

Agenda of Called Meeting

The Board of Trustees

Fort Bend Independent School District

July 14, 2014

Notice is hereby given that a Special Meeting of the Board of Trustees of Fort Bend Independent School District will be held on July 14, 2014, beginning at 6:00 PM in the Administration Building at 16431 Lexington Blvd., Sugar Land, Texas.

1. Call to order at 6:00 PM with announcement by the chair as to the presence of a quorum, that the meeting has been duly called and that notice of the meeting has been posted for the time and manner required by law
2. Convene in closed session under Texas Open Meetings Act, Texas Government Code, Chapter 551 under the following sections: 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law; section 551.072 - consider purchase, exchange, lease, or value of real property, section 551.074 - personnel matters, section 551.076 - security matters, section 551.082 - student discipline matter or complaint, or section 551.0821 - personally identifiable information about public school student
 - A. 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law
 - B. 551.074 - personnel matters
 1. Deliberate middle school principal recommendations
 2. Deliberate middle school associate principal recommendations
 3. Deliberate elementary assistant principal recommendations
3. Reconvene in Open Session
4. Consider Action on Closed Session Items
5. Information
 - A. Update on District Planning and Possible 2014 Bond 4
 - B. 2014-15 Grading Guidelines - Administrative Procedure EIA(R) 5
 - C. 2013-14 TEA Data Validation Monitoring (DVM) System Improvement Plan/Corrective Action Plan (CAP) for Student Discipline 6
6. Review
 - A. Review minutes from previous meetings 7
 1. June 2, 2014 Called Meeting and Budget Hearing 8
 2. June 2, 2014 Called Meeting and Workshop 15
 3. June 3, 2014 New Trustee Orientation 28
 4. June 9, 2014 Regular Board Meeting 29

5. June 16, 2014 Trustee Team Building Workshop	46
6. June 23, 2014 Called Meeting	47
B. Review proposed purchases exceeding \$50,000, specifically for:	53
1. School buses	54
2. Scantron testing forms	56
3. NCS Pearson test materials and scoring service	57
4. Pitney Bowes - Presort Services Inc.	59
5. ACT PLAN Assessment	60
6. Curriculum Associates, LLC	62
7. Atomic Learning	64
8. Kronos Incorporated electronic timekeeping system	66
9. Small kitchen equipment and related items	67
10. Wood fiber playground safety surfacing	69
11. Lawn maintenance and landscaping services	71
12. CISCO Unified Communication Software Subscription (UCSS)	74
13. CISCO SmartNet Service	76
14. CISCO IP phones and accessories	80
15. Integrated Systems Corporation	81
16. Turnkey Fire Protection System inspection and repairs	83
C. Review proposed donations exceeding \$10,000	84
D. Review proposed budget amendments	86
E. Review proposed Resolution Expressing the Intent to Finance Expenditures to be incurred in conjunction with Elementary School 46, land purchases, and other capital expenditures to be included in Phase 1 of the FBISD capital plan	87
F. Review proposed FBISD Fiscal and Budgetary Strategy	91
G. Review proposed 2014-15 Student Code of Conduct	105
H. Review proposed Memorandum of Understanding (MOU) for Juvenile Justice Alternative Education Program (JJAEP) services among Fort Bend ISD, Fort Bend County, Stafford MSD, and Alief ISD	140
I. Review proposed construction contracts with TD Industries, Inc. and Automated Logic for repairs to the Lakeview Elementary School HVAC System	141
J. Review proposed Fort Bend ISD Designated Hazardous Traffic Conditions and Hazardous Traffic Conditions Resolution	145
K. Review proposed aerial electric easement with CenterPoint Energy to provide electric service to Elementary School 46	149
L. Review proposed construction materials testing service agreement with Raba	156

Kistner Consultants for the testing of materials used in the construction of Elementary School 46

- M. Review proposed test and balance service agreement with Engineered Air Balance Co., Inc. for the testing and balancing of heating, ventilation, and air conditioning (HVAC) systems installed in Elementary School 46 157
 - N. Review proposed local Board Policy revisions 158
 - O. Review proposed Texas Education Agency (TEA) waiver to limit the number of foreign exchange students admitted to each high school 188
7. Audience Response to Agenda Review Items Posted for this meeting
8. Adjournment

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

The following Fort Bend ISD Goals may be referenced in agenda items included in this document:

- Goal 1: FBISD will provide an educational system that will enable all students to reach their full potential.
- Goal 2: FBISD will foster partnerships with the community and improve communication to support our students and school system.
- Goal 3: FBISD will provide a supportive climate and a safe learning/working environment.
- Goal 4: FBISD will provide and promote leadership development at all levels.
- Goal 5: FBISD will be a collaborative, efficient and effective learning community.

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Information 5A
References: District Goal 5
Department: Superintendent of Schools

Recommendation

Administration will provide an update regarding District Planning and a possible 2014 Bond.

Recommended by:

Charles E. Dupre
Superintendent of Schools

<p>For: Fort Bend ISD Board of Trustees Date: July 14, 2014 Action: Information 5B References: Board Policies EIA and EIC (Local) District Goal 5 Department: Curriculum and Instruction</p>
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Recommendation

Administration will provide an update on 2014-15 Grading Guidelines – Administrative Procedure EIA(R).

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Christie Whitbeck
Deputy Superintendent

Ginger Carrabine
Executive Director of Curriculum

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Information 5C
References: Board Policies FOB, FOC, and FOD (Legal)
District Goals 1 and 3
Departments: Departments of Student Affairs and Accountability

Recommendation

Review of the 2013-14 Data Validation Monitoring (DVM) System Improvement Plan/Corrective Action Plan (CAP) for Student Discipline.

Summary

All Texas school districts submit discipline data to TEA each summer. TEA reviews this data as part of the Data Validation Monitoring (DVM) system. On February 10, 2014, the District was assigned Stage 3 interventions based on three indicators in the 2012-13 data: 1.) out-of-school suspension greater than three days; 2.) expelling a student less than 10 years of age; and 3.) disproportionate disciplinary assignments to DAEP.

As part of the Stage 3 intervention requirements, we have reviewed student level data for each indicator and developed a continuous improvement/corrective action plan. Both the plan and student level review data, along with the supporting documentation, were submitted to TEA in April. After reviewing the submitted items, our assigned TEA monitor determined that there was insufficient documentation to prove that the District met the due process requirements of TEC Chapter 37, in the case of a sampled discretionary DAEP placement.

Rationale

The Texas Education Agency requires that instances of non-compliance must be presented to the Board of Trustees as part of the DVM process. The plans that were developed were immediately implemented and that implementation will continue during the 2014-15 school year.

Recommended by:

**Charles E. Dupre
Superintendent of Schools**

Submitted by:

**Rhonda McWilliams
Executive Director Student Affairs**

**Jan Moore
Director of Accountability**

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6A
Reference: Board Policy BE (Local)
Department: Office of the Superintendent

Recommendation

Consideration and possible approval of minutes of the following Fort Bend ISD Board of Trustee meetings:

- **June 2, 2014 Called Meeting and Budget Hearing**
- **June 2, 2014 Called Meeting and Workshop**
- **June 3, 2014 New Trustee Orientation**
- **June 9, 2014 Regular Board Meeting**
- **June 16, 2014 Trustee Team Building Workshop**
- **June 23, 2014 Called Meeting**

Summary

Board Policy BE (Local) states, “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.”

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Jayne Keyser
Recording Secretary

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6B
References: Board Policy CH (Legal)
District Goal 5
Department: Finance

Recommendation

Consideration and possible approval of purchases in excess of \$50,000 and authorization for the Superintendent or his designee to execute a contract and to exercise the option to execute subsequent contract renewals, according to the terms and conditions for the attached procurement documents.

Summary

According to Policy CH (Local), purchases that cost or aggregate to a cost of \$50,000 or greater shall require Board approval.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Steven Bassett
Chief Financial Officer

Michele Leach
Director of Materials Management

Solicitation No.:	RFB 14-060RL
Description:	<p>71 & 53 Passenger School Bus</p> <p>The FBISD Transportation Department is requesting to use remaining 2007 Bond Funds to purchase 30 diesel 71 passenger school buses and five diesel 53 passenger school buses. Longhorn Bus Sales provided the best overall product meeting the districts specifications.</p> <p>These buses are being purchased as part of the district's replacement plan to replace its aging fleet. This purchase is part of Phase 1 of the comprehensive capital plan that was outlined for the board on June 9, 2014. The total amount for Phase 1 for bus replacement is \$14.8M. The total amount for bus replacement for all three phases is \$34.9M.</p> <p>The vehicles provided by Longhorn are manufactured by International Truck and are of a conventional design. Conventional designed buses are easier to maintain due to their traditional engine compartment. FBISD has purchased these vehicles in the past and its maintenance logs indicate that these buses have shown to be less costly to maintain when compared to the flat front transit buses with the cab over the engine.</p>
Requested By:	Max Cleaver, Chief Operations Officer
Vendor:	Longhorn Bus Sales
Budget Sources:	2007 Bond Funds
Amount:	\$2,997,390
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	103
Number of vendors downloaded the solicitation:	83
Number of responses received:	3
Number of "no bid" responses received:	0
Length of commitment:	One time purchase
Last solicitation date:	August 22, 2011
Supporting documents:	Bid Summary
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Bid Summary
RFB 14-060RL
71 and 53 Diesel School Bus
July 21, 2014

			Bidder 1 Thomas Bus Gulf Coast		Bidder 2 Longhorn Bus Sales	
Item	Description	Qty	Unit Price	Ext. Price	Unit Price	Ext. Price
1	(71) Passenger Bus	30	\$86,307.00	\$2,589,210.00	\$84,825.00	\$2,544,750.00
2	(53) Passenger Bus	5	\$91,939.00	\$459,695.00	\$90,528.00	\$452,640.00
Total			\$ 178,246.00	\$ 3,048,905.00	\$ 175,353.00	\$ 2,997,390.00

			Bidder 3 Rush Bus Center	
Item	Description	Qty	Unit Price	Ext. Price
1	(71) Passenger Bus	30	\$93,483.00	\$2,804,490.00
2	(53) Passenger Bus	5	\$99,241.00	\$496,205.00
Total			\$ 192,724.00	\$ 3,300,695.00

Solicitation No.:	Sole Source
Description:	<p>Scantron – Testing Documents:</p> <p>The Administration recommends the purchase of services and materials from Scantron Corporation via a Sole Source procurement method.</p> <p>Scantron provides the pre-slugged answer documents for the district assessments. Pre-slugged is the process by which student's information is pre-bubbled in on the answer documents by the vendor. Pre-slugged answer documents reduce the number of data errors, making loading student results more efficient.</p> <p>The Department of Testing maintains a maintenance contract which covers the high-volume scanners located in the Department of Testing.</p> <p>The FBISD warehouse stocks various types of Scantron testing forms for campuses. Additionally, with the purchase of materials, all campuses receive the free use of Scantron scoring machines.</p> <p>For fiscal year 2013-14, the District expended \$101,440 with Scantron. The Administration is requesting approval with a modest increase. The cost for these materials is in the budget for 2014-15.</p>
Requested By:	Christie Whitbeck, Deputy Superintendent
Vendor:	Scantron
Budget Sources:	General Funds
Amount:	\$112,000 for FY 2014/2015 subsequent renewals may change
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of "no bid" responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>NCS Pearson Test Materials and Scoring Service:</p> <p>The Administration recommends the purchase of services and materials of NCS Pearson, Inc. via a Sole Source procurement method.</p> <p>Pearson's Woodcock Reading Mastery-III test, test protocols, and scoring services are used in the process of identifying students with dyslexia as part of our test battery. The State of Texas requires that we test and identify students who are suspected of having dyslexia.</p> <p>As part of their services, NCS Pearson provides optional student reports, including student written compositions for grades 4 and 7 writing, and the English I and English II End of Course Exams. NCS Pearson also provides images for the English I and English II short response items. The images are shared with the Elementary and Secondary ELA coordinators, who in turn share with campus staff. By reviewing the images, campus and district staff can identify strengths and weaknesses in the writing curricula.</p> <p>Pearson provides Diagnosticians and Speech Pathologists with clinical testing materials for the involvement of all students. The testing materials help assess cognitive ability and achievement in students.</p> <p>For fiscal year 2013-14, the District expended \$73,631 with NCS Pearson for test materials and scoring services. The expense for 2014-15 is higher due to more students and the kits are changing this fall. The amount for this purchase is included in the budget.</p>
Requested By:	Christie Whitbeck, Deputy Superintendent
Vendor:	NCS Pearson Inc.
Budget Sources:	General Funds
Amount:	\$105,000 for FY 2014/2015 subsequent renewals may change
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of "no bid" responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A

Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>Pitney Bowes - Presort Services INC:</p> <p>The Administration recommends the funding to cover the cost of postage mailing services for internal and external FBISD customers.</p> <p>Pitney Bowes Mail Services offers mail-processing services that deliver postage savings and delivery efficiencies for the district, which include First Class, Flats and Standard mail. Pitney Bowes Presort Services provides enhanced delivery, while offering maximum postage discounts.</p> <p>For fiscal year 2013-14, the District expended \$420,000 with Pitney Bowes. The costs for these services are included in the budget for 2014-15.</p>
Requested By:	Steven Bassett, Chief Financial Officer
Vendor:	Pitney Bowes
Budget Sources:	General Funds
Amount:	\$425,000
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of "no bid" responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>ACT PLAN Assessment:</p> <p>The administration recommends the purchase of the ACT PLAN assessment and supporting materials for students in grade nine via a Sole Source procurement method.</p> <p>Pursuant to the approved FBISD College and Career Readiness Plan, during the 2013-14 school year the District began using ACT assessments to measure college readiness and set benchmarks and targets for our 9th grade students.</p> <p>The use of assessment data to inform instruction has not been consistent in our district. Therefore, the goal is to increase the level of understanding among all staff members regarding the use of all assessment data to inform instruction, intervention, and enrichment. Pending approval, we will be in the second year of administering the ACT PLAN. Last year, a two hour training regarding the use of the data was provided for high school campus principals. Training for administrators will continue this year with the expectation that this training be replicated for all campus staff. Knowing that the ACT PLAN measures College and Career Readiness (CCR) Standards in all core content areas, the district will ensure fidelity in the use of the data. The Department of School Leadership, in collaboration with the curriculum and CCR departments, will lead the principals in the use of the data. Strict timelines and benchmarks to measure accountability and student growth are expected.</p> <p>Since ACT PLAN is based on the ACT College Readiness standards, we will be able to identify critical areas of academic need beginning in the 9th grade. We will also be able to communicate with teachers, parents and students widely shared learning goals and educational expectations; relate the test scores to the types of skills needed for success in high school and college and communicate the increasing complexity of skills across the score ranges of all core content areas. The ACT PLAN will provide parents and students with the predicted ACT score which will allow students to make informed decisions and necessary adjustments to their course of study.</p> <p>FBISD expended \$56,400 on ACT PLAN during the 2013-14 fiscal year.</p>
Requested By:	Christie Whitbeck, Deputy Superintendent
Vendor:	ACT PLAN
Budget Sources:	General Funds
Amount:	\$75,000 for FY 2014-15 subsequent renewals may change

Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of “no bid” responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>Curriculum Associates, LLC:</p> <p>The Administration recommends the purchase of services and materials of Curriculum Associates, LLC via a Sole Source procurement method. Curriculum Associates, LLC (i-Ready) provides a Diagnostic and Instructional online program for grades K-12 special education students and is delivered at all of our campuses.</p> <p>Most campuses use i-Ready as a diagnostic tool to create TEKS based goals and objectives for individual students. However, some campuses also use i-Ready as targeted instruction which is differentiated by student. It provides in-depth diagnostics that shows student growth across learning domains for reading and math. This diagnostic program drills down to the sub-skill level and covers the pre-requisite skills for readiness and supporting standards.</p> <p>This program is implemented with fidelity and includes data collection, annual benchmarks, and monitoring. Students are administered the i-Ready assessments at the beginning and end of each year and results are used to formulate the annual Admission, Review and Dismissal (ARD) goals for each student. The goals are included in the Individual Educational Plan (IEP) and specifically inform instruction.</p> <p>For fiscal year 2013-14, the District expended \$264,570 with Curriculum Associates, LLC. The significant expenditures were due to the procurement of new instructional materials that contained TEKS updates. It is anticipated that expenditures will be much lower in the 2014-15 fiscal year, as only replacement consumables will be necessary. The amount needed for 2014-15 is in the budget.</p>
Requested By:	Christie Whitbeck, Deputy Superintendent
Vendor:	Curriculum Associates
Budget Sources:	Federal Funds
Amount:	\$60,000 for FY 2014/2015
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of "no bid" responses received:	N/A
Length of commitment:	N/A
Last solicitation date:	N/A

Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>Atomic Learning:</p> <p>The Administration recommends the purchase of services and materials of Atomic Learning via a Sole Source procurement method.</p> <p>Atomic Learning provides on-demand training and support tutorials for FBISD staff that supplements the District's professional development offerings. Atomic Learning also provides instructional support for the students of FBISD. The resource's offerings include over 50,000 tutorials on over 150 applications. Atomic Learning also provides us with workshop series and classroom projects. During the 2013-2014 school year there were approximately 110,000 individual uses of Atomic Learning, supporting professional development for staff and classroom instruction for FBISD students.</p> <p>Atomic Learning aids in providing professional development to all staff by providing online technology training and professional development that is accessible 24/7. The training series help teachers, administrators and staff gain proficiency of various applications such as Microsoft Office Products, Mobile Devices, Adobe Products, Interactive Whiteboards, Web 2.0 tools, and much more.</p> <p>In addition to the sessions developed by Atomic Learning, we have the ability to create customized training. This feature allows us to build online workshops for teachers to learn how to utilize implemented technologies. Plain Paper Scanners, Edmodo, Response to Intervention Resources, Personal Graduation Plans and SMART Notebook 11 are examples of custom workshops developed and utilized this year. The custom training feature allows us to include video, PDFs, and handouts, all in one place. We have plans to expand our custom training libraries beginning with the TI-Nspire training for math teachers. Atomic Learning is also a resource that enables office, clerical and paraprofessionals to increase their skill sets.</p> <p>Instructional support for the classroom is available using online skill-based workshops on computer literacy and popular applications to help develop the knowledge and</p>

