

### **Declaration of Samantha Nelson**

My name is Samantha Nelson, my date of birth is December 16, 1988, and my contact address is 151 S FM 168 Nazareth TX 79063. I declare under penalty of perjury of the United States of America that the following statements are true and correct.

1. I am a resident of Castro County and live within the bounds of Nazareth Independent School District with my husband and our children.
2. L.N. is one of my four children. She has been attending Nazareth Elementary.
3. One of the policies I liked about NISD in 2021 was its view on STAAR testing, as indicated in a letter issued to parents on January 6, 2021, while bemoaning the state legislator's emphasis on testing, Principal O'Connor stated:

As principal of Nazareth School, I believe that your children are our focus and not the STAAR tests. Our students and teachers achieve amazing results, but this is not because we focus on tests or legislative requirements. We focus on your children and teaching them what they need to be successful. Maybe I am splitting hairs but I am certain that STAAR tests produce an immeasurable amount of stress and pressure. The legislature has added one more component schools need to address and a weighty consequence for not passing. Here at school, we plan to focus on supporting our students, helping them grow the best they can, and working our hardest. In the end, we will follow the rules laid out by the legislature and as always, we will stay focused on our students and provide them the best education and support we are able.

Exhibit A-1.

4. In September of 2022 when N.L. was in 3rd grade, I informed NISD that I would be "opting her out" of STAAR testing, as I know many parents across Texas has. NISD and I discussed the matter many times, but never came to an agreement.
5. Though unknown to me at the time, I later learned through NISD's response to a public information request that it began working to find a way to enforce

STAAR testing against parents who opt out. NISD's notes from its October 12, 2022 board meeting stated:

**6.K EIE(LOCAL) Update–Retention & Promotion**

I have been looking at our EIE policy on Retention and Promotion to see if there anything we could put in place if we have some parents who follow through with their plans to “opt out” of state testing. While there is one statement in the (LEGAL) portion of the policy that says we can consider state assessments, there is really nothing in our (LOCAL) policy to actually hang our hat on to do so. Plus, any changes to this (LOCAL) policy would have to be done prior to the start of school. So, we would not be able to do anything with this policy before next year.

Exhibit B-1, p.8.

6. Though the above notes show that NISD was investigating changes to the retention policy, no change to any policy was made during the 2022-2023 year.
7. In April of 2023, L.N. “opted out” of her third grade STAAR test by tabbing through it without selecting answers and submitting the test blank.
8. In third grade, L.N. mastered her studies, and was awarded Outstanding UIL Achievement Awards for Music Memory and Spelling. Exh. A-11.
9. During the 2022-2023 school year, NISD's Retention and Promotion Policy EIE(LOCAL) did not refer to a state assessment as part of the Standards for Mastery, but simply stated that the factors to be considered were the student's performance in coursework, assessments, and final exams. Exhibit A-9, p. 81. (See also Ex. B-1.)
10. Though I did not know it at the time, I have learned that NISD Superintendent Garlitz was working by July of 2023 to “beef up [NISD]'s EIE(LOCAL) Retention and Promotion Policy to combat against parents thinking that they can “Opt Out” of

STAAR for their students,” as she stated in an email on July 7, 2023 to an agent of the Texas Association of School Boards. Exhibit B-1, p. 10.

11. I know of no other family who has opted out; it appears that the policy was amended due to our family’s actions and no other family in the NISD school population, which is about 250 students in K-12<sup>th</sup> grade.

12. In July of 2023 the NISD school board amended its Retention and Promotion Policy EIE (LOCAL) to include a new rule that “Achievement of at least approaches grade level on state assessment instruments shall be required.” Exhibit A-7.

13. The revised policy also implemented a new practice to resolve retention issues by use of a Retention Committee to determine whether a student should be retained. The decision to retain or not would be determined by a vote of the committee, comprising the student’s parent, teacher, and principal, in which the vote to advance must be unanimous, which gives the principal and teacher veto power over a student’s advancement and ability to punish a student who refuses to participate in STAAR testing. Exhibit A-7.

14. The amended retention policy had no impact at the time to L.N.; her advancement to the fourth grade during the 2023-2024 school year had been determined. NISD did not attempt to hold her back because she “tabbed through” the STAAR.

15. I sent an email to Principal O'Connor on September 8, 2023 to remove L.N. from accelerated instruction. He confirmed receipt, and provided a link to NISD's retention policy, to make sure that I "had a chance to review the changes the School Board made to the EIE (Local) policy on Retention and Promotion." Exh. A-10.

