

THE HOUSTON INDEPENDENT SCHOOL DISTRICT



AGENDA

**Board of Education
Meeting**

November 04, 2021

THE HOUSTON INDEPENDENT SCHOOL DISTRICT
BOARD OF EDUCATION

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MEMBERS OF THE BOARD OF EDUCATION

Dr. Patricia K. Allen, *President*
Holly Maria Flynn Vilaseca, *First Vice President*
Judith Cruz, *Second Vice President*
Kathy Blueford-Daniels, *Secretary*
Dani Hernandez, *Assistant Secretary*
Sue Deigaard
Myrna Guidry
Elizabeth Santos
Anne Sung

Millard House II, *Superintendent of Schools*

BOARD OF EDUCATION AGENDA
November 04, 2021

5:00 p.m.

- **CALL TO ORDER WHEN A QUORUM IS PRESENT**

CLOSED SESSION (IF NECESSARY)

- **ADJOURNMENT TO CLOSED OR EXECUTIVE SESSION PURSUANT TO SECTIONS 551.004, 551.071, 551.072, 551.073, 551.074, 551.076, 551.082, 551.0821, 551.083, 551.084, AND 551.089, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE FOR THE PURPOSES LISTED UNDER SECTION C**

RECONVENE IN OPEN SESSION

- **CONSIDERATION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN CLOSED OR EXECUTIVE SESSION**
- **CONSIDERATION AND APPROVAL OF MINUTES FROM OCTOBER 7, 2021**
- **SPEAKERS TO AGENDA ITEMS**

BUSINESS AGENDA FOR AGENDA REVIEW MEETING

A. SUPERINTENDENT'S PRIORITY ITEMS

- A-1. Approval Of Personal Services Performed By The Superintendent, Including Speaking Engagements, Panel Discussions, Workshops, Etc., In Accordance With Texas Education Code Section 11.201(E)

B. TRUSTEE ITEMS

C. CLOSED SESSION

C-1. Personnel

- a. Deliberate the duties of the superintendent of schools, chief officers, assistant superintendents, principals, employees, chief audit executive, and board members; evaluations of the superintendent and chief audit executive, consideration of compensation, and contractual provisions.
- b. Consider and approve proposed appointments, reassignments, proposed terminations, terminations/suspensions, contract lengths, proposed nonrenewals, renewals, and resignations/retirements of personnel including teachers, assistant principals, principals, including resignation agreements and full and final release for chief officers, assistant superintendents, executive officers, and other administrators, and, if necessary, approve waiver and release and compromise agreements.
- c. Hear complaints against and deliberate the appointment, evaluation and duties of public officers or employees and resolution of same.

- C-2. Legal Matters
- a. Matters on which the district's attorney's duty to the district under the Code of Professional Responsibility clearly conflicts with the Texas Open Meetings Law, including specifically any matter listed on this agenda and meeting notice.
 - b. Pending or contemplated litigation matters and status report.
 - c. Update on federal law enforcement activity on February 27, 2020.
 - d. Legal discussion and advice concerning House Bill 1842 (84th Leg., 2015), Senate Bill 1882 (85th Leg., 2017), and the district's options.
 - e. Legal discussion concerning *Houston ISD v. Texas Education Agency, et al.*, in the 459th Judicial District Court, Travis County, Texas, Cause No. D-1-GN-19-003695.
 - f. Legal Update on Special Education Accreditation Investigation.

C-3. Real Estate

D. DEPUTY SUPERINTENDENT

E. SCHOOL OFFICES

F. ACADEMICS

G. TALENT

H. BUSINESS OPERATIONS

I. FINANCE

J. OTHER

K. POLICY

- K-1. Approval Of Proposed Revisions To Board Policy CAA(LOCAL), *Fiscal Management Goals And Objectives: Financial Ethics*—First Reading - *Revised*
- Explanatory Sheet - *Revised*
 - CAA(LOCAL), First Reading - *Revised*
- K-2. Approval Of Proposed Revisions To Board Policy CLB(LOCAL), *Buildings, Grounds, And Equipment Management: Maintenance*—First Reading
- CLB(LOCAL), First Reading

- K-3. Approval Of Proposed Revisions To Board Policy EEH(LOCAL), *Instructional Arrangements: Homebound Instruction*—First Reading
- Explanatory Sheet
 - EEH(LOCAL), First Reading
- K-4. Approval Of Proposed Revisions To Board Policy FDE(LOCAL), *Admissions: School Safety Transfers*—First Reading
- Explanatory Sheet
 - FDE(LOCAL), First Reading - *Revised*
- K-5. Approval Of Proposed Revisions To Board Policy FEA(LOCAL), *Attendance: Compulsory Attendance*—First Reading
- Explanatory Sheet
 - FEA(LOCAL), First Reading
- K-6. Approval Of Proposed Revisions To Board Policy FNF(LOCAL), *Student Rights And Responsibilities: Interrogations And Searches*—First Reading
- Explanatory Sheet
 - FNF(LOCAL), First Reading
- K-7. Approval Of Proposed Revisions To Board Policy GKA(LOCAL), *Community Relations: Conduct On School Premises*—First Reading
- Explanatory Sheet
 - GKA(LOCAL), First Reading

L. SUPERINTENDENT'S INFORMATION ITEMS

AGENDA REVIEW FOR REGULAR BOARD MEETING

Review of superintendent's agenda items to be presented to the Board of Education at the board's next business meeting. See the agenda for that meeting.

ADJOURN

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of Ethics and Compliance
Garland Blackwell, Chief Audit Executive

**SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY
CAA(LOCAL), FISCAL MANAGEMENT GOALS AND OBJECTIVES:
FINANCIAL ETHICS—FIRST READING**

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy CAA(LOCAL), *Fiscal Management Goals And Objectives: Financial Ethics* to accept a change recommended by the Texas Association of School Boards (TASB) regarding reports of suspected impropriety. Updates are also recommended to align the policy with changes in Federal Communications Commission (FCC) and Universal Service Administrative Company (USAC) rules regarding E-Rate, and to reflect that the HISD AlertLine is now called the Ethics Hotline where any district-related crime can be reported, not just crimes occurring at a school.

The proposed changes are shown in the attached revised Board Policy CAA(LOCAL).