	<p>skills of students. Teachers are able to use the flipped classroom model of instruction by assigning videos or series of videos to help students acquire technology skills needed to complete an assigned project. Classroom projects from Atomic Learning are complete classroom lessons/projects with learning outcomes aligned to Texas Essential Knowledge and Skills (TEKS) standards.</p> <p>In addition to the individual staff and student accounts, Atomic Learning issues generic logins and passwords for all campuses. This allows campuses to provide the program to the families they serve. Using these accounts families have access to all training and support materials that our employees and students utilize.</p> <p>The amount for the contract in 2013-14 was \$110,822. The contract for 2014-15 is \$114,147. The cost for this contract is in the budget for 2014-15.</p>
Requested By:	Christie Whitbeck, Deputy Superintendent
Vendor:	Atomic Learning
Budget Sources:	General Funds
Amount:	\$114,147 for FY 2014-15 subsequent renewals may change
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of “no bid” responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>Kronos Incorporated:</p> <p>The Administration recommends the purchase of services and materials from Kronos Incorporated via a Sole Source procurement method.</p> <p>Kronos is the electronic timekeeping system that is utilized throughout Fort Bend ISD for all hourly employees. District use of Kronos has expanded over the years and there are now 137 clocks installed (at least one at every campus and other required locations with two at elementary schools with a dedicated clock for Extended Day employees) and 1,971 employees whose time is recorded using Kronos.</p> <p>Expenditures for 2013-14 were \$111,000. The cost for this purchase is in the budget for 2014-15.</p>
Requested By:	Long Pham, Chief Information Officer
Vendor:	Kronos Incorporated
Budget Sources:	General Funds
Amount:	\$115,000 for FY 2014/15 subsequent renewals may change
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of “no bid” responses received:	N/A
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	RFB 14-031KB
Description:	<p>Small Kitchen Equipment and Related Items:</p> <p>This bid requested pricing and samples on an extensive list of Small Kitchen Equipment, used primarily in campus cafeterias, such as stock pots, mixing bowls, utensils, etc. A related items discount (catalog) was also requested.</p> <p>The tabulation summary has been condensed to twenty-three (23) commonly purchased items. After reviewing all samples and prices for each vendor, the Child Nutrition Department recommends a single award to Pasco Brokerage. The vendor provided adequate pricing on all essential pieces of equipment for operation.</p> <p>For fiscal year 2013-14, the District expended \$489,798 in this commodity. The cost for these materials is in the budget for 2014-15.</p>
Requested By:	Max Cleaver, Chief Operations Officer
Vendor:	Pasco Brokerage
Budget Sources:	Child Nutrition Funds
Amount:	\$492,000
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	8
Number of vendors contacted by FBISD Notification System:	269
Number of vendors downloaded the solicitation:	245
Number of responses received:	15
Number of “no bid” responses received:	3
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	June 8, 2009
Supporting documents:	Summary (1 page)
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Item Number	Description	Calico Industries	Bargreen Ellingson	ADS Restaurant Supply	Hubert Company	Pueblo Hotel Supply	Edward Don & Company	Kesco Supply	Ace Mart	Pasco Brokerage	1st Choice Restaurant Supply	Jean's Restaurant Supply	Kommerical Kitchens	Oswalt Restaurant Supply	Sam Tell & Son, Inc.	3MB Interior Plus, LLC
1	Brazier	\$149.40	\$171.87	\$156.01	\$243.76	\$142.79	\$155.80	\$59.90	\$154.69	\$138.80	\$139.84	\$144.11	\$140.14	\$134.85	\$135.01	\$156.00
2	Cover (Brazier)	\$31.91	\$36.39	\$33.05/\$43.02	\$48.39	\$30.23	\$33.00	\$15.52	\$32.75	\$29.40	\$29.62	\$30.51	\$29.67	\$28.55	\$28.58	\$33.50
3	Double Boiler	\$107.45	\$123.61	\$112.21	\$185.68	\$73.53	\$112.10	\$82.28	\$111.25	\$99.85	\$100.61	\$103.65	\$100.79	\$96.66	\$97.10	\$150.00
4	Paddle	\$18.96	\$28.41	\$154.71	\$27.36	\$16.51	\$25.75	\$27.32	\$12.00	\$16.35	\$18.36	\$16.67	\$26.53	\$23.16	\$22.40	\$35.00
5	Utility Cart	\$681.00	\$620.24	\$739.27	\$782.36	\$608.96	\$639.30	\$689.15	\$733.01	\$625.00	\$596.69	\$687.90	\$589.22	\$580.77	\$572.31	\$700.00
6	Blades	\$4.84	\$5.32	No Bid	\$8.44	No Bid	No Bid	\$5.29	\$5.84	\$6.20	\$6.99	\$5.18	\$4.87	\$4.91	\$5.08	\$6.75
7	Gears	\$14.76	\$16.09	No Bid	\$25.07	No Bid	No Bid	\$15.98	\$17.82	\$8.00	\$17.44	\$15.81	\$14.71	\$14.85	\$15.52	\$34.00
8	Sandwich Bag Dispenser	No Bid	No Bid	No Bid	\$40.47	No Bid	No Bid	No Bid	No Bid	\$36.50	\$55.89	No Bid	No Bid	No Bid	No Bid	No Bid
9	Pocket Thermometer Glass	\$3.94	\$5.15	\$5.20	\$11.17	\$3.42	\$2.55	\$4.35	\$3.71	\$3.39	\$3.58	\$3.61	\$4.55	\$4.28	\$4.26	No Bid
10	Trays 6 Compartment	\$78.54	\$144.72	\$131.40	\$130.63	\$84.24	\$86.75	\$121.32	\$91.32	\$83.40	\$81.96	\$85.08	\$135.12	\$118.08	\$114.13	\$121.00
11	Trays Fiberglass: 18 inch x 14 inch	\$93.25	\$136.80	\$134.96	\$147.09	\$84.60	\$87.60	\$115.32	\$91.68	\$82.80	\$82.44	\$85.44	\$138.84	\$109.08	\$99.65	\$135.00
12	Trays Fiberglass: 10 inch x 14 inch	\$73.54	\$100.80	\$99.41	\$108.34	\$66.72	\$68.75	\$84.96	\$72.36	\$65.40	\$64.92	\$91.80	\$102.24	\$80.40	\$128.44	\$97.00
13	Pie Plate	\$71.40	\$84.96	\$128.46	\$97.15	\$69.12	\$96.48	\$67.20	\$74.88	\$67.20	\$67.20	\$69.60	\$68.64	\$63.36	\$72.48	\$78.00
14	Plate, Tan: 7 1/4 inch	\$101.10	\$110.88	\$167.72	\$111.49	\$91.68	\$96.00	\$87.63	\$99.36	\$91.20	\$124.80	\$92.64	\$89.76	\$169.44	\$94.56	No Bid
15	Dinner Plate	\$107.53	\$128.52	\$194.22	\$129.89	\$113.04	\$117.00	\$101.20	\$122.40	\$111.60	\$110.16	\$114.12	\$104.04	\$96.12	\$109.80	\$117.00
16	Vegetable Bowl	\$54.26	\$45.72	\$92.27	\$61.71	\$37.08	\$50.40	\$47.38	\$39.96	\$48.00	\$35.64	\$49.92	\$37.08	\$34.20	\$52.32	\$56.00
17	Soup Bowl	\$34.56	\$61.92	\$62.32	\$41.49	\$50.04	\$34.80	\$32.52	\$54.36	\$33.60	\$48.96	\$33.84	\$50.04	\$46.08	\$35.28	\$37.50
18	Fruit Bowl	\$87.96	\$45.72	\$89.98	\$100.09	\$59.76	\$84.00	\$57.24	\$39.96	\$79.20	\$64.80	\$49.92	\$37.08	\$34.20	\$69.60	\$59.00
19	Teaspoons	\$9.69	\$21.51	No Bid	\$17.42	\$34.92	\$14.85	No Bid	\$9.09	\$13.35	No Bid	No Bid	\$54.00	\$40.68	No Bid	No Bid
20	Forks	\$15.24	\$29.97	No Bid	\$44.07	\$49.32	\$17.10	No Bid	\$11.10	\$20.40	No Bid	No Bid	\$77.40	\$57.24	No Bid	No Bid
21	Knives: Serrated	\$32.82	\$64.62	No Bid	\$29.01	\$169.20	\$21.60	No Bid	88.32	\$33.15	No Bid	No Bid	\$10.44	\$84.96	No Bid	No Bid
22	Soup Spoons	\$15.24	\$11.07	No Bid	\$14.95	\$43.56	\$24.90	No Bid	\$95.04	\$18.15	No Bid	No Bid	\$66.96	\$50.40	No Bid	No Bid
23	Trays, Black: 14 inch x 10 inch	\$14.84	\$36.60	\$66.53	\$59.83	\$18.24	\$19.20	\$20.76	\$19.80	\$18.00	\$15.60	\$18.48	\$34.20	\$29.88	\$28.92	\$50.00

Solicitation No.:	RFB 14-044LN
Description:	<p>Wood Fiber Playground Safety Surfacing:</p> <p>District playgrounds contain a wood fiber surfacing under and around playground equipment. Playground surfacing is one of the most important factors in reducing the likelihood of life-threatening head injuries, according to the Consumer Product Safety Commission (CPSC).</p> <p>Specifications were addressed for quality engineered wood fiber material with an optional turnkey installation. The wood fiber material and services are required to meet the following guidelines: American with Disabilities Act (ADA), American Standard of Testing Materials (ASTM) and CPSC. In addition, testing certifications were provided to confirm compliance. Optional installation may be utilized as determined by the Facilities Department.</p> <p>Nine vendors responded to the RFB providing competitive pricing for overall material and services. Both selected vendors provided competitive pricing that will allow for consistent expenditures by the Facilities Department for this commodity.</p> <p>FBISD expended and encumbered \$168,017 in 2013-14 for engineered wood fiber material. The purchase amount recommended is included in the budget for 2014-15.</p>
Requested By:	Max Cleaver, Chief Operations Officer
Vendors:	Bailey Bark Materials, Inc. Playgrounds Today, Inc.
Budget Sources:	General Operating Funds
Amount:	\$225,000
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	10
Number of vendors contacted by FBISD Notification System:	1037
Number of vendors downloaded the solicitation:	85
Number of responses received:	9
Number of "no bid" responses received:	1
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	May 18, 2009
Supporting documents:	Bid Summary - 1 page
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Bid Summary

RFB 14-044LN

Wood Fiber Playground Safety Surfacing

July 21, 2014

		Vendor 1	Vendor 2	Vendor 3	Vendor 4	Vendor 5
		Adventure Playground Systems, Inc.	Bailey Bark Materials, Inc.	BYO Recreation / National Playground Construction	Fun Abounds, Inc.	Lanier Plans dba Korkat, Inc.
Item	Description	Total Price	Total Price	Total Price	Total Price	Total Price
1	Wood Fiber Material	\$ 147,000.00	\$ 133,350.00	\$ 185,500.00	\$ 149,100.00	\$ 139,860.00
2	Turnkey Installation of Wood Fiber, One Location	\$ 4,000.00	no bid	\$ 3,750.00	\$ 4,500.00	no bid
3	Split Load Drop Charge	\$ 50.00	no bid	\$ 250.00	no bid	no bid

		Vendor 6	Vendor 7	Vendor 8	Vendor 9
		LETGO Group, LLC	McKenna Contracting	Playgrounds Today, Inc.	Soil Express, LTD
Item	Description	Total Price	Total Price	Total Price	Total Price
1	Wood Fiber Material	\$ 172,900.00	\$ 150,500.00	\$ 175,000.00	no bid
2	Turnkey Installation of Wood Fiber, One Location	no bid	\$ 8,750.00	\$ 2,500.00	\$ 7,842.00
3	Split Load Drop Charge	no bid	\$ 100.00	\$ 75.00	\$ 75.00

Solicitation No.:	RFP 14-045LN
Description:	<p>Lawn Maintenance and Landscaping Services:</p> <p>This proposal requested quality services for District lawn and landscaping needs. Services purchased through this agreement include campus mowing, edging and shrub, hedge and limited tree pruning. A calendar scheduling service frequency as well as a detailed scope of service with service definitions was provided.</p> <p>Fort Bend ISD is comprised of 1,719 gross acres of property and over 100 total buildings. Net maintainable acreages (allowing for building foot prints and parking lots and sidewalks) is 1,044 acres, 260 of which are maintained for athletic program use, and the balance of 784 maintained under the general landscape program.</p> <p>In March of 2010, the District first entered into an outsourced campus mowing program. At the time, the District in-house program was servicing sites with a frequency of 10-12 days during the growth season or approximately 27 site visits per year. Movement to the outsourced program increased the total site visits to 36, with an average of 7 days during the growth season, while producing an annual savings of \$450,000. At this time, all lawn maintenance and landscaping are outsourced, except for the athletic sites. Athletic sites are maintained by FBISD.</p> <p>After three years of outsourcing, a number of service issues remained that could only be resolved through rebidding the service. Primarily, service providers would no longer be allowed to service a site in multiple visits (using a mower for some areas and tractors for others creating an uneven or unfinished appearance) and a formal quality assurance and supervision program was mandated.</p> <p>A pre-proposal meeting was strongly encouraged and representative from eight (8) firms attended; five (5) of which responded with proposal response.</p> <p>The proposed cost of \$726,088 plus a contingency of 20% allows the District to purchase additional site visits as well as additional services (mulching and landscaping) depending on weather and conditions. FBISD expended \$625,531 in the last fiscal year for these services. The amount for these services is included in the budget for 2014-15.</p>
Requested By:	Max Cleaver, Chief Operating Officer
Vendor:	SERIL Inc. dba Houston Grotech Services

Budget Sources:	General Funds
Amount:	\$871,306
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	31
Number of vendors contacted by FBISD Notification System:	1,287
Number of vendors downloaded the solicitation:	144
Number of responses received:	6
Number of “no bid” responses received:	1
Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	March 29, 2010
Supporting documents:	Scoring Form (1 page)
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Proposal Summary

RFP 14-045LN

Lawn Maintenance and Landscaping Services

July 21, 2014

Vendor	Purchase Price (20 pts. Max)	Reputation of vendor and vendor's goods and services (15 pts max)	Quality of vendor's goods and services (10 pts. max)	Extent to which goods and services meet the district's needs (30 pts. max)	The firm's past relationship with Fort Bend ISD or other similarly sized districts or other government entities (5 pts. max)	Long-term cost to the district to acquire the vendor's goods or services (10 pts. max)	Ability to Service District with staff/Insurance (10 pts max)	Proposer's Total Score (100 pts. Max)	Proposer's Ranking
BIO Landscape & Maintenance	8.6	5	9.4	23	5	6.4	10	67.4	5
GCA Services Group	6.1	10	9.6	28	5	6	10	74.7	2
H & H Landscape Services, LLC	14.8	10	6.4	16	2.5	5.2	10	64.9	6
Maldonado Nursery & Landscape	8.8	10	8.2	23.8	5	7	10	72.8	3
Seril, Inc. dba Houston Grotech	13.8	5	9.4	26.4	5	7.4	10	77	1
WCD Enterprises, LLC	20	5	6.4	20	2.5	5.4	10	69.3	4

Solicitation No.:	RFQuote 14-068GT
Description:	<p>CISCO Unified Communications Software Subscription (UCSS):</p> <p>UCSS, or Unified Communications Software Subscription, is essential for keeping the District's telephone systems up to date with current software releases. Cisco releases new software upgrades several times a year in order to address software issues, add new functionality, and to make use of the product easier. The UCSS subscription provides the District the ability to upgrade software on Cisco Communications Manager, Cisco Unity, Cisco Emergency Responder and Cisco Call Center any time during the subscription cycle; assurance that the version of software that the District runs is the most stable possible; and the option to add new functionality so that the District continues to get the highest return on investment from its phone system.</p> <p>Over the last six years, the District has made a significant investment in the Cisco IP phone system and has deployed more than 8,000 phones throughout the District. Each month thousands of calls are processed through the phone system, thus it is an essential and vital system. The Cisco phone system is how we communicate with our community members and provides a level of safety to our students/staff. System unavailability or degraded communications can make a significant impact on the daily operations of the District.</p> <p>This procurement quote was vetted through multiple cooperative purchasing agencies of which Fort Bend ISD is enjoined within an interlocal agreement. This process allows for greater transparency while allowing the Purchasing Department the ability to seek the best value for the District in an expeditious manner.</p> <p>It is the recommendation that these services be awarded to Netsync Network Solutions via Department of Information Resources (DIR) procurement.</p> <p>Expenditures for the 2013-14 were \$116,309. The price differences between 2014 and 2015 contracts are due to several reasons:</p> <ul style="list-style-type: none"> • We are converting the Cisco telephone system from individual (pay-as-you-use) features to Cisco Unified Workspace Licensing (CUWL). This removes per feature pricing to per user pricing. This will open up all features for that user. This includes telephone, voicemail, video, and jabber. • This conversion makes the Cisco's Essential Operate Service (ESW) portion of the subscription cheaper. It also makes the Unified Communications Software Subscription

	(UCSS) more expensive. Both ESW and UCSS are necessary for the voice system. <ul style="list-style-type: none">• We went from 8,300 user licenses to 10,000 user licenses. The amount needed is included in the budget for 2014-15.
Requested By:	Long Pham, Chief Information Officer
Vendor:	Netsync Network Solutions
Budget Sources:	General Funds
Amount:	\$201,245
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	4
Number of vendors contacted by FBISD Notification System:	1070
Number of vendors downloaded the solicitation:	125
Number of responses received:	5
Number of “no bid” responses received:	2
Length of commitment:	Annual contract with one (1) renewal
Last solicitation date:	July 9, 2013
Supporting documents:	Quote Summary
Disclosure under Board Policy CH, CV, or DBD (Local):	none

Solicitation No.:	RFQuote 14-066GT
Description:	<p>CISCO SmartNet Service:</p> <p>The District's data/voice network runs on Cisco equipment. SmartNet Service helps maintain the operational health of the District's network through the use of Cisco expertise and resources. These services are essential in keeping the District's business-critical network equipment and functions available, secure, and operating at peak performance.</p> <p>SmartNet Service provides the District direct access to the Cisco technical support help desk; online troubleshooting tools; rapid access and replacement of critical parts; online access to operating system updates; and proactive problem diagnosis. The District has made a significant investment in Cisco equipment. Currently, Cisco network equipment is used exclusively in the District data center, school-based switches and routers, as well as all District IP phones.</p> <p>This procurement quote was vetted through multiple cooperative purchasing agencies of which Fort Bend ISD is enjoined within an interlocal agreement. This process allows for greater transparency while allowing the Purchasing Department the ability to seek the best value for the District in an expeditious manner.</p> <p>It is the recommendation that these services be awarded to Netsync Network Solutions via Department of Information Resources (DIR) procurement.</p> <p>Expenditures for the 2013-14 were \$215,057; estimated expenditures for 2014-15 are \$332,691. The estimated increase is related to:</p> <ul style="list-style-type: none"> • Aging network gears and equipment. As our fleet of network gears gets closer to its end of life and end of support, the equipment will require support more frequently. • Coverage of switches and routers that were not previously covered under the maintenance contract. • More timely service. This contract will allow for replacement of Internet routers and core equipment within 4 hours, and other campus-based aggregation equipment within 24 hours. <p>The costs for these services are included in the budget for 2014-15.</p>
Requested By:	Long Pham, Chief Information Officer
Vendor:	Netsync Network Solutions

Budget Sources:	General Funds
Amount:	\$332,691
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	4
Number of vendors contacted by FBISD Notification System:	1044
Number of vendors downloaded the solicitation:	150
Number of responses received:	2
Number of “no bid” responses received:	2
Length of commitment:	Annual contract with one (1) renewal
Last solicitation date:	July 8, 2013
Supporting documents:	Quote Summary
Disclosure under Board Policy CH, CV, or DBD (Local):	none

Quote Summary

RFQ 14-066GT

CISCO SMARTNET

July 21, 2014

		Bidder 1	Bidder 2
		Netsync Network Solutions (DIR-SDD-2015)	3-C Technology, LLC (Tips/Taps 1062812)
	Contract number	Price	Price
1	ESW- Provides problem resolution with around the clock access to Cisco Engineers and developers for the districts Cisco Phone System. This system includes over 8000 phones and is run across 12 backend servers Application maintenance and access to Software Updates included	91816744 \$ 101,627.31	\$ 120,634.00
2	ISV1- Provides problem resolution with around the clock access for the districts VM-Ware Environment which is resold through Cisco Systems. The VM environment includes over 70% of the districts servers and applications.	91696432 \$ 8,804.00	\$ 7,574.00
3	SAS- Provides around the clock access to Cisco engineers for districts Cisco Applications, including systems that validate user credentials and allow access to the districts network	91425496 \$ 4,570.10	\$ 4,798.20
4	SNT- Provides Next Business Day replacement for Hardware (Routers/Switches)	90463207 \$ 130,770.63	\$ 66,567.90
5	SNTP- Provides 4 Hour replacement for Mission Critical Hardware (Routers/Switches)	93352489 \$ 32,929.83	\$ 34,572.20
6	SW - Provides problem resolution with around the clock access to Cisco Developers/Engineers for Software related to Routers/Switches	92516060 \$ 2,617.47	\$ 2,748.00
7	SAU- Provides problem resolution with around the clock access to Cisco Developers/Engineers for Software related to Wireless monitoring and Cisco ISE (BYOD Enabler)	91425498 \$ 19,048.73	\$ 20,005.40
8	ECMU- Provides problem resolution with around the clock access to Cisco Developers/Engineers for Software related to Video Conference scheduling and controls	92728280 \$ 6,717.03	\$ 16,844.00

Quote Summary

RFQ 14-066GT

CISCO SMARTNET

July 21, 2014

9	ECDO - Provides problem resolution with around the clock access to Cisco Developers/Engineers for Software related to Video Conference Hardware and low level software	92747107		
			\$ 25,605.11	\$ 66,482.10
			\$ 332,690.21	\$ 340,225.80

Solicitation No.	DIR-SDD-2015
Description:	<p>CISCO IP Phones And Accessories Replacement:</p> <p>This request is to fund additional telephones for new positions and ongoing operational inventory.</p> <p>FBISD has over 10,000 active telephones. Each year about 2% of the phones have to be replaced due to failures, damage, new staff additions, etc. Keeping onsite operational inventory of phones ensures timely service without undue delays.</p> <p>This fund will also be used to purchase new phones for classrooms and/or offices (including new portable buildings) for approximately 460 new employees and teachers for 2014-15 school year.</p> <p>Expenditures for the 2013-14 school year were \$80,000; estimated expenditures for 2014-15 are \$219,000. The increase estimate is related to:</p> <ul style="list-style-type: none"> Approximately 460 new telephones for new positions at an estimated cost of \$150,420. <p>The 2014-15 expenditures will be \$219,000 and are included in the budget.</p>
Requested By:	Long Pham, Chief Information Officer
Vendor:	Netsync Network Solutions
Budget Sources:	General Fund
Amount:	\$219,000
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	1
Number of vendors contacted by FBISD Notification System:	0
Number of vendors downloaded the solicitation:	0
Number of responses received:	0
Number of "no bid" responses received:	0
Length of commitment:	Annual contract with one annual renewal option per DIR contract
Last solicitation date:	July 8, 2013
Supporting documents:	N/A
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Sole Source
Description:	<p>Integrated Systems Corporation:</p> <p>The Administration recommends the purchase of services and materials from Integrated Systems Corporation via a Sole Source procurement method.</p> <p>Integrated Systems Corporation is the application service provider (ASP) for Skyward, the District's Student Information System, allowing for secure access to all applications through a browser via the Internet. The ASP Service is fully responsible for all aspects involved in Skyward database disaster recovery, database replication, loading releases and updates, operating and maintaining host servers, software, and databases.</p> <p>Expenditures for 2013-14 were \$170,000. The estimated expenditures for 2014-15 are \$234,000.</p> <p>This new estimate includes a 10% increase for unforeseen services. It also includes a cost of \$47,800 for the replicated database that allows Fort Bend ISD to have a warehouse for reporting and exporting student data to other student information systems in our District such as PCG, SNAP, SuccessEd, Naviance, Edgenuity, EduThings, etc.</p> <p>The procurement of the replicated student information database is a new feature that will provide additional data protection. It will also improve efficiency by creating a secondary database to enable reporting and other functions to run outside of the live operating environment, thereby improving user accessibility and speed of operation. For example, the replicated database will alleviate system congestion when all report cards are being generated at the end of each semester. It will also allow teachers, counselors and registrars to efficiently generate student information reports.</p>
Requested By:	Long Pham, Chief Information Officer
Vendor:	Integrated System Corporation
Budget Sources:	General Funds
Amount:	\$234,000 for FY 2014/2015; subsequent renewals may change
Other Supporting Information	
Sole Source:	Yes
Number of vendors contacted by Purchasing:	0
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	N/A
Number of "no bid" responses received:	N/A

Length of commitment:	Annual contract with four (4) renewal options
Last solicitation date:	N/A
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

Solicitation No.:	Renewal of CSP 09-037JR Turnkey Fire Protection System Inspection and Repairs
Description:	<p>Turnkey Fire Protection System Inspection and Repairs:</p> <p>The administration is requesting a renewal of this competitive sealed proposal with CLS Technology and Simplex-Grinnell.</p> <p>The original intent of the proposal is to provide fire protection equipment inspection and/or repair services throughout the District. Preventative maintenance and testing ensures our District is compliant with federal, state, and local codes and safety guidelines.</p> <p>Services include inspection and/or repairs on the following:</p> <ul style="list-style-type: none">• Fire Detection and Alarm Systems• Fire Door Holder Testing• Fire Sprinkler Systems• Fire Department Connections• Kitchen Hoods and Suppression Systems <p>This solicitation was originally approved by the Board of Trustees on August 9, 2010.</p> <p>Expenditures made in 2013-2014 totaled \$278,153.</p>
Requested By:	Max Cleaver, Chief Operating Officer
Vendor:	CLS Technology Simplex-Grinnell
Budget Sources:	General Funds
Amount:	\$300,000
Other Supporting Information	
Sole Source:	No
Number of vendors contacted by Purchasing:	Originally 20
Number of vendors contacted by FBISD Notification System:	N/A
Number of vendors downloaded the solicitation:	N/A
Number of responses received:	Originally 7
Number of “no bid” responses received:	Originally 3
Length of commitment:	One (1) year renewal (2015) with no renewal option remaining
Last solicitation date:	August 9, 2010
Supporting documents:	None
Disclosure under Board Policy CH, CV, or DBD (Local):	None

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6C
References: Board Policy CDC (Legal)
District Goal 5
Department: Finance

Recommendation

Consideration and possible approval and acknowledgement of cash and non-cash donations.

