If the notice of proposed nonrenewal does not contain a statement of the reason or all the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal at a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

Request for Hearing

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal.

When a timely request for a hearing on a proposed nonrenewal is received by the presiding officer, the Board shall notify the employee of the date and time of the hearing, which shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay.

Hearing By the Board

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

Hearing Procedures

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

Board Decision

The Board may consider only evidence presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

No Hearing

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

Threat Assessment and Safe and Supportive Team

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

Training

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

Student Reports

Each campus shall establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate District employee.

Employee Confidentiality

A District employee who reports a potential threat may elect for the employee's identity to remain confidential and not be subject to disclosure under the state's public information law. The employee's identity shall only be revealed when necessary for the team, the District, or law enforcement to investigate the reported threat.

The District shall maintain a record of the identity of a District employee who elects for the employee's identity to remain confidential.

Notification to Teaching Staff of Threat

As soon as safe and practicable after an administrator or team receives information regarding a threat against a campus, including a threat made through social media, the appropriate administrator or the team shall immediately provide to each member of the teaching staff, including teacher aides, who may be directly affected by the threat a statement containing the following information:

1. The existence of the threat;

2. The nature of the threat; and

3. Any other pertinent detail to ensure student and staff safety.

The Superintendent shall develop administrative regulations to ensure that the required notice is provided to the teaching staff in accordance with law. The administrative regulations may also address notification of other appropriate employees on the affected campus.

Imminent Threats or Emergencies

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

Threat Assessment Process

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures,

the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.

2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.

3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

   For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

   For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

   For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

   For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student:

1. To a local mental health authority or health-care provider for evaluation or treatment; or

2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School Community	The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.
Reports	The team shall provide reports to the Texas Education Agency as required by law.

Note: See policies DHB and DHC for information on other required reports regarding alleged misconduct against a student.

The District shall notify a parent of a student with whom ~~an educator~~a District employee or a person acting as a service provider for the District is alleged to have engaged in misconduct, informing the parent:

1. As soon as feasible that the alleged misconduct may have occurred;

2. Whether the ~~educator~~individual was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and

3. Whether a report was submitted to the Texas Education Agency or State Board for Educator Certification ~~(SBEC)~~ concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an ~~educator's~~individual's alleged abuse or commission of an otherwise unlawful act with ~~the~~a student or involvement in a romantic relationship, or soliciting or engaging in sexual contact with ~~the~~a student.

Notice of Suspected Criminal Offense

Except as provided by state law regarding child abuse investigations, the District shall notify a parent not later than one business day after the date an employee first suspects that a criminal offense has been committed against the parent's child.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]