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to CAA(LOCAL), *Fiscal Management Goals And Objectives: Financial Ethics*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
CAA(LOCAL)	Fiscal Management Goals And Objectives	Financial Ethics
INITIATED BY: Texas Association of School Boards (TASB); Ethics and Compliance		
TYPE OF REVISION: Update		
APPLICABILITY: This policy update applies to all board members and E-Rate personnel.		
<p>BACKGROUND:</p> <p>TASB recommended a change to clarify that reports of suspected impropriety may be made to a person who has authority to investigate the alleged activity, in addition to the other individuals listed in the policy, which aligns the district's policy with Education Code 37.148.</p> <p>The district administration recommends updates to align with changes in Federal Communications Commission (FCC) and Universal Service Administrative Company (USAC) rules, and to reflect that the Houston Independent School District AlertLine is now called the Ethics Hotline <u>where any district-related crimes can be reported, not just crimes occurring at a school.</u></p> <p>Noteworthy edits made:</p> <ul style="list-style-type: none"> • <i>E-Rate Employees</i> is now <i>E-Rate Personnel</i>. • Within the <i>E-Rate Personnel</i> sub-section, “technology plans” was removed since this is no longer required by FCC nor USAC. • In Section III: Ethics and Compliance Program and E-Rate Compliance, added references to “agents,” “any affiliates,” “or designee,” etc. • The <i>E-Rate Goods and Services</i> sub-section was moved to <i>Section IV Standard Bidding and Contracting</i> where it makes more sense. • <i>E-Rate Code of Silence Period</i> was removed as all Code of Silence is in <i>Section IV Standard Bidding and Contracting</i> now. • Removed reference to “USAC whistleblower hotline” as it is the “Ethics Hotline”. • <i>Education and Training</i> was changed to <i>Education / Training</i> since neither is required by the FCC or USAC and we can educate our employees effectively on current requirements more efficiently and cost effectively by means that do not require an online course. Thus, we also removed the reference requiring employees to certify they attended the training. • <i>Annual Audit</i> was updated to <i>Periodic Audit</i> since an annual audit is not required by the FCC or USAC. • Formatting updated for consistency (capitalization, names of departments, committees, etc.). 		
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY: None		
ADMINISTRATIVE PROCEDURES REQUIRED: Administrative regulations will be revised in accordance with changes to policy.		

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Section I: General Provisions

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

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

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

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**Section II: Fraud and
Financial Impropriety**

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

Definition

Fraud is defined as a knowing or intentional misrepresentation or knowing or intentional concealment or omission of a material fact made to induce another to act to his or her detriment. Fraud and financial impropriety shall include, but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using District property, including but not limited to records, furniture, fixtures, or equipment, except as authorized by District policy.
10. Failure to provide financial records required by state or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Submission of any document or record known to be false or altered with the intent of having it accepted as a genuine record.

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~~11-13. Intentionally destroying, concealing, removing, or otherwise impairing the verity, legibility, or availability of documents or records.~~

~~12-14. Any other dishonest or fraudulent act regarding the finances of the District.~~

~~13-15. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.~~

Financial Controls
and Oversight

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

Fraud Prevention

The Superintendent ~~or designee or designee~~ shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District. [See BJA(LOCAL)]

Reports

Any ~~person-employee~~ who ~~knows or~~ suspects fraud or financial impropriety in the District, ~~or who witnesses a District-related crime at the school~~ may report the fraud, financial impropriety, or crime to ~~any of~~ shall do one of the following:

~~1. Any peace officer with authority to investigate the crime;~~

~~1-2. Report the incidents to the chief audit executive;~~

~~2-3. Report the suspicions immediately to Any supervisor;~~

~~3-4. Call the District's 24-hour Alertline Ethics Hotline;~~

~~4. Call the District's 24-hour E-Rate whistleblower hotline; or~~

~~5. Report the suspicions to the Superintendent or designee or designee.~~

~~5-6. Report the suspicions to aAny person with authority to investigate the suspicions.~~

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential with the exception that any employee represented by a lawyer or other designated representative for purposes of the investigation may share information in furtherance of that representation with their lawyer or designated representative.

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<i>Protection from Retaliation</i>	Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud, or financial impropriety, or crime . [See DG]
Fraud Investigations	In coordination with the District's General Counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or the chief audit executive shall promptly investigate reports of potential fraud or financial impropriety.
	<u>The Superintendent shall assign allegations to an appropriate investigative unit. Generally, criminal allegations, not including fraud or financial impropriety, shall be assigned to Houston ISD Police, and allegations of fraud and financial impropriety shall be assigned to the Office of Ethics and Compliance or the Office of Internal Audit, depending on the nature and severity of the allegations.</u>
	<u>Each investigative unit shall conduct and/or coordinate all investigations assigned to it. The investigative unit shall coordinate with the District's General Counsel, and other internal or external departments or agencies, on investigations, as appropriate.</u>
Response	If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.
	If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee or designee shall take or recommend appropriate disciplinary action, which may include termination of employment.
	If a contractor, vendor, consultant, volunteer, or other party involved in the District's financial transactions is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with that party.
	When circumstances warrant, the Board, or Superintendent, or designee or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.
	The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

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Federal Awards
Disclosure

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

Analysis of Fraud

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

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**Section III: Ethics
and Compliance
Program and E-Rate
Compliance**

The Superintendent ~~or designee~~ or designee shall establish a system of internal controls that ensures high-level management oversight and appropriate review of all District Ethics and Compliance activities and E-Rate ~~P~~program activities.

Definitions

E-Rate

~~As defined by the Telecommunications Act of 1996,~~ E-Rate is the commonly used name for the Schools and Libraries Program of the Universal Service Fund. ~~The E-Rate program,~~ which is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission (FCC). The E-Rate program provides discounts to assist schools and libraries to obtain affordable internet access, telecommunications, internal connections, and internet access related equipment.

E-Rate

~~Employee Personnel~~

~~An E-Rate employee personnel is defined as includes:~~

- All District officers, Board members, and employees involved in any aspect of the E-Rate ~~P~~program.
- Contractors (except for service providers that provide E-Rate-supported services to the District), consultants, agents, and other entities and individuals involved on behalf of the District with the E-Rate ~~P~~program, including individuals who:
 - Prepare, review, approve, sign, or submit E-Rate applications, technology plans, or other forms related to the E-Rate ~~P~~program, or
 - Determine whether services are eligible for funding, prepare bids, or communicate or work with E-Rate service providers, E-Rate consultants, or USAC.
- Office of Internal Audit staff members responsible for auditing and monitoring the District's compliance with E-Rate ~~P~~program rules.

*E-Rate Vendor /
Service Provider*

An E-Rate vendor/service provider is defined as any external entity or individual, and any affiliates, involved in any aspect of the District's E-Rate ~~P~~program, including, but not limited to:

- A pParent companies;
- Subsidiary companies;
- Joint ventures;
- Resellers;
- Consultants/contractors of the above entities;
- Board members/officers/owners of the above entities; and

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- Employees/representatives/salespersons of the above entities.