16. Near the end of 4th grade, I informed my child's teacher that L.N. would again be opting out of the STAAR test by again submitting a blank test. She said she respected my wishes but informed me that a retention meeting would be held during the summer, but also assured me that my daughter was more than ready for 5th grade.

17. When L.N. was given the STAAR test at the end of fourth grade, she again tabbed through it, turning in a blank test.

18. On July 8, 2024, I received a letter from O'Connor saying L.N. failed to show that she approached grade level on the STAAR test for the fourth grade and that I would be contacted for a retention meeting. Exh. A-15.

19. While in fourth grade, in spite of the STAAR results, L.N: a) made excellent grades (Exh. A-8); b) was awarded UIL Outstanding Achievement Awards in the spring of 2023 (Exh. A-11); c) took a STAAR interim fourth grade test on November 8, 2023 that predicted her result on the actual STAAR would be "Masters Grade Level" (Exh. A-12); and d) during the retention meeting described below, L.N.'s teacher opined that L.N had mastered the material.

20. On July 25, 2024, I received the meeting retention notice. The notice showed that L.N. has scored the minimum score possible on the STAAR test. Exhibit A-2.

21. On August 5, 2024, I emailed the school in August and made clear that I and L.N. should advance to fifth grade, copying my attorney. Exhibit A-3.

22. In response to my email on August 5<sup>th</sup>, Principal O'Connor sent an email back the next day which parroted and included the EIE(LOCAL) retention policy, in which he bolded the section that discusses the requirement of "at least approaches grade level" on the state assessment (STAAR). Exhibit A-4.

23. The retention meeting participants were Principal O'Conner, L.N.'s teacher, Ms. Garcia, my husband, and me. I recorded the meeting, labeled as Exh. A-5.

24. During the meeting, Ms. Garcia read L.N.'s report card, which reflected excellent grades and went over her "iready" assessments (iready is a program the school uses to track student progress throughout the school year). Ms. Garcia said my daughter was on track and indicated by her report to the committee that L.N. was prepared to advance and had even "stretch growth" in reading. Exh. A-5.

25. Principal O'Connor recognized during the meeting that L.N. had made grades in the 80s for math and reading and never stated that L.N. had *not* mastered the material, but he would vote to retain L.N. in the 4th grade because she did not take the STAAR "at her potential", and the STAAR assessment was a critical component of the evaluation.

26. As the retention policy states that the vote of the committee has to be unanimous to promote, Principal O'Connor had the final say. He was only able to make the decision because NISD changed its policy. He defended his position by stating that the test was "what was required of our students" for advancement.

27. On August 9, 2024, I went to the office of the Superintendent Kara Garlitz to try to diffuse the tension and reverse Principal O'Connor's decision to retain L.N. in the fourth grade. She defended the decision by asserting that her decision was in the best interest of the district, and that she was balancing the interests of the child with the interests of the district. She suggested that I follow the school's complaint process, FNG(LOCAL).

28. When I asked her what L.N. would be expected to learn in taking fourth grade again, Ms. Garlitz could not respond with any academic reason, but retreated to the simple defense that she was following the district policy.

29. No other students who had to have retention meetings were retained without parental consent. There were several students that took the STAAR test and failed and also had failing report card grades who were still promoted.

30. At no point has any agent of NISD stated or even attempted to argue that L.N. is not ready for fifth grade. The entire stated argument is that NISD is following a policy, and the policy requires consideration of the STAAR, with the implication

that L.N.'s refusal to take the STAAR at the best of her ability equates inexorably to a requirement to retain, irrespective of any other consideration.

31. Before filing suit, I sent one last email to NISD to plead for L.N. Exh. A-16.

32. As shown on Exh. A-6, NISD began school on August 14, 2024. Through counsel, I sought a temporary restraining order to require NISD to proceed with L.N. in the fifth grade by filing suit in state court on August 12, 2024, based on state law. However, the petition was still "under review" even as I sign this declaration on August 18, 2024. Based on the district court's informal denial by inaction, I am dismissing that case and proceeding to federal court on federal claims.

33. L.N. has now missed the first week of school at NISD, and is being irreparably harmed by NISD's determination to force me and my family to go through the grievance process outlined in the NISD FNG(LOCAL) policy (Exhibit A-14), which takes several weeks at best, and can take months to go through the three levels.

