

## (LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

**Each**~~All~~ District **employee**~~employees~~ shall perform **his or her**~~their~~ duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

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

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

VIOLATIONS OF  
STANDARDS OF  
CONDUCT

**Each employee**~~Employees~~ shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to **his or her**~~their~~ status as **a District em-  
ployee**~~employees~~. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and Web-based applications.

USE WITH  
STUDENTS

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which **an employee**~~employees~~ may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

**Each**~~An~~ employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

PERSONAL USE

**An employee**~~Employees~~ shall be held to the same professional standards in **his or her**~~their~~ public use of electronic media as ~~they~~

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	<p><del>are</del> for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.</p>
SAFETY REQUIREMENTS	<p><del>Each employee</del><del>All employees</del> shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.</p>
HARASSMENT OR ABUSE	<p><del>An employee</del><del>Employees</del> shall not engage in prohibited harassment, including sexual harassment, of:</p> <ol style="list-style-type: none"><li>1. Other employees. [See DIA]</li><li>2. Students. [See FFH; see FFG regarding child abuse and neglect]</li></ol> <p>While acting in the course of <del>their</del> employment, <del>an employee</del><del>employees</del> shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.</p>
RELATIONSHIPS WITH STUDENTS	<p><del>An employee</del><del>Employees</del> shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]</p>
TOBACCO USE	<p><del>An employee</del><del>Employees</del> shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]</p>
ALCOHOL AND DRUGS	<p><del>An employee</del><del>Employees</del> shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"><li>1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.</li><li>2. Alcohol or any alcoholic beverage.</li><li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li><li>4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering <del>drug</del><del>drugs</del>.</li></ol> <p>An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.</p>

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

EXCEPTIONS	An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.
NOTICE	<p>Each employee shall be given a copy of the District's notice regarding drug-free schools. [See D1(EXHIBIT)]</p> <p>A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.</p>
ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS	<p>An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:</p> <ol style="list-style-type: none"><li>1. Crimes involving school property or funds;</li><li>2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;</li><li>3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or</li><li>4. Crimes involving moral turpitude, which include:<ul style="list-style-type: none"><li>• Dishonesty; fraud; deceit; theft; misrepresentation;</li><li>• Deliberate violence;</li><li>• Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;</li><li>• Felony possession <b>or conspiracy to possess, or any misdemeanor or felony</b>, transfer, sale, distribution, or conspiracy to <del>possess</del>, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;</li><li>• <b>Felony driving while intoxicated (DWI); or</b></li><li>• <del>Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or</del></li><li>• Acts constituting abuse <b>or neglect</b> under the Texas Family Code.</li></ul></li></ol>

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

DRESS AND  
GROOMING

**An employee's**The dress and grooming ~~of District employees~~ shall be clean, neat, in a manner appropriate for **his or her assignment**~~their assignments~~, and in accordance with any additional standards established by **his or her supervisor**~~their supervisors~~ and approved by the Superintendent.

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, “instructional resources” refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other **instructional** materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District’s educational program. [See EFAA for **the** selection and adoption **process** of state-adopted **in-****structional materials.**]~~textbooks]~~

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

1. Enrich and support the curriculum, taking into consideration students’ varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

**SELECTION** CRITERIA

In the selection of instructional resources ~~other than textbooks~~, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, and educational significance.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.
4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly.

~~No film that has a rating of PG or more restrictive shall be shown in the classroom unless prior written consent from the parent(s) or guardian(s) has been received. Appropriate alternative activities shall be available for those students whose parent(s) or guardian(s) choose not to allow the student to view the film.~~

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

CONTROVERSIAL  
ISSUES

The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED  
MATERIALS

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL  
RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:∴

1. The principal or ~~designee~~**other knowledgeable professional staff** shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned material.

INSTRUCTIONAL RESOURCES  
INSTRUCTIONAL MATERIALS

EFA  
(LOCAL)

2. The principal or **designee**~~other knowledgeable professional staff~~ shall explain the role the questioned material plays in the educational program, its intended educational usefulness, and any additional information regarding its use.
3. If appropriate, the principal **or designee** may offer a concerned parent **other instructional material**~~another resource~~ to be used by that parent's child in place of the challenged material.
4. If the complainant wishes to make a formal challenge, the principal **or designee** shall provide the complainant a copy of this policy and a Request for Reconsideration of Instructional Materials form [see EFA(EXHIBIT)].

