



North East Independent School District

8961 Tesoro Drive, San Antonio, Texas 78217

NOTICE OF MEETING OF THE BOARD OF TRUSTEES

Notice is hereby given that a meeting of the Board of Trustees of the North East Independent School District will be held on March 27, 2023 at 5:30 PM, in the Boardroom on the first floor of the Richard A. Middleton Education Center, 8961 Tesoro Drive, San Antonio, Texas. Such meeting is a special meeting.

The open session portion of the meeting is livestreamed, and members of the public may view the meeting by going to the North East Independent School District's YouTube channel. Click the link below, or type it into your browser.

<https://www.youtube.com/c/NEISDtv>

- I. ESTABLISHMENT OF QUORUM AND CALL TO ORDER
- II. BOARD WORKSHOP
 - A. Board Policy
 - 1. Follow Up Discussion and Possible Action Regarding Revisions to Board Policy FNG(LOCAL) 2
 - 2. Review of and Discussion Regarding Student Disciplinary Policies
- III. ADJOURNMENT

If, during the course of the meeting, discussion of any item on the agenda should be held in an Executive or Closed Session, the Board will convene in such Executive or Closed Session in accordance with the Open Meetings Act, Texas Government Code, Section 551.071, 551.072, and 551.074.

CERTIFICATE AS TO POSTING OR GIVING OF NOTICE

On this 24th day of March, no later than 5:30 PM, this notice was posted on a bulletin board located at a place readily accessible and convenient to the public at the Richard A. Middleton Education Center, 8961 Tesoro Drive, San Antonio, Texas.

The North East Independent School District does not discriminate on the basis of race, color, religion, gender, national origin, age, or disability

Definitions

In this policy, the terms “complaint” and “grievance” shall the same meaning.

Certain Complaints

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below.

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the applicable procedural safeguards handbook.
8. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act (IDEA) shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook.
10. Complaints concerning instructional resources shall be submitted in accordance with EF.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

Commented [LY1]: 3.10.23 Hilliard recommended revisions were incorporated throughout policy on 03.10.23 COB.
03.20.23 Landry recommended revisions also incorporated in this document. A comment marker is added at each Landry revision.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

~~14. Complaints related to the issuance of Criminal Trespass Warnings are excluded.~~

Commented [LY2]: Staff revisions

~~14-14.~~ Complaints related to reports to Child or Adult Protective Services made pursuant to the requirements of Section 261.101 of the Texas Family Code are excluded.

~~16-15.~~ Complaints related to program changes or boundary changes from one school to another school within the District are excluded.

~~17-16.~~ Complaints concerning on-campus distribution of nonschool materials to students shall be submitted in accordance with FNAA.

~~18-17.~~ Complaints where the relief sought by the grievant has already been granted at a prior administrative level or through an informal conference are excluded.

~~19-18.~~ Complaints where the grievant fails to state specific relief sought that applies to the grievant directly, or that cannot be granted by the hearing officer, are excluded.

~~20-19.~~ Complaints related to administrative transfers including, but not limited to, school choice decisions are excluded.

~~21-20.~~ Complaints related to residential and enrollment eligibilities are excluded.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications. [In addition, direct links to all grievance policies shall be placed on the Board of Trustees main web page.](#)

Guiding Principles

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Informal Process Although encouraged, an informal conference with the principal or other appropriate administrator is not required prior to filing a complaint under this policy, and does not stop, pause, or toll the timelines set forth in this policy. The timeline included herein apply regardless of the conduct or results of an informal conference.

Formal Process A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after [a student or parent has initiated](#) ~~initiating~~ the formal complaint process, [the Board encourages staff to work with students and parents to resolve concerns.](#) ~~students and parents are encouraged to seek resolution of their concerns.~~ A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Announcement of a decision in the student's or parent's presence shall constitute communication of the decision. [In addition, a written response shall be provided to the student and/or parent of the decision at the same time.](#)

In the event that the remedy or remedies sought by a student or parent in the grievance are granted at one level, the student or parent shall not be permitted to appeal that issue further because the requested relief shall have been given to the student or parent. Any attempt to appeal a remedy granted in full to a student or parent shall be immediately dismissed. [If the decision-maker at Level One, Two, or Three does not have the authority to grant all of the requested remedy or remedies, the grievance will be sent to the appropriate level immediately and the timelines for a district response remain the same. If a decision-maker can grant some of the remedies sought, they shall handle the grievance in accordance with the is policy and identify the remedy or remedies they do not have the authority to grant and who does have the authority in their written response.](#)

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint under this policy.

