

# **BOARD OPERATING PROCEDURES**

*2011-2012*



**REAGAN COUNTY INDEPENDENT SCHOOL DISTRICT**

**1111 E. Twelfth St.  
Big Lake, TX 76932  
(325) 884-3705/ fax: (325) 884-3021  
[www.reagancountyisd.net](http://www.reagancountyisd.net)**

# REAGAN COUNTY INDEPENDENT SCHOOL DISTRICT BOARD OPERATING PROCEDURES

## I. DEVELOPING BOARD MEETING AGENDA

### A. Who can place items on agenda? (*BE(LOCAL)*)

1. The agenda is developed by the Superintendent in consultation with the Board President.
2. The Superintendent, the Board President, or any Board member can place items on the agenda for presentation to the Board.
3. Complaints brought by parents/students, employees, or the public will not be placed on the agenda by any Board member, except in accordance with Board policies FNG(LOCAL), FOD(LEGAL), DGBA(LOCAL), and GF(LOCAL).
4. In accordance with Texas open meeting laws and Board policy, no member can place an item on the agenda later than 12:00 p.m. 3 (three) calendar days in advance, except in an emergency as defined by the Texas Government Code.

### B. Use of Consent Agenda

1. In order to expedite Board meetings and address routine and reoccurring business in an efficient manner, the Board will use a consent agenda to the greatest extent possible. The consent agenda will be used to take action on items such as the following:
  - a. Routine Items
  - b. Annual Renewals of Region XVIII and TEA Items
  - c. Gifts, Donations, and Bequests
  - d. Minutes of Regular and Special Board Meetings
  - e. Updates of Board Policy
  - f. Routine Personnel Items
  - g. Routine Bid Recommendations
  - h. Changes to Regular Board Meeting Date and Time (*i.e.*, from 7:00 p.m. on the second Monday at 1111 East 12<sup>th</sup> Street)
2. If requested by a Board member, an item listed under the consent agenda shall be immediately withdrawn for separate discussion and acted upon individually.

**II. MEMBER CONDUCT DURING BOARD MEETINGS (Any time four or more Board members are gathered and deliberate on school business, it is considered a meeting. See BE (LEGAL))**

- A. Board members are expected to attend and participate in duly called meetings of the Board. Board members will come to Board meetings prepared to discuss and take action on all items on the agenda. At a minimum, each Board member is expected to have done the following prior to arrival at every Board meeting:
  - 1. Studied the material in the Board Packet sent to them prior to the meeting; and
  - 2. Resolved questions by contacting the Superintendent.
- B. Board policy BED(LOCAL) shall be used to govern patrons wishing to address the Board in open forum.
- C. Board response to patrons addressing the Board: Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.
- D. Limit on participation: Audience participation at a Board meeting is limited to the portion of the meeting designated for that purpose (30 minutes total; 3 minutes per person). At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless recognized by the presiding officer.
- E. Discussion of employee performance (Board/Audience):
  - 1. The Board will not entertain comments on individual District personnel in open session, unless required by law.
  - 2. The Board will not entertain comments on individual students in open session, unless required by law.
- F. Board will use a modified version of Robert's Rules of Order to govern meetings.
- G. Discussion of motions:
  - 1. All deliberations will be solely related to agenda items.

2. The Board President will insure deliberations remain germane to the agenda.
3. Each Board member has the responsibility to ensure his/her comments remain focused on agenda items.
4. The Board President will rule any deliberations that stray from the agenda as “out of order.”
5. The Board President will recognize Board members before they give their comments.

### **III. VOTING**

- A. The Board President will vote on all action items.
- B. All Board members will vote on all action items, except when there is a legal conflict of interest or a conflict that would impair the Board member’s judgment in violation of Board Member Ethics (this should only occur rarely).
- C. All voting shall be by voice or show of hands and shall be recorded in the official minutes. No vote shall be by secret ballot. All votes or lack of votes should be recorded.
- D. Each Board decision, even when there are dissenting votes, shall be an action by the whole Board and binding upon each member.
- E. Individual members are encouraged to express their opinions during the discussion of motions, but following the vote, members shall publicly discuss only the decision of the whole Board.

### **IV. INDIVIDUAL BOARD MEMBER REQUEST FOR INFORMATION OR REPORT**

- A. All Board member requests for information must be in accordance with District policy BBE(LOCAL) (fiscal affairs, transactions and personnel matters).
- B. The majority of the Board is required to request new reports.
- C. If the Superintendent communicates to the Board prior to a regularly scheduled Board meeting (*see* VIII below), the Superintendent shall address therein any Board member requests for information and give a brief summary of action taken.

D. All Board member requests to Superintendent for information will be reported to the full Board in the Board Packets.

**V. CITIZEN REQUEST/COMPLAINT TO INDIVIDUAL BOARD MEMBER**

A. When a citizen complains to a Board member, the Board member shall:

1. Remind the citizen of due process (FNG(LOCAL) and GF(LOCAL)) and that the Board member must remain impartial in case the situation goes before the Board.
2. Refer citizen to appropriate person in the chain-of-command.
3. Only if appropriate, Board members shall inform Superintendent of complaint.

**VI. EMPLOYEE REQUEST/COMPLAINT TO INDIVIDUAL BOARD MEMBER**

A. When an employee complains to a Board member, the Board member shall:

1. Remind employee of the due process procedure (DGBA(LOCAL)) and remain impartial.
2. Refer employee to appropriate person in chain-of-command.
3. If appropriate, Board member will talk to Superintendent in a timely fashion about the complaint.

**VII. BOARD MEMBER VISIT TO SCHOOL CAMPUS**

A. Board members are encouraged to attend special events on campuses to represent the Board in support of activities.

B. Board members are not to go into teacher's classrooms or campuses for the purpose of evaluation or investigation.

C. Board members will notify administration of individual visits to campuses when they are not attending a scheduled activity.