34. Before filing suit, I called a NISD schoolboard member about an appeal to the board, but I learned in that call that the board supports the principal's decision.

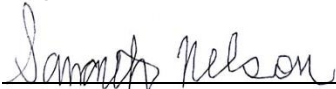
35. The grievance process is not a valid solution here, because the process takes months to complete, and at the end, this NISD board is the same board that amended the retention policy just for this purpose, as confirmed by at least one of the board members. Thus, the appeal policy that is theoretically possible is a mere façade of due process. However, I turn in a grievance form last week, attached as Exh. A-13.

36. I have taken L.N. to NISD Elementary so she would be counted for attendance, but I can't have her waste her time in fourth grade again, so she is studying 5<sup>th</sup> grade material with classes online so she does not fall too far behind. However, she is still enrolled at NISD. These classes are not a proper substitute for studying in her class with her peers, and the loss of socialization and academic progress is irreparable. NISD owes for the cost of 5<sup>th</sup> grade classes and for damages from the prejudice, unequal treatment, and retaliation for exercise of our free speech.

37. I have attached exhibits to this declaration, all of which are just and true copies of the original documents that they purport to be. (Exhibit A-5 is a recording represented by a cover sheet, but available.) I have collected these records as they were provided to me in my dealings with NISD.

Exhibit A-1: January 6, 2021, Letter of Principle O'Conner  
Exhibit A-2: July 23, 2024, Letter from NISD re: retention meeting scheduling  
Exhibit A-3: August 5, 2024, Email from Nelson to O'Conner and Garlitz  
Exhibit A-4: Email from O'Conner to Nelson  
Exhibit A-5: Recording of the August 8th, 2024, Retention Meeting  
Exhibit A-6: NISD 2024-2025 Academic Calendar  
Exhibit A-7: NISD Retention and Promotion Policy EIE (LOCAL)  
Exhibit A-8: L.N.'s Report Card for Fourth Grade  
Exhibit A-9: Excerpt, NISD Student Handbook  
Exhibit A-10: NISD - TXER PIR 201  
Exhibit A-11: L.N.'s 3rd and 4th grade UIL Outstanding Achievement Awards  
Exhibit A-12: Interim Test Results Predicting "Masters Grade Level"  
Exhibit A-13: Grievance Form, turned in August 8, 2024  
Exhibit A-14: NISD Grievance Policy FNG(LOCAL)  
Exhibit A-15: Parent Notification of Preliminary Retention Letter  
Exhibit A-16: August 10, 2024 Email to Board of Education President

Executed in Castro County, Texas on August 18, 2024.

  
\_\_\_\_\_  
Samantha Nelson





# Nazareth Independent School District

PO Box 189 —101 S 1st Street

Nazareth, TX 79063

Phone (806) 945-2231 ~ FAX (806) 945-2431

January 6, 2021

Greetings to our parents and families:

As some of you may already know, the Texas legislature enacted House Bill 4545 last year. To put it simply, Nazareth School is required to give 30 hours of accelerated instruction to any student who does not pass a STAAR test, per subject (passing is Approaches, Meets, or Masters). If a student is not present for testing, the school is still obligated to provide the 30 hours. Failing two STAAR tests would result in 60 hours of accelerated instruction and so forth.

HB4545 was passed in June of 2021, giving us minimal time to process and plan how best to proceed. This year we have been using our tutorial period in secondary and small group pull-outs in elementary to fulfill this requirement. The current method does not work for a number of reasons. Most significantly, holding accelerated instruction from a prior year while learning new content creates a split-focus for our students and staff.

Moving forward, we plan to facilitate our accelerated instruction during summer school. This will help level knowledge gaps and provide a smooth start for the following year. Summer school will provide a timely, efficient, and focused learning environment to help students grow where they need it. Our teachers will be reaching out in the spring (prior to testing) if a student may be at risk of not passing a STAAR test. Please take that opportunity to support your student during STAAR prep.

## Nazareth Independent School District

In the past, summer school for elementary and middle school has been voluntary. As we move forward, Nazareth School will be meeting our HB4545 accelerated instruction requirements during summer school. As such, we are giving families time to process this and plan accordingly.

The Summer school window will open on May 31st and will close on June 30th. The exact schedule is to be determined. Any trips or vacations planned after June 30th would have no impact.