[In accordance with Government Code 551, no one shall be present in any Level Four closed session hearing except those invited by the Board and totally necessary witnesses to the facts.](#)

Commented [LV3]: Mrs. Landry also recommends the wording " in addition to a written response" be included

General Provisions

Person with Whom
to File

Level One grievances shall be filed directly with the campus administration (Principal, Assistant Principals, or campus designee) and addressed to the principal of the campus. A principal who receives a Level One grievance shall, within one district business day, confirm receipt of a grievance by emailing the Executive Director over that Principal and Director of Pupil Personnel Services as well as the grievant and a minor grievant's parent, or representative, as applicable. An Assistant Principal may perform this duty in the event of absence of a Principal.

Landry Revisions

General Provisions: Person with Whom to File

Level One grievances shall be filed directly with the principal with the administration (Principal or AP) of the campus. A receipt acknowledging filing shall be provided to the grievant. If a verbal attempt was previously made to resolve the issue with administration, this shall serve as first level grievance attempt. (NOTE: this should ensure families are not penalized for attempting to resolve the grievance through an informal process and risk being shut down for timeliness)

Level Two and Three grievances, should they be necessary, shall be filed by the parent, student, or their representative directly to the office of the Executive Director of ~~Student Support~~ Pupil Personnel Services, 8961 Tesoro Drive, Suite 306, San Antonio, Texas 8217 or by email to: _____.

Level Four grievances shall be filed directly to the office of the Superintendent of Schools, 8961 Tesoro Drive, Suite 602, San Antonio, Texas 78217 or by email to: _____.

Failure to file a grievance with the appropriate District official listed above shall not constitute proper filing, and the applicable timeline for appropriate filing shall continue to run and not be tolled in any way. Any District official who receives a grievance and is not the appropriate official shall direct the individual to the proper District official. -Should a grievant not file with the appropriate District official as set forth in this policy, and the timeline expires, any subsequent filing of the grievance shall be considered untimely.

Landry Revisions

Commented [LY4]: Landry recommended revisions for the preceding paragraph

Commented [LY5]: Staff revision - Change to name of Department

Commented [LY6]: Await a standard email from staff

Commented [LY7]: Landry also recommends including email wording

Commented [LY8]: Landry recommended revisions for the preceding paragraph

~~Failure to file a grievance with the appropriate District official listed above shall not constitute proper filing, and the applicable timeline for appropriate filing shall continue to run and not be tolled in any way. Should a grievant not file with the appropriate District official as set forth in this policy, and the timeline expires, any subsequent filing of the grievance shall be considered untimely.~~

Filing and Written Response

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the ~~close of business on the deadline~~ end of the deadline day. Filings submitted by electronic communication shall be timely filed if they are received by the ~~close of business on the deadline~~ end of the deadline day, as indicated by the date/time shown on the electronic communication. Mail filings shall be postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative.

The written response may be picked up by the complainant or delivered by electronic communication, including email and fax, or U.S. certified mail. If the student or parent elects to pick up the written response, it shall be considered delivered on the date it is available for pick up regardless of whether the student or parent picks it up or not. Filings submitted by electronic communication shall be timely sent by the end of the deadline day, as indicated by the date/time shown on the electronic communication. Certified mail responses shall be considered timely if they are postmarked on or before the end of the deadline day. In cases of certified mail, it is the responsibility of the recipient to obtain the mailing upon notice from the postal service that a certified mail is available. Failure to do so shall not toll the timelines in this policy.

Days

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

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint. And the parent(s) shall be included in all district correspondence.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student

or parent designates a representative with fewer than three day's notice to the District before a scheduled conference, the District may reschedule the conference to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

Complaints arising out of an event ~~or a series of related events~~ shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event ~~or series of events~~ that have been or could have been addressed in a previous complaint. However, a timely filing may include, as evidence, historical information to substantiate a timely-filed complaint, such as to demonstrate a trend, pattern, or repeating of the concerns. The Board recognizes that some concerns are overlooked as a one-time event, or not fully recognized as concerns until the situation repeats or worsens, and student or parent decides to finally bring it to the attention of the district and propose a solution ("remedy").