**VIII. COMMUNICATIONS**

A. Superintendent will communicate with all Board members via regular newsletters.

B. Superintendent will be available to confer with Board members to discuss District issues on an as needed basis, communicating critical

information to all Board members in a timely fashion within context of the Open Meetings Act.

- C. Board members will keep Superintendent informed of critical issues as they become aware of them.
- D. Board will communicate with the community through public hearings, regular Board meetings, and publications.
- E. Board members are board members only in a duly called open meeting and cannot speak in an official capacity outside the Boardroom, unless expressly authorized by Board action.
- F. Every effort will be made by Board /Administrative Team to communicate effectively with each other so that decisions will be based upon the best information and facts available.

**IX. SUPERINTENDENT AND BOARD EVALUATIONS**

- A. Evaluation of the Superintendent will be conducted in accordance with District policy BJCD(LOCAL). The evaluation instrument shall have been developed collaboratively between the Superintendent and Board, adopted in advance, and shall be based upon observable, job-related behavior.
- B. The Board will develop and review outcome-based evaluation instruments annually for the Superintendent and biannually for the Board.
- C. The Superintendent's evaluation is confidential by law and may not be disclosed without the Superintendent's consent. The Board's self evaluation is a public record subject to disclosure upon request.

**X. CRITERIA AND PROCESS FOR SELECTING BOARD OFFICERS**

- A. Selection of Board officers will be governed by District policy BDAA(LOCAL).
- B. Officers will be elected for the position of President, Vice-President, and Secretary by the members present and voting. The

Board Vice President shall assume position of President if a vacancy in that office arises.

- C. A vacancy among officers, other than the President, shall be filled by a majority action of the Board.
- D. The Board President must have two years' minimum Board experience.
- E. Officers shall serve a term of one year, and may succeed themselves in office. (BDAA (LOCAL)).

**XI. ROLE AND AUTHORITY OF BOARD MEMBER AND/OR BOARD OFFICERS (as set by State statute and District Policy BBE and BDAA)**

- A. No Board member or officer has authority except when the Board meeting is in session.
- B. No Board member can direct employees in regard to performance of their duties.
- C. With regard to hiring personnel, the following shall apply:
  - 1. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all contractual personnel.
  - 2. The Board delegates to the Superintendent final authority to hire noncontractual personnel on an at-will basis.
  - 3. The Principal must approve each teacher or staff appointment to the Principal's campus from a pool of applicants.
  - 4. For community sensitive positions such as principal and coach, etc., the Superintendent may ask the Board to participate in the recruitment and selection process with the Superintendent.
- D. The Board corporately has the following authority:
  - 1. Govern and oversee the management of the District.
  - 2. Employ and appraise, at least annually, the Superintendent.
  - 3. Levy and collect taxes and issue bonds.
  - 4. Adopt and file an annual budget.
  - 5. Have District financial accounts audited by a Texas certified accountant at the conclusion of each fiscal year.

6. Publish an annual report describing the District's educational performance.
7. Receive bequests and donations.
8. Select a depository for District funds.
9. Call elections and canvass the returns.
10. Acquire and hold real and personal property in the name of the District.
11. Execute, perform, and make payments under contracts, including leases, leases with options to purchase, and installments.
12. Exercise the right of eminent domain to acquire property.
13. Adopt and periodically review District policy.

E. The President shall:

1. Preside at all Board meetings.
2. Appoint committees.
3. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.
4. Be an *ex officio* member of all committees.

F. The Vice-President shall:

1. Act in the capacity of the President in the absence of the President.
2. Automatically become President of the Board if a vacancy in that office occurs.

G. The Secretary shall:

1. Be responsible for accurate recording of Board meetings.
2. In the absence of the President and Vice-President, call the meeting to order and act as presiding officer.
3. Ensure that notices of Board meetings are posted and sent as required by law.
4. Sign or countersign documents as directed by action of the Board.
5. Review any filings required by law (Political Action Committee Notice).

## **XII. ROLE OF BOARD IN EXECUTIVE SESSION**

- A. Board can only discuss those items listed on the agenda and permitted by law in executive session.



- B. All votes must be made in open session.
- C. Information received during Executive session must remain confidential.

### **XIII. SUPERINTENDENT'S ROLE AND AUTHORITY**

- A. The role of the Superintendent shall be the educational leader and chief executive officer of the District.
- B. The authority and duties of the Superintendent include:
  1. Assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of the education programs, services, and facilities of the District and for the annual performance appraisal of the District's staff.
  2. Assuming administrative responsibility and leadership for the assignment and evaluation of all personnel of the District other than the Superintendent and making recommendations regarding the selection of such personnel.
  3. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract.
  4. Managing the day-to-day operations of the District as its administrative manager.
  5. Preparing and submitting to the Board a proposed budget.
  6. Preparing recommendations for policies to be adopted by the Board and the implementation of adopted policies.
  7. Provide leadership for the attainment of student performance in the District based upon the state's academic excellence indicators and other indicators as may be adopted by the State Board or local Board.
  8. Prepare Board agendas and meeting materials in cooperation with the Board President.
  9. Accurately prepare and submit in a timely manner any and all reports required by TEA, federal and state agencies, the Board, and courts of law.
  10. Direct and supervise all financial accounting and ensure that funds are expended legally, in accordance with the approved budget, and controlled effectively. *See* CAA (LOCAL), FINANCIAL ETHICS.
  11. Ensure District compliance with all applicable state and federal requirements.

12. Develop, evaluate and revise annually the District Improvement Plan, with the assistance of the District Improvement Team.

#### **XIV. MEDIA INQUIRIES TO THE BOARD**

- A. On issues before the Board, the Board President and the Superintendent shall be the official spokespersons for the District to the media.
- B. All Board members who receive calls from the media should refer them to the Superintendent or the Board President, as appropriate.

#### **XV. ANONYMOUS PHONE CALLS**

The Board encourages input; however, anonymous calls or letters should not usually receive Board attention, discussion, or response and will not result in directives to the administration.