As principal of Nazareth School, I believe that your children are our focus and not the STAAR tests. Our students and teachers achieve amazing results, but this is not because we focus on tests or legislative requirements. We focus on your children and teaching them what they need to be successful. Maybe I am splitting hairs but I am certain that STAAR tests produce an immeasurable amount of stress and pressure. The legislature has added one more component schools need to address and a weighty consequence for not passing. Here at school, we plan to focus on supporting our students, helping them grow the best they can, and working our hardest. In the end, we will follow the rules laid out by the legislature and as always, we will stay focused on our students and provide them the best education and support we are able.

Sincerely



Robert O'Connor

Principal

Nazareth School

Superintendent  
Dr. Kara Garlitz

Principal  
Mr. Robert O'Connor

Secretary  
Mrs. Mona Brockman

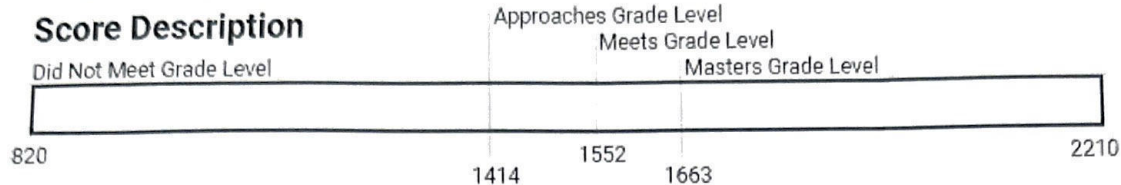
July 23, 2024

**Parent Notification of Student Performance on the  
Grade 4 Reading/Language Arts & Mathematics  
State of Texas Assessment of Academic Readiness - Nazareth School**

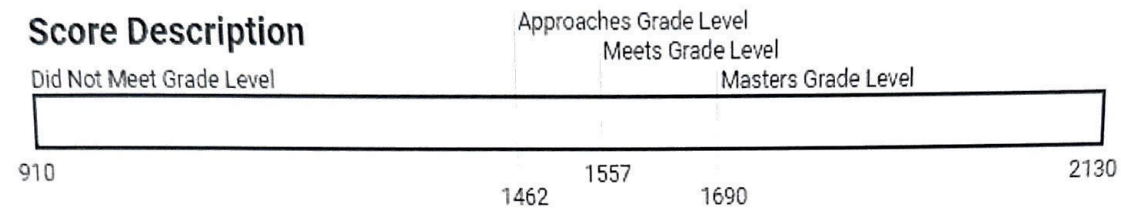
Dear Parents of [REDACTED] N [REDACTED]

In the Spring semester of the 2023-24 school year, your child was given the Grade 4 State of Texas Assessment of Academic Readiness (STAAR) Reading/Language Arts & Mathematics assessments. The results of your child's tests are below. Your child scored in the category "Did Not Meet" and is below the passing threshold.

**Reading/Language Arts Scale Score - 820**



**Mathematics Scale Score - 910**



Under NISD policy, students who score "Did Not Meet" are retained in grades 3-8 by default. A grade-level placement committee will be convened to discuss promotion and must be in unanimous agreement in order to promote a student. Because your child did not meet the passing standard on the state test, she will be automatically retained in Grade 4 pending the decision of our placement committee. We will have a Grade Placement Committee meeting on August 8th to:

- 11) discuss your child's grade placement
- 12) determine an instructional intervention plan for your child for the upcoming school year

It is very important that you, the student's parent(s), be involved in this meeting. The Grade Placement Committee meeting for your child will be held:

Day and Date: **August 8, 2024**  
 Time: **3:15pm**  
 Location: **Principal's Conference Room**

So that adequate preparations can be made for the meeting, please complete and return the attached Confirmation of Participation in the Grade Placement Committee form in the enclosed self-addressed envelope by **Monday, August 5** to the principal's office at your child's school.

Working together, we can help ensure your child's success. We look forward to seeing you at the Grade Placement Committee meeting. If you have any additional questions, please contact the school office at (806) 945-2231.

Sincerely,

Robert O'Connor  
 Nazareth School Principal

### Confirmation of Participation in the Grade Placement Committee Meeting

In response to the notification of the Grade Placement Committee meeting to develop the Accelerated Instruction Plan for next year to be held for \_\_\_\_\_,

I, \_\_\_\_\_, mother / father / guardian (circle one)

- plan to attend.
- do not plan to attend. [If you do not plan to attend, also check one of the following:
  - I waive my participation in the Grade Placement Committee meeting, and I designate the remaining members of the Grade Placement Committee as the decision-makers for all purposes.
  - I designate \_\_\_\_\_ to serve on the Grade Placement Committee for all purposes.
  - I cannot attend in person, but I wish to participate by a telephone call. The number at which I can be reached at the time of the meeting is: (\_\_\_\_) \_\_\_\_\_ .