Summary

Per Board Policy, the Board of Trustees will approve all district donations valued at \$10,000 or more.

Cash Donations to District in Excess of \$10,000 for Acceptance by the Board of Trustees

D15-001 – Mentoring Minds donated \$10,000 to Austin High School that won the “Real Classrooms Real Results” contest. Austin High School will use the funds to increase its campus budget to cover additional needs in areas of Band, Dance, Art, College and Career Readiness (CCR), PALS (Peer Assistance and Leadership), and National Honor Society.

D15-002 – Sugar Mill PTA donated \$17,981 to Sugar Mill Elementary to purchase iPads, iPad cart, MacBook Pro, and Computer hard drives.

D15-003 – Chevron donated \$229,955 to the FBISD Curriculum Department in partnership with JASON Learning to raise student achievement and teacher preparation in Science, Technology, Engineering, and Mathematics (STEM). Jason Learning is also providing an in-kind contribution valued at \$561,472 for online access (\$8 per student times 70,184 students). The total implementation value to FBISD is \$791,427.

Non-Cash Donations in Excess of \$10,000 for Acceptance by the Board of Trustees

Walker Station Elementary PTO replaced the track, basketball goals, and soccer goals, landscaped the front of the school, trimmed trees and added benches to Walker Station Elementary. Value \$83,626.

First Colony Middle School PTO repaired and restored the track at First Colony Middle School. Value \$15,000.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Steven Bassett
Chief Financial Officer

Sean Bogle
District Budget Manager

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6D
References: Board Policy CE (Legal)
District Goal 5
Department: Finance

Recommendation

Consideration and possible approval of budget amendments.

Summary

Reallocation of adopted budget between functions as necessary to properly code expenditures.

Fund 633,634 (Bond Fund), Steven Bassett (CFO) B15 – 002 – Transfer \$2,997,390 from 2007 bond contingency interest income to purchase 30 diesel 71 passenger school buses and five diesel 53 passenger school buses. These new buses are being purchased as part of the District's 10-year capital plan as discussed at item 4(B)(1) on this same agenda.

Fund	Function	Amount
633, 634	81	(\$2,997,390)
633, 634	34	\$2,997,390

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Steven Bassett
Chief Financial Officer

Sean Bogle
District Budget Manager

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6E
References: Board Policy CCA (Legal)
District Goal 4
Department: Finance

Recommendation

Consideration and possible approval of a Resolution Expressing the Intent to Finance Expenditures to be incurred in conjunction with Elementary Schools 46 and 47, land purchases, and other capital expenditures to be included in Phase 1 of the FBISD capital plan.

Summary

As the district begins to incur capital expenditures for the construction of two new elementary schools and other capital projects, the administration recommends the short-term use of existing cash balances to delay the issuance of new debt until late 2014 or early 2015. The Resolution Expressing the Intent to Finance Expenditures (reimbursement resolution) presented for approval would enable the district to expend cash available in the General Fund for such purposes, with the opportunity to reimburse the General Fund once authorized debt is issued at some point in the future.

Current estimates for the 2007 bond contingency are at \$35M. These funds may be used for capital expenditures approved by the Board of Trustees. As we begin construction of ES 46 and ES 47, and make other capital investments, it will become necessary to identify funding in excess of the available bond contingency amounts. Because the cost to borrow funds is significantly greater than revenue generated from invested funds, it is prudent to “borrow” money from the General Fund in order to complete projects by using the reimbursement resolution. By doing so, the district would be borrowing money from itself and avoiding the costs of issuing debt.

This resolution is not a request to spend \$100M. The resolution simply allows the district to fund Board approved capital projects using General Funds instead of issuing authorized debt. The attached reimbursement resolution must be in place so that the General Fund may be paid back for funds expended on capital projects. The reimbursement resolution has a ceiling of \$100M. Therefore, the General Fund can only be reimbursed as much as \$100M after the issuance of new debt. Since there is currently \$63M in authorized but unissued debt, the \$100M limit provides greater flexibility, assuming additional debt is authorized by the voters in the future.

Except with respect to a *de minimus* amount and certain preliminary costs, the Internal Revenue Code does not allow an issuer to reimburse itself for expenditures paid more than 60 days prior to the adoption of an official intent to issue bonds for a project. By adopting the proposed resolution, the district will preserve the ability to use proceeds of tax-exempt bonds to reimburse itself for eligible project expenditures incurred from a date 60 days prior to the date of the resolution.

Recommended by:

**Charles E. Dupre
Superintendent of Schools**

Submitted by:

**Steven J. Bassett
Chief Financial Officer**

REIMBURSEMENT RESOLUTION EXPRESSING INTENT TO
FINANCE EXPENDITURES TO BE INCURRED

WHEREAS, Fort Bend Independent School District (the “District”) is a political subdivision of the State of Texas authorized to finance its activities by issuing obligations; and

WHEREAS, the District will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition, construction, reconstruction or renovation of the projects listed on **Exhibit A** attached hereto (collectively, the “Financed Project”); and

WHEREAS, the District has concluded that it does not currently desire to issue obligations to finance the costs associated with the Financed Project; and

WHEREAS, the District desires to reimburse itself for the costs associated with the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof; and

WHEREAS, the District reasonably expects to issue obligations to reimburse itself for the costs associated with the Financed Project

NOW, THEREFORE, be it resolved that:

Section 1. The District reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the acquisition, construction, reconstruction or renovation of the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof.

Section 2. The District reasonably expects that the maximum principal amount of obligations issued to reimburse the District for the costs associated with the Financed Project will be \$100,000,000.

ADOPTED THIS ____ DAY OF JULY, 2014.

FORT BEND INDEPENDENT SCHOOL
DISTRICT

By: _____
President, Board of Trustees

EXHIBIT A

DESCRIPTION OF PROJECT

<u>Purpose/Project</u>	<u>Amount</u>
The construction, acquisition and equipment of school buildings in the District, renovation of existing facilities and technology infrastructure, capital projects supporting district security, the purchase of necessary sites for school buildings and the purchase of new school buses	\$100,000,000

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6F
References: Board Policy
District Goal 5
Department: Finance

Recommendation

Consideration and possible approval of the Fort Bend ISD Fiscal and Budgetary Strategy.

Summary

The Fiscal and Budgetary Strategy provides the framework for the District's budgetary processes. The document provides assurance to the various rating agencies that the District's financial processes and procedures are sound.

In addition to minor editorial corrections, the following changes are proposed:

Page #	Change	Rationale
1	Delete Extended Day Program from General Fund description.	Administration plans to account for the Extended Day Program separately in an Enterprise Fund.
2	Add technology and vehicle replacement as Internal Service Funds.	Establishing Internal Service Funds for these functions provides greater transparency and accountability, and improved management. We will be able to more effectively plan and budget for the replacement of these assets.
2	Add Enterprise Fund category.	Establishing Enterprise Funds for the Extended Day Program, Facility Rentals and Advertising will provide greater transparency, accountability and improved management of these functions.
2	Add adopted District Goals	Add newly adopted District Goals
3	Add legal requirements for budget notice.	To recognize the importance of compliance with these legal requirements.
4	Move paragraph regarding for Unassigned Fund Balance to page 11.	Paragraph was not appropriate in this section; Unassigned Fund Balance has been moved to page 11.
4	Add language to clarify written financial reports will be provided to the Board on a monthly basis and formal oral reports regarding financial performance will be	To recognize current practice of providing financial reports to the Board.

	provided at Board meetings on a quarterly basis.	
4	Remove the requirement that the district budget shall be amended no less than quarterly.	To recognize current practice of presenting budget amendments when necessary.
6	Add references to Internal Service Fund in Technology section.	To establish clear plan for funding replacement of technology equipment.
11	Change the requirement for Unassigned Fund Balance from 90 to 60 days of operating expenditures.	To recognize the addition of the proposed 30 day Reserve for Potential Loss of State Revenue. Establishing the reserve reduces the need for 90 days of reserve in Unassigned Fund Balance.
11	Establish the requirement to commit 30 days of operating expenditures to a Reserve for Potential Loss of State Revenue.	Establishing the reserve would enable the district's prudent and strategic response to future loss of state revenue. Combined with the 60 day requirement for Unassigned Fund Balance, the district would maintain an overall reserve of 90 days.
11	Add language to indicate the district will pursue collection of non-collectible accounts "to the extent allowable by law," including the preclusion of district services when allowable.	The district must assertively pursue the collection of all accounts receivable. An example of precluding patrons from receiving district services would be the inability to rent district facilities when accounts receivable are outstanding.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Steven Bassett
Chief Financial Officer

FORT BEND ISD

FISCAL AND BUDGETARY STRATEGY

I. PURPOSE

The Fort Bend Independent School District (the “District”) is committed to sound financial management through integrity, prudent stewardship, planning, accountability, full ~~disclosure~~ transparency, and open communication. The purpose of the Fiscal and Budgetary Strategy is to enable the District to achieve and maintain a stable long-term financial condition, provide guidelines for the day-to-day planning and operations of the District’s financial affairs, and communicate the District’s financial practices to stakeholders.

Fort Bend ISD’s general obligation bonds are currently rated at AA+ by Fitch and AA± by Standard & Poor’s Investor Services. A high credit rating typically reduces the interest costs the District pays on the amounts borrowed. This in turn directly correlates to a lower tax rate on the outstanding debt of the District.

To help maintain the District’s creditworthiness, an established strategy of managing the District’s financial resources is essential and in the District’s best economic interest. The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact the credit ratings on existing or future debt issues.

The scope of the fiscal strategy encompasses accounting and financial reporting, internal controls, operating and capital budgeting, revenue management, investment and asset management, debt management, maintenance of fund balance, and forecasting. This is done in order to:

1. Demonstrate to Fort Bend ISD taxpayers, citizens, investment community, and bond rating agencies that the District is committed to a system of strong fiscal operations;
2. Provide precedents for future policy-makers and financial managers on common financial goals and strategies;
3. Fairly present and fully disclose the financial position of the District in conformity with generally accepted accounting principles (GAAP); and
4. Demonstrate compliance with finance-related legal and contractual issues in accordance with the Texas Education Code and other legal mandates.

This Fiscal and Budgetary Strategy shall be reviewed and updated as necessary but not less than annually.

The Fort Bend Independent School District financial statements include the following fund types:

Governmental Funds: **General Fund** accounts for the financial resources of the District and includes transactions as a result of revenues received primarily from local maintenance taxes, foundation entitlements, and other Foundation School Program resources, ~~along with the District’s Extended Day Program whereby customers pay a fee for the services the District provides.~~

Special Revenue Funds account for the proceeds of specific revenues that are legally restricted or committed to expenditure for specific purposes through federal, state, and local grant awards.

Debt Service Fund accounts for financial resources that are restricted, committed, or assigned to expenditure for principal and interest payments on the outstanding debt

obligations of the District. These resources include Interest and Sinking Tax ~~Revenues~~ ~~which Revenues which~~ are considered restricted and for which a tax has been dedicated.

Capital Project Funds account for resources that are restricted, committed, or assigned to expenditures for capital outlay that include acquisition or construction of capital facilities and other capital assets that are financed through voter approved debt.

Proprietary Funds: **Internal Service Fund** accounts for the activities of the District's ~~self-funded~~ self-funded health, unemployment, technology, vehicle replacement and worker's compensation accounts.

Enterprise Fund accounts for the activities of the District's Extended Day program. Operations that generate revenue from outside sources are typically accounted for as Enterprise funds. Facility rentals and advertising will also be accounted for in an Enterprise fund.

Fiduciary Funds: **Trust and Agency Fund** accounts for assets held by a school district in a trustee capacity or as an agent for student organizations and scholarship funds. Funds maintained by the District in a trustee capacity for the non-Teacher Retirement System (TRS) pension plan and employee incentive plan trust fund are also accounted for in the fiduciary funds.

Basis of Accounting and Basis of Budgeting - The District accounts and budgets for all **Governmental Funds** using the modified accrual basis of accounting. This basis means that revenue is recognized in the accounting period in which it becomes available and measurable, while expenditures are recognized in the accounting period in which they are incurred. Because the appropriated budget is used as the basis for control and comparison of budgeted and actual amounts, the basis for preparing the budget is the same as the basis of accounting. Governmental funds would include the District's general, special revenue, debt service, and capital projects funds.

The District's Internal Service Funds and Enterprise Funds ~~self insured health, worker's compensation, and unemployment funds~~ which function as **Proprietary Funds** are accounted and budgeted for using the full-accrual basis of accounting. Under this method, revenues are recognized when they are earned and measurable, while expenses are recognized when they are incurred.

II. OPERATING BUDGET

The budgeting process is an essential element of the financial planning, control and evaluation process of the District. The legal basis for the budget process is established in the Texas Education Code sections 44.002 through 44.006 and local policy.

The operating budget is Fort Bend Independent School District's annual financial operating plan. The adopted annual budget shall include allocations for campuses, departments and approved positions of the district.

Strategic Plan – The District Strategic Plan (DSP) provides a strategic focus for district operations and student achievement and is adopted annually by the Board of Trustees. Funding for District programs shall be based upon the objectives contained in the District Strategic Plan and further outlined by the identified targets for success.

Specifically, the DSP provides the following goals for the District:

- Goal 1: ~~Implement strategies that result in students meeting high standards of achievement~~
- Goal 2: ~~Foster partnerships with the community and improve communication to support our students and school system.~~
- Goal 3: ~~Attract, develop, and retain quality staff for all district jobs.~~
- Goal 4: ~~Be fiscally responsible.~~
- Goal 5: ~~Implement technology to meet the educational and administrative requirements of the district.~~

- ~~—Goal 6: Provide facilities and transportation services that address enrollment and capacity needs in a manner that is fiscally responsible.~~
- ~~—Goal 7: Foster character development of students and create a safe and healthy environment for all students.~~

District Goal 1: FBISD will provide an educational system that will enable all students to reach their full potential.

District Goal 2: FBISD will recruit, develop and retain effective teachers.

District Goal 3: FBISD will provide a supportive climate and a safe learning/working environment.

District Goal 4: FBISD will provide and promote leadership development at all levels.

District Goal 5: FBISD will be a collaborative, efficient and effective learning community.

Preparation – The Texas Education Code requires that the District budget be prepared by a date set by the State Board of Education, currently June 19th for districts that have a June 30th fiscal year end. The code further requires that the president of the Board of Trustees call a public meeting, ~~giving ten days public notice in a locally published newspaper per and on the District's website for the purpose of discussing and adopting the budget and proposed tax rate adoption of the District budget.~~ Notice under this subsection shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing. Section 44.0041 of the Education Code, requires that, "concurrently with the publication of notice of the budget, a school district shall post a summary of the proposed budget on the school district's website. The budget summary must include: (1) information relating to per student and aggregate spending on (A) instruction; (B) instructional support; (C) central administration; (D) district operations; (E) debt service; and (F) any other category designated by the commissioner; (2) a comparison to the previous year's actual spending."

The Board of Trustees must adopt the prepared budget, inclusive of any amendments, no later than June 30th. The officially adopted District budget must be filed with the Texas Education Agency (TEA) through the Public Education Information Management System by the date prescribed annually by TEA.

1. **Proposed Budget** – A proposed budget shall be prepared by the Superintendent and Chief Financial Officer (CFO) with participation of campus and department stakeholders within the provisions outlined in the District's strategic plan and federal and state mandated program guidelines.
 - a. The budget shall include four basic segments for review and evaluation:
 - i. Revenues
 - ii. Personnel Costs
 - iii. Operational Costs
 - iv. Capital and other non project costs
 - b. The budget review process will include Board of Trustee participation and will allow for sufficient time for the Board to address the strategic plan and fiscal issues.
 - c. The proposed budget and all preliminary budgetary information will be available on the District's website for public view.
2. **Adoption** – Upon finalization of the proposed budget, the Board of Trustees will hold a public hearing, and subsequently adopt the final budget as amended. The budget will be effective for the fiscal year beginning July 1st.
3. **Tax Rate Adoption** – Not later than April 30th, the chief appraiser shall prepare and certify to the school district an estimate of the taxable value of property in that taxing unit. The District may adopt a tax rate,

prior to the adoption of the budget, based upon this certified property estimate. The certified estimate shall be used in the calculation of the effective tax rate and the rollback tax rate of the District.

If the district elects to establish the tax rate after receiving the certified appraisal roll as defined by Section 26.01 of the Property Tax Code, typically July 25th, and the tax rate exceeds the rate proposed in the District's notice prepared for the budget hearing or the District's rollback rate as determined under Section 26.08 of the Property Tax Code, the District must publish a revised notice and hold another public meeting before adopting the tax rate.

Balanced Budget – The goal of the District is to balance the operating budget with current revenues, whereby current revenues would match and fund on-going expenditures. Unassigned fund balance in the general operating fund may be used for onetime non-recurring expenditures or capital needs.

~~Unassigned fund balance is defined as the balance in excess of the optimum fund balance as defined by the Texas Education Agency and calculated annually in conjunction with the District's annual audit or the cash requirements for three months operating expenditures. Usage of the unassigned fund balance shall be approached with caution after careful review of both the optimum fund balance and the cash flow needs of the District for the upcoming three year period.~~

Planning – The budget process will be coordinated so that major strategic issues are identified prior to the budget approval date. This will allow the Board of Trustees adequate time for consideration of appropriate decisions and analysis of the associated financial impacts.

Reporting – ~~Written~~ Financial reports will be presented to the Board of Trustees on a monthly basis. In addition, the Administration will provide a quarterly report on financial outcomes at regularly scheduled meetings of the Board. These reports will enable the Board to understand the overall budget and financial status of the District. The reports shall include comparative financial statements and the investment report, tax collection report, and statement of cash flow.

Control and Accountability – Each campus and departmental administrator will be responsible for the administration and oversight of their budget, which is controlled on an organizational basis. This includes accomplishing the targets adopted as part of the budget and monitoring each campus and departmental budget for compliance within approved spending limitations.

Budget Amendments – The District budget shall be amended ~~no less than quarterly or as required on a monthly basis.~~ Budget amendments between fund and function require the approval of the Board of Trustees. The Board of Trustees may authorize an amendment to the budget for those items not included in the originally approved budget due to unforeseen circumstances.

III. REVENUE MANAGEMENT

The District will understand its revenue sources and enact consistent policies to provide assurances that the revenue base will materialize according to the budget. Revenues shall be estimated realistically and conservatively taking into account potential changes in law related to property valuation and state and federal funding.

Revenues shall be monitored as they are received and regularly compared to budgeted revenues and variances will be investigated as they are identified. Any abnormalities shall be included in the ~~monthly~~ quarterly financial report and the budget shall be amended to appropriately reflect the change in anticipated revenue.