~~E-Rate Goods and Services~~

~~The Superintendent or designee shall establish procedures to ensure that the competitive bidding process for E-Rate goods and services is "fair and open," and consistent with the rules and requirements of the FCC.~~

Gifts and Conflicts of Interest

~~The implication from the appearance of a conflict of interest is just as important as the implication from a real conflict. If an outside independent party might question the intent of a transaction or relationship, such transaction or relationship is deemed to impact create the appearance of a conflict and therefore should be avoided.~~

~~E-Rate Program employees and Board members personnel are prohibited from accepting gifts, meals, entertainment, or anything of value from any outside entity, or any consultant or other individual representing such an entity that provides or seeks to provide goods or services pursuant to the E-Rate Program, either directly or through any entity associated with the E-Rate vendor/service provider. An exception applies for items of *de minimus* intrinsic value, such as single greeting cards, basic key chains, and basic pens.~~

~~Where an E-Rate vendor/service provider ignores the E-Rate employee or Board member personnel's rejection of a gift, entertainment, or anything of value, or if the item was accepted by mistake, such items shall either be immediately returned to the vendor with an explanation that such items are not allowed pursuant to District policy or immediately submitted to the Office of Ethics and Compliance Office for proper disposal or donation to a charitable entity as determined by the Superintendent or designee or designee. The Office of Ethics and Compliance Office shall log the details of such occurrences, including the disposition of the items. E-Rate employees and Board members personnel shall report to the Office of Ethics and Compliance Office all cases where gifts, entertainment, or other items of value have been offered by an E-Rate vendor/service provider. The Office of Ethics and Compliance Office shall take the appropriate steps to log the details of such occurrences, including any disposition of items, and communicate the District's policy to such E-Rate vendor or service provider. In addition, the ethics and compliance officer shall request such vendor or service provider certify his or her understanding of the District's policy or risk exclusion from the District's E-Rate Program.~~

~~Specific language asserting the District's policy shall be included in all E-Rate related procurement documents and contracts. The Ethics and Compliance Officer shall coordinate with the District's Legal~~

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~~Services and Procurement departments to incorporate specific language asserting the District's policy in future E-Rate Requests for Proposals (RFP) and contracts, and communicate such to all E-Rate participants.~~

Any questions regarding gifts and conflicts of interests should be communicated to the Office of Ethics and Compliance ~~Office or E-Rate~~ or the District's Ethics hHotline at (800) ~~483-2757~~455-9551.

Campaign Receipts
and Business
Relationships

Board members shall not knowingly accept campaign contributions from, or have a business relationship with, E-Rate vendors/service providers or individuals or entities seeking to provide goods or services pursuant to the E-Rate program, including related officers and/or key employees, as defined above. "Business relationship" is defined as a Board member's acceptance or receipt of amounts in excess of \$2,000 in a single calendar year in the course of any business dealings with an E-Rate vendor.

In the event that monetary contributions from E-Rate vendors/service providers are made to a Board member, that Board member shall be prohibited from voting on specific E-Rate contracts for three years if:

- Cumulative funds in excess of \$500 in campaign contributions in a 365-day period are received from an E-Rate vendor/service provider taken as a whole, or
- Cumulative funds in excess of \$2,000 in a single calendar year in the course of any business relationship are received from an E-Rate vendor/service provider taken as a whole.

Monitoring
Campaign Receipts

Board members shall submit copies of each potential campaign contribution to Board Services prior to formal acceptance of or cashing such funds. Submissions shall be made within seven business days of check donation date, or prior to any vote on any related contracts for contributions from known E-Rate vendors/service providers, whichever occurs first. Board Services and the Office of Ethics and Compliance ~~Office~~ shall research the items within 15 business days of receipt by the District to identify contributions from sources that require monitoring. All such contributions provided to Board Services shall be logged by the Office of Ethics and Compliance ~~Office~~ and their final disposition noted. Where the contributor is determined to be an E-Rate vendor/service provider, the ethics and compliance officer shall prepare a report on a calendar-year basis of the cumulative amounts for each respective E-Rate vendor/service provider taken as a whole. Upon completion of the research, the Office of Ethics and Compliance ~~Office~~ shall provide the results to the respective Board member and chief audit executive. The Board members shall have the final authority to reject

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or accept each contribution. Once the \$500 threshold is reached, the ethics and compliance officer shall inform the Superintendent and the President of the Board of Education that the maximum campaign receipt limit has been reached and the Board member is no longer eligible to vote on any contract with such E-Rate vendor/service provider for a three-year period from the date the maximum campaign contribution was dated, not deposited. Such action shall be reported in an abstention listing and provided to all Board members.

Monitoring Business Relationships

Board members shall report details of any business relationship with E-Rate vendors/service providers to the Office of Ethics and Compliance-Office. Details shall include company or related officer and/or key employee's name, date(s) of business transaction(s), and dollar amount(s). Report of such shall be made within seven business days of transaction date, or prior to any vote on any related contracts with known E-Rate vendors/service providers, whichever occurs first. All such reports provided to the Office of Ethics and Compliance-Office shall be logged, and cumulative transaction amounts for each respective E-Rate vendor/service provider taken as a whole shall be prepared on a calendar-year basis. The Office of Ethics and Compliance-Office shall provide a copy of the cumulative transaction report to the respective Board member and the chief audit executive. Once transactions from an E-Rate vendor/service provider to a Board member reach a total of \$2,000 in a single calendar year, the Office of Ethics and Compliance-Office shall inform the Superintendent and the President of the Board of Education that the annual maximum limit has been reached and the Board member is no longer eligible to vote on any contract with such E-Rate vendor/service provider for a three-year period from the date the maximum amount was reached as determined by transaction date, not deposit date. Such action shall be reported in an abstention listing and provided to all Board members.

Any questions regarding campaign receipts and business relationships should be communicated to the Office of Ethics and Compliance-Office or the E-Rate Ethics hHotline.

Audit Responsibility

The chief audit executive shall consider campaign receipts and business relationships in his or her routine risk assessment for inclusion in the annual internal audit plan, where appropriate.

Disclosure of Interest

Board members shall complete the District's Disclosure of Interest Form covering E-Rate matters on January 15 and July 15 of each year. The January report covers the period July 1–December 31 of the previous year and the July report covers the period January 1–June 30 of the current year. The Disclosure of Interest Form shall

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be submitted to Board Services, which will distribute to the ethics and compliance officer for review and any necessary follow-up. This form shall be retained by Board Services. [See CAA(EX-HIBIT)]

E-Rate "Code of Silence" Period

E-Rate Program employees and Board members, to the best of their knowledge, shall not communicate with any E-Rate vendor/service provider, related officers, and/or key employees for a 30-day calendar period prior to the issuance of a RFP. Once an RFP is issued and until contract execution, E-Rate Program employees and Board members shall not communicate with any E-Rate vendor/service provider except for certain limited conditions allowed to the Procurement Department as provided by the E-Rate Program Rules and Requirements. The "Code of Silence" shall not apply to communications regarding existing E-Rate contracts or day-to-day operational matters.

