

Spring Independent School District

16717 Ella Blvd. • Houston, Texas 77090 • Tel. 281.891.6000



BOARD OF TRUSTEES REGULAR BOARD MEETING 7:00 PM, SEPTEMBER 8, 2020 VIDEO CONFERENCE

AGENDA

Special Video Conference and Teleconference Notice

A meeting of the Board of Trustees of the Spring Independent School District will be held on September 8, 2020, beginning at 7:00 PM.

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

Due to cybersecurity concerns experienced by public organizations across the nation related to virtual public meetings, and in accordance with the suspension of certain portions of the Open Meetings Act by order of the governor, public comments related to this meeting will be handled as follows: members of the public may submit comments related to agenda topics through the District's Elevate platform, located at <https://www.springisd.org/elevate>.

Members of the public may access this meeting as follows:

Links to access this meeting will be made available at least 30 minutes prior to the meeting start time on the following webpage: <https://www.springisd.org/Page/6178>.

I. Call to Order

The Board President will call the meeting to order.

II. Opening Remarks

A. Superintendent of Schools

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The Superintendent will make remarks and announcements.

B. Board of Trustees

7

Any Board member may make a comment during this portion of the agenda, without prior posting being required.

III. Presentation of Grant Funds from the Spring ISD Education Foundation

8

The Board will consider approving the proposed grant funds as presented by the Spring ISD Education Foundation.

IV. Recognitions

A. 2019-2020 Employee Excellence Award Winner

9

The Board will recognize the 2019-2020 Employee Excellence Award winner.

- B. Points of Pride - Spring ISD Assistant Director of Athletics Armando Jacinto 10
The Board will recognize Armando Jacinto, Spring ISD Assistant Director of Athletics, who was selected as the inaugural president of the Hispanic Texas High School Football Coaches Association.

V. Board Governance Committee

- A. Discussion and Decision on Spring ISD Legislative Priorities 12
The Board Governance Committee will discuss and decide upon the Spring ISD legislative priorities.
- B. Board Policy BBA(LOCAL) 13
The Board will discuss Board policy BBA(LOCAL).

VI. Consent Agenda

The Board will consider approving the Consent Agenda items that were discussed in detail at the September 3, 2020 Board Work Session.

- A. Review and Approval of Minutes from the Following Meetings:
1. August 6, 2020 Board Work Session
2. August 11, 2020 Regular Meeting
- B. Asynchronous Instructional Plan
A presentation will be made on the Asynchronous Instructional Plan.
- C. Resolution Regarding School Closures Due to Hurricane Laura
The Board will consider adopting the Resolution Regarding School Closures Due to Hurricane Laura.
- D. Modification to Instructional Calendar to Close for Election Day
The Board will consider approving the modified instructional calendar as presented by the administration.
- E. First Reading of TASB Local Update 115 – Proposed Revisions Affecting the Following Board Policies
Jeremy Binkley will present the first reading of Local Policies revised in TASB Update 115.
1. BF(LOCAL) – BOARD POLICIES
 2. DED(LOCAL) – COMPENSATION AND BENEFITS – VACATIONS AND HOLIDAYS
 3. DIA(LOCAL) – EMPLOYEE WELFARE – FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION, 15
 4. DMD(LOCAL) – PROFESSIONAL DEVELOPMENT – PROFESSIONAL MEETINGS AND VISITATIONS
 5. EI(LOCAL) – ACADEMIC ACHIEVEMENT
 6. FB(LOCAL) – EQUAL EDUCATIONAL OPPORTUNITY
 7. FD(LOCAL) – ADMISSIONS
 8. FEB(LOCAL) – ATTENDANCE – ATTENDANCE ACCOUNTING
 9. FFG(LOCAL) – STUDENT WELFARE – CHILD ABUSE AND NEGLECT 25
 10. FFH(LOCAL) – STUDENT WELFARE – FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

11. FMF(LOCAL) – STUDENT ACTIVITIES – CONTESTS AND COMPETITIONS
12. FNG(LOCAL) – STUDENT RIGHTS AND RESPONSIBILITIES – STUDENT AND PARENT COMPLAINTS/GRIEVANCES
13. GF(LOCAL) – PUBLIC COMPLAINTS

F. Interlocal Agreement Between Lone Star College System - North Harris and Spring Independent School District
The Board will consider approving the proposed Interlocal Agreement with Lone Star College System - North Harris.