#### **XVI. RESPONSE TO SIGNED LETTERS**

Typically, only signed letters will be forwarded to the Superintendent, who will respond and send a copy to the full Board.

#### **XVII. ANNUAL BOARD ORIENTATION AND REORIENTATION**

- A. These Board Operating Procedures will be reviewed and updated annually at the Regular June Board meeting, unless deferred until a later meeting date, with the Board's approval.
- B. District Policy BBF(LOCAL), Board Member Ethics, will also be reviewed when the Board reviews the Board Operating Procedures.
- C. The current Board Member Ethics are:
  - EQUITY IN ATTITUDE**
    - I will be fair, just, and impartial in all my decisions and actions.
    - I will accord others the respect I wish for myself.
    - I will encourage expressions of different opinions and listen with an open mind to others' ideas.
  - TRUSTWORTHINESS IN STEWARDSHIP**
    - I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.

- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.

#### HONOR IN CONDUCT

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

#### INTEGRITY OF CHARACTER

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

#### COMMITMENT TO SERVICE

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

#### STUDENT-CENTERED FOCUS

- I will be continuously guided by what is best for all students of the District.

## **APPENDIX-BOARD POLICIES**

### **Commonly Referenced Board Policy**

BBD (EXHIBIT)  
BBE (LOCAL)  
BBF (LOCAL)  
BDAA (LOCAL)  
BE (LOCAL)  
BE (LEGAL)  
BED (LOCAL)  
BJCD (LOCAL)  
CAA (LOCAL)  
DGBA (LOCAL)  
FOD (LEGAL)  
FNG (LOCAL)  
GF (LOCAL)

## FRAMEWORK FOR SCHOOL BOARD DEVELOPMENT

Preamble: The Board is the educational policy-making body for the District. To effectively meet the challenges of public education, the Board and the Superintendent must function together as a leadership team. Each leadership team must annually assess its development needs as a corporate body and individually to gain its understanding of the vision, structure, accountability, advocacy, and unity needed to provide educational programs and services that ensure the equity and excellence in performance of all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

1. Vision — The Board ensures creation of a shared vision that promotes enhanced student achievement.
  - The Board keeps the District focus on the educational welfare of all children.
  - The Board adopts a shared vision based on community beliefs to guide local education.
  - The Board ensures that the vision supports the state's mission, objectives, and goals for education established by law.
  - The Board ensures that the District's vision expresses the present and future needs of the children and community.
  - The Board demonstrates its commitment to the vision by using the vision to guide all Board deliberations, decisions, and actions.
2. Structure — The Board provides guidance and direction for accomplishing the vision.
  - The Board recognizes the respective roles of the legislature, the State Board of Education, the Texas Education Agency, and the local Board in the governance of the District.
  - The Board fulfills the statutory duties of the local Board and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.
  - The Board focuses its actions on policy making, planning, and evaluation.
  - The Board adopts a planning and decision-making process consistent with state statute that uses participation, information, research, and evaluation to help achieve the District's vision.
  - The Board ensures that the District's planning and decision-making process enables all segments of the community, parents, and professional staff to contribute meaningfully to achieving the District's vision.
  - The Board develops and adopts policies that provide guidance for accomplishing the District's vision, mission and goals.
  - The Board adopts a budget that incorporates sound business and fiscal practices and provides resources to achieve the District's vision, mission, and goals.

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(EXHIBIT)

- The Board adopts goals, approves student performance objectives, and establishes policies that provide a well-balanced curriculum resulting in improved student learning.
  - The Board approves goals, policies, and programs that ensure a safe and disciplined environment conducive to learning.
  - The Board oversees the management of the District by employing the Superintendent and evaluating the Superintendent's performance in providing education leadership, managing daily operations, and performing all duties assigned by law.
  - The Board adopts policies and standards for hiring, assigning, appraising, and compensating school District personnel in compliance with state laws and rules.
3. Accountability — The Board measures and communicates how well the vision is being accomplished.
- The Board ensures progress toward achievement of District goals through a systematic, timely, and comprehensive review of reports prepared by or at the direction of the Superintendent.
  - The Board monitors the effectiveness and efficiency of instructional programs by reviewing reports prepared by or at the direction of the Superintendent and directs the Superintendent to make modifications that promote maximum achievement for all students.
  - The Board ensures that appropriate assessments are used to measure achievement of all students.
  - The Board reports District progress to parents and community in compliance with state laws and regulations.
  - The Board reviews District policies for effective support of the District's vision, mission, and goals.
  - The Board reviews the efficiency and effectiveness of District operations and use of resources in supporting the District's vision, mission, and goals.
  - The Board evaluates the Superintendent's performance annually in compliance with state laws and regulations.
  - The Board annually evaluates its performance in fulfilling the Board's duties and responsibilities, and the Board's ability to work with the Superintendent as a team.
4. Advocacy — The Board promotes the vision.
- The Board demonstrates its commitment to the shared vision, mission, and goals by clearly communicating them to the Superintendent, the staff, and community.
  - The Board ensures an effective two-way communication system between the District and its students, employees, media, and the community.

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(EXHIBIT)

- The Board builds partnerships with community, business, and governmental leaders to influence and expand educational opportunities and meet the needs of students.
  - The Board supports children by establishing partnerships between the District, parents, business leaders, and other community members as an integral part of the District's educational program.
  - The Board leads in recognizing the achievements of students, staff, and others in education.
  - The Board promotes school board service as a meaningful way to make long-term contributions to the local community and society.
5. Unity — The Board works with the Superintendent to lead the District toward the vision.
- The Board develops skills in teamwork, problem solving, and decision making.
  - The Board establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the Board.
  - The Board understands and adheres to laws and local policies regarding the Board's responsibility to set policy and the Superintendent's responsibility to manage the District and to direct employees in District and campus matters.
  - The Board recognizes the leadership role of the Board President and adheres to law and local policies regarding the duties and responsibilities of the Board President and other officers.
  - The Board adopts and adheres to established policies and procedures for receiving and addressing ideas and concerns from students, employees, and the community.
  - The Board makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or District and campus administrative matters.
  - The Board supports decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.