Monitoring and Compliance Review

The Superintendent ~~or designee~~ or designee shall establish a system of internal monitoring and compliance review, including the steps to be taken if any person suspects that:

1. Any bid, proposal, or submission for E-Rate funding or other E-Rate ~~P~~program-related conduct is not in accordance with the District's E-Rate compliance policy; Board policy; with District-approved procurement procedures; local, state, or federal competitive bid statutes; other applicable laws, regulations, and procedures; or with E-Rate ~~P~~program ~~R~~rules and ~~R~~requirements;
2. Any gifts or other items of value have been offered or received by any party associated with, seeking to participate in, or otherwise involved in the District's E-Rate ~~P~~program; or
3. The District or any of its E-Rate vendors have improperly requested payment for goods or services not provided, or has overcharged for E-Rate goods and services.

As part of its monitoring and compliance review, ~~a USAC whistleblower~~ the District's Ethics hHotline shall be publicized to allow anonymous reports of known, alleged, or suspected ~~E-Rate non-compliance~~. The hotline shall be monitored by the ~~Office of Internal Audit~~, and investigation results shall be reported to the ~~Office of Ethics and Compliance~~ Office and Superintendent in a timely manner.

Education and Training

The Superintendent ~~or designee~~ or designee shall require education ~~and or~~ training for all E-Rate ~~P~~program ~~employees~~ personnel.

The District ~~training~~ shall consider the following sources:

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1. Training materials available from USAC;
2. Information about E-Rate Program rules (as periodically updated) typically found in the USAC Weekly Newsletter;
3. The District's E-Rate Compliance policy;
4. Applicable federal, state, and local procurement laws;
5. The District's Conflict of Interest and Gift policies and the prohibition on gifts and other things of value;
6. E-Rate Program rules regarding submission of invoices to USAC;
7. Commission rules and orders requiring a fair and open competitive bidding process; and
8. Consequences of noncompliance with E-Rate Program rules and requirements, including cancellation of commitments, recoupment of disbursed E-Rate funds, suspension and debarment from the E-Rate Program, criminal and civil prosecution, and appropriate disciplinary action, which may include termination of employment.

As part of the E-Rate training program, the Superintendent or designee or designee shall require that the appropriate District representatives responsible for ensuring compliance with the E-Rate Program rules and requirements and the E-Rate compliance program attend participate in the applicant training provided annually by USAC.

The District shall require all E-Rate Program employees to certify that they have attended the annual District training, and the Ethics and Compliance Officer shall retain the certifications for ten years thereafter.

Compliance Officer

A high-level District employee shall serve as the Ethics and Compliance Officer, who shall:

- Maintain and enforce the E-Rate Compliance, Policy and Ethics and Compliance Program.
- Report directly to the Chief Audit Executive.
- Have experience or obtain the necessary training in substantive areas, including procurement.

The Ethics and Compliance Officer and any employees under his or her their immediate supervision shall not be affiliated with or compensated by any service provider, consultant, or other outside

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

entity with whom the District does business related to the E-Rate Program.

~~Annual-Periodic~~
Audit

The Board shall direct the chief audit executive to include within ~~his~~ ~~or her~~ ~~their~~ annual scope of work a periodic enterprise risk assessment and audit plan. The District may hire a third-party auditor to perform any required audits.

FISCAL MANAGEMENT GOALS AND OBJECTIVES
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(LOCAL)

Section IV: Standard Bidding and Contracting

The Superintendent shall establish procedures to ensure that the competitive bidding process for E-Rate goods and services is fair and open, and consistent with the rules and requirements of the FCC.

Code of Silence—
Purpose

The District shall implement a Code of Silence to enforce its commitment to ethical contracting standards and improve accountability and public confidence.

*Vendor Relationships—
Conflicts of Interest*

It is important to avoid both the appearance of conflicts and actual conflicts of interest. The ~~implication from the~~ appearance of a conflict of interest is just as important as ~~the implication from~~ a real conflict. If an outside independent party might question the intent of a transaction or relationship, such transaction or relationship is deemed to create impact the appearance of a conflict and therefore, should be avoided. Circumstances related to an appearance of conflict include those that would cause a reasonable and informed third party, having knowledge of the relevant information, to reasonably conclude that a Board member or administrator has compromised objectivity related to a vendor relationship. [See BBFA]

Procurement Methods

For purposes of this policy, “vendor’s representative” shall mean an employee, partner, director, Board member or officer of a potential vendor or consultant, lobbyist, actual or potential subcontractor of a vendor, or any other individual or for-profit or nonprofit organization acting through or on behalf of any person seeking an award or on behalf of a group of interested individuals or members.

Texas Education Code Section 44.031 allows for the purchase of goods and services through one of the following methods:

- Competitive bidding for services other than construction services;
- Competitive sealed proposals for services other than construction services;
- An interlocal agreement;
- A request for proposals for services other than construction services;
- or Aa method provided by Government Code Chapter 2269 for construction services;
- The reverse auction procedure as defined by Section 21.55062(d); or
- The formation of a political subdivision incorporated under Section 304.001, Local Government Code

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FINANCIAL ETHICS

CAA
(LOCAL)

- ~~Any other procurement method authorized by state law.~~

Applicability

The Code of Silence period applies to the acquisition of goods or services using the procurement methods identified above, ~~as well as renewal periods for contracts previously awarded by the Board of Education with multiple one-year renewal options.~~

“Code of Silence” shall mean a prohibition on any communication regarding any request for proposals (RFP), bid, or other competitive solicitation (as defined in the procurement methods above) between:

1. Any person who seeks an award from the District or its affiliated entities (including, but not limited to, the HISD Foundation and the HISD Public Facility Corporation), including a potential vendor or vendor’s representative; and
2. A Board member, the Superintendent, senior staff member, principal, department head, director, manager, or other District representative who has influence in the evaluation or selection process.

Furthermore, campaign contributions, gifts, donations, and any other items of value are prohibited between the parties defined above for any known contract under consideration during the Code of Silence period.

Also, candidates who have filed for election to the Board of Education are subject to these limitations after the date on which the candidate has filed for office. HISD shall review historical campaign finance reports to identify campaign contributions for the applicable period and hold newly elected Board members accountable as existing Board members during the Code of Silence period.