FORMAL  
RECONSIDERATION

All formal objections to instructional resources shall be made on the Request for Reconsideration of Instructional Materials form. The form shall be completed and signed by the complainant and submitted to the principal or designee. Upon receipt of the request, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who either has experience teaching the challenged material or is familiar with the challenged material. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and others deemed appropriate by the principal. ~~The principal shall notify the deputy superintendent who shall be the central administration representative to serve as an ex officio member of the committee.~~

All members of the committee shall review the challenged material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall then prepare a written report. Copies of the report shall be provided to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting **with the appropriate administrator. [See DGBA, FNG, and GF]at Level Two.** The appeal shall contain **documentation**~~a copy~~ of the **informal reconsideration process, if any, the Request for Reconsideration of Instructional Materials form**~~original complaint~~, the reconsideration committee's report, and dates of conferences with the principal or designee.

GUIDING  
PRINCIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources::



1. **A complainant**~~A parent of a District student, any employee, or any District resident~~ may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.
3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.
4. Access to challenged material shall not be restricted during the reconsideration process.

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

ADMISSIONS  
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

FDB  
(LOCAL)

**A student**~~Students~~ shall be assigned to **a school**~~schools~~ in the attendance **area**~~areas~~ in which **he or she resides**~~they reside~~.

CLASS CHANGES      The campus principal shall be authorized to investigate and approve **the transfer**~~transfers~~ of **a student**~~students~~ from one classroom to another on that campus.

TRANSFERS  
BETWEEN SCHOOLS      The Superintendent shall be authorized to investigate and approve transfers between schools.

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**Note:** For **the transfer**~~transfers~~ of **a student**~~students~~ who **is the victim**~~are victims~~ of bullying **or who engaged in bullying**, see FDB(LEGAL). For **the transfer**~~transfers~~ of **a student**~~students~~ who **attends**~~attend~~ a persistently dangerous school, **becomes a victim**~~become victims~~ of a violent criminal offense, or **becomes a victim**~~become victims~~ of sexual assault, see FDE.

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**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.** ~~For provisions regarding bullying, see FFI.~~

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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.**

**GENDER-BASED  
HARASSMENT**

**Gender-based harassment includes physical, verbal, or non-verbal 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.**

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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'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 <b>by a student or District employee</b> against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report <b>of harassment or discrimination</b> , serves as a witness, or <del>otherwise</del> participates in an investigation.
EXAMPLES	<b>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.</b>
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, <b>shall be</b> subject to appropriate <b>disciplinary action</b> <del>discipline</del> .
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	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, <del>or</del> other District employee, <b>or the appropriate District official listed in this policy.</b>
STUDENT REPORT	
EMPLOYEE REPORT	<b>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.</b>  <del>Alternatively, a student may report prohibited conduct directly to one of the District officials below:</del>
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.

College Station ISD  
021901

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

TITLE IX COORDINATOR	<p>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:</p> <p>Name: Greg McIntyre</p> <p>Position: Deputy Superintendent for Instruction, Curriculum, and Personnel</p> <p>Address: 1812 Welsh Avenue, College Station, TX 77840</p> <p>Telephone: (979) 764-5415</p>
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: Catherine George</p> <p>Position: Director of Special Services, Dyslexia, and Section 504</p> <p>Address: 1812 Welsh Avenue, College Station, TX 77840</p> <p>Telephone: (979) 764-5448</p>
SUPERINTENDENT	<p>The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.</p>
ALTERNATIVE REPORTING PROCEDURES	<p>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.</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 <b>immediately</b><del>promptly</del> report may impair the District's ability to investigate and address the prohibited conduct.</p>
NOTICE OF REPORT	<p><del>Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.</del></p>
DATE ISSUED: 3/22/2012	
UPDATE 9394	
FFH(LOCAL)-A*	

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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~~~~insist upon~~, a written report. If a report is made orally, the District official ~~shall~~~~may~~ reduce the report to written form.

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. **If not, the District official shall refer the complaint for consideration under FFI.**

**If an investigation is required in accordance with this policy, the District official shall also determine whether the allegations, if proven, would constitute bullying, as defined by FFI.**

If appropriate, the District ~~shall~~~~may~~ promptly take interim action calculated to ~~address~~~~prevent~~ prohibited conduct **or bullying** during the course of an investigation.

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

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other 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 include a determination of whether prohibited conduct or bullying occurred.** The report shall be filed with the District official overseeing the investigation.