State Funding – The District shall ensure that the Weighted Average Daily Attendance (WADA) is maximized by accurately reporting student attendance and shall have processes in place to ensure that special program information is appropriately reflected in the information uploaded to the Public Education Information Management System (PEIMS). Information regarding property value, property tax collections, employee counts and other information required by TEA for the purposes of state funding computation shall be reported within the prescribed timelines.

Property Tax Revenues – All real and business personal property located within the District shall be valued at 100% of fair market value for any given year based upon the current appraisal supplied by the Fort Bend County Appraisal District. Tax collections estimates utilized in the development of the budget will be based upon a prudent analysis of historical collection percentages and the current economic trends.

Current state funding guidelines penalize districts that adopt tax rates below the compressed tax rate. For budgeting purposes, the District will forecast the proposed property tax rate for maintenance and operations (M&O) the greater of the compressed rate, the compressed rate plus four cents (\$.04) or the voter approved rollback rate, not to exceed the current legal limit.

The District shall also consider the interest and sinking (I&S) tax rate in an amount to fund tax supported debt service which is due and payable for the corresponding calendar year period.

Interest Income – General, debt service, capital projects, food service, and internal service funds shall be invested individually in accordance with the Investment Strategy approved annually by the Board of Trustees. Interest earned from each investment account shall be credited to the fund from which the monies were provided.

User-Based Fees and Service Charges – For services associated with a user fee, such as building usage and instrument rental, the direct or indirect costs of that service will be offset by a fee where possible. The District shall update the usage fee schedule as required to ensure that fees provide adequate coverage for the cost of services.

Intergovernmental Revenues – The District shall carefully analyze grant opportunities to ensure that all grants comply with the overall District mission and strategic plan. All potential grants shall be examined for matching requirements, or other potential financial implications, prior to application to ensure that adequate funds are available ~~for matching~~ from the general funds of the District.

Efforts should be made to ensure that grants are self sustaining. However, it must be clearly understood that the operational requirements (on-going costs) set up as a result of a grant program could be discontinued once the terms and conditions of the program have been completed in the event that sufficient resources are not available in the District's general operating budget.

IV. EXPENDITURE POLICIES

Appropriations – The budget for all funds shall be controlled at the organizational level. Budget managers are authorized to transfer funds included in their basic budget within fund, function, and program intent code without prior approval. Budget amendments between fund, function, and program intent code require administrative approval. Approval of the Board of Trustees is required for all budget amendments between fund and function.

Staffing – The staffing guidelines of the District shall be administered jointly by Human Resource Services, ~~Assistant Superintendent, Department of School Administration Leadership (DOSA DOSL), and Curriculum and Instruction, and Business and Finance~~ using established staffing guidelines and a system of position control.

In addition to teaching units, staffing guidelines shall also provide guidance for appropriate levels of staffing in the administrative, counseling, nursing, art, music, physical education, and educational and clerical support at each campus. Staffing allocations shall be distributed based upon the total student population and with additional consideration for special education, bilingual and at-risk student programming.

Course schedules shall be carefully reviewed to ensure that instructional units are used to best meet the instructional needs of the District within the available resources. Based upon sufficient revenues, additional staff members may be allocated to campuses based upon input from the Superintendent, Chief Human Resources Officer, ~~DOSA DOSL,~~ and Curriculum and Instruction, and Business and Finance to balance class loads or to address the unique needs of a particular campus. Adjustments for student enrollment in grades K-4 shall be done only after a careful analysis of historical attendance patterns and available classroom capacity.

Benefits – To ensure the long-term health of the District’s self-funded benefit programs, the budget shall be sufficient to provide for a fiscally sound health and worker’s compensation program along with other state and federally mandated benefits including Medicare and Teacher Retirement System above state minimum.

The District’s self-insured employee insurance program shall be funded by both District and employee contributions for employees and their supplemental dependents. The fund shall be evaluated annually by a third-party actuary to ensure that the premium structure is sufficient to meet the long-term needs of the District’s employees.

The plans shall be administered by a third-party plan administrator and shall be bid periodically to ensure that the network reimbursement rates and employee co-pays are comparable to those provided within the marketplace. The District shall seek to ensure that insurance services are provided in both a cost efficient and compassionate manner to ensure the success of the program.

The District’s self-insured worker’s compensation program shall be funded through the budget process to ensure that the program has sufficient assets to meet both short and long-term worker’s compensation claims. The district ~~shall implement~~ has established a comprehensive safety program to minimize the District’s claims exposure and shall ensure that the plan is evaluated annually by a third-party actuary to ensure that the funding for the plan is sufficient.

Major Maintenance Repair and Replacement – Ongoing maintenance and repair costs are included within the departmental operating budgets. These costs are generally considered systematic repairs and are not capitalized for accounting purposes. They include such items such as athletic equipment, routine musical instrument repair, ~~and HVAC maintenance and repair, and other general routine maintenance.~~

Capital Projects – The District’s goal is to maintain its facilities and infrastructure in order to provide exemplary educational services for its students, meet the needs of a growing community, and to comply with all local, state, and federal regulations. The District shall regularly review building capacity, enrollment projections, and planned subdivision and other housing information for the purpose of determining the number and timing of future facilities. Capital project budgets shall be developed according to the projects approved by the voters. Excess capital project funds generated as a result of investment income and project savings may not be directed to other needs of the District without the specific approval of the Board of Trustees.

Technology – It is the policy of the District to plan and fund the maintenance and replacement of its computer network and other technology systems (infrastructure) through capital funding. These funds would be transferred to the technology internal service fund or maintained in a capital fund.

Ongoing replacement of computer devices (PC’s, laptops, printers, etc.) would be funded through ongoing contributions from the general fund into the technology internal service fund. These ongoing contributions may include one-time transfers from the general fund[BS1].

V. **BUDGET CONTINGENCY PLAN**

This strategy is designed to establish general guidelines for managing revenue shortfalls resulting from local and state economic downturns that may adversely affect the District’s revenue stream.

Once a budgetary shortfall is projected, the Superintendent may take the necessary actions to offset any revenue shortfalls with a reduction in current expenses to include but not be limited to the following:

- ❖ Review all staffing levels;
- ❖ Freeze all new hire and vacant positions except those deemed to be a necessity to the instructional process or the safety of students;
- ❖ Review all planned capital expenditures;
- ❖ Forego out-of-state staff development;
- ❖ Review of all planned staff development activities;
- ❖ Curtail after-hours facility usage;
- ❖ Forego extracurricular field trips; and,

- ❖ Delay all non-essential spending or equipment replacement purchases.

If the above actions are insufficient to offset the revenue deficit and the shortfall continues to increase, the Superintendent shall develop an expenditure reduction plan for approval by the Board of Trustees which will further reduce operating expenses to balance the variance.

VI. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

Accounting – The District is solely responsible for the recording and reporting of its financial affairs, both internally and externally. The Chief Financial Officer is responsible for establishing the structure for the District's Chart of Accounts and for ensuring that procedures are in place to properly record financial transactions and report the District's financial position.

All financial reports shall be published on the District's website.

Audit of Accounts – In accordance with Texas Education Code 44.008, the Board of Trustees shall cause the District's accounts to be audited at the close of each fiscal year, currently June 30th, by an auditor holding a valid permit from the Texas State Board of Public Accountancy.

The auditor shall perform the audit in accordance with generally accepted governmental auditing standards published by the United States General Accounting Office, commonly referred to as the Yellow Book. The financial statements shall be prepared on a government-wide basis and shall be in conformity with all pronouncements of the Governmental Accounting Standards Board (GASB).

External Reporting - The audit shall be accepted and completed within 150 days of year end and filed with the Texas Education Agency (TEA), Municipal Securities Rulemaking Board (MSRB), and Federal Audit Clearinghouse. In addition, certain schedules required by the TEA to be completed electronically shall be submitted no later than this date along with the publication of schedules required by law in a locally published newspaper.

No later than February 28th of each year and in accordance with the TEA published guidelines, the audit shall be transmitted electronically into the Public Education Information Management System (PEIMS).

Internal Auditing and Reporting – In accordance with Texas Education Code Section 11.170, the internal auditor shall report directly to the Board of Trustees. The Superintendent shall oversee the department administratively. The internal auditor shall conduct internal audits on a rotational basis in accordance with the audit plan adopted annually by the Board of Trustees. The reports shall be of sufficient detail to identify areas of needed improvement and potential lapses of internal control. The internal audit staff, in conjunction with the finance staff and any other appropriate department of the District, shall make recommendations for improvement and develop improved financial processes based upon the prepared reports.

Each departmental director or campus principal is responsible for ensuring that good internal controls are adhered to throughout their organization and that all Financial Services procedures and policies are implemented. The Financial Services Department will periodically review and update written internal control processes and procedures.

Internal Risk Assessment – Departmental managers in the business area shall perform on-going risk assessments of their area of supervision to ensure that internal controls and business practices are sufficient to protect the assets of the District and prevent fraudulent activity.

VII. ASSET MANAGEMENT

Cash Management and Investments - The Board of Trustees has formally approved a separate Investment Strategy for Fort Bend ISD that meets the requirements of the Public Funds Investment Act (PFIA), Chapter 2256 of the Texas Local Government Code. This strategy is reviewed annually by the Board of Trustees and applies to all financial assets held by the District.

The District shall maintain a comprehensive cash management program to include the effective collection of all accounts receivable, prompt deposit of receipts to the District's depository and payment of obligations, and the prudent investment of idle funds in accordance with the approved investment strategy.

The District's investment program will be conducted in such a manner to accomplish the following listed in the order of priority:

1. Safety of principal
2. Liquidity and availability of cash to pay obligations when due
3. Receive the highest possible rate of return (yield) consistent with the District's investment strategy

Fixed Assets – These assets will be reasonably safeguarded, properly accounted for, and prudently insured. For purposes of budgeting and accounting classification, the following criteria must be met in order for an item to be capitalized:

1. The expected useful life of the asset must be longer than one year, or extend the life of an identified existing asset by more than one year
2. The original cost of the asset must be at least \$5,000
3. The asset must be tangible

On-going repairs and general maintenance are not capitalized. In the event that improvements are made to an asset that extends its original life or makes the asset more valuable, the cost will be capitalized. The replacement of asset components will normally be expensed unless they are of a significant nature and meet all of the capitalization criteria.

The Accounting Department will maintain the permanent records of the District's fixed asset inventory including description, cost, department of responsibility, date of acquisition, depreciation, and expected useful life. Periodically random sampling at the department or campus level will be performed to inventory fixed assets assigned to that department or campus. Responsibility for safeguarding the District's fixed assets lies with the department or campus supervisor whose department has been assigned the asset.

VIII. DEBT MANAGEMENT

Fort Bend ISD faces continuing capital infrastructure requirements and recognizes that the primary purpose of capital debt is to provide educational services designed to meet the demands of the 21st Century. Debt financing is a tool that shall be judiciously used within the District's legal, financial, and debt market capacities.

The use of debt financing to meet the continued student population growth must be evaluated according to projected student growth by area, long-term facility efficiency, facility equity across the District, and limitations on total debt imposed by Texas Education Code Section 45.0031. The District realizes that failure to meet the demands of student growth may inhibit its continued educational success, but also realizes that failure to manage outstanding debt and repayment schedules may have long-term detrimental effects on the District's financial condition.

The District may issue long-term debt in accordance with Texas Education Code Section 45.001 for the following:

1. The construction, acquisition, and equipment of school buildings in the District.
2. The acquisition of property or refinancing of property financed under a contract entered under Subchapter A, Chapter 271, Local Government Code.
3. The purchase of the necessary sites for school buildings.
4. The purchase of new school buses.

The District will ensure that its long-term debt is soundly financed by conservatively projecting growth in taxable valuations and anticipated interest rates. The District will not finance improvements or purchases over a period greater than its estimated useful life and will determine that the cost benefit of the facilities, renovations, and equipment supported by the debt will have a positive impact on the District's student population and community.

The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt and the financing plans of local, state, and other governments that overlap the District. The District shall assess financial alternatives to include new and innovative financing approaches, including whenever feasible categorical grants, or other types of aid to minimize voter approved debt.

General Obligation Bonds (GO) – General obligation bonds must be authorized by a majority of the voters in a District election for the issuance of debt. General obligation bonds may be used only to fund capital assets of the District and are not to be used to fund on-going operational needs. The District shall determine the amortization schedule which will best fit with the overall debt structure of the District at the time the new debt is issued.

The District's unlimited debt service ad valorem taxing authority shall back general obligation bonds and the District shall endeavor to maintain the best possible credit rating for each debt issue. Where possible, the District shall also seek the guarantee of the Permanent School Fund for all debt issued.

Revenue Anticipation Notes – The District may issue fixed or variable rate tax and revenue anticipation notes that allow the District to meet its cash flow requirements. However, the District shall generally manage its cash position in a manner so that internally generated cash flow is sufficient to meet expenditures.

Lease-Purchase Agreements – Lease-purchase obligations are a routine and appropriate means of financing capital equipment. However, lease obligations are repaid from the District's maintenance and operations ad valorem tax and, therefore, have the greatest impact on budget flexibility. Therefore, efforts will be made to fund capital equipment directly through the budget process or with voter approved debt. Only the highest priority equipment purchases will be funded with lease obligations when it is determined that the cost benefit of such an arrangement is advantageous to the District.

Maintenance Tax Notes – The District may authorize the issuance of maintenance tax notes for the acquisition of personal public property, such as equipment. Maintenance tax notes are repaid from the District's maintenance and operations ad valorem tax. Each issuance will be assessed to ensure the cost effectiveness and the repayment schedule will not exceed the useful life of the asset and that the District has sufficient capacity in future budgets to ensure that the issuance does not place undue burden on the operating budget.

Use of Reserve Funds – The District may authorize the use of reserve funds to potentially delay or eliminate a proposed project from a future bond issue. This may occur due to higher than anticipated fund balances in prior years, thus eliminating or reducing the need for debt proceeds or when the timing of the related capital improvement does not correspond with a planned bond issue. Funds used in such manner should be used judiciously and with extreme care after careful analysis of the effect on the future funding needs of the District.

Method of Sale – The District will thoroughly analyze the conditions in the bond market prior to determining the method of sale that will be used to market bonds. The District may utilize a competitive bidding process, negotiated bid or private placement. The District will publicly present the reasons for the selected method of sale prior to the sale date.

Competitive sales shall be awarded based upon the lowest offered True Interest Cost (TIC). The District's Financial Advisor shall ensure that interest costs offered in a negotiated sale are in accordance with comparable market interest rates. In a negotiated sale, the District will rely on the recommendation of the Superintendent, Chief Financial Officer and the contracted Financial Advisor in the selection of the underwriter(s). The contracted financial advisory firm may not serve in an underwriting capacity.

Following the bid award, the financial advisor shall prepare a post-sale summary and analysis that documents the pricing of the bonds relative to other similar transactions priced at or near the time of the District's bond sale.

Private placement sales shall only be utilized when the sale must be structured for a single or limited number of purchasers, such as would be present in a Qualified Zone Academy Bond (QZAB) or Qualified School Construction Bond (QSCB) offering.

Debt Structuring – The District shall seek to repay its debt in an expeditious manner within the District’s overall financial objectives and will issue bonds with an average life of no more than thirty (30) years, not to exceed the useful life of the asset acquired. Pursuant to State law, the District can issue fixed rate, variable rate, or capital appreciation bonds. Market factors, such as the effects of legislative statutes, level of debt service fund balance, and the cost of early debt redemption will be given consideration during the structuring of long term debt instruments.

The District shall keep its variable rate exposure, to the extent not hedged or swapped to a fixed rate, at or below twenty-five percent (25%) of the total principal outstanding. If variable rate debt is used, the Chief Financial Officer will periodically, and no later than annually, determine whether it is appropriate to convert the debt to fixed interest rates.

Refunding and Restructuring Strategy – The District shall consider accelerated retirement and restructuring of its outstanding debt when financially advantageous or beneficial.

The Superintendent and Chief Financial Officer shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposal. The target net present value savings as a percentage of the refunded aggregate principal amount shall be no less than three percent (3%) when a refunding is offered in conjunction with new debt. In the case of a standalone refunding, savings should be evaluated in conjunction with the call dates of the outstanding bonds and a higher net present value savings should generally be achieved.

Financing Team Members – The District shall conduct a Request for Proposal (RFP) to determine the District’s financial advisor ~~and bond and bond~~ counsel when warranted. Generally, the District’s contracts with financial advisors and bond counsel shall be for a term of three years with the option to renew for two additional one year periods. In all cases, the District will attempt to ensure that the contractual terms align with voter approved debt.

All financing team members will be required to provide full and complete disclosure relative to any and all agreements with other financing team members and outside parties. No agreements will be permitted that will compromise a firm’s ability to provide independent advice that is solely in the best interest of the District or which could reasonably be perceived as a conflict of interest.

Markets – The District shall consider products and conditions in the bond market when meeting the District’s financing needs. When practical in its financing program, the District shall consider local and regional markets as well as retail and institutional investors.

Disclosure – Full disclosure of operating costs along with capital costs will be made to the bond rating agencies and other users of financial information. The District shall maintain information on its website so that interested persons have a convenient way to locate major financial reports and documents pertaining to the District’s finances and debt. The District will take responsibility for the accuracy of all financial information released.

The District shall prepare or cause to be prepared appropriate disclosures as required by the Securities and Exchange Commission Rule 15c2-12. District staff, with assistance of the financial advisor and bond counsel, will prepare the necessary materials for presentation to rating agencies and will aid in the production of the Preliminary Official Statements as required.

Federal Requirements – The District will maintain procedures to comply with arbitrage rebate and other Federal requirements in accordance with the Internal Revenue Code and applicable United States Treasury regulations.

Bond Reimbursement Resolution – The District may utilize reimbursements from bond proceeds as a tool to manage debt issues consistent with arbitrage requirements and project timing. In so doing, the District will utilize its general fund reserve cash balances to delay the bond issue until such time when the issuance and timing are favorable and beneficial to the District.

The District shall comply with Internal Revenue Service requirements which stipulate that the reimbursement occur the earlier of (i) eighteen (18) months after the capital item is placed in service or (ii) thirty-six (36) months from the

date of the expenditure. The total outstanding bond reimbursements may not exceed the total amount of the District's operational reserve fund.

Impact on Operating Budget – When considering any debt issuance, the potential impact of debt service and additional operating costs induced by new projects on the operating budget of the District, both short and long-term will be evaluated.

IX. FINANCIAL CONDITIONS, FUND BALANCE RESERVES, AND STABILITY RATIOS

Fort Bend ISD will maintain sufficient reserves in the ending fund balances to provide for a secure, healthy financial base for the District in the event of a natural disaster or other emergency, to allow for stability of District operations should revenues fall short of budgeted projections, and to provide available resources to implement budgeted expenditures without regard to actual timing of cash flows into the District.

Operational Coverage – The District's goal is to maintain operating revenues that at least equal or exceed current operating expenditures. Unless advantageous to the District, deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques.

Operating Reserves – Due to the timing of the District's fiscal year (July 1) and the receipt of maintenance and tax revenues (typically, December 31st), the District will strive to maintain an unassigned general fund balance equal to the greater of ~~sixty (60) ninety (90)~~ days or ~~seventeen thirty~~ percent (1730%) of net budgeted operating expenditures. Unassigned fund balance requirements will be calculated as part of the annual budget process.

In order to protect the district from a potential loss in state revenue, the district will commit at least thirty (30) days or eight and a third (8.33%) of net budgeted operating expenditures to a Reserve for Potential Loss of State Revenue.

The Board of Trustees will report the government fund balances per Governmental Accounting Standards Board (GASB) Statement 54 definitions in the balance sheet as follows: non-spendable, restricted, committed, assigned, and unassigned. The Board will utilize funds in the following spending order: restricted, committed, assigned, and then unassigned.

Unassigned fund balance is defined as the balance in excess of the optimum fund balance as defined by the Texas Education Agency and calculated annually in conjunction with the District's annual audit or the cash requirements for two for two months operating expenditures. Usage of the unassigned fund balance shall be approached with caution after careful review of both the optimum fund balance and the cash flow needs of the District for the upcoming three-year period.

The Board of Trustees may establish commitments of fund balance from time to time in order to meet specific District needs. The purpose of commitments must be approved by the Board resolution prior to the fiscal year end but the amount of the commitment may be determined subsequent to June 30th. Amendments or modifications of the committed fund balance must also be approved by formal action of the Board.

Liabilities and Receivables – Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within thirty (30) days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of thirty (30) days of service. To the extent allowable by law, non-collectible accounts that are delinquent for more than one year are considered uncollectible and shall be written off. To the extent allowable by law, patrons that owe the district money will be precluded from receiving district services.

Capital Projects Funds – All reasonable efforts will be made to expend all monies within the Capital Project Funds within thirty-six (36) months of receipt. The restricted, committed, and assigned fund balance will be invested and the income generated will offset increases in construction costs or other costs associated with the project. Any excess funds remaining after the completion of the approved projects may be reallocated by the Board of Trustees to other capital projects to offset the cost of future bond issues or when the timing of a capital improvement does not

correspond with a planned bond issue. Restricted, committed, or assigned funds shall be used judiciously and with extreme care after careful analysis of the effect on the future funding needs of the District.