Exception

The Code of Silence shall not apply to communication with the District’s ~~attorneys, general counsel, finance attorney, procurement project manager, general manager of procurement, general manager of business assistance, Purchasing Services staff, supplier diversity specialists staff, controller, assistant controller, or chief financial officer,~~ who are not serving on the particular Procurement Project Evaluation Committee; or the Office of Internal Audit or employees reporting to the chief audit executive. Such communications shall be limited to the purpose of obtaining clarification or information concerning the subject solicitation. An exception also applies to the Audit Committee of the Board of Education, other specific members of the Board of Education for the purposes of the selection of external auditors or the Board’s legal counsel, and any other specific circumstances approved by the Board of Education.

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

Time Period

The Code of Silence time period shall begin upon the issuance of an RFP, bid, or other competitive solicitation (as defined under Procurement Method, above) and shall officially end ~~upon the day after~~ approval of the awarded contract by the Board of Education at an appropriately called meeting. Even after the Code of Silence has ended, at no time after the approval of an RFP, bid, or other competitive solicitation (as defined under Procurement Method, above) by the Board of Education shall a vendor, potential vendor, or District employee attempt to improperly influence the negotiations of any contract that has been properly awarded in the appropriately called meeting.

A weekly e-mail notification regarding the Code of Silence shall be sent to the Board of Education, Superintendent, senior staff member, department head, director, manager, or any other District representative who has influence in the evaluation or selection process for each RFP, ~~RFP renewal~~, bid, or other competitive solicitation (as defined under Procurement Method, above), and the Code of Silence shall remain in effect until the approval by the Board of Education as stated above. The Office of Finance shall also provide public notice on the District's website at the same time the e-mail notification is sent.

Regardless of the above time period, it is not acceptable for a potential vendor to participate in determining the scope of work, strategic direction, technical specifications, or evaluation criteria of such projects.

Nothing contained in this policy shall prohibit any potential vendor or vendor's representative from:

1. Making public representations at scheduled pre-bid conferences or scheduled selection and negotiation committee meetings;
2. Engaging in contract negotiations during any scheduled meeting;
3. Making a public presentation to the Board during any duly noticed public meeting; or
4. Conducting business on contracts previously executed and currently in force.

The potential vendor or vendor's representative shall send all written communication directly to the designated ~~procurement~~ Purchasing Services representative.

Nothing in this policy shall prohibit the ~~Procurement Evaluation~~ Committee's representative, who shall be an employee from the

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

~~Procurement Office Purchasing Services Department, from initiating a contacting and communicating with a potential vendor or vendor's representative and subsequent communication related thereto~~ for the purposes of obtaining further clarifying information regarding a response to an RFP, bid, or competitive solicitation. Such contact shall be in writing and shall be provided to the members of the applicable ~~Procurement Evaluation~~ Committee, including any response thereto.

Violation

Any suspected violation of this policy shall be investigated by the ~~C~~ Chief Audit Executive, in consultation with the ~~G~~ General Counsel, Board ~~C~~ Counsel, and/or a contracted outside law firm. The investigation may result in the District deeming as void or voidable:

1. Any RFP, bid, or other competitive solicitation award;
2. Any bid award to the potential vendor or the vendor's representative; and
3. Any vendor's contract.

The potential vendor or vendor's representative determined to have violated this rule shall be subject to debarment from bidding and contracting activities regarding current and future projects for a period of up to two calendar years (24 months). In addition to any other penalty provided by law, violation of this rule by a District employee shall subject the employee to disciplinary action up to and including dismissal. Board members and candidates who have filed for election to the Board; who have violated the Code of Silence; and/or who have received campaign contributions, gifts, donations, or any other items of value from such vendor's representatives during the Code of Silence shall abstain from voting on such matters for a period of up to two calendar years (24 months).

In the event that a Board member or candidate unknowingly accepts a campaign contribution, gift, donation, or any other item of value from a vendor's representative during the Code of Silence, the Board member or candidate shall return the contribution within ten days after becoming aware of the conflict with this policy.

Formal Complaints

This policy is not intended to prohibit contractors and their representatives from issuing formal complaints or concerns about potential conflicts of interest during the Code of Silence. Such concerns should be communicated to the chief audit executive.

Effective Date

This policy shall be effective as of the adoption date, ~~February 9, 2018~~ November 12, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of Business Operations
Wanda Paul, Chief Operating Officer

**SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY
CLB(LOCAL), BUILDINGS, GROUNDS, AND EQUIPMENT
MANAGEMENT: MAINTENANCE—FIRST READING**

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves proposed revisions to Board Policy CLB(LOCAL), *Buildings, Grounds, And Equipment Management: Maintenance*, as recommended by the Texas Association of School Boards and the HISD administration.

Changes are recommended to ensure this policy aligns with revised state rules on integrated pest management (IPM) programs. Suggested revisions include references to updated laws, a definition of the IPM program, a requirement for the superintendent of schools to designate an IPM coordinator, and a No Unauthorized Application statement.

A copy of the revised Board Policy CLB(LOCAL) is attached.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to all five core initiatives.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to Board Policy CLB(LOCAL), *Buildings, Grounds, And Equipment Management: Maintenance*, on first reading, effective November 5, 2021.

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

CLB
(LOCAL)

**Integrated Pest
Management
Program Standards**

The District is committed to following integrated pest management program (IPMP) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property developed in accordance with the requirements of the Texas Structural Pest Control Act and with the assistance of an advisory committee of knowledgeable persons.

Definition

IPM is a pest management strategy that relies on multiple pest control tactics, including the judicious use of pesticides, informed by accurate identification and scientific knowledge of pests, reliable monitoring methods to assess pest presence, preventative measures to avoid pest infestations, and thresholds to determine when corrective control measures are needed.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

**Application Time
Frame**

The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), the IPM coordinator shall coordinate with appropriate District administrators or other designated and trained employees regarding pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and when an exception to the 48-hour notice requirement may be made.

**No Unauthorized
Application**

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a school-District facility without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPMP program.

Effective Date

This policy shall be effective as of the adoption date, November 12, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of Academics
Rick Cruz, Deputy Superintendent

**SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY
EEH(LOCAL), INSTRUCTIONAL ARRANGEMENTS: HOMEBOUND
INSTRUCTION—FIRST READING**

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy EEH(LOCAL), *Instructional Arrangements: Homebound Instruction*, as recommended by the Texas Association of School Boards (TASB).