G. Taxpayer Refunds
The Board will consider ratifying taxpayer refunds.

H. Certification of Anticipated Collection Rate for Spring Independent School District
The Board will consider approving the Certification of Anticipated Collection Rate for Spring Independent School District.

I. Interlocal Agreement Between Spring Independent School District and Klein Independent School District for Records Storage
The Board will consider approving the interlocal agreement for records storage services to be provided by Spring ISD to Klein ISD.

J. Interlocal Agreement with Harris County Regarding Project Connectivity
The Board will consider approving the Interlocal Agreement with Harris County Regarding Project Connectivity.

VII. Closed Session

There will be a closed session in accordance with Texas Government Code Section 551.001 et. seq.

A. Under Section 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized, including any item posted on this agenda

B. Under Section 551.072 - For the purpose of discussing the purchase, exchange, lease, or value of real property

1. The Board will deliberate regarding the granting of a proposed sidewalk easement to Harris County consisting of a 0.5867-acre of land situated in the Manual Tarin Survey, Abstract 778, Harris County, Texas, along Bammel Road at Carolee Booker Elementary School.
2. The Board will deliberate regarding the granting of a proposed easement to Harris County for the purpose of road, drainage, and other related purposes, consisting of a 0.0262-acre of land situated in the Manual Tarin Survey, Abstract 778, Harris County, Texas, at the corner of Bammel Road and Imperial Valley Drive.

C. Under Section 551.074 - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee

1. The Board will deliberate regarding the Superintendent's evaluation and goals
2. The Board will deliberate on employees nominated for special recognition
3. The Board will deliberate on a recommendation for the termination and finding of no good cause for an employee's abandonment of contract
4. The Board will deliberate on the issuance of school district teaching permits for noncore career and technology courses

5. The Board will deliberate on employee resignations, recommendations to withdraw prior actions taken, recommendations to void employee contracts, recommendations for the proposed termination of employees on probationary and/or term contracts, recommendations for the proposed nonrenewal of employees on term contracts, recommendations for termination at the end of the year for employees on probationary contracts, and final orders for employees on term and probationary contracts previously proposed for termination and/or nonrenewal

D. Under Section 551.076 - To consider the deployment, or specific occasions for implementation, of security personnel or devices

VIII. Action on Closed Session Items

The Board may take action on items discussed in closed session.

IX. Adjournment

The Board President will adjourn the meeting.

Closed Session Authorization

If during the course of the meeting covered by this notice the board should determine that a closed or executive meeting or session of the board should be held or is required regarding an item posted on the Agenda, then such closed or executive meeting or session as authorized by Chapter 551 of the Texas Government Code (the Open Meetings Act) will be held by the board at the date, hour, and place given in this notice or as soon after the commencement of the meeting covered by this notice as the board may conveniently meet in such closed or executive session concerning any and all subjects and for any and all purposes permitted by Section 551.071 through Section 551.084 inclusive of said Open Meetings Act including, but not limited to:

- | | |
|---------------------------|--|
| Section 551.071 – | For the purpose of a private consultation with the board's attorney on any or all subjects or matters authorized; |
| Section 551.072 – | For the purpose of discussing the purchase, exchange, lease, or value of real property; |
| Section 551.073 – | For the purpose of discussing negotiated contracts for prospective gifts or donations to the District; |
| Section 551.074 – | For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee; |
| Section 551.076 – | To consider the deployment, or specific occasions for implementation, of security personnel or devices; |
| Section 551.082 – | For the purpose of considering discipline of a public school child or children, or to hear a complaint or charge brought against a school district employee by another school district employee; |
| Section 551.0821 – | For the purpose of deliberating a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation; |
| Section 551.083 – | For the purpose of considering the standards, guidelines, terms, or conditions the board will follow, or instruct its representatives to follow, in consultation with representatives of employee groups in connection with consultation agreements provided for by Section 13.901 and/or Section 11.151(b) of the Texas Education Code; and |

Section 551.084 – For the purpose of excluding any witness or witnesses from a hearing during the examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the board with regard to any matter considered in such closed or executive session, then such final action, final decision, or final vote shall be at either:

- a. the open meeting covered by this notice upon the reconvening of this public meeting; or
- b. a subsequent public meeting of the board upon notice thereof, as the board shall determine.