Debt Service Funds – Revenues within this fund are stable, based on property tax revenues. Balances are maintained to meet contingencies and to make certain that the next year's debt service payments may be met in a timely manner. The fund balance should not fall below one month or 1/12th the annual debt service requirements in accordance with Internal Revenue Service guidelines. Fort Bend ISD has established an additional requirement that the current debt service requirement that would be covered by the restricted debt service fund balance, less the August debt payments and should be no less than twenty percent (20%) of the subsequent year's debt service requirements.

Investment of Funds – The non-spendable, restricted, committed, assigned, and unassigned funds will be invested in accordance with the District's approved investment strategy.

Ratio/Trend Analysis – Ratios and significant balances will be incorporated into the annual financial report. This information will provide users with meaningful data to identify major trends of the District's financial condition through analytical procedures. The following ratios/balances will be used as key financial indicators:

- | | |
|---------------------------|---|
| 1. Fund Balance / Equity: | Assets less liabilities |
| 2. Working Capital | Current assets less current liabilities |
| 3. Current Ratio | Current assets divided by current liabilities |
| 4. Debt / Assessed Value | Debt divided by assessed value |
| 5. Debt Ratio | Current liabilities plus long-term liabilities / Total assets |

The District will develop minimum and maximum levels for the above ratios/balances by thoroughly analyzing District historical trends, projected growth and peer districts.

Special Situations - Changes in the state funding allocations, economic downturn, District programs or other unforeseen circumstances may from time to time produce situations that are not covered by this strategy. These situations may require modifications or exceptions to achieve strategy goals. Management flexibility is appropriate and necessary in such situations, provided specific authorization is received from the Board of Trustees.

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6G
References: Board Policy FN (Local), FNC
(Legal and Local), and FO Series
District Plan Goals 2 and 7
Department: Department of Student Affairs

Recommendation

Consideration and possible approval of the 2014-15 Student Code of Conduct.

Summary

Section 37.001 of the Texas Education Code requires the Board of Trustees to adopt a code of conduct for students. The purpose of this Student Code of Conduct is to inform all students and parents of FBISD's expectations regarding behavior and conduct. The Student Code of Conduct must be in place by the first day of school.

Each year the *Student Code of Conduct* is updated according to policy and law and must be adopted by the Board of Trustees to promote a safe, secure, and optimal learning environment for all students. The *Student Code of Conduct* contains information regarding the District-wide discipline management plan; a description of prohibited conduct; the disciplinary options, methods, and consequences for preventing and addressing student misconduct; and the process the District follows when administering disciplinary consequences.

Except for minor editorial revisions to make the document more readable and user friendly, there are no recommended changes to the Student Code of Conduct for the 2014-15 school year.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Rhonda McWilliams
Executive Director Student Affairs

Fort Bend ISD

Student Code of Conduct

2014-2015

Table of Contents

General Overview 3	In-School Suspension (ISS) 14
Purpose	Reasons for ISS
Additional Rules	Procedure for ISS
General Standards of Student Conduct	Out-of-School Suspension (OSS) 14
Notice of Disciplinary Action	Reasons for OSS
Anti-Discrimination	Procedure for OSS
Discipline of Students With Special Needs	Assignments During OSS
Discipline Appeals	Disciplinary Alternative Education 14
Effect of Student Withdrawal	Program (DAEP)
Scope of the District's Disciplinary 4	Reasons for Mandatory DAEP Placement
Authority	Reasons for Discretionary DAEP Placement
General Authority	Emergency DAEP Placement
Searches	Procedure for DAEP Placement
Criminal Conduct	Length of DAEP Placement
Discipline Considerations & Techniques . . 5	Particular Rules for Registered Sex Offenders
Discipline Considerations	Other DAEP Issues
Discipline Management Techniques	Expulsion 22
General Types of Prohibited Conduct 7	Reasons for Mandatory Expulsion
Misconduct Involving Others	Reasons for Discretionary Expulsion
Possessing, Using, Giving, Selling, or Buying Prohibited Items	Emergency Expulsion
Misuse of Property	Procedure for Expulsion
Safety / Disruption	Length of Expulsion
Technology	Other Expulsion Issues
Failure to Follow Rules	Expulsion Appeals
Other Misconduct	Definitions 28
Removal from District Transportation 12	Index 33
Reasons for Removal	Appendix 34
Procedure for Removal	
Removal from Classroom by Teacher 13	
Ordinary Teacher Removal	
Formal Teacher Removal	
Placement During Removal	
Procedures for Teacher Removal	
Return to the Classroom	

General Overview

Purpose

This Student Code of Conduct (SCC) is adopted by the Fort Bend Independent School District (FBISD) Board of Trustees to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

- The District-wide discipline management plan,
- A description of prohibited conduct,
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct, and
- The process the District will follow when administering disciplinary consequences.

The SCC remains in effect during Summer school and at all school related events and activities outside the school year until an updated version becomes effective for the next school year. If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will control. If there is a conflict between the SCC and District policy, the more recently adopted item will control. The SCC shall be available for review at each school campus. Additionally, the SCC shall be posted on the District website.

Additional Rules

Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.

General Standards of Student Conduct

In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct: (1) exercise self-control, self-respect, self-discipline, courtesy, and responsibility, (2) demonstrate a positive attitude, (3) respect the rights and feelings of others, including students, teachers, and District staff and volunteers, (4) respect school property and facilities, and the property of others, (5) support the learning process, including attending all classes, regularly and on time and prepare for each class, taking appropriate materials and assignments to class, (6) follow all District, campus, and classroom rules, including the Student Code of Conduct, and the District's standards of grooming and dress, and (7) promote a safe environment, including cooperating with, and assisting school staff, in maintaining safety and order. Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the SCC.

Notice of Disciplinary Action

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. The campus administrator will contact the parent/guardian by phone or in writing within three school days of becoming aware of misconduct that may result in out-of-school suspension, DAEP placement, or expulsion from school. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence.

Anti-Discrimination

The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the SCC.

Discipline of Students With Special Needs

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact Dr. Lupita García,

Executive Director of Federal and Special Programs . A student enrolled in a special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD meeting is conducted.

Discipline Appeals

Appeals of disciplinary measures should be directed to the student's teacher or campus administrator, as described in local District policies FNG, FOC, or FOD as appropriate. Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or online at <http://pol.tasb.org/home/index/483> Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Effect of Student Withdrawal

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.

Scope of the District's Disciplinary Authority

General Authority

In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the District has general disciplinary authority over a student at the following times:

- At any time during the school day, including summer school
- While traveling on District owned or operated transportation or during school-related travel
- While attending any school-sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- During lunch periods, including those in which a student leaves the campus
- While on school property
- For any school-related misconduct, regardless of time or location
- Other off campus conduct as permitted by Chapter 37 of the Texas Education Code
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location
- If the student is a registered sex offender

Searches

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District, whether or not the student is present. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students are fully responsible for the security and contents of assigned desks and lockers, and must be certain that the locker is locked, and that methods of entry are not available to others. Students may be disciplined for possession of prohibited items discovered

Criminal Conduct

during a search. The parent will be notified if any prohibited items are found. For more information about searches, please review the District's Student Handbook and local policy FNF.

School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Discipline Considerations & Techniques

Discipline Considerations

Using their professional judgment, District employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:

- the degree of severity and risk of danger
- the effect of the misconduct
- the age and grade level of the student
- the student's disciplinary history
- legal requirements
- the frequency of the misconduct
- the student's demeanor
- a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, to the extent required by state and federal law

When deciding to order out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP of a student the District will also consider: (1) self-defense (*see definitions*), and (2) the student's intent (*see definitions*) or lack of intent at the time of the misconduct.

A student who, upon investigation, is found to be subject to bullying (*see definitions*) will not be disciplined on the basis of using reasonable self-defense (*see definitions*) in response to the bullying, as determined by the campus administration.

Discipline Management Techniques

Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules:

- Positive behavior interventions
- Verbal or written correction
- Seating changes within the classroom or on vehicles owned or operated by the District
- Parent conferences
- Counseling or mediation

- Removal from the classroom
- Behavior modification contracts
- Sending the student to the office or other area
- Assignment of school-related tasks or duties
- The district has the right to revoke the approved transfer of a student for committing any violation outlined in the Student Code of Conduct at any time that would result in In School Suspension (ISS), Out of School Suspension (OSS), or a DAEP. Transfers approved under PEG or AYP guidelines may not be revoked.
- Other methods, strategies, and consequences as stated in the SCC or determined by school officials
- Calming-down time
- Demerits or rewards
- In-school suspension
- Confiscation of items
- Out-of-school suspension
- School probation
- Restitution or restoration
- Disciplinary Alternative Education Program (DAEP)
- Assignment to an alternate setting
- Transfer to a different classroom or campus
- Revocation of transportation privileges
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy
- Detention, including outside regular school hours
- The District has the right to revoke the approved transfer of a student for committing any violation outlined in the Student Code of Conduct at any time that would result in In School Suspension (ISS), Out of School Suspension (OSS), or a DAEP. Transfers approved under PEG or AYP guidelines may not be revoked.

- Expulsion

- NOTE: Corporal punishment is not permitted in FBISD. See Policy FO (LOCAL).

Participation in Graduation Activities: The District has the right to limit a student's participation in graduation activities for violating the District's Code. If it is determined by the administration that any senior, during the final grading period, participates in an activity on the school property or in connection with any school-sponsored activity that violated the Student Code of Conduct (including, but not limited to, "senior pranks"), in addition to being subject to disciplinary consequences, may, at the discretion of the superintendent or the superintendent's designee, be prohibited from participating in year-end graduation ceremonies. This includes, but is not limited to, commencement, prom, Pro-Grad, as well as other senior privileges.

Notwithstanding the foregoing, if the senior is charged with a misdemeanor or felony violation of the Texas Penal Code for the aforementioned conduct, or the superintendent, or the superintendent's designee has a reasonable belief that a criminal violation has occurred, the student, in addition to being subject to other disciplinary consequences specified in the Student Code of Conduct, shall be automatically disqualified from participating in graduation ceremonies, including commencement, prom, and Pro-Grad.

Participation might include a speaking role, as established by District policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's Code resulting in the removal to a DAEP or expulsion during the semester immediately preceding graduation. The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Code resulting in removal to a DAEP or expulsion during the semester immediately preceding graduation.

General Types of Prohibited Conduct

Misconduct Involving Others

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "Discipline Management Techniques" if the behavior is committed at school, a school-sponsored or school-related activity, during school-related travel, while traveling on District owned or operated transportation, or when the District has "Disciplinary Authority" as described in the SCC.

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm or threatens the safety of others
- Fighting (*see definitions*) or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can cause bodily injury (*see definitions*)
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint
- Bullying (*see definitions*)
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees

reasonably believe could substantially disrupt the school environment or incite violence

- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment (*see definitions*) toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, national origin, disability, sex, gender, or age
- Engaging in sexual harassment (*see definitions*) or sexual abuse
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury (*see definitions*) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or Internet postings, if the threat causes a material or substantial disruption at school
- Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive
- Hazing (*see definitions*)
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying
- Matches or a lighter

Possessing, Using, Giving, Selling, or Buying Prohibited Items

- Tobacco products (including electronic cigarettes and vapor pens/devices)
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispenser sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy

- Razor blades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
- A pocketknife or any other small knife
- Fake or “look-alike” weapons
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB gun, air gun, or stun gun
- Ammunition, shells, bullets, or gunpowder
- Material that is sexually-oriented, pornographic, obscene, or reveals a person’s private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- CD or DVD players, cassette players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use

Misuse of Property

- Stealing from others, including the District
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief

Safety / Disruption

- Threatening to use or exhibit a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
- Making or participating in false statements or hoaxes regarding school safety
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Throwing objects that can cause bodily injury or property damage
- Making false accusations or providing false statements concerning wrongful, unlawful,

Technology

- inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer
- Engage in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Using a telecommunication device, including a cellular telephone, or other electronic device in violation of District or campus rules
- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (*see definitions*)
- Violating policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources
- Using any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital, video, or audio recording or image of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct
- Using any device or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
- Using any device or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing (aka sexting)
- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
- Using email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
- NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian

Failure to Follow Rules

- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials
- Violating dress and grooming standards
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a District employee
- Failing to provide proper identification upon request of a District employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Being tardy to class or arriving late to school (unexcused)
- Skipping school or class without the District's or parent/guardian's permission
- Leaving class, the campus, or school events without permission
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend
- Violating rules for conduct on school owned or operated transportation
- Violating rules for operating or parking a motor vehicle on school property
- Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices
- Violating the District's medications policy regarding prescription and over-the-counter drugs
- Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items
- Violating other campus or classroom rules for behavior or district policies
- Refusing to accept discipline management techniques assigned by a teacher or administrator
- Using profanity, vulgar language, or obscene gestures

Other Misconduct

- Loitering in unauthorized areas
- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees
- Gambling or betting money or other things of value
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct
- Violating repeatedly other communicated campus or classroom standards of conduct

Removal from District Transportation

Reasons for Removal

Appropriate student behavior is essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

- Enter and exit transportation in an orderly manner at the designated stop
- Remain seated while the bus or vehicle is moving
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Follow the driver's lawful directions at all time
- Observed all usual classroom rules
- Do not extend any body part, clothing, or other article outside of the transportation
- Keep hands, feet, other body parts, or objects to yourself
- Refrain from making loud or distracting noises
- Do not obstruct the driver's view
- Do not throw objects inside the transportation or out of the windows or doors
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other equipment
- Fasten seat belts when available on any vehicle
- Wait for the driver's signal upon leaving the bus or vehicle and before crossing in front of the bus or vehicle
- Misconduct on buses, in district vehicles, or at bus stops, will be disciplined in accordance with the Code. Bus riding privileges may be suspended or revoked

For a list of bus infraction levels and their corresponding disciplinary consequences, please see

Procedure for Removal

A driver of District owned or operated transportation may send a student to the administrator's office to maintain discipline during transport to or from school or a school-sponsored or school-related activity, to enforce the transportation rules, or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior, which may include temporarily suspending or permanently revoking school transportation privileges.

The student will be informed of the reason for suspension or revocation of transportation privileges and will be given an opportunity to respond before the administrator's decision is final. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.

Removal from Classroom by Teacher

Ordinary Teacher Removal

A teacher may send a student to the administrator's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior.

Formal Teacher Removal

A teacher may remove a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with the learning of other students; or
- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

Placement During Removal

When a teacher utilizes a formal removal of the student from the classroom, the administrator may place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.

Procedures for Teacher Removal

No later than three school days after a teacher has formally removed a student from class, an administrator will schedule a conference with the administrator, the student's parent/guardian, the student, and the teacher. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the administrator will render a discipline decision and inform the student and parent/guardian of the consequences.

Return to the Classroom

If the teacher removed the student from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student may only be returned to the teacher's class without the teacher's consent if the Placement Review Committee determines that the teacher's class is the best or only alternative.

In-School Suspension (ISS)

Reasons for ISS

Students may be placed in ISS for any misconduct listed in any category of the SCC.

Procedure for ISS

The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS the student will complete assignments from his or her teacher(s).

Out-of-School Suspension (OSS)

Reasons for OSS

Students may be suspended from school for any misconduct listed in any category of the SCC. In deciding whether to order out-of-school suspension, the District shall take into consideration:

- Self-defense,
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history, and
- Whether the student has a disability that substantially impairs the student's capacity

Procedure for OSS

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the administrator may place restrictions on the student's participation in school-sponsored or school-related activities. Students may be suspended for a maximum of three school days per behavior violation.

Assignments During OSS

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher or administrator's instructions.

Disciplinary Alternative Education Program (DAEP)

Reasons for Mandatory DAEP Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the District shall take into consideration:

- Self-defense,
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history, and
- Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct.

For purposes of DAEP, elementary classification shall be kindergarten-grade 5, and secondary classification shall be grades 6-12.

Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

School-Related. A student must be placed in DAEP for any of the following misconduct if committed while on school property, 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 school property:

- Engages in conduct punishable as a felony.
- Commits an assault (*see definitions*) resulting in bodily injury (*see definitions*) to another.
- Possesses illegal knife.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), or an alcoholic beverage (*see definitions*) in any amount not punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony.
- Engages in an offense relating to abusable volatile chemicals (*see definitions*).
- Engages in public lewdness (*see definitions*).
- Engages in indecent exposure (*see definitions*).
- Engages in expellable conduct if the student is between six and nine years of age.
- Engages in a federal firearm offense if the student is six years of age or younger.

Off-Campus. A student must be placed in DAEP for engaging in a Title 5 (*see definitions*) felony offense or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution,
- A court or jury finds the student engaged in delinquent conduct, or
- The administrator reasonably believes that the student engaged in the misconduct.

Regardless of Location. A student must be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Issues a false alarm or report (*see definitions*) or a terroristic threat (*see definitions*) involving a public school.
- Retaliates (*see definitions*) against any school employee or volunteer.
- Is involved with a public school fraternity, sorority, secret society, or gang (*see definitions*), including participating as a member or pledge, or soliciting another person to become a member or pledge.
- Is involved with a criminal street gang (*see definitions*) or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang.
- Engages in criminal mischief if the damage is less than \$1,500 but equal to or greater than

\$500.

- Is a registered sex offender (*see definitions*) under court supervision, probation, community supervision, or parole.

Students who are: (1) convicted of continuous sexual abuse of a young child or children; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.

Reasons for Discretionary DAEP Placement

School-Related. A student may be placed in DAEP for any of the following misconduct if committed while on school property, 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 school property:

- Possessing, giving, buying, or selling less than a useable amount of stems, seeds, or other pieces of marijuana.
- Possessing, using, selling, buying, or giving paraphernalia (*see definitions*) related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug on school property or at a school-related event.
- Offering to sell or buy any amount of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), an abusable volatile chemical (*see definitions*), a prescription drug, or an alcoholic beverage (*see definitions*).
- Serious Offense - includes but not limited to:
 - Continued/repeated PEIMS reportable violations
 - Committing/threatening physical abuse
 - Hazing
 - Extortion/coercion/blackmail
 - Possession/distribution of pornographic materials
 - Non-felony robbery or theft/stealing
 - Knife blade <5 ½ inches (for 1st – 5th grades)
 - Profanity/vulgar language/obscene gesture toward teachers/others
 - Vandalism
 - Possesses/conspiring to possess explosives/explosive devices

- Leaving school grounds without permission
- Inappropriate physical contact with criminal referral
- Insubordination
- Aggressive, disruptive behavior (Assault Class C misdemeanor)
- Unauthorized use/intentional misuse of computer soft/hardware
- Falsification of records/school related documents
- Possession or use of a stun gun/device, mace/ BB/air gun, etc.
- Preparing a hit list (*see definitions*).
- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC.
- Making/assisting with making a false alarm or report (threats or bomb threats) or terroristic threat involving a public school
- Engaging in persistent (*see definitions*) misbehavior that violates this SCC
- Assault (no bodily harm) with threat of imminent bodily injury
- Assault by offensive or provocative physical contact

Off-Campus. A student may be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- The administrator reasonably believes the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process
- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred
- Felony drug - or alcohol-related offence

This is including when the student committed the offence on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas

Regardless of Location. A student may be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- If the student is a registered sex offender (*see definitions*) who is not under any form of court supervision. A registered sex offender who is not under any form of court supervision will be placed in regular classes if the student is not a threat to the safety of others, is not detrimental to the educational process, and such placement is not contrary to the best interests of the District's students. The placement may not be in a regular classroom if the Board or its

designee determines that the student's presence: 1. Threatens the safety of other students or teachers, 2. Will be detrimental to the educational process, or 3. Is not in the best interests of the district's students.

- Engages in criminal mischief if the damage is less than \$500.

Emergency DAEP Placement

An administrator may order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the class, the learning of other students, or the operation of a school-related or a school-sponsored activity. The reason for emergency placement must also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action.

No later than the tenth day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP.

Procedure for DAEP Placement

Procedure. No later than three school days after the student is removed from class, the campus administrator will schedule a conference with the administrator, the student's parent/guardian, and the student, as well as the student's teacher if a teacher referred the student for DAEP placement. At the conference, the administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

Mandatory removal to DAEP shall be made by the campus principal or designee. Discretionary removal to DAEP shall be requested by the campus principal or designee and approved by the District's Executive Director of Student Affairs.

Conference. If during the term of DAEP placement the student engages in additional misconduct, additional conferences may be conducted and additional discipline may be imposed.

Interim Placement. Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

DAEP Placement Order. If the outcome of the conference is to place the student in DAEP, the campus administrator will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

Length of DAEP Placement

The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. All DAEP placements will result in placement for up to one calendar year. The length of DAEP placement may not exceed one year unless, after review, the District determines that (1) the student is a safety threat, or (2) extended placement is in the best interest of the student.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond

the end of the school year, the administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior that violates the SCC. For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion or three or more violations of the SCC or repeated occurrences of the same violation.

If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG (LOCAL). Any decision of the Board is final and may not be appealed.

The District shall administer the required pre and post-assessments for students assigned to DAEP for 90 days or longer, in accordance with established administrative procedures for administering other diagnostic or benchmark assessments.

Appeals. Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Appeals regarding the decision to place a student in a DAEP should be addressed to the District's Executive Director of Student Affairs in accordance with policy FOC(LEGAL). PLEASE NOTE: The term of a discipline action may not be appealed if the term is for 60 school days or less or if the term does not extend to the end of the next grading period. (Consult your campus administrator for the District's Executive Director of Student Affairs for additional information).