*Adopted by the State Board of Education, January 1996, as authorized by 19 TAC 61.1*

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

BOARD AUTHORITY

The Board has final authority to determine and interpret the policies that govern the schools and, subject to the mandates and limits imposed by state and federal authorities, has complete and full control of the District. Board action shall be taken only in meetings that comply with the Open Meetings Act. [See BE(LEGAL)]

TRANSACTIONING  
BUSINESS

When a proposal is presented to the Board, a discussion shall be held and a decision reached. Although there may be dissenting votes, which are a matter of public record, each Board decision shall be an action by the whole Board binding upon each member.

INDIVIDUAL  
AUTHORITY FOR  
COMMITTING THE  
BOARD

Board members as individuals shall not exercise authority over the District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BDAA]

INDIVIDUAL ACCESS  
TO INFORMATION

An individual Board member, acting in his or her official capacity, shall have the right to seek information pertaining to District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Chapter of the Government Code. [See GBA]

LIMITATIONS

Individual members shall not have access to confidential student records unless the member is acting in his or her official capacity and has a legitimate educational interest in the records in accordance with policies FL(LEGAL) and (LOCAL).

REQUESTS FOR  
RECORDS

Individual members shall seek access to records from the Superintendent.

REQUESTS FOR  
REPORTS

Individual members shall not direct or require District employees to prepare reports derived from an analysis of information in existing District records or to create a new record compiled from information in existing District records. Directives to the Superintendent or custodian of records regarding the preparation of reports shall be by Board action.

CONFIDENTIALITY

At the time Board members are provided access to confidential records or to reports compiled from such records, the Superintendent or other District employee shall advise them of their responsibility to comply with confidentiality requirements.

REFERRING  
COMPLAINTS

If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy. [See (LOCAL) policies at DGBA, FNG, and GF]



Reagan County ISD  
192901

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Trustee may request that the issue be placed on the agenda.

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

**E**QUITY  
IN ATTITUDE

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.

**T**RUSTWORTHINESS  
IN STEWARDSHIP

- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.

**H**ONOR  
IN CONDUCT

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

**I**NTEGRITY  
OF CHARACTER

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

**C**OMMITMENT  
TO SERVICE

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

**S**TUDENT-CENTERED  
FOCUS

- I will be continuously guided by what is best for all students of the District.

OFFICERS AND OFFICIALS  
DUTIES AND REQUIREMENTS OF BOARD OFFICERS

BDAA  
(LOCAL)

BOARD OFFICERS	The Board shall elect a President, a Vice President, and a Secretary who shall be members of the Board. The Board may assign a District employee to provide clerical assistance to the Board. Officers shall be elected by majority vote of the members present and voting.
VACANCY	A vacancy among officers of the Board, other than the President, shall be filled by majority action of the Board.
TERM AND DUTIES	Board officers shall serve for a term of one year or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.
PRESIDENT	In addition to the duties required by law, the President of the Board shall: <ol style="list-style-type: none"><li>1. Preside at all Board meetings unless unable to attend.</li><li>2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.</li></ol>
VICE PRESIDENT	The Vice President of the Board shall: <ol style="list-style-type: none"><li>1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.</li><li>2. Automatically become President of the Board if a vacancy in that office occurs.</li></ol>
SECRETARY	The Secretary of the Board shall: <ol style="list-style-type: none"><li>1. Ensure that an accurate record is kept of the proceedings of each Board meeting.</li><li>2. Ensure that notices of Board meetings are posted and sent as required by law.</li><li>3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.</li><li>4. Sign or countersign documents as directed by action of the Board.</li></ol>

BOARD MEETINGS

BE  
(LOCAL)

MEETING PLACE	Unless otherwise provided in the notice for a meeting, Board meetings shall be held at 1111 East Twelfth Street.
MEETING TIME	Regular meetings of the Board shall be held on the second Monday of each month at 7:00 p.m. When determined necessary and for the convenience of Trustees, the Board President may change the date or time of a regular meeting. The notice for that meeting shall reflect the changed date or time.
SPECIAL OR EMERGENCY MEETINGS	<p>The time and place of special and emergency meetings shall be as set out in the notice for the meeting.</p> <p>The President of the Board shall call special meetings at the President's discretion or on request by two members of the Board.</p> <p>The President shall call an emergency meeting when it is determined by the President or two members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.</p>
AGENDA DEADLINE	The deadline for submitting items for inclusion on the agenda is noon of the third calendar day before regular meetings and noon of the third calendar day before special meetings.
PREPARATION	<p>In consultation with the Board President, the Superintendent shall prepare the agenda for all Board meetings. Any Trustee may request that a subject be included on the agenda for a meeting, and the Superintendent shall include on the preliminary agenda of the meeting all Trustee-requested topics that have been timely submitted.</p> <p>Any member of the Board, with the concurrence of Board President or one other Board member, may request that a subject be included on the agenda for a meeting. The request shall be forwarded to the Superintendent or President of the Board.</p> <p>Before the official agenda is finalized for any meeting, the Superintendent shall consult the Board President to ensure that the agenda and the topics included meet with the President's approval. In reviewing the preliminary agenda, the President shall ensure that any topics the Board or individual Trustees have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not have authority to remove from the agenda a subject requested by a Trustee without that Trustee's specific authorization.</p>
NOTICE TO MEMBERS	Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least two hours prior to the time of an emergency meeting.