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Superintendent of Schools - Remarks
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	The Superintendent may provide general information or remarks.
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Rodney Watson, Superintendent of Schools
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA	Yes
IS ITEM ON BOT REGULAR MEETING AGENDA	Yes
IS ITEM A CONSENT AGENDA ITEM	N/A
DO YOU HAVE SUPPORTING DOCUMENTS	No
IS THERE A PRESENTATION	No
WHEN WILL THE PRESENTATION BE MADE	N/A
DOES ITEM REQUIRE BOARD SIGNATURE	N/A
DOES ITEM REQUIRE PUBLIC HEARING	N/A
MEETING DATE	September 2020

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Trustee Remarks
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	The Board of Trustees may provide general information or remarks.
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Rhonda Newhouse, Board President
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA	No
IS ITEM ON BOT REGULAR MEETING AGENDA	Yes
IS ITEM A CONSENT AGENDA ITEM	N/A
DO YOU HAVE SUPPORTING DOCUMENTS	No
IS THERE A PRESENTATION	No
WHEN WILL THE PRESENTATION BE MADE	N/A
DOES ITEM REQUIRE BOARD SIGNATURE	N/A
DOES ITEM REQUIRE PUBLIC HEARING	N/A
MEETING DATE	September 2020

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Presentation of Grant Funds from the Spring ISD Education Foundation
RECOMMENDED ACTION	That the Board approve the proposed grant funds as presented by the Spring ISD Education Foundation.
EXPLANATION OF ITEM	In accordance with Board Policy, all grant funds in aggregate of \$10,000 or more must be approved by the Spring Independent School District's Board of Trustees.
EVERY CHILD 2020 IMPERATIVE	Reach Every Student
EVERY CHILD 2020 COMMITMENT	Excellent Curriculum and Instruction
EVERY CHILD 2020 STRATEGY	Continuously Monitor Curriculum Implementation
RESOURCE PERSONNEL	Rodney Watson, Superintendent of Schools
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA No

IS ITEM ON BOT REGULAR MEETING AGENDA Yes

IS ITEM A CONSENT AGENDA ITEM No

DO YOU HAVE SUPPORTING DOCUMENTS No

IS THERE A PRESENTATION No

WHEN WILL THE PRESENTATION BE MADE N/A

DOES ITEM REQUIRE BOARD SIGNATURE No

DOES ITEM REQUIRE PUBLIC HEARING No

MEETING DATE September 2020

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	2019-2020 Employee Excellence Award Winner
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	The Board will recognize the 2019-2020 Employee Excellence Award winner. The Employee Excellence Award is given by the Spring ISD Board of Trustees each month during the school year. The award recognizes district employees who exemplify the district's guiding principles and core values. One employee is selected for this prestigious award each month. Among the monthly winners, the Board has chosen its grand prize recipient, who will receive the 2019-2020 Employee Excellence Award.
EVERY CHILD 2020 IMPERATIVE	High Performance From Every Employee
EVERY CHILD 2020 COMMITMENT	Culture of High Performance
EVERY CHILD 2020 STRATEGY	Reward Contributions That Go Above and Beyond
RESOURCE PERSONNEL	Rhonda Newhouse, Board President
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA No

IS ITEM ON BOT REGULAR MEETING AGENDA Yes

IS ITEM A CONSENT AGENDA ITEM No

DO YOU HAVE SUPPORTING DOCUMENTS No

IS THERE A PRESENTATION No

WHEN WILL THE PRESENTATION BE MADE N/A

DOES ITEM REQUIRE BOARD SIGNATURE No

DOES ITEM REQUIRE PUBLIC HEARING No

MEETING DATE September 2020



SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Points of Pride – Spring ISD Assistant Director of Athletics Armando Jacinto
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	<p>Since January 1984, the Board has recognized students and staff for major accomplishments beyond the District. Scheduled to be recognized as a “Point of Pride” at this meeting is:</p> <p>Spring ISD Assistant Director of Athletics Armando Jacinto, who was selected as the inaugural president of the Hispanic Texas High School Football Coaches Association. Jacinto was chosen by the recently formed group’s board of directors to serve a three-year term.</p> <p>Since its founding earlier this year, the Hispanic Texas High School Football Coaches Association has already grown to over 600 members.</p> <p>With an aim “to facilitate the increasing need for highly qualified Hispanic educators/coaches in Texas,” the professional organization plans to offer a hub for networking, mentorship and career development, while also offering clinics, workshops and other professional development opportunities for coaches across the state.</p>
EVERY CHILD 2020 IMPERATIVE	High Performance From Every Employee
EVERY CHILD 2020 COMMITMENT	Culture of High Performance
EVERY CHILD 2020 STRATEGY	N/A
RESOURCE PERSONNEL	Tiffany Dunne-Oldfield, Chief of Innovation and Communications Willie Amendola, Athletic Director
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA	No
IS ITEM ON BOT REGULAR MEETING AGENDA	Yes
IS ITEM A CONSENT AGENDA ITEM	N/A
DO YOU HAVE SUPPORTING DOCUMENTS	No
IS THERE A PRESENTATION	No