Student or parent appeals regarding the process used for the placement decision, such as issues related to the administrator's handling of the conference or proper notice being provided, should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the Department of Student Affairs in the central administration office or through the District's website at www.fortbendisd.com/Governance or at <http://pol.tasb.org/Policy/Code/483?filter=FNG>

Disciplinary consequences shall not be deferred pending the outcome of an appeal. Further, the decision to place a student in a DAEP cannot be appealed beyond the Board.

The general SCC rules for DAEP placement apply to registered student sex offenders (see *definitions*) except as modified in this section.

Placement. Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court, or (2) if permitted by agreement between the District and the JJAEP.

Length of Placement. Registered sex offenders who are not under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester. If the student is not under any court supervision, the placement may be in DAEP or JJAEP for one semester.

Transfers. Registered sex offenders under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP or may require an additional semester in an alternative placement without conducting a review of the placement.

Particular Rules for Registered Sex Offenders

Periodic Review for Registered Sex Offenders. After 80 days school days in DAEP, a review committee will determine by majority vote and recommend to the FBISD Executive Director of Student Affairs whether the student should remain in DAEP or be returned to the regular classroom. The FBISD Executive Director of Student Affairs will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the FBISD Executive Director of Student Affairs will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

Appeals for Registered Sex Offenders. DAEP placement may be appealed as described in District policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the District's Board of Trustees is final and may not be appealed.

Other DAEP Issues

Grade Levels. Elementary students in kindergarten through grade Kindergarten - grade 5 will not be placed in DAEP with secondary students in grade 6th - 12th through grade 12.

No Participation in Activities While in DAEP. Students placed in DAEP for any reason are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

Impact on Graduation. For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified in the DAEP placement order.

Transportation. A student placed in DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

Periodic Review. The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Coursework Opportunity. Students placed in DAEP will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of the next school year.

Newly Enrolled. The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review; however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Effect of Student Withdrawal. When a student withdraws from school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

If the administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

Student Transfers. Students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into the District will be placed into the District's DAEP to complete the term of their DAEP placement. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of placement so that the total placement does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

Summer School. Students in DAEP during summer programs will be served in DAEP separate from other students.

Criminal Proceedings. The review and appeal process described below is limited to retaliation or off-campus misconduct. It does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing the notice and receiving information from the student's parent/guardian, the administrator may only continue the student's DAEP placement if the administration has reason to believe the student's presence in the regular classroom threatens the safety of others.

The administrator's decision may be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the administrator, and (3) confirm or reverse the decision of the administrator.

If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.

Appeal. A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parents. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the Board or its designee under this section is final and may not be

appealed.

Additional Misconduct. If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Expulsion

Reasons for Mandatory Expulsion

School-Related. In deciding whether to expel a student, regardless of whether the action is mandatory or discretionary, the District shall take into consideration:

- Self-defense,
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history, and
- Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct.

A student must be expelled for any of the following misconduct that occurs on school property or while attending a school-sponsored or school-related activity on or off school property:

- Brings to school a firearm, as defined by federal law (*see definitions*).
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm*, (2) Possesses or uses an illegal knife with a blade over 5½"; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear. , (3) a club, or (4) a prohibited weapon. (See definitions) * Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department.
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), or an alcoholic beverage (*see definitions*) if the behavior is punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

A student will also be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Sells, gives, delivers, possesses, uses, or is under the influence of any amount of marijuana, a

Reasons for Discretionary Expulsion

controlled substance, a dangerous drug, or an alcoholic beverage, if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony.

- Commits a serious act or offense while under the influence of an alcoholic beverage if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony.
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (*see definitions*) if it is the 2nd infraction in the same school year.

Regardless of Location. A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus.

- Retaliates against a school employee or volunteer by committing a state-mandated expellable offense.

At School. A student may be expelled for engaging in documented serious misbehavior (*see definitions*) while the student is placed in DAEP and on the DAEP site/campus despite documented behavioral interventions.

School-Related. A student may be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Commits an assault (*see definitions*) resulting in bodily injury to a school employee or volunteer.
- Engages in deadly conduct (*see definitions*).

While in DAEP. A student may be expelled for engaging in documented serious misbehavior that violated the District's Code, despite documented behavioral interventions while placed in a DAEP. A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

- Deliberate violent behavior that poses a direct threat to the health or safety of others;
- Extortion, meaning the gaining of money or other property by force or threat;
- Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
- Conduct that constitutes the offense of: public lewdness, indecent exposure, criminal mischief, personal hazing or harassment

Three Hundred Feet. Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:

- Possesses a firearm, as defined by federal law (*see definitions*).
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm*, (2) an illegal knife, (3) a club, or (4) a prohibited weapon. (See definitions). * See "Firearm Note" in mandatory expulsion section above.
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated

assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.

Regardless of Location. A student may be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student.
- Retaliates against a school employee or volunteer by committing an assault (*see definitions*) resulting in bodily injury.
- Engages in criminal mischief if the damage is \$1,500 or more.
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.

Title 5 Felonies Regardless of Location. In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- Issues a false alarm or report, including a bomb threat (*see definitions*) or a terroristic threat (*see definitions*) involving a public school.
- is arrested for a Title 5 felony offense (*see definitions*) or aggravated robbery,
- is charged with engaging in a Title 5 felony offense or aggravated robbery,
- received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,
- is on probation for a Title 5 felony offense or aggravated robbery,
- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery,
- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, or
- was convicted of a Title 5 felony offense or aggravated robbery;

and the administrator determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the

date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

A student may be subject to an expulsion under this circumstance until: (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to a another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board of Trustees.

Emergency Expulsion

An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

Procedure for Expulsion

Hearing. Students alleged to have committed an expellable offense will receive a hearing before the FBISD Executive Director of Student Affairs within a reasonable time following the alleged misconduct. The student's parent/guardian will be informed of the basis for the proposed expulsion and will be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student's parent/guardian attends. At the hearing, the student is entitled to:

- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District's witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student's defense.

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

Interim Placement. Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, out-of-school suspension, or DAEP.

Expulsion Order. If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency.

The District will send a copy of the expulsion order to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

Board Review of Expulsion After the due process hearing, the expelled student may request that the Board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision.

The Board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The Board may also hear a statement from the student or parent and from the Board's designee.

The Board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Length of Expulsion

The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Both mandatory and discretionary expulsions will result in expulsion for up to one calendar year. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

An expulsion will not exceed one calendar year unless, after review, the District determines that: (1) the student is a threat to the safety of other students or to District employees; or (2) extended expulsion is in the best interest of the student.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

Other Expulsion Issues

Academic Impact. Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as required by IDEA or Section 504.

Participation in Activities. Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.

Age Restrictions. Students under the age of ten that engage in expellable behavior will not be expelled, but will be placed in DAEP.

Effect of Student Withdrawal. If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

If the administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

Student Transfers. The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the enrolling district, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

State and Federal Law require 1 calendar year expulsion for possession of a firearm on campus. The District superintendent can modify this requirement on a case by case basis.

Additional Misconduct If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the Board may issue an additional disciplinary

order as a result of the proceedings.

Newly Enrolled Students The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is complete. If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order or may allow the student to attend regular classes if:

- The out-of-state district provides the district with a copy of the expulsion order, and
- The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the District continues the expulsion or places the student in a DAEP, the District shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after review it is determined that:

- The student is a threat to the safety of other students or district employees, or
- Extended placement is in the best interest of the student.

Students with Disabilities The discipline of students with disabilities is subject to the applicable state and federal law in addition to the Student Code of Conduct. To the extent that any conflict exists, the state and/or federal law shall prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the District shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

A student with disabilities being served in special education may be expelled for engaging in conduct that would warrant such action for a student without disabilities only if the ARD committee determines the misconduct is not related to the disability or inappropriate placement.

In determining whether a student's disruptive behavior was related to the student's disability, the ARD committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The ARD committee shall consider whether the student's behavior indicated the need for new assessment or evaluation data. Unless the parent's agree otherwise, the student must be returned to his or her current placement after ten days while additional assessments are being conducted.

The ARD committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD committee determines that the student's disruptive behavior is related to the disability or inappropriate placement, the student shall not be removed from the instructional setting. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD committee shall review the placement and recommend alternatives. If the

ARD committee determines that the behavior was related to the disability, it shall revise the IEP to address the student's behavior and educational need. Emergency placement not to exceed ten consecutive school days may be considered by the ARD committee while it reviews the student's IEP and educational needs. For a student not previously identified by the District as a student potentially in need of special education, a parental request for an evaluation or due process hearing after a disciplinary removal has commenced does not obligate the District to return the student to the pre-discipline placement. The educational placement that will be subject to the "stay-put" provision will be the disciplinary placement, which shall continue until either the resolution of due process proceedings, completion and consideration of evaluation data by the ARD committee, or expiration of the disciplinary sanction term, whichever may apply.

A student with a disability who has brought a firearm to school may be placed in an interim alternative educational setting for up to 45 calendar days by an ARD meeting. However, if the student's parents initiate a due process hearing and if the parties cannot agree on another placement, the student must remain in that interim placement during the authorized review proceedings. In this situation, the student could remain in the interim alternative education setting for more than 45 calendar days. (For more information, consult Special Education Operating Guidelines available through the Special Education Department.)

Expulsion Appeals

An expelled student may appeal the expulsion decision to the Board of Trustees as provided by policy. The student or student's parent/guardian must submit a written appeal to the Superintendent within seven days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

Definitions

ABUSABLE VOLATILE CHEMICALS: Those substances as defined in Texas Health and Safety Code § 485.001.

ALCOHOLIC BEVERAGE: Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

ARMOR-PIERCING AMMUNITION: Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

ASSAULT: For student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

BODILY INJURY: Physical pain, illness, or impairment of a physical condition.

BULLYING: Written or verbal expression, including electronic communication, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District that exploits an imbalance of power and interferes with a student's education or substantially disrupts the operation of a school, and either (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. See District policy FFI for additional information regarding bullying.

CHEMICAL DISPENSING DEVICE: A device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

CLUB: An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

CONTROLLED SUBSTANCE: Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

CRIMINAL STREET GANG: Three or more persons having a common identifying sign or symbol or an identifiable leadership which continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING: Using any electronic communications device to engage in bullying or intimidation.

DANGEROUS DRUG: Substances as defined in Chapter 483 of the Texas Health and Safety Code.

DEADLY CONDUCT: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

EXPLOSIVE WEAPON: Any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

FALSE ALARM OR REPORT: Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

FIGHTING: Two or more persons engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

FIREARM (Federal law): (1) any weapon, including a starter gun, that will, is designed to, or 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 weapon; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, grenade, missile, rocket, or mine.

FIREARM (State law): Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

GANG: An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

GRAFFITI: Making marks of any kind on the tangible property of another without the effective consent of the owner.

HARASSMENT: Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

HIT LIST: List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

ILLEGAL KNIFE: A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

INDECENT EXPOSURE: Those acts defined in Texas Penal Code § 21.08.

INTENT: The design, resolve, determination, or state of mind with which a person acts, ordinarily proven through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. The fact that a student may not have been motivated by a desire to violate the SCC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

KNIFE: A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

KNUCKLES: Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

PARAPHERNALIA: Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

PERSISTENT: Three or more violations of the SCC or repeated occurrences of the same violation.

POSSESSION: To have in or on: (1) a student's person or in the student's personal property, such

as the student's clothing, purse, or backpack; (2) in any conveyance used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

PROHIBITED WEAPONS: A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, zip gun, or tire deflation device.

PUBLIC LEWDNESS: Those acts defined in Texas Penal Code § 21.07.

REASONABLE BELIEF: A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

RETALIATION: Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime.

SELF-DEFENSE: To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

SERIOUS MISBEHAVIOR: To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07(a)(1).

SEX OFFENDER: A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct prohibited by District policy FFH or FNC that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

SHORT-BARREL FIREARM: A rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun if, as altered, has an overall length of less than 26 inches.

SWITCHBLADE KNIFE: Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or

arm to overcome the bias toward closure and open the knife (also known as one-handed openers or assisted openers).

TELECOMMUNICATIONS DEVICE: Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

TERRORISTIC THREAT: Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

TITLE 5 FELONY OFFENSES: Criminal offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

UNDER THE INFLUENCE: When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

USE: With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

ZIP GUN: A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

Index

Alcoholic beverage	15, 16, 22, 23, 28, 30	Prescription	8, 11, 16
Ammunition	9, 28, 31	Prohibited weapon	22, 23, 31
Appeal	4, 19, 20, 21, 22, 25, 28	Public lewdness	15, 23, 31
Arson	9, 22, 24	Retaliation	4, 21, 31
Assault	13, 15, 16, 17, 22, 23, 24, 28, 32	Robbery	9, 15, 16, 17, 22, 24
Bodily injury	7, 8, 9, 13, 15, 17, 23, 24, 28, 29, 30, 32	Safety	3, 7, 9, 10, 17, 18, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31
Bullying	4, 5, 7, 8, 10, 27, 28, 29, 34	Search	4, 5
Cellular telephone	10	Self-defense	5, 14, 22, 31
Cheating	6, 11	Serious	13, 15, 16, 18, 19, 22, 23, 29, 30, 31, 32
Club	20, 22, 23, 29	Sex offender	4, 16, 17, 19, 20, 21, 31
Controlled substance	15, 16, 22, 23, 29, 30	Sexting	10
Corporal punishment	7	Sexual assault	13, 16, 22, 24, 32
Criminal mischief	9, 15, 18, 23, 24, 31	Sexual harassment	8, 31
Cyberbullying	10, 29	Special education	4, 27, 28
Dangerous drug	15, 16, 22, 23, 29, 30	Stealing	9, 16
Deadly conduct	23, 29, 32	Terroristic threat	15, 17, 21, 24, 32
Extracurricular	3, 4, 6, 20	Title 5	15, 17, 24, 32
False alarm	15, 17, 21, 24, 29	Tobacco	8, 34
Felony	7, 9, 15, 16, 17, 22, 23, 24, 32	Transfer	6, 10, 16, 19, 21, 26
Fighting	7, 29	Transfers	6, 19, 21, 26
Firearm	9, 15, 22, 23, 26, 28, 29, 30, 31, 32	Transportation	3, 4, 6, 7, 11, 12, 13, 20, 31, 32, 34
Fireworks	8	Under the influence	15, 16, 22, 23, 32
Graduation	8, 20	Use	4, 5, 8, 9, 10, 11, 13, 15, 17, 19, 22, 23, 28, 29, 30, 31, 32, 34
Harassment	4, 8, 27, 30, 31, 32	Vandalizing	9
Hazing	8, 16, 23, 30, 31	Withdrawal	4, 21, 26
Hit list	4, 17, 27, 30		
In-school suspension	6, 13, 14, 18, 25		
Indecency with a child	22, 24, 32		
Indecent exposure	15, 23, 30, 31		
Intent	5, 14, 17, 22, 28, 30, 32, 34		
Knife	9, 15, 16, 22, 23, 30, 31, 32		
Knives			
Marijuana	15, 16, 22, 30		
Out-of-school suspension	5, 6, 14, 18, 25		
Paraphernalia	16, 30		
Persistent	17, 19, 28, 30, 31, 34		
Possession	4, 8, 16, 17, 26, 30, 34		

APPENDIX A

Examples of Infractions Regarding Buses			
Level I	Level II	Level III	Level IV
<ul style="list-style-type: none"> • Standing up while bus is moving • Out of assigned seat • Loud voice • Not seated “on pockets” • Gum • Food • Getting on/off at the wrong stop 	<ul style="list-style-type: none"> • Throwing objects on the bus • Arguing/disrespectful toward the bus driver • Profanity • Inappropriate physical contact • Verbal altercation with another student • Persistent Level I offenses 	<ul style="list-style-type: none"> • Profanity directed at the bus driver • Physical altercation: slapping, kicking, hitting, pushing • Throwing objects out of the bus • Throwing items at or near the bus driver • Vandalism to the bus • Any action that necessitates a delay in completing the route • Threats toward a student • Possession of a knife • Bullying • Persistent Level II offenses 	<ul style="list-style-type: none"> • PSUU of drugs, alcohol or tobacco • Assault of a student • Assault of the bus driver • Threats toward the bus driver • Possession of an illegal knife • Persistent Level III offenses

Consequences

	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level I	Driver documents and conferences with student	Driver documents and conferences with student
1st Referral Consequences		
	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level II, 1st Offense	Discipline referral by Transportation to school administration and parent contact by school	Discipline referral by Transportation to school administration and parent contact by school
Level II, Additional Offenses	1 Day Bus Suspension	3 Day Bus Suspension
Level III	3 Day Bus Suspension	5 Day Bus Suspension
Level IV	5 Day Bus Suspension	10 Day Bus Suspension
Second and Third Referral Consequences		
	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level II	3 Day Bus Suspension	5 Day Bus Suspension
Level III	5 Day Bus Suspension	10 Day Bus Suspension
Level IV	10 Day Bus Suspension	15 Day Bus Suspension

*** Severe and repeated infractions may result in immediate and permanent bus removal.

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6H
References: Board Policy CH (Legal)
District Plan Goal 4
Department: Department of Student Affairs

Recommendation

Consideration and possible approval authorizing the Superintendent to execute the Memorandum of Understanding (MOU) for Juvenile Justice Alternative Program (JJAEP) services among Fort Bend ISD (FBISD), Fort Bend County, Stafford MSD (SMSD), and Alief ISD (AISD).

Summary

The Juvenile Justice Department has previously designated FBISD as the educational provider for the Fort Bend County JJAEP. Students are enrolled in the JJAEP through Court ordered or District placement in the program.

As the educational provider, FBISD is responsible for providing four teachers and two aides to serve the students enrolled at the program. Participating member school districts, SMSD and AISD, may reserve up to two seats at the JJAEP at a cost of \$25,000. Additional seats may be made available to the participating districts on a space-available basis, upon their request to FBISD and the Juvenile Probation Department. In the event that the districts do not utilize the facility during the school year, FBISD is required to refund 80 percent of the district's deposit.

During the 2013-14 school year, a total of 72 students were enrolled at the JJAEP. Of those 72 students, one was assigned from Alief and five from Stafford. The remaining 66 students were Fort Bend ISD students.

It is necessary for the Board of Trustees to formally approve the memorandum of understanding among the various districts and the county.

Recommended by:

**Charles E. Dupre
Superintendent of Schools**

Submitted by

**Rhonda McWilliams
Executive Director of Student Affairs**

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6I
References: Board Policy CV (Local)
District Goal 5
Department: Operations

Recommendation

Consideration and approval of construction contracts with TD Industries, Inc. and Automated Logic for repairs to the Lakeview Elementary School HVAC System, and authorization for the Superintendent to execute the agreements.

Summary

The 2007 Bond contains an HVAC controls project at Lakeview Elementary School originally budgeted at \$245,000. The project includes the replacement of poorly functioning HVAC water control valves and the building automation system (BAS). During the 2013-14 school year, the two existing chillers failed, and a new, larger chiller was temporarily installed.

The revised project scope includes replacement of critical HVAC control valves and associated BAS controls, as originally planned, plus an electrical service upgrade to allow full functionality of the new chiller, the demolition of the non-functioning HVAC equipment, the permanent piping of the new chiller, and the removal of asbestos pipe insulation.

Both of the chillers were on the Jacobs Engineering deficiency list and will be removed from the bottom line. The FBISD Facilities Master Plan suggests the selective demolition and rebuilding of the academic portion of Lakeview campus in 2019-20. This proposed work will sustain the HVAC system until a final decision about this campus is made.

Johnston, LLC provided the engineering for the project, which was advertised on May 20, 2014, as Competitive Sealed Proposal (CSP) 14-054KB. The District received three responses. A five person evaluation committee reviewed the proposals and determined TD Industries, Inc. to be the contractor providing the best value to the District, with an estimated construction cost of \$172,616.

This project proposal also includes a recommendation to award a contract in the amount of \$64,050 to Automated Logic, the district's building automation contractor, for the installation of HVAC control devices and control software, collectively referred to as the BAS.

The total estimated project cost is \$277,802, and is summarized in the table below. Amounts under \$50,000 are shown for informational purposes only and do not require Board approval:

Description	Contractor	Total Amount
Mechanical Contractor	TD Industries, Inc.	\$172,616.00
Asbestos Consulting	Terracon Consulting	\$2,436.00
Asbestos Abatement	Cherry Environmental	\$3,300.00
HVAC Test and Balance	Technical Air Balance	\$5,400.00
Building Automation	Automated Logic Corp.	\$64,050.00
Owner's Contingency	FBISD	\$30,000.00
Total Funding Required		\$277,802.00

The current balance in the 2007 Lakeview HVAC Control System Repair budget is \$227,500.00. The remaining \$50,302 needed to complete the project will come from 2007 Bond Contingency.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Max Cleaver
Chief Operations Officer

Tom Cooper, AIA
Director of Design and Construction



CSP Folder Memo

Re: CSP 14-054KB Lakeview Elementary School HVAC Controls Upgrade

The Proposal was advertised on: 05/20/2014 and 5/27/2014

A Pre-Proposal Meeting was held on 05/28/2014 at 10:00 AM CST

Proposals were received and opened on 06/4/2014 at 2:00 PM CST

An Evaluation Committee met on 06/10/2014 at 3:00 PM CST

Evaluating Members:

Design and Construction Staff: Thomas Cooper, Cedrick Winslow, David Moore, and James Caylor

Facilities Staff: Dolf Cuellar (submitted evaluation on behalf of Tim Cox)

Non-Evaluating Members:

Purchasing and Materials Management: Kathleen Booker

The evaluation was based on the following criteria:

	Evaluation Criteria	Point System
1	The purchase price	30 points
2	The vendor's experience	15 points
3	Vendor's references	15 points
4	The quality of vendor's response in the proposal	10 points
5	Vendor's safety record	5 points
6	Vendor's proposed personnel- certifications, qualifications, experience	5 points
7	Assessment of submitted project plan and schedule	10 points
8	Past experience with FBISD and other school districts	5 points
9	Percentage of Bonding capacity expended with the inclusion of this contract	5 points
	TOTAL	100 points

The committee reviewed and evaluated all submissions, and is recommending TDIndustries (Houston, TX) be awarded this project.