BOARD MEETINGS

BE  
(LOCAL)

CLOSED MEETING	<p>Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. [See BEC]</p> <p>The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BEC]</p>
ORDER OF BUSINESS	<p>The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members.</p>
RULES OF ORDER	<p>The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i>, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.</p>
VOTING	<p>Voting shall be by voice vote or show of hands, as directed by the President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request. [See BDAA(LOCAL) for the Board President's voting rights]</p>
CONSENT AGENDA	<p>When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.</p>
MINUTES	<p>Board action shall be carefully recorded by the Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board.</p> <p>The official minutes of the Board shall be retained on file in the office of the Superintendent and shall be available for examination during regular office hours.</p>
DISCUSSIONS AND LIMITATION	<p>Discussions shall be addressed to the President of the Board and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.</p>

The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the President shall not interfere with debate so long as members wish to address themselves to an item under consideration.

BOARD MEETINGS

BE  
(LEGAL)

The Board may act only by majority vote of the members present at a meeting held in compliance with Chapter 551, Government Code, at which a quorum of the Board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

DEFINITIONS

'MEETING'

"Meeting" means a deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes formal action. "Meeting" also means a gathering:

1. That is conducted by the Board or for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the District, about the public business or public policy over which the Board has supervision or control.

*Gov't Code 551.001(4)*

'DELIBERATION'

"Deliberation" means a verbal exchange during a meeting among a quorum of the Board, or between a quorum of the Board and another person, concerning any issue within the jurisdiction of the Board or any public business. *Gov't Code 551.001(2)*

SOCIAL FUNCTION OR  
CONVENTION

The term "meeting" does not include the gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the Board, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference. *Gov't Code 551.001(4)*

LEGISLATIVE  
COMMITTEE OR  
AGENCY MEETING

The attendance by a quorum of the Board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the Board if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

BOARD MEETINGS

BE  
(LEGAL)

SUPERINTENDENT PARTICIPATION	The Board shall provide the Superintendent an opportunity to present at a meeting an oral or written recommendation to the Board on any item that is voted on by the Board at the meeting. <i>Education Code 11.051(a-1)</i>
OPEN TO PUBLIC	Every meeting of the Board shall be open to the public. The Board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. <i>Gov't Code 551.002, 551.084, Ch. 551, Subch. D, Subch. E</i> [See BDB and BEC]
PARENTAL ACCESS	A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of the Board, other than a closed meeting held in compliance with the Open Meetings Act. <i>Education Code 26.007(a)</i>
RECORDING	All or any part of an open meeting may be recorded by any person in attendance by means of a tape recorder, video camera, or any other means of aural or visual reproduction. The Board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. <i>Gov't Code 551.023</i>
MINUTES	The Board shall prepare and keep minutes or make a tape recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. <i>Gov't Code 551.021</i>
BOARD MEMBER ATTENDANCE	The minutes or recording, as applicable, of a regular or special meeting of the Board must reflect each member's attendance at or absence from the meeting. <i>Education Code 11.0621</i>
AVAILABILITY	The minutes and tapes are public records and shall be available for public inspection and copying on request to the Superintendent or designee. <i>Gov't Code 551.022; Education Code 11.0621</i>
NOTICE REQUIRED	The Board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. <i>Gov't Code 551.041</i>
CONTINUED MEETING	If the Board recesses an open meeting to the following regular business day, the Board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the Board continues the meeting to another day, the Board body must give the required written notice of the meeting continued to that other day. <i>Gov't Code 551.0411(a)</i>



BOARD MEETINGS

BE  
(LEGAL)

INQUIRY DURING  
MEETING

If a member of the public or of the Board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

LOCATION

The Board must hold each public meeting within the boundaries of the District, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the District.

*Education Code 26.007(b)*

TIME OF NOTICE AND  
ACCESSIBILITY

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another Board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting. *Gov't Code 551.043(a), 551.051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If the District is required to post notice of a meeting on the Internet, the District satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

The District must still comply with the duty to physically post the notice in the central administration office and if the District makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

*Gov't Code 551.043(b)*

INTERNET POSTING

If the District maintains an Internet Web site, in addition to the other place at which notice is required to be posted, the Board must also concurrently post notice of a meeting on the Internet Web site.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more

must also, concurrently with the notice, post on the District's Internet Web site the agenda for a Board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the District.

*Gov't Code 551.056*

SPECIFICITY OF  
AGENDA / NOTICE

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Ops. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977)*

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to the Board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by District staff or a member of the Board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

EMERGENCY  
MEETING OR  
EMERGENCY  
ADDITION TO AGENDA

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. The Board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to the District's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of

a meeting to address a situation described by this subsection must be given to members of the news media as provided by Education Code 551.047 not later than one hour before the meeting.

*Gov't Code 551.045*

CATASTROPHE

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If the Board is unable to convene the open meeting within those 72 hours, the Board may subsequently convene the meeting only if the Board gives the required written notice of the meeting.

“Catastrophe” means a condition or occurrence that interferes physically with the ability of the Board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov't Code 551.0411(b), (c)*

SPECIAL NOTICE TO  
NEWS MEDIA

The District shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse the District for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, the Board President shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings. *Gov't Code 551.047, 551.052*

QUORUM

A majority of the Board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the Board. *Gov't Code 551.001(6), 311.013(b)*

DISASTER

Notwithstanding any other law, a quorum is not required for the Board to act if:

BOARD MEETINGS

BE  
(LEGAL)

1. The District's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the Board are unable to be present at a Board meeting as a result of the disaster.

*Gov't Code 418.1102*

SECRET BALLOT

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

MEETING BY  
CONFERENCE CALL

The Board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the Board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

NOTICE

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

RECORDING

The conference call meeting shall be tape-recorded and made available to the public.

*Gov't Code 551.125*

MEETING BY  
VIDEOCONFERENCE  
CALL

If the District does not extend into three or more counties, a meeting may be held by videoconference call only if a quorum of the Board is physically present at one location of the meeting. If the District extends into three or more counties, a meeting may be held by videoconference call if a majority of the quorum is physically present at one location of the meeting. A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

NOTICE OF  
LOCATIONS

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the Board will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting

BOARD MEETINGS

BE  
(LEGAL)

to be held by videoconference call by a board in a district that extends into three or more counties must specify as a location of the meeting each location where a majority of the quorum of the Board will be physically present and specify the intent to have a majority of the quorum of the Board present at that location.