If you would like to attend but can't due to a scheduling conflict, please call (806) 945-2231.

\_\_\_\_\_  
Parent / Guardian Signature

\_\_\_\_\_  
Date

**Please return this completed form in the self-addressed envelope provided to the principal's office at your child's school by Monday, August 5.**



Warren Norred <warren@norredlaw.com>

## Retention meeting

1 message

**Samantha Nelson** <sammynicholle@hotmail.com>

Mon, Aug 5, 2024 at 12:24 PM

To: Robert O'Connor <robert.oconnor@nazarethisd.net>, Kara Garlitz <kara.garlitz@nazarethisd.net>

Cc: "warren@norredlaw.com" <warren@norredlaw.com>

I received your letter dated July 23, 2024, regarding my daughter, [REDACTED], performance on the STAAR assessment, and the district's intention to hold a meeting regarding her retention in 4<sup>th</sup> grade or promotion to 5<sup>th</sup>. As is my right, I elected to not have her participate in the STAAR assessment. Given her final averages for the year did not fall below an 88 in any subject, it is clear she completed the subject matter for her grade level proficiently. Therefore, I feel there is no valid reason to have her retained and repeat 4<sup>th</sup> grade, in fact, doing so within weeks of the beginning of the school year, after she was been anticipating moving up with her classmates, would be a detriment to her mentally and emotionally.

A letter sent to Nazareth parents dated January 6, 2021, by Principal Robert O'Conner, states the following:

"As principal of Nazareth School, I believe that your children are our focus and not the STAAR tests...We focus on your children and teaching them what they need to be successful....I am certain that STAAR tests produce an immeasurable amount of stress and pressure...Here at school, we plan to focus on supporting our students, helping them grow the best they can, and working our hardest...We will stay focused on our students and provide them the best education and support we are able."

Given this letter, that I am confident everyone involved would agree that what would best serve [REDACTED] is to continue with her classmates in promoting to 5<sup>th</sup> grade. My legal counsel has confirmed that the Texas Education Code states the parent and ONLY the parent, has the final say on retention, therefore I ask that you cease and desist any actions of retention and promote Laikyn, so that further legal action does not need to be taken.

Thank you for putting the children first, and not legislative funding and politics.

Thank you,

Samantha Nelson



Samantha Nelson  
PO BOX 134  
Nazareth, TX 79063

*Via Email and U.S. Mail*

Re: Retention Committee Meeting

Dear Mrs. Nelson,

This letter serves as a response to your email you sent to me on Monday, August 5, in which you expressed your concerns over the possible retention of your daughter and your desire that she be promoted to the 5<sup>th</sup> grade. It is my hope that you will attend the Retention Committee meeting on August 8, 2024 at 3:15 in my office to discuss your daughter's retention or promotion for the 2024-2025 school year.

Nazareth ISD Board Policy EIE (LOCAL), adopted by the Nazareth ISD Board of Trustees on August 2, 2023, requires a retention committee meeting for students who do not meet the District's standards for mastery. This requirement is also outlined in the 2023-2024 Nazareth Independent School District Student Handbook, with an acknowledgement of receipt of which you signed on August 16, 2023.

In accordance with Board Policy EIE (LOCAL), promotion shall be based on mastery of the curriculum. In determining whether to promote a student, the Nazareth Independent School District ("District") considers the recommendation of the student's teacher, the student's grade in each subject or course, the student's score on a state-mandated assessment, and determines mastery based upon the following factors:

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final exams or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.
3. **Mastery of the skills necessary for success at the next level shall also be validated by performance on state assessments. Achievement of at least approaches grade level on state assessment instruments shall be required.**

Your child did not achieve "at least approaches grade level" on her state assessments and has not met the District's standard for mastery. Therefore, pursuant to Board Policy EIE (LOCAL), a Retention Committee meeting must be held. As communicated to you in the letter I sent on July 23, 2024, the purpose of the Retention Committee is to discuss the merits and concerns with retention and promotion, review your daughter's grades in each course, the results of formative or summative assessments, including state assessments, and other available academic information to determine your daughter's academic readiness for the 5<sup>th</sup> grade, and to determine accelerated instructional support, if any, your daughter may need during the next academic year.