Other Supporting Information

Sole Source	No
Number of Vendor Downloads of Proposal	168
Number of Bids Received	3
Number of "No Bids" Responses	1
Number of HUB Vendors Responding	0
Length of Commitment	Completion of project

Vendor	Proposed Price	Purchase Price 30 Points Max	Vendor's experience in similar scope of work 15 Points Max	Vendor's References 15 Points Max	Quality of vendor's response in the proposal 10 Points Max	Vendor's safety record 5 Points Max	Vendor's proposed personnel-certifications, qualifications and experience 5 Points Max	Assessment of submitted project plan and schedule 10 Points Max	Past experience with FBISD and other school districts 5 Points Max	Percentage of bonding capacity expended with the inclusion of this contract 5 Points Max	Total Score	Firm's Ranking Order
TDIndustries	\$172,616.60	25.29	10.60	0.00	7.40	5.00	3.80	7.20	5.00	5.00	69.29	1
Graco Mechanical, Inc.	\$145,500.00	30.00	1.80	5.00	2.00	3.00	0.60	0.00	3.00	5.00	50.40	2
RDI Mechanical	\$162,500.00	26.86	1.40	5.00	2.00	4.00	0.60	0.00	5.00	5.00	49.86	3

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6J
References: Board Policy CV (Legal)
District Goal 5
Department: Operations

Recommendation

Consideration and approval of the Fort Bend ISD Designated Hazardous Traffic Conditions and the adoption of a Designated Hazardous Traffic Conditions Resolution.

Summary

Education Code 42.155 provides for the funding for school districts for the transportation of students who reside two or more miles from a student's campus of regular attendance. Therefore, the district does not receive funding for students living within two miles of the school, unless a hazardous condition exists. The Education Code states that, "A hazardous condition exists where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition."

Due to the growth in FBISD and the completion of several road construction and improvement projects, the annual hazardous traffic conditions assessment has resulted in a recommendation to eliminate several previously identified hazardous conditions and to add one hazardous condition. Staff recommends changes to the Designated Hazardous Traffic Conditions Resolution as outlined in the table on the next page.

Before the new school year begins, the Transportation Department will communicate these changes to the families affected by these changes.

Campus	2013-14 Hazardous Condition	Reason for Change	Proposed 2014-15 Hazardous Condition
Parks Elementary School	Entire attendance zone	<ul style="list-style-type: none"> • Correct typographical error on the Designated Hazardous Conditions document • Community around the campus has walk paths, and has not had bus service for several years 	All areas within two miles of campus north of Trammel-Fresno Road and east of Chimney Rock Road
Baines Middle School	All areas within two miles of campus except Bees Creek, Silver Ridge and neighborhoods west of campus connecting to Sienna Ranch Road	<ul style="list-style-type: none"> • The bridge with a walk path on Sienna Ranch Road is open • Eliminate hazardous area in Bees Creek Heights on Sienna Ranch Road within two miles of campus 	All areas within two miles of campus except Bees Creek and Silver Ridge subdivisions
Dulles Elementary School Dulles Middle School Dulles High School	All areas within two miles of campus along and east of Dulles Ave; South of American Water Canal	<ul style="list-style-type: none"> • Dulles Ave. improvements are complete with walk paths and crosswalks • Eliminate hazardous area in Oaks at Riverbend, Stafford Oaks east of Dulles Avenue, and River Creek Way in Sugar Creek south of campus on west side 	All areas within two miles of campus south of American Water Canal and along Brand Avenue north of Avenue E
Sartartia Middle School	All areas within two miles of campus in New Territory west of Highway 99 and north of Morgan Park	<ul style="list-style-type: none"> • Construction of Grand Pkwy. at New Territory Blvd. is complete and walk path has re-opened • Eliminate hazardous area west of New Territory Blvd. at Grand Pkwy. and north of Morgan Park 	No hazardous areas
Elkins High School	Entire attendance zone	<ul style="list-style-type: none"> • Thompson Ferry Road between Knight Road and LJ Pkwy. is no longer a connector • Eliminate hazardous areas within two miles in Stone Brook and Creekstone Village subdivisions 	All areas within two miles of campus except for Stone Brook and Creekstone Village subdivisions
Quail Valley Middle School	All areas within two miles of campus north of Cartwright	<ul style="list-style-type: none"> • High traffic counts on FM 1092 • Add area west of FM1092 	All areas within two miles of campus north of Cartwright and all areas west of FM 1092

Recommended by:

**Charles E. Dupre
Superintendent of Schools**

Submitted by:

**Max Cleaver
Chief Operations Officer**

**Allen Bassham
Executive Director of Facilities and School Services**

RESOLUTION OF THE
FORT BEND INDEPENDENT SCHOOL DISTRICT BOARD
REGARDING HAZARDOUS TRAFFIC CONDITIONS

WHEREAS, Education Code 42.155(d) allows the Board of Trustees of Fort Bend Independent School District to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school;

WHEREAS, the TEA handbook on School Transportation Allotments requires the Board to adopt language providing the definition of hazardous traffic conditions applicable to the District and identifying the specific hazardous areas for which such funding is requested;

WHEREAS, the Board acknowledges the Education Code 42.155(d) provisions stating that a hazardous condition exists where no walkway is provided and students must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition;

NOW, THEREFORE, be it resolved that:

The Board of Trustees of Fort Bend Independent School District has defined hazardous traffic conditions in the same manner as stated in Education Code 42.155(d) and has identified the following specific hazardous areas in which such conditions exist.

ADOPTED THIS ____ DAY OF JULY 2014.

FORT BEND INDEPENDENT SCHOOL
DISTRICT

By: _____
President, Board of Trustees

Attest: _____
Secretary, Board of Trustees

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6K
References: Board Policy CV (Legal)
District Goal 5
Department: Operations

Recommendation

Consideration and possible approval of an aerial electric easement with CenterPoint Energy for existing electrical power lines near Elementary School 46, and authorization for the Superintendent to execute this easement and future easements related to the project.

Summary

An easement is required because the electric power line is not square relative to the school property and a very short section of the power line is not located within the right-of-way on the northwest corner of the property. CenterPoint Energy requires an unobstructed aerial easement thirty (30) feet wide beginning at a plane sixteen (16) feet above the ground and extending upward. The location is designated as a yellow highlighted area on Sketch No. 13-0059A, which is attached.

Staff anticipates that future easements related to this project may include an electrical easement to bring power to the school building and a landscape easement, if the developer is willing to commit to landscape work.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Max Cleaver
Chief Operations Officer

Tom Cooper, AIA
Director of Design and Construction

AERIAL EASEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND}

THAT, Fort Bend Independent School District, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, its successors and assigns, hereinafter referred to as "Grantee", whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and does by these presents, **GRANT, SELL AND CONVEY** unto said Grantee, all or in part, an exclusive, perpetual aerial easement hereinafter referred to as the "Easement", for electric transmission and distribution lines and communication facilities, consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, hereinafter referred to as "Facilities", located on, over, across, and above a portion of the following described lands owned by Grantor, ("Grantor's Property"), to wit:

That certain 9.634-acre tract or parcel of land out of the Jane Wilkins League, Abstract 96, in Fort Bend County, Texas, being the same property described in a deed from Aliana Development Company to Fort Bend Independent School District, dated July 18, 2007 and filed of record under County Clerk's File 2007090830 in the Official Public Records of Fort Bend County, Texas.

The unobstructed easement area(s) herein granted, hereinafter referred to as the "Easement Area", whether one or more, are described as follows:

An aerial easement thirty (30) feet wide, beginning at a plane sixteen (16) feet above the ground and extending upward, the location of the centerline of which is shown by the double dot-dash symbol on Sketch No. 13-0059A, attached hereto and made a part hereof.

To the extent that such laws and codes apply to Grantor, its successors and assigns, Grantor or its successors and assigns shall observe all safety codes and laws which apply to working along, within and/or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including O.S.H.A., Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code. Grantor, its successors or assigns, is hereby obligated to place National Electrical Safety Code notices into Community Deed Restrictions when the Easement Area falls within residential developments.

Notwithstanding the description of the Easement Area set forth herein, the parties intend that the Easement Area herein granted shall run to the edge of Grantor's Property so that the exteriors of all ground and/or aerial easements herein granted are to intersect with the exteriors of all adjoining easements and/or property lines without creating any gaps between the Easement Area herein granted and any existing easements and/or property lines.

It is expressly stipulated that Grantor, its successors, heirs and assigns, shall not have the right to cause nor permit any structures of whatsoever size, kind and nature, including, but not limited to, antennas or other objects whether temporary or permanent, to be constructed, installed or placed within said Easement Area without the express written consent and approval of Grantee.

The Easement Area herein granted shall be an unobstructed aerial easement with reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area and Grantor's Property immediately adjoining thereto, all

bushes, trees and parts thereof, or other structures or improvements which are within, protrude, bisect, encroach or overhang into said Easement Area and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities.

The Easement Area herein granted shall apply only insofar as the boundaries of the above described property will permit.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXECUTED this _____ day of _____, 20____.

Fort Bend Independent School District

BY: _____
Signature

Charles E. Dupre
Name typed or printed

Superintendent
Title

STATE OF TEXAS }

COUNTY OF _____ }

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, _____ of Fort Bend Independent School District, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (____)he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said School District.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary's Signature

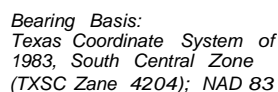
Name typed or printed

Commission Expires

AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700

CHECKED BY: MIO

SKETCH NO. 13-0059



(£ 10' EASEMENT

SHEET 1 OF 2

ANDREW M. CLOPPER
SURVEY A-152

JANE WILKINS
LEAGUE A-96

	ALIANA SEC 15	
	REPLAT NO. 3 AND EXTENSION	
	20120166 P.R.	

ALIANA DEVELOPMENT COMPANY
2012147322 O.P.R.
233.547 ACRES
TRACT D

L=113.80'
(CALL) R=775.00'
11=8'24'49"

Ch Brg=S8'52'54"W
Ch Dist=113.70'

RESERVE "E"

_____ S/D LINE RESERVE "A"

ALIANA SEC 18
20120173 P.R. I--

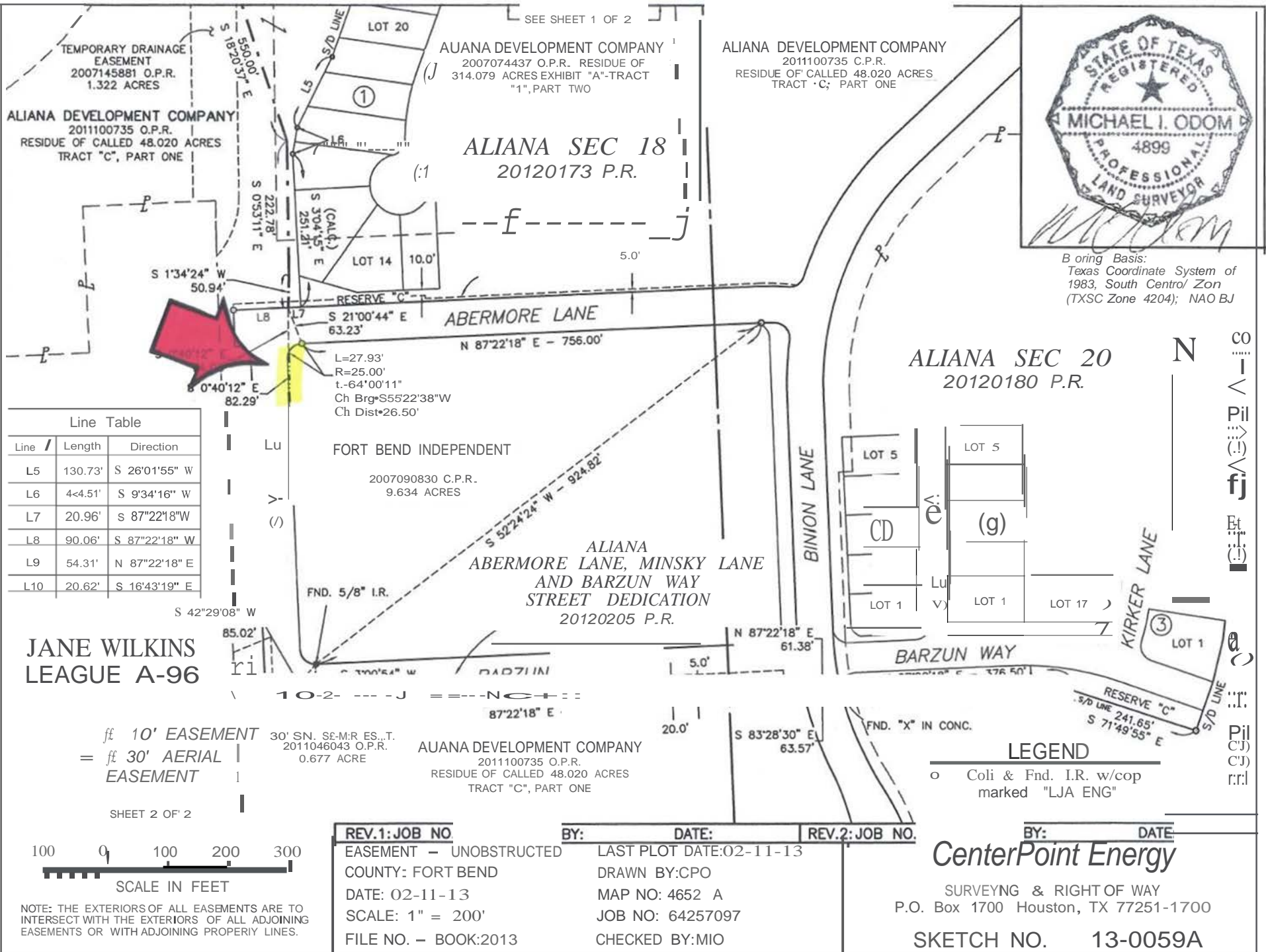
ALIANA DEVELOPMENT COMPAN
2007074437 O.P.R.
RESIDE OF 314.079 ACRES
EXHIBIT "A"-TRACT "1". PART TWO

SEE SHEET 2 OF 2



JESSE H CARTWRIGHT LEAGUE A-16

110



For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6L
References: Board Policy CV (Legal)
District Goal 5
Department: Operations

Recommendation

Consideration and possible approval of a professional services agreement in the amount of \$85,000 to Raba Kistner Consultants for the testing of materials used in the construction of Elementary School 46, and authorization for the Superintendent to execute the agreement.

Summary

The testing of materials and the observation and documentation of jobsite workmanship is required to affirm that the quality and placement of building products meet the standards set forth in the plans and specifications.

Raba Kistner Consultants was approved by the board on October 12, 2009, in a group of professional service providers who are on a rotation list.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Max Cleaver
Chief Operations Officer

Tom Cooper, AIA
Director of Design and Construction

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6M
References: Board Policy CV (Legal)
District Goal 5
Department: Operations

Recommendation

Consideration and possible approval of a professional service agreement in the amount of \$77,985 to Engineered Air Balance Company, Inc. for the test and balance of heating, ventilation, and air conditioning (HVAC) systems installed in Elementary School 46, and authorization for the Superintendent to execute the agreement.

Summary

The HVAC test and balance work includes the testing of all temperature control components and the balancing of all new air handling equipment and circulating water systems throughout the building. The process ensures that the HVAC equipment is installed and operating per the plans and specifications.

Engineered Air Balance Company Inc. was approved by the board on March 5, 2012, in a group of professional service providers who are on a rotation list.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Max Cleaver
Chief Operations Officer

Tom Cooper, AIA
Director of Design and Construction

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6N
References: Board Policy BAA and BBE
District Strategic Plan Goal 1,3, 4
Department: Department of Legal Services

Recommendation

Consideration and possible approval of proposed revisions to local Board Policy.

Summary

TASB Policy Update 99 is the second of two post-legislative updates, focusing primarily on incorporating changes in law from the 83rd Legislative Session that were not included in Update 98 and amendments to the Administrative Code resulting from recent legislation. Local policies included in Update 99 address several topics, such as accreditation, District legal counsel, safety programs, graduation, credit by examination, state assessment, student discrimination and harassment, and public information.

In addition to Update 99, the administration has proposed the revision of certain local policies included herein.

To facilitate an overview of the proposed policy revisions, the policies have been organized into four broad topics: Board of Trustees Issues, Student Issues, Employee Issues, and District Issues.

The local policies for review are as follows:

- **BDD(LOCAL): Board Internal Organization – Attorney**
- **BP(LOCAL): Administrative Regulations**
- **CFEA(LOCAL): Payroll Procedures – Salary Deductions and Reductions**
- **CK(LOCAL): Safety Program/Risk Management**
- **DAC(LOCAL): Employment Objectives – Objective Criteria for Personnel Decisions**
- **DBE(LOCAL): Employment Requirements and Restrictions – Nepotism**
- **DIA(LOCAL): Employee Welfare – Freedom from Discrimination, Harassment, and Retaliation**
- **DK(LOCAL): Assignment and Schedules**
- **EHDC(LOCAL): Alternative Methods for Earning Credit – Credit by Examination Without Prior Instruction**
- **FB(LOCAL): Equal Education Opportunity**
- **FFF(LOCAL): Student Welfare – Student Safety**
- **FFH(LOCAL): Student Welfare – Freedom from Discrimination, Harassment, and Retaliation**

BOARD OF TRUSTEES ISSUES

BDD(LOCAL): Board Internal Organization – Attorney

This policy addresses the District employing in-house counsel and retention of outside counsel. New language requires the District to establish protocols for staff requests for legal advice from the in-house counsel.

BP(LOCAL): Administrative Regulations

This local policy relates to administrative regulations. Proposed revisions clarify that the Superintendent or designee, who is responsible for developing and enforcing procedures, will also resolve any discrepancies among conflicting regulations. The provision requiring an official copy of the administrative regulations to be kept in the Superintendent's office is recommended for deletion since this statement no longer reflects District practice.

STUDENT ISSUES

EHDC(LOCAL): Alternative Methods for Earning Credit – Credit by Examination Without Prior Instruction

This local policy addresses alternative methods for earning credit. HB 2694, SB 1365, and recent State Board rules prompted recommended changes to this policy regarding credit by examination without prior instruction. Because many of the issues previously recommended for inclusion in local policy are now addressed in the rules, proposed deletions include local policy provisions addressing selection of test dates, requests for alternate examinations or test dates, fees, and award of credit. Also included is a recommended deletion of the statement regarding the appeal rights of parents and students, as there is no direct statutory requirement to notify students and parents of this right when defining the District's credit by examination policy. However, a student or parent is not precluded from filing a complaint through FNG(LOCAL).

FB(LOCAL): Equal Education Opportunity

This local policy addresses students' rights to equal opportunity to education and the process used to determine if a student has disabilities and is in need of special education instruction or services. Proposed revisions solely reflect recent personnel changes.

FFF(LOCAL): Student Welfare – Student Safety

This local policy addressing student safety is recommended for deletion, as it is covered under the broad provision of CK(LOCAL).

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

This local policy addresses students' freedom from discrimination, harassment, and retaliation. Proposed changes result from the recommendation by the U.S. Department of Education, Office for Civil Rights (OCR) to clarify that the TITLE IX COORDINATOR also handles reports of gender-based harassment and to require that the District give NOTIFICATION OF THE OUTCOME of an investigation to the relevant parties. Recommended changes at INVESTIGATION OF THE REPORT explain how the District should proceed with its investigation when a criminal or regulatory investigation is occurring at the same time. Proposed revisions at CONCLUDING THE INVESTIGATION clarify that a pending agency investigation could constitute an extenuating circumstance that would prevent the District from completing its investigation within 10 business days. Additionally, revisions reflect recent personnel changes.

EMPLOYEE ISSUES

CFEA(LOCAL): Payroll Procedures – Salary Deductions and Reductions

This local policy addresses payroll procedures for salary deductions and reductions. Deletions are proposed given that many of the provisions listed in the current local policy as optional deductions are included as mandatory deductions in the legal policy. Other employee requests for deductions can be addressed in administrative regulations. Requests for unauthorized leave are addressed in DEC(LOCAL).

DAC(LOCAL): Employment Objectives – Objective Criteria for Personnel Decisions

This local policy addressing objective criteria for personnel decisions is recommended for deletion. The policy was originally required by Civil Order 5281, which is no longer applicable to the District.