In addition, the notice of the meeting must specify as a location of the meeting each other location where a Board member who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting.

RECORDING

The Board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

QUALITY OF AUDIO  
AND VIDEO SIGNALS

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at each location specified in the notice.

Each location specified in the notice shall have two-way communication with each other location during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The quality of the audio and video signals perceptible by members of the public at each location of the meeting must:

1. Meet or exceed the quality of the audio and video signals perceptible by the Board members participating in the meeting; and
2. Be of sufficient quality so that members of the public at each location of the meeting can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

REMOTE  
PARTICIPATION

The Board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a Board member is not participating in the meeting from a remote location.

*Gov't Code 551.127; 1 TAC 209.10-.12*

INTERNET  
BROADCAST

The Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site.

BOARD MEETINGS

BE  
(LEGAL)

The Board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the Board is required to post under the Open Meetings Act. *Gov't Code 551.128*

ATTORNEY  
CONSULTATION

The Board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board or a private consultation with its attorney in a closed meeting of the Board. [See BEC]

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

EXCEPTION

This does not apply to a consultation with an attorney who is an employee of the District. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the District, is an employee of the District.

*Gov't Code 551.129*

HEARING-IMPAIRED  
PERSONS

In a proceeding before the Board in which the legal rights, duties, or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, "deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

*Gov't Code 558.001, 558.003*

BOARD MEETINGS  
PUBLIC PARTICIPATION

BED  
(LOCAL)

LIMIT ON  
PARTICIPATION

Audience participation at a Board meeting is limited to the public comment portion of the meeting designated for that purpose. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

PUBLIC COMMENT

At regular meetings the Board shall allot 30 minutes to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak.

No presentation shall exceed three minutes. Delegations of more than five persons shall appoint one person to present their views before the Board.

BOARD'S  
RESPONSE

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

COMPLAINTS AND  
CONCERNS

The presiding officer or designee shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person shall be referred to the appropriate policy (see list below) to seek resolution:

Employee complaints: DGBA

Student or parent complaints: FNG

Public complaints: GF

DISRUPTION

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any person continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the person removed from the meeting.

SUPERINTENDENT  
EVALUATION

BJCD  
(LOCAL)

EVALUATION  
INSTRUMENT

The instrument used to evaluate the Superintendent shall be based on the Superintendent's job description [see BJA(LOCAL)] and performance goals and shall be adopted by the Board.

WRITTEN  
EVALUATION

The Board shall prepare a written evaluation of the Superintendent at annual or more frequent intervals.

The Board shall furnish the Superintendent with a copy of the completed evaluation and shall discuss its conclusions with the Superintendent in closed meeting.

OBJECTIVES

The Board shall strive to accomplish the following objectives in conducting the Superintendent's written evaluation:

1. Clarify to the Superintendent his or her role, as seen by the Board.
2. Clarify to Board members the Superintendent's role, according to the Board's written criteria, as expressed in the Superintendent's job description and the District's goals and objectives.
3. Foster an early understanding among new Board members of the evaluation process and the Superintendent's current performance objectives and priorities.
4. Develop and sustain a harmonious working relationship between the Board and the Superintendent.
5. Ensure administrative leadership for excellence in the District.

INFORMAL  
EVALUATION

The Board may at any time conduct and communicate oral evaluations to augment its written evaluations.



FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

All Trustees, employees, vendors, contractors, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

---

**Note:** See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:  
for Board members—BBF  
for employees—DH
  - Financial conflicts of interest:  
for public officials—BBFA  
for all employees—DBD
  - Financial conflicts involving federal funds: CBB
  - Systems for monitoring the District's investment program: CDA
  - Budget planning and evaluation: CE
  - Compliance with accounting regulations: CFC
  - Activity fund management: CFD
  - Criminal history record information for employees: DC
  - Disciplinary action for fraud by employees: DCD, DCE, and DF series
- 

FRAUD AND  
FINANCIAL  
IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

DEFINITION

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by state or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.

FINANCIAL CONTROLS  
AND OVERSIGHT

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

FRAUD PREVENTION

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

REPORTS

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

PROTECTION  
FROM  
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

FRAUD  
INVESTIGATIONS

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

RESPONSE

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

ANALYSIS OF FRAUD

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

GUIDING PRINCIPLES	The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
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.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
NOTICE TO EMPLOYEES	The District shall inform employees of this policy.
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. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
COMPLAINTS AGAINST SUPERVISORS	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.
COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

EXCEPTIONS

This policy shall not apply to:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]
4. Complaints concerning instructional materials. [See EFA]
5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]
7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See DFAA, DFBA, or DFCA, respectively]

GENERAL  
PROVISIONS

FILING

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

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

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

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

REPRESENTATIVE	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the 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.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.</p>

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

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.

LEVEL ONE Complaint forms must be filed:

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

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

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

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

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

The administrator shall 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 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 has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One re-

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

sponse or, if no response was received, within ten days of the Level One response deadline.

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

The Level One record shall include:

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

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

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

LEVEL THREE

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

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



PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

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

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

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

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

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

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

The Board shall then consider the complaint. 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 Two.

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

STUDENTS YOUNGER  
THAN TEN

A student younger than ten years of age shall not be expelled but shall be placed in a disciplinary alternative education program (DAEP). *Education Code 37.007(e)(2), (h)*

OVERAGE STUDENTS

A person who is 21 years of age or older and is admitted by the District for the purpose of completing the requirements for a diploma is not eligible for placement in a JJAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the District shall revoke the student's admission. *Education Code 25.001(b-1)*

MANDATORY  
EXPULSION

SCHOOL RELATED

A student shall be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Uses, possesses, or exhibits a firearm, an illegal knife, a club, or a prohibited weapon, as those terms are defined in the Penal Code, or any knife prohibited by local policy [see FNCG];
2. Engages in conduct that contains the elements of the offense of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a young child or children, as those offenses are defined in the Penal Code; or
3. Commits a drug- or alcohol-related offense described at Education Code 37.006(a)(2)(C) or (D), if that conduct is punishable as a felony.