Commented [LY9]: Landry recommends striking out wording " series of related events", "or series of events" in this paragraph

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process.

Costs Incurred

~~Each party shall pay its own costs incurred in the course of the complaint. Parents and students shall pay their own costs incurred in the course of the complaint.~~

The Superintendent must personally authorize each request to consult internal or external legal counsel and shall provide a cap to the spending for each grievance. All legal fees shall be tracked alongside each grievance and shall be reported to the board annually at least two board meetings prior to the board's receiving of annual budget briefs. The cap for each grievance shall also be reported. This report shall be made public upon request.

Level One

A student or parent who has a complaint that ~~cannot be~~ has not been resolved in an informal conference shall request a Level One conference with the principal within ten days of the time the student or parent knew, or should have known, of the event or series of events causing the complaint. The principal shall schedule a conference with the student or parent within ten days of the request. In order to initiate this process, the student or parent must provide the principal, in writing in the format provided by the District, the complaint and relief sought. [See FNG(EXHIBIT)] If ~~necessary~~ requested, the principal ~~may~~ shall assist the student or parent in completing the required form. All documentary evidence

relied upon by the student or parent must be provided to the principal at the conference. The principal shall have ten days following the conference within which to respond in writing, except where there are extenuating circumstances that prevent the principal from doing so. When communicating the Level One decision, the principal shall provide to the grievant a digital or paper copy of all documentation relied upon by the Principal to render a decision. In the event the grievance is about the Principal, the initial filing of the grievance shall be at Level Two.

Landry Revisions:

Level One

A student or parent who has a complaint that cannot be resolved in an informal conference shall request a Level One conference with the principal within ten days of the time the student or parent knew, or should have known, of the event ~~or series of events~~ causing the complaint. The principal shall inform the student or parent of the grievance process as well as all remedies available. The principal shall schedule a conference with the student or parent within ten days of the request. ~~In order to initiate this process, the student or parent must provide the principal, in writing in the format provided by the District, the complaint and relief sought. A good faith effort by both the grievant and administrator shall be made to resolve issues and avoid escalation to a formal issue. A formal format may be used to initiate the process. [See FNG(EXHIBIT)]~~ An informal meeting scheduled with the principal shall constitute the initiation of the grievance process. If necessary, the principal ~~may~~ shall assist the student or parent in completing the required form. All documentary evidence relied upon by the student or parent must be provided to the principal at the conference. The principal shall have ten days following the conference within which to respond in writing, except where there are extenuating circumstances that prevent the principal from doing so.

Commented [LY10]: Landry recommended revisions for section "Level One"

Level Two

If the outcome of the conference with the principal is not to the student's or parent's satisfaction or the Principal failed to respond within the Board- required timeframe, the time for a response has expired, the student or parent may request a Level Two conference by submitting a written request to the ~~Executive d~~Director of ~~stu-~~Pupil Personnel support sServices. The request must be in writing in the format provided by the District and must be filed within ten days ~~,- and contain only the original complaints and any non-granted requested remedies from Level One.~~ [See Filing and Written Response above.] [See FNG(EXHIBIT)]

Commented [LY11]: Staff revision - Change of Department Name

~~The request must include the student's or parent's signed statement of the complaint, a copy of the Level One complaint, any supporting evidence, documentation or other evidence presented at Level One, and a copy of the principal's response.~~

A designated executive director or director shall immediately request, and receive from the Principal within two business days:

1. A copy of the Level One complaint including all initial documentation provided by the grievant;

3. Any decision letter of the principal;

4. All evidence or documentation on which the principal relied to render the decision; and

5. All written records of relief granted and remedy negotiations

6. Any evidence the grievant brought to the Level One conference.

The principal shall provide an electronic copy of this "Level Two" file to a student, if 18 or older, or a parent or parent and representative, as appropriate in accordance with this policy.