WHEN WILL THE PRESENTATION BE MADE	N/A
DOES ITEM REQUIRE BOARD SIGNATURE	No
DOES ITEM REQUIRE PUBLIC HEARING	No
MEETING DATE	September 2020

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Discussion and Decision on Spring ISD Legislative Priorities
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	The Board Governance Committee will discuss and decide upon the Spring ISD legislative priorities.
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Justine Durant, Trustee and Governance Committee Lead Winford Adams, Jr., Trustee and Governance Committee Member Rodney E. Watson, Superintendent Jeremy Binkley, General Counsel
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA No

IS ITEM ON BOT REGULAR MEETING AGENDA Yes

IS ITEM A CONSENT AGENDA ITEM No

DO YOU HAVE SUPPORTING DOCUMENTS No

IS THERE A PRESENTATION No

WHEN WILL THE PRESENTATION BE MADE N/A

DOES ITEM REQUIRE BOARD SIGNATURE No

MEETING DATE September 2020

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	Board Policy BBA(LOCAL)
RECOMMENDED ACTION	None
EXPLANATION OF ITEM	The Board will discuss Board policy BBA(LOCAL).
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Justine Durant, Trustee and Governance Committee Lead Winford Adams, Jr., Trustee and Governance Committee Member Rodney E. Watson, Superintendent Jeremy Binkley, General Counsel
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA No

IS ITEM ON BOT REGULAR MEETING AGENDA Yes

IS ITEM A CONSENT AGENDA ITEM N/A

DO YOU HAVE SUPPORTING DOCUMENTS Yes

IS THERE A PRESENTATION No

WHEN WILL THE PRESENTATION BE MADE N/A

DOES ITEM REQUIRE BOARD SIGNATURE No

MEETING DATE September 2020

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LOCAL)

Local Qualification

In addition to the requirements of law, a Board member shall remain current in the payment of school property taxes.

To be eligible to be a candidate for, or elected or appointed to, the Spring ISD Board of Trustees, a person must not have been convicted of a felony, pled guilty to a felony, entered into a plea bargain for a felony charge, or received deferred adjudication for a felony.



SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	First Reading of TASB Proposed Revisions to Board Policy DIA(LOCAL) – EMPLOYEE WELFARE – FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
RECOMMENDED ACTION	That the Board approve the first reading of proposed revisions to Board Policy DIA(LOCAL).
EXPLANATION OF ITEM	<p>This board policy provision was provided by the Texas Association of School Boards (TASB) as part of Update 115.</p> <p>Recommended revisions to this policy incorporate the recent United States Supreme Court decision <i>Bostock v. Clayton County, Georgia</i>, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.</p> <p>The policy has also been revised to address the federal Title IX regulations as follows:</p> <ul style="list-style-type: none"> • The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed. • Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process. • The Title IX regulations provide that a district has actual knowledge of sexual harassment if notice or allegations are made to any employee; therefore, a new provision at Notice of Report requires <i>any</i> employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator. • Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX. • New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).

	<ul style="list-style-type: none"> To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a <i>preponderance of the evidence</i> standard. If the board wishes to instead use the <i>clear and convincing evidence</i> standard, which is a higher standard of evidence, please contact the district's policy consultant. The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by students. Provisions on retaliation and records retention have been updated. <p>Policy Service also recommends clarification of the provisions on distribution of the policy and any accompanying procedures.</p> <p>In addition, based on previous guidance from the Office of Civil Rights, Policy Service recommends including in the policy examples of prohibited conduct.</p>
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Jeremy Binkley, General Counsel Jason Sheffer, Board Services Director
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA	Yes
IS ITEM ON BOT REGULAR MEETING AGENDA	Yes
IS ITEM A CONSENT AGENDA ITEM	Yes
DO YOU HAVE SUPPORTING DOCUMENTS	Yes
IS THERE A PRESENTATION	No
WHEN WILL THE PRESENTATION BE MADE	N/A
DOES ITEM REQUIRE BOARD SIGNATURE	No
MEETING DATE	September 2020