*Education Code 37.007(a)*

EXCEPTION

A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

1. At an approved target range facility that is not located on a school campus; and
2. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

This section does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

shooting sports competition or a shooting sports educational activity.

*Education Code 37.007(k)*

RETALIATION

The District shall expel a student who engages in conduct that contains the elements of any offense listed above against any District employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(d)*

FEDERAL FIREARM  
PROVISION

In accordance with the Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis. The District or other local educational agency shall provide educational services to an expelled student in a DAEP if the student is younger than ten years of age. The District or other local educational agency may provide educational services to an expelled student who is ten years of age or older in a DAEP. *20 U.S.C. 7151; Education Code 37.007(e)* [See also GRA]

For the purposes of this provision, "firearm" means:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device. "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

destructive device as described in this item, and from which a destructive device may be readily assembled.

*18 U.S.C. 921*

DISCRETIONARY  
EXPULSION  
THREATS

A student may be expelled if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

SCHOOL- RELATED  
CONDUCT

A student may be expelled if the student, while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

ALCOHOL OR  
DRUGS

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:
  - a. Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.; or
  - b. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
  - c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

VOLATILE  
CHEMICALS

2. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031–485.034.

ASSAULT ON AN  
EMPLOYEE OR  
VOLUNTEER

3. Engages in conduct that contains the elements of an offense under Penal Code 22.01(a)(1) against a District employee, or a volunteer as defined by Education Code 22.053. [See FOC(EXHIBIT)]

DEADLY  
CONDUCT

4. Engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.

*Education Code 37.007(b)*

CONDUCT WITHIN  
300 FEET OF  
SCHOOL

Subject to the mandatory expulsion requirement for retaliation, a student may be expelled if the student, while within 300 feet of school property, as measured from any point on the school's real property boundary line, engages in the following conduct:

1. Any conduct for which expulsion would have been mandatory under Education Code 37.007(a) [see MANDATORY EXPULSION — SCHOOL RELATED, above]; or

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

2. Possession of a firearm, as defined by 18 U.S.C. sec. 921 [see FEDERAL FIREARM PROVISION, above].

*Education Code 37.007(b)*

RETALIATION  
AGAINST SCHOOL  
EMPLOYEE OR  
VOLUNTEER

A student may be expelled if the student engages in an assault, under Penal Code 22.01(a)(1), on an employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property. *Education Code 37.007(d)*

CONDUCT AGAINST  
ANOTHER STUDENT

A student may be expelled if the student engages in conduct against another student that contains the elements of the offenses of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(b)*

CRIMINAL MISCHIEF

The District may use its discretion to expel a student who has engaged in conduct that contains the elements of criminal mischief, as defined in the Penal Code, if the conduct is punishable as a felony. Regardless of whether the student is expelled, the District shall refer the student to the authorized officer of the juvenile court. *Education Code 37.007(f)*

PERSISTENT  
MISBEHAVIOR IN  
DAEP

A student who continues to engage in serious or persistent misbehavior that violates the District's Student Code of Conduct while placed in a DAEP may be removed from class and expelled.

If the student is expelled, the Board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code).

*Education Code 37.007(c), 37.010(b)*

PROPERTY OR  
ACTIVITIES OF  
ANOTHER DISTRICT

The District may expel a student who attends school in the District if:

1. The student engages in conduct for which expulsion would have been mandatory if the conduct had occurred on District property or while attending a District-sponsored or District-related activity; and
2. The student engages in that conduct on the property of another district or while attending a school-sponsored or school-related activity of another district in this state.

*Education Code 37.007(i)*

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

EXPULSION  
PROCEEDINGS  
DUE PROCESS

Before a student may be expelled, the Board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. *Education Code 37.009(f)*

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

NOTICE

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies.

HEARING

The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

[See also *Brewer v. Austin Indep. Sch. Dist.*, 779 F.2d 260 (5th Cir. 1985); *Keough v. Tate County Bd. of Educ.*, 748 F.2d 1077 (5th Cir. 1984); *McClain v. Lafayette County Sch. Bd. of Educ.*, 673 F.2d 106 (5th Cir. 1982); *Tasby v. Estes*, 643 F.2d 1103 (5th Cir. 1981); *Boykins v. Fairfield Bd. of Educ.*, 492 F.2d 697 (5th Cir. 1974), cert. denied, 420 US 962 (1975); *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961)]

REPRESENTATIVE

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of the District. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

TERM OF EXPULSION

If the period of expulsion is inconsistent with the guidelines on length of expulsion in the Student Code of Conduct, the order must give notice of the inconsistency.

EXPULSION  
BEYOND ONE YEAR

The period of expulsion may not exceed one year unless the District determines that:

1. The student is a threat to the safety of other students or to District employees; or
2. Extended placement is in the best interest of the student.

*Education Code 37.009(h)*

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

NOTICE OF  
EXPULSION ORDER

TO PARENT OR  
GUARDIAN

The Board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. After such notification, the parent or guardian shall provide adequate supervision for the student during the period of expulsion. *Education Code 37.009(g), (h)*

TO COURT

Not later than the second business day after the date an expulsion hearing is held, the Board or its designee shall deliver a copy of the expulsion order and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the student resides.

Family Code 52.04 requires the following information from a referring entity that is not a law enforcement agency or has not taken the child into custody:

1. All information in the District's possession pertaining to the identity of the child and the child's address; the name and address of the child's parent, guardian, or custodian; the names and addresses of any witnesses; and the child's present whereabouts; and
2. A complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision.