At the Retention Committee meeting, we will discuss retention or promotion of your daughter, so I encourage you to attend and express your concerns regarding retention or promotion during the meeting. Pursuant to Board Policy EIE (LOCAL), your daughter shall be retained unless there is a unanimous decision by the retention committee to promote your daughter.

I appreciate your interest in your daughter's education. Please know the Nazareth ISD has a climate of high expectations for its students and believes their education is best accomplished when home and school work together.

Sincerely,  
Robert O'Connor  
Principal  
Nazareth ISD



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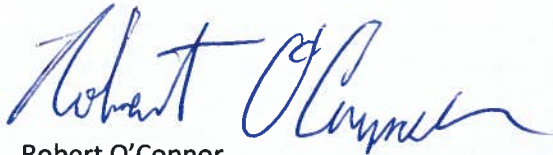
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Sincerely,



Robert O'Connor

Principal

Nazareth ISD

Superintendent  
Dr. Kara Garlitz

Principal  
Mr. Robert O'Connor

Assistant Principal  
Mr. Nathan Branum

Secretary  
Mrs. Karla Farris  
App'x p. 8



Cause No. \_\_\_\_\_

SAMANTHA NELSON for herself and  
minor child L.N.,  
*Plaintiff,*

v.

NAZARETH INDEP'T SCHOOL DIST.,  
PRINCIPAL ROBERT O'CONNOR,  
SUPERINTENDENT KARA GARLITZ  
*Defendants.*

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DISTRICT COURT

242nd DISTRICT

CASTRO COUNTY, TEXAS

**EXHIBIT A-5**

This placeholder sheet represents the recording of the August 8<sup>th</sup>, 2024, Retention Meeting, this counsel will make available to the Court and all defendants by request or at a hearing.

# NAZARETH INDEPENDENT SCHOOL DISTRICT

## 2024-2025 Calendar

### Semester 1

#### August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

#### September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

#### October

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

#### November


S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30


#### December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### Legend/Key

 Staff Development/Student Holiday

 Snow Days/Flex Days

 School Holiday

170 Instructional Days

6 Staff Development Days

6 Staff Work Days

182 Teacher Contracted Days-DOI

Administrative Change 5/30/2024

### August

- 6 9 Staff Development/Workday
- 12 13 Staff Development/Workday
- 14 First Day of School
- 14 Semester 1 Begins (88 Days)
- 14 Cycle 1 Begins (27 Days)

### September

- 2 Labor Day/School Holiday
- 20 Cycle 1 Ends (27 Days)
- 23 Cycle 2 Begins (29 Days)

### October

- 14 Student Holiday/Teacher Comp Day

### November

- 1 Cycle 2 Ends (29 Days)
- 4 Cycle 3 Begins (32 Days)
- 27-29 Thanksgiving Break/School Holiday

### December

- 20 Early Release/Semester Exams
- 20 Cycle 3 Ends (32 Days)
- 20 Semester 1 Ends (88 Days)
- 23-31 Christmas Break/School Holiday

### January

- 1 & 2 School Holiday
- 3 Staff Development/Workday
- 6 Semester 2 Begins (83 Days)
- 6 Cycle 4 Begins (29 Days)
- 17 County Stock Show/School Holiday

### February

- 14 Cycle 4 Ends (29 Days)
- 17-18 Pres Day/Stck Show/School Holiday
- 19 Cycle 5 Begins (27 Days)
- \*27 Student Holiday/Teacher Comp Day
- 28 School Holiday

### March

- \*6 Student Holiday/Teacher Comp Day
- 7 School Holiday

**26 Student Holiday/Teacher Workday**

- 28 School Holiday

### April

**?? Early Release--JH District Track??**

- 4 Cycle 5 Ends (27 Days)
- 7 Cycle 6 Begins (27 Days)
- 18 School Holiday/Good Friday
- 21 Snow Day 2--Easter Monday

### May

- 15 Early Release/Sem Exams/Workday
- 15 Cycle 6 Ends (27 Days)
- 15 Semester 2 Ends (83 Days)
- 16 Snow Day 1
- 17 Graduation

**This School Calendar is Subject to Change**

## Home of Champions

### Semester 2

#### January

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

#### February

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

#### March

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

#### April

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

#### May

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### June-STAAR/EOC Retakes

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

### July

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

\*Please see #6 & #7 on page 2 regarding the move of holidays from state basketball (if no advancement) for Houston Livestock Show.