The executive director or director shall notify the supervisor of a Principal who failed to render a decision in accordance with this policy's requirements. This report shall be included in the personnel records of the Principal.

A designated executive director or director shall schedule the conference within ten days ~~after~~of receiving the request. The designated executive director or director shall prepare a written response to the student or parent within ten days ~~after~~of the conference.

~~No new complaints or claims for relief may be raised at Level Two. The parties may continue to negotiate remedies in order to resolve the grievance.~~ Only documentary evidence contained in the complete Level One record may be considered at Level Two, ~~except in cases where the principal considered additional documentation at Level One in connection with the preparation of the written response.~~ The student or parent may submit additional documentation, but only to the extent such documentation directly responds to what the principal considered at Level One, according to the full file copy provided to the designated executive director or director and grievant.

If the executive director or director would like to research the issue further, the grievant must be provided the information obtained

prior to the decision being rendered. The executive director must consider rebuttals and be an impartial decision-maker.

Level Three

If the outcome of the conference with the executive director or director is not to the student's or parent's satisfaction or the time for a response has expired, the student or parent may request a Level Three conference by submitting a written request to the ~~E~~executive ~~D~~irector of ~~student support~~Pupil Personnel ~~s~~Services. The request must be in writing in the format provided by the District and must be filed within ten days, and contain only the original complaints and any non-granted requested remedies from Level One. - [See Filing and Written Response above] [See FNG(EXHIBIT)]

~~The request shall include the Level Three complaint request form, a copy of the Level One and Two complaint form, the Level One and Two decisions, and any supporting evidence or documents submitted at the prior levels.~~

The Level Two decision-maker shall electronically forward all prior documentation to the Superintendent and copy the grievant and grievant's representative or parent(s), as applicable

The Superintendent or designee shall schedule the conference within ten days after receiving the request. ~~After~~Within ten days of the conference, the Superintendent or designee shall make and communicate a decision in writing. ~~There is no time limit set for the Superintendent or designee response at Level Three.~~

As in Level Two, no ~~Ne~~ new complaints or claims for relief may be raised at Level Three. Only documentary evidence contained in the Level One and Two record may be considered at Level Three, ~~except in cases where the principal considered additional documentation at Level One in connection with the preparation of the written response and the student or parent submitted additional documentation, but only to the extent such documentation directly responds to what the principal considered at Level One.~~

Nothing in the above sections pertaining to Levels One, Two, or Three shall prevent the presiding officer hearing the grievance from conducting any investigation into the allegations raised in the grievance that he or she deems necessary. However, the grievant must be afforded access to the same information and the Superintendent or designee must consider the grievant's rebuttal evidence and statements prior to rendering a decision.

Level Four

If the outcome of the conference with the Superintendent or designee is not to the student's or parent's satisfaction, the student or parent may submit a written request, in the format provided by the

District, to the Superintendent within ten days to place the matter on the agenda of a future Board meeting. [See Filing and Written Response above.] [See FNG(EXHIBIT)]

~~The Superintendent shall inform the student or parent of the date, time, and place of the meeting. There is no time limit set for the Board. The Superintendent~~ **Board President shall inform the student or parent of the date, time, and place of the meeting. The Board will place the Level Four appeal on an agenda for consideration at a meeting to occur within thirty school days of receipt of the appeal. If no meeting will occur or is otherwise available within thirty days, the Board shall place the Level Four appeal on an agenda for consideration at a meeting no later than forty-five (45) days from receipt of the appeal.**

The presiding officer shall establish a reasonable time limit for complaint presentations. The District shall ~~make an audiotape audio and video~~ record of the Level Four proceeding before the

Board. The Board shall ~~render hear the complaint and shall then make and communicate~~ its decision ~~orally or~~ in writing on each complaint, at any time up to and including the next regularly scheduled Board meeting.

~~No Neither party may present~~ new evidence, or claims, ~~or complaints may be presented~~ at this level.

If the complaint involves concerns or charges regarding an employee, it shall be heard by the Board in closed meeting, unless the employee to whom the complaint pertains requests that it be heard in public.

Closed Meeting

Commented [LY12]: The Board's recommended revisions from 02/13/23 meeting. Hillard added strike through of "Superintendent" and added "Board President."