The proposed revised Board Policy EEH(LOCAL) is attached.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 3: Rigorous Instructional Standards and Supports.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to EEH (LOCAL), *Instructional Arrangements: Homebound Instruction*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
EEH(LOCAL)	Instructional Arrangements	Homebound Instruction
INITIATED BY: Texas Association of School Boards (TASB)		
TYPE OF REVISION: Update		
APPLICABILITY: This policy update applies to all board members, district personnel, students, and students' parents and guardians.		
<p>BACKGROUND:</p> <p>This item provides additional specificity to Board Policy EEH(LOCAL) which describes who is eligible for homebound services. Revisions include:</p> <ul style="list-style-type: none"> • That the weeks of confinement to a hospital or homebound setting need not be consecutive; • Additional details as to the age and requirements for students receiving Special Education services to be able to receive homebound services; including alignment to the student's individualized education program (IEP). 		
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY: None		
ADMINISTRATIVE PROCEDURES REQUIRED: Administrative regulations will be revised in accordance with changes to policy.		

INSTRUCTIONAL ARRANGEMENTS
HOMEBOUND INSTRUCTION

EEH
(LOCAL)

General Education

Consistent with TEA's Student Attendance Accounting Handbook (SAAH), a student ~~who may be eligible for general education homebound services if the student is expected to be confined for a minimum of four weeks at to home or in a hospital bed or homebound setting for medical reasons only, and the medical condition is specifically documented by a physician licensed to practice in the United States, may be eligible for general education homebound services~~ The weeks of confinement need not be consecutive. The parent's request for services shall be ~~made through~~ submitted to the principal in accordance with TEA's SAAH and administrative procedures.

The principal or designee shall convene a ~~designated campus committee to make decisions regarding general education homebound placement. This placement~~ committee is composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student. ~~They will to review and consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type(s) and amount of instruction to be provided and, when the student is able to return to the regular educational setting if applicable, the length of the transition period to the school-based setting~~ based on current medical information.

Special Education

~~For~~ Consistent with state rule and the SAAH, a student aged six years or older who is eligible to receive special education and related ~~students~~ services as determined by the student's admission, review and dismissal (ARD) committee may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting only for medical reasons, and the medical condition is specifically documented by a physician licensed to practice in the United States. If a student is chronically ill, the student's admission, review, and dismissal, the (ARD) committee shall determine whether the weeks of confinement need to be consecutive.

Students aged three through five years may be eligible to receive special education homebound services as determined by the student's ARD committee.

If the ARD committee determines that homebound instruction is appropriate, committee shall determine the type(s) and amount of instruction to be provided in accordance with law, and, when the student is able to return to the regular educational setting if applicable, the length of the transition period to the school-based setting based on current medical information.

INSTRUCTIONAL ARRANGEMENTS
HOMEBOUND INSTRUCTION

EEH
(LOCAL)

**Documentation of
Services**

The District shall maintain, ~~in accordance with administrative procedures,~~ full documentation about students receiving homebound services, ~~in accordance with administrative procedures, the SAAH,~~ and a student's individualized education program (IEP), as applicable.

Effective Date

This policy shall be effective as of the adoption date, November 12, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of the Deputy Superintendent
Rick Cruz, Deputy Superintendent

SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY FDE(LOCAL), ADMISSIONS: SCHOOL SAFETY TRANSFERS—FIRST READING

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy FDE(LOCAL), *Admissions: School Safety Transfers*, as recommended by the Texas Association of School Boards (TASB).

The proposed revised Board Policy FDE(LOCAL) is attached.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to FDE(LOCAL), *Admissions: School Safety Transfers*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
FDE(LOCAL)	Admissions	School Safety Transfers
INITIATED BY: Texas Association of School Boards (TASB)		
TYPE OF REVISION: Update		
APPLICABILITY: This policy update applies to all board members, district personnel, students, and students' parents and guardians.		
<p>BACKGROUND:</p> <p>This item brings forth recommended changes to the FDE(LOCAL) policy on school safety transfers which are based on revisions to the Texas Education Agency (TEA) Unsafe School Choice Option (USCO) Guidance Handbook, which amended the list of violent criminal offenses for which a student is eligible for a transfer to another school within the district. Currently the Houston Independent School District (HISD) does not have any campuses with the "persistently dangerous" designation under which students would qualify for the transfer.</p>		
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY: None		
ADMINISTRATIVE PROCEDURES REQUIRED: Administrative regulations will be revised in accordance with changes to policy.		

ADMISSIONS
SCHOOL SAFETY TRANSFERS

FDE
(LOCAL)

Safe Schools Data

The Superintendent ~~or designee~~ or designee shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD];~~;~~ and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while ~~in~~ or on the grounds-premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:
 - a. Attempted murder;
 - b. Indecency with a child;
 - c. Aggravated kidnapping;
 - d. ~~Aggravated Assault resulting in bodily injury or aggravated assault on someone other than a District employee or volunteer;~~
 - e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer; ~~or~~
 - f. Aggravated robbery; or
 - f.g. Continuous sexual abuse of a young child or children.

School Safety Transfers

The parent or other person with authority to act on behalf of a student who becomes a victim of a violent criminal offense as described ~~above~~ in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent or other person with authority to act on behalf of a student attending a school identified as persistently dangerous by TEA shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent or other person with authority to act on behalf must submit to the Superintendent ~~or designee~~ or designee an application for transfer. The Superintendent ~~or designee~~ or designee shall

ADMISSIONS
SCHOOL SAFETY TRANSFERS

FDE
(LOCAL)

complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents or other person with authority to act on behalf of the transfer option, transfer applications submitted, and action taken.

For a Victim of a
Violent Criminal
Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the grounds-premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent or other person with authority to act on behalf of a student who is a victim of the offense of the parent's right to request a transfer. The parent or other person with authority to act on behalf must submit to the Superintendent or designee or designee an application for transfer. The Superintendent or designee or designee shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

**Additional Transfer
Options**

In circumstances described by Education Code 25.0341, a parent or other person with authority to act on behalf of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child student or the student assailant from the same campus.

[For other transfer provisions, Ssee also FDA and FDB]

Effective Date

This policy shall be effective as of the adoption date, November 12, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of the Deputy Superintendent
Rick Cruz, Deputy Superintendent

**SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY
FEA(LOCAL), ATTENDANCE: COMPULSORY ATTENDANCE—FIRST
READING**

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy FEA(LOCAL), *Attendance: Compulsory Attendance*, as recommended by the Texas Association of School Boards (TASB).