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**



	<p><b>Conduct and may take</b> <del>er</del> corrective action reasonably calculated to address the conduct.</p>
<p><b>CORRECTIVE THE DISTRICT MAY TAKE ACTION</b></p>	<p><b>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 has occurred, and reaffirming the District's policy against discrimination and harassment.</b></p>
<p><b>BULLYING</b></p>	<p><del>If based on</del> the results of an investigation <b>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.</b></p>
<p><b>IMPROPER CONDUCT</b></p>	<p><b>If the investigation reveals improper conduct that, <del>even if the conduct</del> did not rise to the level of prohibited <b>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</b> <del>er-unlawful</del> conduct.</b></p>
<p>CONFIDENTIALITY</p>	<p>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.</p>
<p>APPEAL</p>	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
<p>RECORDS RETENTION</p>	<p>Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).</p>
<p>ACCESS TO POLICY <b>AND PROCEDURES</b></p>	<p>Information regarding this policy <b>and any accompanying procedures</b> shall be distributed annually <del>to District employees and included in the</del> <b>employee and student handbooks.</b> <del>handbook.</del> Copies of the policy <b>and procedures</b> shall be <b>posted on the District's Web site, to the extent practicable, and</b> readily available at each campus and the District's administrative offices.</p>

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

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BULLYING  
PROHIBITED

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

DEFINITION

Bullying occurs when a student or group of students engages in written or verbal expression, **expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:** ~~or physical conduct that:~~

1. **Has the effect or will** ~~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/or~~ pervasive **enough** that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**This conduct is considered bullying if it:**

1. **Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and**
2. **Interferes with a student's education or substantially disrupts the operation of a school.**

EXAMPLES

**Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.**

RETALIATION

**The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, 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.**

<b>FALSE CLAIM</b>	<b>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.</b>
TIMELY REPORTING	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to <b>immediately</b> <del>promptly</del> report may impair the District's ability to investigate and address the prohibited conduct.
REPORTING PROCEDURES <b>STUDENT REPORT</b>	<b>To obtain assistance and intervention, any</b> <del>Any</del> student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. <del>A report may be made orally or in writing.</del>
<b>EMPLOYEE NOTICE OF REPORT</b>	Any District employee who <b>suspects or</b> receives notice that a student <b>or group of students</b> has or may have experienced bullying shall immediately notify the <del>campus</del> principal or designee.
<del>A</del> <b>REPORT FORMAT</b> INVESTIGATION OF REPORT <b>MAY BE</b>	<del>If a report is</del> made orally <b>or in writing. The</b> <del>, the campus</del> principal or designee <b>shall</b> <del>may</del> reduce <b>any oral reports</b> <del>the report</del> to written form.
<b>PROHIBITED CONDUCT</b>	The <del>campus</del> principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, <b>including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct</b> <del>and if so proceed under that policy instead.</del>
<b>INVESTIGATION OF REPORT</b>	The <del>campus</del> principal or designee shall conduct an appropriate investigation based on the allegations in the report. The <del>campus</del> principal or designee <b>shall</b> <del>may</del> promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
CONCLUDING THE INVESTIGATION	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the <b>initial report alleging bullying</b> ; however, the <del>campus</del> principal or designee shall take additional time if necessary to complete a thorough investigation.  The <del>campus</del> principal or designee shall prepare a <b>final</b> , written report of the investigation. <b>The report shall include</b> <del>, including</del> a determination of whether bullying occurred, and <b>if so, whether the</b>

	<p>victim used reasonable self-defense. <del>Send a</del> copy of the report shall be sent to the Superintendent or designee.</p>
<b>NOTICE TO PARENTS</b>	<p>If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.</p>
<b>DISTRICT ACTION</b> <b>BULLYING</b>	<p>If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take <del>or</del> corrective action reasonably calculated to address the conduct. <del>in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]</del></p>
<b>DISCIPLINE</b>	<p>A student who is a victim of bullying and who used reasonable self-defense in response to <del>The District may take action based on</del> the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to <del>results of an investigation, even if</del> the Student Code of Conduct.</p>
<b>CORRECTIVE ACTION</b>	<p>Examples of corrective action may include a training program for <del>District concludes that</del> the individuals involved in the complaint, a comprehensive education program for the school community, 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 bullying has occurred, and reaffirming the District's policy against bullying.</p>
<b>TRANSFERS</b>	<p>The principal or designee shall refer to FDB for transfer provisions.</p>
<b>COUNSELING</b>	<p>The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.</p>
<b>IMPROPER CONDUCT</b>	<p>If the investigation reveals improper conduct that <del>did not rise to the level of</del> prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action <del>bullying under this policy.</del></p>
<b>CONFIDENTIALITY</b>	<p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and</p>

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STUDENT WELFARE  
FREEDOM FROM BULLYING

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witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

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

RECORDS RETENTION

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

ACCESS TO POLICY  
**AND PROCEDURES**

~~This information regarding this~~ policy **and any accompanying procedures** shall be distributed annually ~~to District employees and included~~ in the **employee and student handbooks.**~~handbook.~~ Copies of the policy **and procedures shall be posted on the District's Web site, to the extent practicable, and** shall be readily available at each campus and the District's administrative offices. -

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**ADOPTED:**

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