## HB 2610 (75,600 Minutes)

Days Minutes Total Grand Total

**8:00 AM - 3:35 PM (455 Minutes Per Day)**

First Day of School	14-Aug				
Cycle 1 Begins	14-Aug				0
Cycle 1 Ends	20-Sep	27	455	12,285	12,285
Cycle 2 Begins	23-Sep				12,285
Cycle 2 Ends	1-Nov	29	455	13,195	25,480
Cycle 3 Begins	4-Nov				25,480
Early Release at 12:30 (Semester Exams)	20-Dec	1	275	275	25,755
Cycle 3 Ends	20-Dec	31	455	14,105	39,860
Cycle 4 Begins	6-Jan				39,860
Cycle 4 Ends	14-Feb	29	455	13,195	53,055
Cycle 5 Begins	19-Feb				53,055
Early Release at 12:30 (JH-Dist-Track)					53,055
Cycle 5 Ends	4-Apr	27	455	12,285	65,340
Cycle 6 Begins	7-Apr				65,340
Early Release at 12:30 (Semester Exams)	15-May	1	275	275	65,615
Cycle 6 Ends	15-May	26	455	11,830	77,445

<b>Total Instructional Days/Minutes</b>	<b>171</b>
Staff Development/Work Days (August 6-13)	6
Staff Comp Days (Oct 14, Feb 27 & March 6)	3
Staff Development/Work Day (Jan 3)	1
Staff Work Day (March 27)--HS UIL Meet--tentative	1

**77,445**

cushion + / owe -
1,845

**Teacher Total Contracted Days = 182 DOI 182**

Comp Day Considerations

GT Update/Technology	1
Job Related/Content Related/Principal Approved	1
Special Needs/Principal Approved	1

**Holidays:**

Labor Day	9/2/202	1
Thanksgiving	Nov 27-29	3
Holiday Break	Dec 23-Jan 2	9
County Stock Show	17-Jan	1
Pres Day/Stock Show	Feb 17-18	2
Girls State	Feb 27-28	2
Boys State	Mar 6-7	2
Extra Holiday	28-Mar	1
Good Friday	18-Apr	1

Snow Day 1	16-May	1
Snow Day 2	21-Apr	1

1. SBDM met on February 7, 2024 to approve and recommend the 2024-2025 NISD School Calendar
2. The calendar as presented exceeds the required number of minutes by 1665 minutes (77265-75,600).
3. School day runs 8:00-3:35 for a total of 455 minutes per day.
4. Tutorials held during the school day after 1st period (8:51-9:18 AM).
5. Early release at 12:30 built into the calendar for two days (Semester Tests).
6. \*No team to state basketball, Feb 27 & March 7 (two Thursdays) will move to March 10-11 for Houston Livestock Show.
7. \*One team to state basketball, Feb 27 OR March 6, will move to Monday, March 10 for Houston Livestock Show.
8. \*Both teams advance to state basketball, Feb-March holidays (Feb 27-28, March 6-7) remain as presented and adopted.
9. Snow Day 1 May 16 and then Snow Day 2 on April 21 coincides with Easter Monday
10. March 26--HS UIL Academics hosted at Nazareth

**Please note:**

**School Holiday on March 28 (typically a lot of activities going on that day)--tentative**

**Snow Day 1 on May 16**

**This School Calendar is Subject to Change**

**Administrative Change 5/30/2024**

ACADEMIC ACHIEVEMENT  
RETENTION AND PROMOTION

EIE  
(LOCAL)

**Curriculum Mastery**

Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory, intensive, and/or accelerated services. [See EHBC] The District shall comply with applicable state and federal requirements when determining methods for students with disabilities [see FB] or students who are English language learners [see EHBE and EKBA] to demonstrate mastery of the curriculum.

Students Receiving  
Special Education  
Services

Any modified promotion standards for a student receiving special education services shall be determined by the student's admission, review, and dismissal (ARD) committee and documented in the student's individualized education program (IEP). [See EHBA series and EKB]

**Standards for  
Mastery**

In addition to the factors in law that must be considered for promotion, mastery shall be determined as follows:

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final exams or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.
3. Mastery of the skills necessary for success at the next level shall also be validated by performance on state assessments. Achievement of at least approaches grade level on state assessment instruments shall be required.