The proposed revised Board Policy FEA(LOCAL) is attached.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to FEA(LOCAL), *Admissions: Compulsory Attendance*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
FEA(LOCAL)	Attendance	Compulsory Attendance
INITIATED BY: Texas Association of School Boards (TASB)		
TYPE OF REVISION: Update		
APPLICABILITY: This policy update applies to all board members, district personnel, students, and students' parents and guardians.		
<p>BACKGROUND:</p> <p>This policy revision updates the local policy on compulsory attendance in accordance with changes in Senate Bill (SB) 1152. Revisions include:</p> <ul style="list-style-type: none"> • Alignment to the law that the district must excuse a student who is 17 years of age or older from attending school for no more than four days to pursue military enlistment. • Language regarding that students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in private schools, and the appropriate documentation necessary to engage in homeschooling. 		
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY: None		
ADMINISTRATIVE PROCEDURES REQUIRED: Administrative regulations will be revised in accordance with changes to policy.		

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

**Enforcing
Compulsory
Attendance**

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Students Age 19 and Over

A student who voluntarily enrolls in or attends school after the student's 19th birthday shall ~~be required to~~ attend school until the end of the school year.

A student who is at least 19 years old and is voluntarily enrolled in or attending school when he or she accumulates more than five unexcused absences in a semester may be withdrawn. In such cases, enrollment may be revoked for the remainder of the school year, except that the District may not revoke enrollment on a day on which the student is physically present at school.

A student who is ~~removed~~ withdrawn from school under this provision ~~will~~ shall be considered a dropout for accountability purposes unless the student returns to school during the school-start window the following fall.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes:

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education to determine the student's interest in attending the institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

Armed Services
Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. A student shall be required to submit verification of such activities in accordance with administrative regulations.

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

**Withdrawal for
Nonattendance
Students Whose
Whereabouts are
Unknown**

The District may initiate withdrawal of a student under the age of 19 ~~for nonattendance~~ whose whereabouts can no longer be determined under the following conditions:

1. The student has been absent ten consecutive school days; and

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

- 2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

An Admission, Review, Dismissal/Individualized Education Program (ARD/IEP) Committee meeting is required for students with disabilities who are being considered for withdrawal from school ~~due to nonattendance~~ because the student's whereabouts are unknown. The ARD/IEP committee should undertake additional efforts to locate the student^{SML1}. If the student cannot be located after these additional efforts, the District may initiate withdrawal of the student.

If students with disabilities have been absent ten consecutive school days, the ARD/IEP Committee shall meet and determine whether an evaluation or re-evaluation is needed, and revise the IEP to include strategies to target chronic absences.

If the interventions developed by the ARD/IEP committee and truancy prevention measures fail to meaningfully address the student's conduct, the student may be referred to truancy court. Each referral to truancy court must specify whether the student is eligible for or receives special education services and must be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures, including the holding of an ARD/IEP committee meeting, and the measures failed to meaningfully address the student's school attendance.

~~[For District-initiated withdrawal of students age 19 or older, see FEA(LEGAL).]~~

**Students in
Attending
Homeschools**

~~When the District becomes aware that a student is being or will be~~ Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in ~~other~~ private schools, the Superintendent or designee

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian in writing a letter of notification from the parents of their intention to homeschool assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

If ~~the a~~ parents or guardian ~~refuses~~ to submit a requested state-
ment or letter of notification or if the District has evidence that ~~the~~
a school-aged child is not being homeschooled within legal require-
ments, the District may investigate further and, if warranted, shall
pursue legal action to enforce the compulsory attendance law.

Effective Date

This policy shall be effective as of the adoption date, ~~April 15,~~
~~2016~~ November 12, 2021.

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of the Chief of Police
Pedro Lopez, Chief of Police

SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY FNF(LOCAL), STUDENT RIGHTS AND RESPONSIBILITIES: INTERROGATIONS AND SEARCHES—FIRST READING

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy FNF(LOCAL), *Student Rights and Responsibilities: Interrogations and Searches* to accept changes recommended by the Texas Association of School Boards (TASB) to align with common practices and current case law as well as changes recommended by district administration including the Police Department and Legal Services.

Proposed revisions include:

- Changing the policy subtitle from *Interrogations and Searches* to *Investigations and Searches*;
- Affirming that district officials other than police officers may question students, and students may not refuse to answer questions based on the right not to incriminate themselves;
- Informing students that they have no expectation of privacy in district property, that such property may be searched at any time without notice, and that students are responsible for any prohibited items found in district property provided to them;
- Adding general search provisions outlining the district's authority to conduct searches in accordance with law and in a reasonable and nondiscriminatory manner; and
- Updating information about the use of metal detectors and trained dogs.

The proposed changes are shown in the attached revised Board Policy FNF(LOCAL).

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to FNF(LOCAL), *Student Rights and Responsibilities: Interrogations and Searches*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
FNF(LOCAL)	Student Rights and Responsibilities	Interrogations and Searches
INITIATED BY: Texas Association of School Boards (TASB); Houston Independent School District (HISD) Police Department		
TYPE OF REVISION: Update		
APPLICABILITY: This policy update applies to all district staff and students.		
BACKGROUND: TASB recommended a change to the policy's subtitle and content changes to align with common practices and current case law. The district administration recommends additional changes throughout to expand upon changes recommended by TASB and make them specific to HISD.		
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY: None		
ADMINISTRATIVE PROCEDURES REQUIRED: Administrative regulations will be revised in accordance with changes to policy.		

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS-~~INVESTIGATIONS~~ AND SEARCHES

FNF
(LOCAL)

Interrogations~~Questi~~
oning Students

By School Officials

~~Administrators, teachers, and other professional personnel~~ School officials, not to include Houston Independent School District (HISD) police officers, may question a student regarding the student's own conduct or the conduct of other students that may constitute violations of the law, HISD Board policy, including but not limited to HISD's Code of Student Conduct, and/or campus policy. In the context of school discipline, students ~~have no claim to the~~ may not refuse to answer questions based on a right not to incriminate themselves.

~~By Police or Other~~
Authorities

For provisions pertaining to student questioning by law enforcement officials or other lawful state or local governmental authorities, see GRA(LOCAL).

Lockers and
Vehicles~~District~~
Property

~~Students have full responsibility for the security of their~~ School lockers, school desks, school computers, District-provided electronic devices, District technology, including but not limited to HISD email accounts and similar items are the property of the District and are provided for student use as a matter of convenience. The above-referenced District property remains under the ownership and control of the District, and is subject to random searches or inspections at any time without notice. Students have no expectation of privacy in District property. Students shall be fully responsible for the security and contents of District property assigned to them. for vehicles parked on school property. It is the student's responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are not given to others. No Sstudents shall not place, or keep, or maintain in a desk, locker, District-provided technology, or similar item any contraband or other article or material prohibited by law, that is forbidden by District policy, or the Code of Student Conduct. Students shall be responsible for any prohibited item found in District property provided to the student. in lockers or in vehicles parked on school property.