*Education Code 37.010(a); Family Code 52.04(a), 52.041(a), (b)*

TO JUVENILE  
BOARD

In a county that operates a juvenile justice alternative education program (JJAEP) [see FODA], no student shall be expelled without written notification by the Board or its designee to the juvenile board's designated representative. The notification shall be made not later than two business days following the Board's determination that the student is to be expelled. Failure to timely notify the designated representative shall result in the child's duty to continue attending the District's educational program, which shall be provided to that child until such time as the notification to the designated representative is properly made. *Family Code 52.041*

TO STAFF

In addition to providing any notice required under Code of Criminal Procedure 15.27 [see GRA], the District shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in expellable conduct.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be

STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

suspended or revoked for intentional failure to keep such information confidential.

*Education Code 37.007(g)*

COMPLETION OF  
PROCEEDING UPON  
WITHDRAWAL

If a student withdraws from the District before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the expulsion that has been served by the student in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ADDITIONAL  
PROCEEDINGS

If, during the term of expulsion, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or Board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

APPEALS

A decision by the Board's designee to expel a student may be appealed to the Board. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. *Education Code 37.009(f); Dixon v. Alabama State Bd. of Educ., 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961)*

RESTRICTIONS ON  
COURT ORDERS

A court may not order an expelled student to attend a regular classroom, a regular campus, or the District DAEP as a condition of probation.

EXCEPTION

A court may order a student to attend a regular classroom, a regular campus, or the District DAEP if the District has entered into a memorandum of understanding (MOU) with the juvenile board for the county in which the District's central administrative office is located, concerning the juvenile probation department's role in supervising and providing other support services for students in DAEPs.

*Education Code 37.010(c)*

DISTRICT  
RESPONSIBILITY FOR  
EXPULSED STUDENT

In a county that operates a JJAEP, the District is responsible for providing an immediate educational program to a student who engages in behavior for which expulsion is permitted but not required under Education Code 37.007, but who is not eligible for admission into the JJAEP in accordance with an MOU. [See FODA]



STUDENT DISCIPLINE  
EXPULSION

FOD  
(LEGAL)

CONTRACTING FOR SERVICES	<p>The District may provide the program or the District may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program.</p> <p><i>Education Code 37.011(l)</i></p>
RETURN TO CLASS EARLY / PERMISSIVE  REQUIRED	<p>On the recommendation of the placement review committee, or on its own initiative, the District may readmit an expelled student while the student is completing any court disposition requirements.</p> <p>After an expelled student has successfully completed any court disposition requirements, including conditions of a deferred prosecution, or conditions required by the prosecutor or probation department, the District may not refuse to admit the student if the student meets the requirements for admission. [See FD] The District may place the student in a DAEP.</p> <p>The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.</p> <p><i>Education Code 37.010(f)</i></p>
EXPELLED FROM ANOTHER DISTRICT	<p>If a student has been expelled from another school district, the expelling district shall provide to the district in which the student enrolls a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a DAEP for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.</p>
OUT-OF-STATE EXPULSION	<p>The District may take any of the above actions if the student was expelled by a district in another state if:</p> <ol style="list-style-type: none"><li>1. The out-of-state district provides a copy of the expulsion order; and</li><li>2. The grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.</li></ol> <p><i>Education Code 37.010(g)</i></p> <p>If the student was expelled for more than one year and the enrolling district continues the expulsion or places the student in a DAEP, the aggregate period of expulsion or placement may not exceed one year unless the district determines that:</p> <ol style="list-style-type: none"><li>1. The student is a threat to the safety of other students or to district employees; or</li></ol>

2. Extended placement is in the best interest of the student.

*Education Code 37.010(g-1)*

---

**Note:** See FOF for provisions concerning expulsion of students with disabilities.

---

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

GUIDING PRINCIPLES	The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.</p> <p>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.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.
NOTICE TO STUDENTS AND PARENTS	The District shall inform students and parents of this policy.
COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none"><li>1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion. [See FFH]</li><li>2. Complaints concerning dating violence. [See FFH]</li><li>3. Complaints concerning retaliation related to discrimination and harassment. [See FFH]</li><li>4. Complaints concerning bullying. [See FFI]</li><li>5. Complaints concerning loss of credit on the basis of attendance. [See FEC]</li><li>6. Complaints concerning removal to a disciplinary alternative education program. [See FOC]</li></ol>

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

7. Complaints concerning expulsion. [See FOD and the Student Code of Conduct]
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. [See FB]
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. [See EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education]
10. Complaints concerning instructional materials. [See EFA]
11. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
12. Complaints concerning intradistrict transfers or campus assignments. [See FDB]

GENERAL  
PROVISIONS

FILING

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

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

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

REPRESENTATIVE

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

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days'

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

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. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

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.

COSTS INCURRED

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

COMPLAINT FORM

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

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

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

LEVEL ONE

Complaint forms must be filed:

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

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

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

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

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

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

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

LEVEL TWO

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

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

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

The Level One record shall include:

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

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied on by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall 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 Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

LEVEL THREE

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the written Level Two response or, if no response was received, within ten days of the Level Two response 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 will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If, at the Level Three hearing, the administration intends to rely on evidence not included in the records, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

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

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

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

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



PUBLIC COMPLAINTS

GF  
(LOCAL)

GUIDING PRINCIPLES	The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>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.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
COMPLAINTS	In this policy, the term “complaint” and “grievance” shall have the same meaning. This policy shall apply to all complaints from the public except as provided below.
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none"><li>1. Complaints concerning instructional materials. [See EFA]</li><li>2. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]</li></ol>
GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	
RESPONSE	At Levels One and Two, “response” shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

PUBLIC COMPLAINTS

GF  
(LOCAL)

DAYS	<p>“Days” shall mean District business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>
REPRESENTATIVE	<p>“Representative” shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.</p> <p>The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the 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.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiled is within the designated time for filing a complaint.</p>

PUBLIC COMPLAINTS

GF  
(LOCAL)

LEVEL ONE

Complaint forms must be filed:

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

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

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

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

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

LEVEL TWO

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

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

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

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.

3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

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

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis for the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

#### LEVEL THREE

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

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

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

The Superintendent or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.

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

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

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

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

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

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