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

Note: This policy addresses discrimination, harassment, and retaliation ~~against~~~~involving~~ District employees. ~~For Title IX and other provisions regarding~~~~For~~ discrimination, harassment, and retaliation ~~against~~~~involving~~ students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

**Statement of
Nondiscrimination**

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

Discrimination

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

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Prohibited Conduct

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

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

**Prohibited
Harassment**

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

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

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; cyberharassment; 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.

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sexbased harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

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

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

Examples

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

Workplace Bullying

The District considers workplace bullying to be unacceptable and will not tolerate it under any circumstances.

Workplace bullying shall be defined as regularly occurring, inappropriate conduct, including, but not limited to, incivility, rudeness, and discourteous behavior that inflicts physical hurt or psychological distress on one or more employees and creates an intimidating, threatening, or abusive work environment. Such conduct may be oral, written, and/or electronic.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

Workplace bullying does not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.

Retaliation

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

Prohibited Conduct

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

**Reporting
Procedures**

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

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

**Definition of District
Officials**

For the purposes of this policy, District officials are the Title IX/~~ADA (Americans with Disabilities Act)~~ coordinator, the Section 504 coordinator, the department chiefs, and the Superintendent.

Title IX/~~ADA~~
Coordinator

Reports of discrimination based on sex, including sexual harassment, **may be directed to** ~~or violations of the designated Americans with Disabilities Act may be directed to the~~ Title IX/~~ADA~~ coordinator. [See DIA(EXHIBIT)]

ADA / Section 504
Coordinator

Reports of discrimination based on disability may be directed to the **designated ADA/**Section 504 coordinator. [See DIA(EXHIBIT)]

Department Chief

Reports of workplace bullying may be directed to the employee's department chief.

Superintendent

The Superintendent ~~or designee~~ shall serve as coordinator for purposes of District compliance with all other **nondiscrimination** ~~anti-discrimination~~ laws.

**Alternative
Reporting
Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed **the conduct** ~~it~~. Reports concerning prohibited conduct, including reports against the Title IX/~~ADA~~ coordinator or Section 504 coordinator, may be directed to the Superintendent ~~or designee~~.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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

Timely Reporting

To ensure the District's prompt investigation, reports Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. ~~A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.~~

Notice of Report

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.

Investigation of Reports Other Than Title IX
~~the Report~~

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

The District may request, but shall not ~~require~~**insist upon**, a written report ~~from the complainant~~. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if ~~provided~~**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.

Interim Action

~~In the case of workplace bullying, an investigation must begin no later than seven District business days from when the District official received the complaint.~~

If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

District 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 or supervisor shall be involved in or informed of the investigation.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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. ~~Complainants and respondents may submit supporting documentation as appropriate.~~

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, ~~upon approval by the Superintendent or designee,~~ the investigator ~~shall~~**may** take additional time **if necessary** to complete a thorough investigation.

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

District Action

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

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

Confidentiality

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

Appeal

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

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

Response to Sexual Harassment—Title IX

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

General Response

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;**

- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;

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6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination, ~~or~~ harassment, ~~or workplace bullying~~, or another employee who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, intimidation, coercion, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Records Retention

The District shall retain copies of allegations ~~Copies of reports alleging prohibited conduct~~, investigation reports, and related records ~~regarding any prohibited conduct in accordance with shall be maintained by~~ the District's records control schedules,

DATE ISSUED:
~~4/31/2019~~ 07/23/2020
UPDATE ~~412~~ 115
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but ~~District~~ for no less than the minimum amount ~~a period~~ of time
required by law. ~~at least three years.~~ [See CPC]

[For Title IX recordkeeping and retention provisions, see
FFH(LEGAL) and the District's Title IX formal complaint pro-
cess.]

**Access to Policy and
Procedures**

Information regarding this ~~This~~ policy and any accompanying
procedure shall be distributed annually to District employees.
Copies of the policy and procedures shall be posted on the Dis-
trict's website, to the extent practicable, and readily available at
each campus and the ~~District~~ District's administrative offices.

Training

District employees who hold a supervisory position shall receive
training on an annual basis regarding workplace bullying.