DBE(LOCAL): Employment Requirements and Restrictions - Nepotism

This local policy addressing employment requirements and restrictions concerning nepotism is recommended for deletion. Text on supervision of relatives as well as provisions associated with members of an employee's household have been moved to DK(LOCAL).

DIA(LOCAL): Employee Welfare – Freedom from Discrimination, Harassment, and Retaliation

This policy addresses employees' freedom from discrimination, harassment, and retaliation. Proposed revisions solely reflect personnel changes.

DK(LOCAL): Assignment and Schedules

As mentioned above in DBE, it is recommended provisions from DBE associated with the DISTRICT GUIDELINES FOR SUPERVISION OF RELATIVES be moved to this local policy, which addresses assignments and schedules.

DISTRICT ISSUES

CK(LOCAL): Safety Program/Risk Management

This local policy addresses the District's safety program. Recommended language gives broad authority to the Superintendent to develop, implement, and promote comprehensive safety programs to address the safety of all who interact with the District.

Recommended by:

**Charles E. Dupre, Ed.D.
Superintendent of Schools**

**Cynthia Rincón
General Counsel**

BOARD INTERNAL ORGANIZATION
ATTORNEY

BDD
(LOCAL)

IN-HOUSE COUNSEL

The Board shall ~~retain~~employ an attorney or attorneys, as necessary, to serve as the District's ~~legal~~in-house counsel and ~~representatives~~representative in matters requiring legal services. The District shall establish protocols for channeling staff requests for legal advice from the in-house counsel.

OUTSIDE COUNSEL

In accordance with District policy CH (LOCAL), the Board shall retain legal counsel, on majority vote of the Board, for consultation and representation in matters requiring legal services.

In consultation with the Superintendent, the District's in-house counsel may make recommendations to the Board regarding retention of an attorney or attorneys to represent the District in legal matters. Services to be performed and reasonable compensation to be paid by the Board to outside counsel shall be set forth in a written contract between the Board and the attorney or attorneys.

~~In accordance with the written contract, individual Trustees shall channel legal inquiries through the Superintendent or Board designee, as appropriate, when advice or information from the District's legal counsel is sought.~~

~~Staff shall submit requests for legal advice from the District's legal outside counsel shall be submitted through the District's in-house counsel or Superintendent counsel, Superintendent or designee.~~

BOARD COUNSEL

The Board shall retain legal counsel to represent the Board in matters of Board governance and business of the District.

The Board's counsel shall be responsible directly to the Board and shall be selected from the legal firms authorized to provide legal services to the District.

ADMINISTRATIVE REGULATIONS

BP
(LOCAL)

DEVELOPMENT	<p>The Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District. Procedures must be consistent with Board policy and law and shall be designed to promote the achievement of District goals and objectives.</p> <p>These procedures shall constitute the administrative regulations of the District and shall consist of guides<u>guidelines</u>, handbooks, and manuals, forms, as well as<u>and any</u> other documents defining standard operating procedure and designated "Regulations."<u>procedures.</u></p> <p>All<u>The Superintendent or designee shall ensure that</u> administrative regulations shall be under the direction of the Superintendent; variations from defined procedures shall be<u>are kept up to date and are consistent with the prior approval of the Superintendent.</u> Board policy. The Superintendent or designee shall resolve any discrepancies among conflicting administrative regulations. In case of conflict between administrative regulations and policy, policy shall prevail.</p>
<u>NO BOARD ACTION</u>	<p>Administrative regulations are subject to Board review but shall not be adopted by the Board. In case of conflict between the administrative regulations and policy, policy shall prevail.</p>
REVISION	<p>Administrative regulations may be amended at any time by the Superintendent or designated staff, with the prior approval of the Superintendent.</p>
OFFICIAL COPY	<p>The official copy of all documents constituting administrative regulations shall be kept in the Superintendent's office, and the Superintendent or designee shall be responsible for their accuracy. If discrepancies occur among different copies of administrative regulations distributed throughout the District, the official copy shall be regarded as authoritative.</p>
AVAILABILITY	<p>All administrative regulations, including manuals, guides, handbooks, and forms, shall be kept up to date and shall be made accessible to staff, students, and the public as required by the Public Information Chapter of the Government Code. [See GBA]<u>law or Board policy.</u></p>

PAYROLL PROCEDURES
SALARY DEDUCTIONS AND REDUCTIONS

CFEA
(LOCAL)

ADDITIONAL
AMOUNTS

~~In addition to legally required deductions, the Board shall permit voluntary deductions [see CFEA(LEGAL)] for:~~

- ~~1. Approved insurance programs;~~
- ~~2. Annuities/deferred compensation programs;~~
- ~~3. Other cafeteria plan options authorized by the Internal Revenue Service; and~~
- ~~4. Area teachers' credit unions.~~

~~Employees may request additional voluntary salary deductions or change the amount(s) of those deductions in accordance with administrative procedures.~~

STATE SURCHARGE
AMOUNTS

~~An employee who is retired under the Teacher Retirement System (TRS) and who returns to work for the District after August 1, 2011, shall be assessed the TRS pension surcharge and Teacher Retirement Care Employer Surcharge, if applicable.~~

An employee who retired under the Teacher Retirement System (TRS) after September 1, 2005, and who returns to work after August 1, 2011 as a full time employee or who works more than part time hours in any given month, shall be assessed the TRS pension surcharge and the TRS Care Surcharge, if applicable. Surcharges do not apply to substitutes.

EXCESS LEAVE

~~Deductions shall be made for unauthorized or excess personal leave or sick leave. [See DEC]~~

SAFETY PROGRAM/RISK MANAGEMENT

CK
(LOCAL)

COMPREHENSIVE
SAFETY
~~PROGRAM~~PROGRAMS

~~The District shall take every reasonable precaution regarding the safety of its students, employees, visitors, and all others with whom it conducts business. The Superintendent or designee shall be responsible for developing, implementing, and promoting a comprehensive safety program.~~

~~The general areas of responsibility include, but are not limited to, the following:~~

EMERGENCY
STRATEGIES

~~1. Guidelines and procedures for responding to emergencies.~~

LOSS PREVENTION
STRATEGIES

~~2. Program activities intended to reduce the frequency of accident and injury, including:~~

~~a. Inspecting work areas and equipment.~~

~~b. Training frontline and supervisory staff.~~

~~c. Establishing safe work procedures and regulations.~~

~~d. Reporting, investigating, and reviewing accidents.~~

~~e. Promoting responsibility for District property on the part of students, employees, and the community.~~

LOSS CONTROL
STRATEGIES

~~3. Program activities intended to reduce the ultimate cost of accidents and injuries through investigation and documentation.~~

LOSS FINANCING
STRATEGIES

~~4. Program activities that identify and develop prudent methods of financing loss costs on an annual basis, including the purchase of commercial insurance, self-insured retentions, and risk pooling.~~

VEHICULAR SAFETY
STRATEGIES

~~5. Driver education programs, when available.~~

~~6. Vehicle designed to address the safety programs.~~

~~7. Traffic safety programs and studies related to of students, employees, studentsvisitors, and the community.~~

INFORMATION
MANAGEMENT

~~The Superintendent or designee shall be responsible for all others with whom the collection, storage, and analysis of relevant operational and historical data required to develop sound procedures for implementation and operation of the comprehensive safety program~~District conducts its business.

EMPLOYMENT OBJECTIVES
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAC
(LOCAL)

~~The Board establishes the following objective criteria for decisions regarding the hiring, dismissal, reassignment, promotion, and demotion of District personnel. These criteria are not rank-ordered and may be considered in whole or in part in making such decisions.~~

- ~~1. Academic or technical preparation, supported by transcripts.~~
- ~~2. Proper certification for grade level, subject, or assignment, including emergency permits and endorsements for specific subjects, programs, or positions.~~
- ~~3. Experience.~~
- ~~4. Recommendations and references.~~
- ~~5. Appraisals and other performance evaluations.~~
- ~~1. The needs of the District.~~

6.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LOCAL)

DISTRICT GUIDELINES	<p>A person in a supervisory position shall avoid all appearances of impropriety and shall not directly or indirectly supervise a relative or person who resides in the employee's household.</p>
SUPERVISION	<p>An applicant, whether internal or external, shall not be hired by the District in any full-time, part-time, or temporary position when the applicant would directly or indirectly be supervised by, or be supervisory to, a current District employee who is related to the applicant within the third degree of consanguinity or second degree of affinity, as defined by the state nepotism statutes.</p> <p>For the purpose of this policy, direct or indirect supervision exists when the applicant or the current employee would, under an existing policy or procedure, be required to approve an employment action or would have authority over terms or conditions of employment of the other.</p>
EMPLOYEE TRANSFERS	<p>When a person in a supervisory position who would directly or indirectly be supervised by, or be supervisory to, a current employee through marriage or who is related to the supervised employee within the third degree of consanguinity or second degree of affinity, as defined below, one of the parties shall be transferred to another position within the District for which he or she is qualified as soon as such a position is available.</p>
FAILURE TO REPORT	<p>The consequences for an individual who fails to report to the appropriate supervisor a relationship of the first, second, or third degree of consanguinity shall result in discipline up to and including termination.</p>
MEMBERS OF IMMEDIATE FAMILY AND HOUSEHOLD	<p>No employee shall initiate or participate in, directly or indirectly, decisions involving a direct benefit to members of his or her immediate family or household. Household shall include individuals regularly sharing the employee's residence.</p>
DEGREES OF CONSANGUINITY	<p>An individual's relatives within the third degree by consanguinity are the individual's:</p> <ol style="list-style-type: none">1. Parent or child (first degree);2. Brother, sister, grandparent, or grandchild (second degree); and3. Great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree).
AFFINITY WITHIN THE SECOND DEGREE	<p>Affinity refers to a relationship created by marriage. Two individuals are related by affinity if they are married to each other or if the</p>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LOCAL)

~~spouse of one of the individuals is a blood relative of the other. An individual's relatives within the second degree by affinity are:~~

- ~~1. Anyone related by consanguinity to the individual's spouse within the first or second degrees; or~~
- ~~2.1. The spouse of anyone related to the individual by consanguinity within the first or second degrees.~~

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

Note: This policy addresses discrimination, harassment, and retaliation involving District employees. In this policy, the term “employees” includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

HARASSMENT

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

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

RETALIATION

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

PROHIBITED
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

DEFINITION OF
DISTRICT OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

TITLE IX
COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: ~~Beth Martinez~~ Kermit Spears

Position: Chief Human Resources Officer

Address: P.O. Box 1004, Sugar Land, TX 77487-1004

Telephone: (281) 634-1000

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: Beth Martinez <u>Kermit Spears</u></p> <p>Position: Chief Human Resources Officer</p> <p>Address: P.O. Box 1004, Sugar Land, TX 77487-1004</p> <p>Telephone: (281) 634-1000</p>
SUPERINTENDENT	<p>The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.</p>
ALTERNATIVE REPORTING PROCEDURES	<p>An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
TIMELY REPORTING	<p>Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.</p>
NOTICE OF REPORT	<p>Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.</p>
INVESTIGATION OF THE REPORT	<p>The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.</p> <p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p>

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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

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

CONCLUDING THE
INVESTIGATION

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

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

DISTRICT ACTION

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

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

CONFIDENTIALITY

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

APPEAL

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

The complainant may have a right to file a complaint with appropriate state or federal agencies.

RECORDS RETENTION

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

ACCESS TO POLICY

This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

ASSIGNMENT AND SCHEDULES

DK
(LOCAL)

SUPERINTENDENT'S
AUTHORITY

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

Any employee may request reassignment within the District to another position for which he or she is qualified.

DISTRICT GUIDELINES
FOR SUPERVISION OF
RELATIVES

A person in a supervisory position shall avoid all appearances of impropriety and shall not directly or indirectly supervise a relative. For purposes of this policy, a relative shall be defined as described in the nepotism statute. [See DBE(LEGAL) and (EXHIBIT)]

An employee, whether newly hired or considered for a reassignment, shall not be assigned by the District in any full-time, part-time, or temporary position when the employee would directly or indirectly be supervised by, or be supervisory to, a current District employee who is related to the applicant.

Direct or indirect supervision exists when the employee would, under an existing policy or procedure, be required to approve an employment action or would have authority over terms or conditions of employment of the relative.

When a person in a supervisory position who would directly or indirectly be supervised by, or be supervisory to, a relative, one of the parties shall be transferred to another position within the District for which he or she is qualified as soon as such a position is available.

Failure to disclose a relative to the degrees listed in the nepotism statute may result in disciplinary action, up to and including termination.

MEMBERS OF
IMMEDIATE FAMILY
AND HOUSEHOLD

No employee shall initiate or participate in, directly or indirectly, decisions involving a direct benefit to members of his or her immediate family or household. Household shall include individuals regularly sharing the employee's residence.

CAMPUS
ASSIGNMENTS

The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.

ASSIGNMENT AND SCHEDULES

DK
(LOCAL)

SUPPLEMENTAL
DUTIES

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

WORK CALENDARS
AND SCHEDULES

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

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

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LOCAL)

TEST SELECTIONEXAMINATI ONS FOR ACCELERATION OR COURSE CREDIT	The Superintendent or designee shall be responsible for the devel- opment or selection of tests. If a student may use in grades 1–12 wishes to earn course credit or accelerate to the next grade level or earn course credit without having received prior instruction in a course or the grade level. Each examination shall thoroughly test the essential knowledge and skills in the applicable or course or grade level.
TEST DATES	The Superintendent or designee shall establish a schedule of dates, the District shall offer opportunities in accordance with law, when examinations for acceleration shall be administered and shall ensure that the dates are published in appropriate District publica- tions or on the District's Web site.
SPECIAL REQUESTS	The District may deny a parent's or student's request for an alter- native examination or alternative date. If the District grants a re- quest either for an alternative examination or an alternative date, the parent shall purchase an alternative examination from an ap- proved source; and the District shall administer the alternative ex- amination on an alternative date.
FEES	The District shall not charge for an examination for acceleration administered on the published dates.
CREDIT APPROVAL	The Superintendent or designee shall award course credit or ap- prove acceleration on the basis of an examination for acceleration, in accordance with state law and State Board rules.
NOTIFICATION	The District shall send for the student to the parent and the cam- pus an official written notification of the student's score and wheth- er the score meets the state standard for course credit or accelera- tion. A parent may make an appeal, in accordance with FNG(LOCAL), take a Board-approved examination for this purpose. Students must earn the state-mandated score in order to earn course credit or to be promoted to the next grade. Credit given for high school courses will be an un-weighted/regular grade.
KINDERGARTEN ACCELERATION	The <u>In accordance with State Board rules, the</u> Board shall approve procedures developed by the Superintendent or designee to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration may include: <ol style="list-style-type: none">1. Scores on readiness tests or achievement tests that may be administered by appropriate District personnel.2. Recommendation of the kindergarten or preschool the student has attended.

ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC
(LOCAL)

3. ~~Chronological age of five years old by September 1 and enrollment in the District's kindergarten~~ and observed social and emotional development of the student.
4. Other criteria deemed appropriate by the principal and Superintendent.

Students must earn a score of 80 or higher on the district-administered exams.

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

TITLE IX
COORDINATOR

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Philip O'Neal

Position: Director of Athletics

Address: P.O. Box 1004, Sugar Land, TX 77487-1004

Telephone: (281) 634-1000

ADA / SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: ~~Dr. Bob Conlen~~ Lupita Garcia

Position: Executive Director of Federal and Special Programs
~~Student Support Services~~

Address: P.O. Box 1004, Sugar Land, TX 77487-1004

Telephone: (281) 634-1000

SUPERINTENDENT

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

COMPLAINTS

Allegations of unlawful discrimination, prohibited harassment, including sexual harassment, or retaliation shall be made according to FFH(LOCAL).

RECORDS
RETENTION

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

SECTION 504
COMMITTEE

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the

EQUAL EDUCATIONAL OPPORTUNITY

FB
(LOCAL)

	meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.
REFERRALS	A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.
PARENTAL CONSENT	The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.
NOTICE TO PARENTS	Parents shall be given written notice of the District's refusal to evaluate a student or to provide specific aids and services the parents have requested.
PREPLACEMENT EVALUATION	The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.
IMPARTIAL HEARING	Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.
STATE-MANDATED ASSESSMENTS	Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA. [See EKB]

STUDENT WELFARE
STUDENT SAFETY

FFF
(LOCAL)

~~The District shall attempt to ensure student safety through supervision of students in all school buildings, at all school-sponsored events or activities, and on all school grounds through special attention to the following:~~

- ~~1. Maintaining a reasonably safe school environment. [See CK, CLB]~~
- ~~2. Providing for the supervision of all students by appropriate school personnel.~~
- ~~3. Observing safe practices in those areas of instruction or extracurricular activities that offer special hazards. [See CKB]~~
- ~~4. Developing age-appropriate safety programs and activities for students at each grade level.~~
- ~~5. Emphasizing safety education to students enrolled in laboratory courses in science, industrial arts, health, and physical education. [See CK]~~
- ~~6. Providing first aid for students in case of accident or sudden illness. [See FFAC]~~
- ~~7. Annually reviewing the adequacy of emergency procedures at each campus in the District and providing for staff training in such procedures. [See CKC]~~
- ~~8. Implementing appropriate crisis management procedures when emergencies occur. [See CKC]~~

~~The Superintendent and the principals shall develop plans and procedures for acquainting students with safe conduct and behavior in a variety of conditions and circumstances, including play and recreation, fire, severe weather, use of bicycles and automobiles, and use of school transportation. Teachers and administrators shall promote these procedures among students as appropriate.~~

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

Note: This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

STATEMENT OF
NONDISCRIMINATION

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

DISCRIMINATION

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

PROHIBITED
HARASSMENT

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

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

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

SEXUAL HARASSMENT
BY AN EMPLOYEE

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

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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

BY OTHERS

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

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

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

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

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

GENDER-BASED
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

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

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

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

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

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

RETALIATION

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.

EXAMPLES

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

PROHIBITED
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

STUDENT REPORT

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, other District employee, or the appropriate District official listed in this policy.

EMPLOYEE REPORT

Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

DEFINITION OF
DISTRICT
OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

TITLE IX
COORDINATOR

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

Name: Philip O'Neal
Position: Director of Athletics
Address: P.O. Box 1004, Sugar Land, TX 77487-1004
Telephone: (281) 634-1000

ADA /
SECTION 504
COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Dr. Lupita Garcia~~Bob Conlon~~
Position: Executive Director of Federal and Special Programs~~Student Support Services~~
Address: P.O. Box 1004, Sugar Land, TX 77487-1004
Telephone: (281) 634-1000

SUPERINTENDENT

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

ALTERNATIVE
REPORTING
PROCEDURES

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

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

TIMELY REPORTING

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

NOTICE TO PARENTS

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

INVESTIGATION OF
THE REPORT

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

INITIAL
ASSESSMENT

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

conduct as defined by this policy. If so, the District official shall immediately ~~authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.~~ If not, the District official shall refer the complaint for consideration under FFI. except as provided below at CRIMINAL INVESTIGATION.

~~If an investigation is required in accordance with this policy, the District official shall also determine whether~~determines that the allegations, if proven, would not constitute bullying, prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

IF
APPROPRIATE
INTERIM ACTION

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying during prior to the course completion of an the District's investigation.

DISTRICT
INVESTIGATION

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

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

CRIMINAL
INVESTIGATION

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

CONCLUDING THE
INVESTIGATION

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited con-

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

	duct or bullying occurred. The report shall be filed with the District official overseeing the investigation.
<u>NOTIFICATION OF OUTCOME</u>	<u>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</u>
DISTRICT ACTION PROHIBITED CONDUCT	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
CORRECTIVE ACTION	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where harassment <u>prohibited conduct</u> has occurred, and reaffirming the District's policy against discrimination and harassment.
BULLYING	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student <u>or parent</u> who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student <u>or parent</u> shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).
ACCESS TO POLICY AND PROCEDURES	Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH
(LOCAL)

on the District's ~~Web site~~website, to the extent practicable, and readily available at each campus and the District's administrative offices.

For: Fort Bend ISD Board of Trustees
Date: July 14, 2014
Action: Review 6O
References: Board Policy FD (Legal)
District Goal 1 and 5
Department: Department of Student Affairs

Recommendation

Approval of the Texas Education Agency (TEA) waiver to limit the number of foreign exchange students admitted to each high school.

Summary

FBISD provides the opportunity for admission of a foreign exchange student who is supported by a nationally recognized foreign exchange program and placed with a host family residing in the District. TEA allows the District to request a waiver to limit the number of foreign exchange students admitted into the District annually, and may choose any number above zero as the limit. If the limit is less than five per high school, an application must also be submitted for a general waiver, and only in the most compelling circumstances will a waiver request for less than five per high school be considered.

To assure that the admission of foreign exchange students does not create a financial or staffing hardship for the District, diminish the District's ability to provide high quality educational services for the District's domestic students, or require domestic students to compete with foreign exchange students for educational resources, we are seeking approval for a waiver to limit the number of foreign exchange students in each FBISD high school to five. This wavier will be in place for the period of three years.

Recommended by:

Charles E. Dupre
Superintendent of Schools

Submitted by:

Rhonda McWilliams
Executive Director Student Affairs