Searches in General

~~School officials-administrators may conduct reasonable searches of students, their personal belongings, their assigned lockers, or vehicles parked on school property when the school administrator has, if there is reasonable cause to believe, which includes individualized suspicion, that students may be in possession of drugs, weapons, alcohol, or other materials (contraband) in violation of school policy or state lawthey contain articles or materials prohibited by District policy. Searches of students shall be conducted in a lawful and nondiscriminatory manner. Students shall be responsible for any prohibited items found in their lockers or in vehicles parked on school property.~~

School administrators may initiate a search in accordance with law, including, for example, based on reasonable cause (which includes

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS, INVESTIGATIONS AND SEARCHES

FNF
(LOCAL)

individualized suspicion), voluntary consent, or pursuant to District policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Code of Student Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on District property.

Reasonable Searches

School administrator searches must be reasonable at their inception and in scope. If there is reasonable cause to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Code of Student Conduct, a District official may conduct a search in accordance with law and District regulations.

Suspicionless Searches

For purposes of this policy, a suspicionless search is a search carried out at random locations and times by HISD personnel as determined by HISD administrative and law enforcement personnel based on lawful security procedures, such as metal detector searches.

Metal Detector Searches

In order to maintain a safe and disciplined learning environment, the District reserves the right to subject students to metal detector searches when entering a District campus and at off-campus, school-sponsored activities.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit a search of the vehicle, the District may turn the matter over to local law enforcement officials.

Magnetometers

Magnetometers (metal detectors) may be used at the discretion of District officials, provided the District has properly notified the students and parents of the ongoing use of such devices.

Use of Trained Dogs

The District shall reserves the right to use specially-trained nonaggressive dogs to sniff out and alert officials to the current presence of conduct screening for contraband or other concealed illegal and/or prohibited items, illicit substances defined in FNCF(LEGAL), and alcohol. This program is implemented in response to drug and alcohol related problems in District schools, with the objective of maintaining a safe school environment conducive to education. Such visits to schools procedures shall be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on school property. The dogs shall not be used to sniff the bodies of with students; however, students may be asked to leave

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS-~~INVESTIGATIONS~~ AND SEARCHES

FNF
(LOCAL)

~~personal belongings in an area that will be screened. If a dog alerts to a locker, a vehicle, or an item in a classroom or an area, the alert is sufficient to raise reasonable cause to justify a lawful search by school administrators, it may be searched by school officials. Searches of vehicles shall be conducted as described above.~~

Notice

~~At the beginning of the school year, the District shall inform students of the District's policy on searches, as outlined above, and shall specifically notify students that:~~

- ~~1. Lockers may be sniffed by trained dogs at any time.~~
- ~~2. Vehicles parked on school property may be sniffed by trained dogs at any time.~~
- ~~3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.~~
- ~~4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.~~

Parent Notification

~~The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, in a student's vehicle parked on school property, or on the student's person, as a result of a search conducted in accordance with this policy.~~

Effective Date

~~This policy shall be effective as of the adoption date, November 12, 2021.~~

Office of the Superintendent of Schools
Board of Education Meeting of November 4, 2021

Office of the Chief of Police
Pedro Lopez, Chief of Police

**SUBJECT: APPROVAL OF PROPOSED REVISIONS TO BOARD POLICY
GKA(LOCAL), COMMUNITY RELATIONS: CONDUCT ON SCHOOL
PREMISES—FIRST READING**

The purpose of this agenda item is to request that the Houston Independent School District (HISD) Board of Education approves revisions to Board Policy GKA(LOCAL), *Community Relations: Conduct On School Premises*, to accept changes recommended by the Texas Association of School Boards (TASB) and HISD administration.

Proposed revisions include:

- Updates to information about refusing a person entry to or ejecting a person from property under the district's control;
- Clarification that district personnel may request assistance from law enforcement in some circumstances; and
- Adding a section about a person's right to appeal a refusal of entry or an ejection with information about the appeal process.

The proposed changes are shown in the attached revised Board Policy GKA(LOCAL).

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports all four district goals and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to GKA(LOCAL), *Community Relations: Conduct On School Premises*, on first reading, effective November 5, 2021.

BOARD POLICY EXPLANATORY SHEET

POLICY CODE	TITLE (SUBJECT)	SUBTITLE
GKA(LOCAL)	Community Relations	Conduct on School Premises
INITIATED BY:	Texas Association of School Boards (TASB); Houston Independent School District (HISD) Police Department	
TYPE OF REVISION:	Update	
APPLICABILITY:	This policy update applies to all district staff, students, and community members.	
BACKGROUND:	<p>TASB and the district administration recommend changes to this policy to reflect changes in law since the last time the policy was updated.</p> <p>The changes include updates about:</p> <ul style="list-style-type: none"> • authorization of administrators, school resource officers, and district police officers to refuse entry to or eject a person from property under the district's control under certain circumstances; • clarification that district personnel may request assistance from law enforcement in some circumstances; and • giving a person refused entry to or ejected from property under the district's control written information explaining the right to appeal and the timelines if an appeal is filed. 	
OTHER DISTRICT RESOURCES OR PROGRAMS AFFECTED/NEEDED, IF ANY:	None	
ADMINISTRATIVE PROCEDURES REQUIRED:	Administrative regulations will be revised in accordance with changes to policy.	

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LOCAL)

**Principal's
Authority Access to
District Property**

Authorized District officials, including school administrators, school resource officers, and/or District police officers, may refuse to allow a person access to property under the District's control in accordance with law. Principals are authorized to refuse entry onto school grounds to persons who do not have legitimate business at the school and to request any unauthorized person or persons engaging in unacceptable conduct to leave the school grounds.

Law Enforcement

The Superintendent or designee is authorized to District officials may request assistance of from law enforcement officers in cases of an emergency and to seek prosecution to the full extent of the law when a persons violate the provisions of this policy and GKA(LEGAL) regarding trespassing on school grounds, damage to school property, loitering, and disruptive activity is engaging in behavior that poses a substantial risk of harm to any person, that is disruptive and inappropriate for a school setting and/or that rises to the level of criminal conduct; and the person refuses to comply with a verbal warning and/or request to leave peaceably issued by a school administrator, school resource officer, and/or District police officer.

**Ejection or
Exclusion under
Education Code
37.105**

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing denial of entry or ejection from property under the District's control under the District's grievance process shall be permitted to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

**Off-Campus
Activities**

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and
E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

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

Exception

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
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District-approved activity supervised by proper authorities. [See FOD]

Effective Date

This policy shall be effective as of the adoption date, November 12, 2021.