Spring Independent School District

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SCHOOL BOARD AGENDA ITEM SUMMARY

SUBJECT	First Reading of TASB Proposed Revisions to Board Policy FFG(LOCAL) – STUDENT WELFARE – CHILD ABUSE AND NEGLECT
RECOMMENDED ACTION	That the Board approve the first reading of proposed revisions to Board Policy FFG(LOCAL).
EXPLANATION OF ITEM	<p>This board policy provision was provided by the Texas Association of School Boards (TASB) as part of Update 115.</p> <p>This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules.</p> <p>Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook.</p> <p>The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into this local policy and recommend deletion of the exhibit.</p>
EVERY CHILD 2020 IMPERATIVE	Engaged Stakeholders in Every Community
EVERY CHILD 2020 COMMITMENT	Trusted Source of Information
EVERY CHILD 2020 STRATEGY	Ensure Clear, Timely and Transparent Communications
RESOURCE PERSONNEL	Jeremy Binkley, General Counsel Jason Sheffer, Board Services Director
BUDGET PROVISIONS	N/A

IS ITEM ON BOT WORK SESSION AGENDA	Yes
IS ITEM ON BOT REGULAR MEETING AGENDA	Yes
IS ITEM A CONSENT AGENDA ITEM	Yes
DO YOU HAVE SUPPORTING DOCUMENTS	Yes
IS THERE A PRESENTATION	No

WHEN WILL THE PRESENTATION BE MADE	N/A
DOES ITEM REQUIRE BOARD SIGNATURE	No
MEETING DATE	September 2020

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

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

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

Training

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

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

**Reporting Child
Abuse and
Neglect ~~Agencies to
Notify~~**

Any person ~~state law regarding reporting of child abuse and neglect [see policy FFG(LEGAL)], each District employee~~ who has cause to believe that a child's physical or mental health or welfare has been ~~or may be~~ adversely affected by abuse or **neglect has a legal responsibility, under state law, to immediately** ~~by any person must~~ report the suspected abuse or neglect to an appropriate authority.

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

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the ~~such~~ suspicion of abuse or neglect: ~~to the Child Protective Services (CPS) Division of the Texas Department of Protective and Regulatory Services at 1-800-252-5400.~~

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has cause to believe that a child has been or may ~~school principal, counselor, nurse, or any other school employee shall not~~ be abused or neglected or may

have been a victim of indecency with a child. A professional is anyone licensed or certified by ~~made until after~~ the ~~report has been made to the local or~~ state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

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

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

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

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

Making a Report

Reports may be made to any of the following:

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

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

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

Confidentiality

In accordance with state law, the identity of a person making ~~A staff member who has made~~ a report of suspected child abuse or neglect shall **be kept confidential and disclosed** ~~share that information only in accordance with the rules with the school principal, counselor, and/or nurse if he or she believes that sharing that information is in the best interest of the student. Commenting to any other individuals, other than~~ investigating **agency** officials, ~~will be a violation of federal law regarding rights to privacy.~~

**Immunity
Cooperation**

In complying with state law regarding reporting **A person who in good faith reports or assists in the investigation of a report of child abuse or** ~~and~~ neglect **is immune from civil or criminal liability.**

**Failing to Report
Suspected Child
Abuse or Neglect**

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

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

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

**Responsibilities
Regarding
Investigations**

In accordance with law, ~~FFG(LEGAL)-each~~ District **officials shall be prohibited from:**

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

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

District personnel shall cooperate fully **and** ~~with officials to who the report is made and with investigating officials,~~ without **parental** ~~the consent, of the child's parents~~ if necessary, ~~[See also GRA]~~

Prohibited Behavior

A District employee shall not:

- ~~1. Interfere with an investigation of~~ **reported** ~~a report of~~ child abuse or neglect. **[See GKA]**
- ~~2. Refuse an investigator's request to interview a student at any reasonable time at school.~~
- ~~3. Require the presence of a parent or school administrator during an interview of a student by an investigator.~~

Awareness of Requirements

~~Notice of the state law regarding reporting of child abuse and neglect shall annually be included in the Personnel Handbook that is distributed to each employee.~~

~~Each principal and departmental supervisor shall ensure that the requirements regarding the reporting of child abuse and neglect are reviewed with all staff at the beginning of each school year and with new employees during their orientation.~~

¹ Texas Abuse Hotline Website: <http://www.txabusehotline.org>