Grades 1-2

In grades 1-2, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

Grades 3-8

In grades 3-8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas, achievement of at least approaches grade level on state assessment instruments, and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

ACADEMIC ACHIEVEMENT  
RETENTION AND PROMOTION

EIE  
(LOCAL)

Grades 9-12

Grade-level advancement for students in grades 9-12 shall be earned by course credits. [See EI]

**Retention Committee**

When the standards of mastery are not met by a student, the district shall convene a retention committee and meet with the parent or guardian to discuss retention or promotion.

The retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the student did not meet the standard of mastery; and
4. Additional teachers at the discretion of the principal if the student will potentially repeat multiple courses.

The retention committee shall:

1. Discuss the merits of and concerns with retention and promotion;
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments, including state assessments, administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course; and
3. Determine the accelerated instructional support that will be needed the next academic year for the student.

The student shall be retained unless there is a unanimous decision by the retention committee to promote the student.

# Exhibit A-8

Student Name	Student ID	Grade	Control	Semester	Cycle	Year	Date
Nelson, L [REDACTED]	[REDACTED]	04		2	3	23-24	5/30/2024
School							
Nazareth School							
School Address							
101 South 1st ST Nazareth, TX 79063-0189							
Principal Name						Telephone	
ROBERT O'CONNOR						806-945-2231	

To the Parents/Guardians of:

N [REDACTED] L [REDACTED]  
 PO Box 134  
 Nazareth, TX 79063

Course Title	Semester 1			Semester 2			Con-duct	Cum Yearly Avg	Comments	Teacher Name
	1st 6 wks Grade	2nd 6 wks Grade	3rd 6 wks Grade	Exam	Avg	4th 6 wks Grade				
SCIENCE Gr4	90	95	86	90	81	91	90	87	89	Garcia, Jill
PE Gr4	95	95	95	95	95	95	95	95	95	Schilling, Eric
MATH Gr4	91	88	88	89	84	84	93	87	88	Garcia, Jill
SOCSTGr4	90	98	91	93	95	92	98	95	94	Garcia, Jill
ELA READ 4	88	91	92	90	84	87	92	88	89	Garcia, Jill
ART GR4	95	95	95	95	95	95	95	95	95	Schulte, Nicole

Explanation of Comments Codes

Attendance	1st 6 wks	2nd 6 wks	3rd 6 wks	4th 6 wks	5th 6 wks	6th 6 wks	Yearly Total
Days Present	27	29	27	26	25	28	162
Days Absent	0	0	3	5	0	1	9
Excused	0	0	3	1	0	0	4
Unexcused	0	0	0	4	0	1	5
Times Tardy	0	0	0	0	0	0	0

Note: A student having excessive abs, defined by Texas Attendance Laws, may not receive credit, nor be promoted.

Campus Message Block

PLEASE CALL THE SCHOOL OFFICE WITH ADDRESS & PHONE NUMBER CHANGES



# ***Nazareth ISD Student Handbook 2023-24 School Year***

**July 12, 2023**

Date of Board Approval

If you have difficulty accessing the information in this document because of disability, please contact the district at [kara.garlitz@nazarethisd.net](mailto:kara.garlitz@nazarethisd.net) or 806-945-2231.



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    Student Welfare: Freedom from Bullying ..... 101

- Contacting school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are held on the *first Wednesday* of each month at 7:30 p. m. at the Board Room – 101 S 1<sup>st</sup> Street, Nazareth, TX 79063. An agenda for a regular or special meeting is posted no later than 72 hours before each meeting at *bulletin board* and online at *www.nazarethisd.net*. [See policies BE and BED for more information.]

### **Pledges of Allegiance and a Minute of Silence (All Grade Levels)**

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags** on page 11.]

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others.

In addition, state law requires that each campus provide for the observance of one minute of silence in remembrance of those who lost their lives on September 11, 2001, at the beginning of the first class period when September 11 falls on a regular school day.

[See policy EC for more information.]

### **Prayer (All Grade Levels)**

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt school activities. The school will not encourage, require, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

### **Promotion and Retention**

A student will be promoted only on the basis of academic achievement or proficiency. In making promotion decisions, the district will consider the following:

- Teacher recommendation
- Grades
- Scores on criterion-referenced or state-mandated assessments
- Any other necessary academic information as determined by the district

### **Elementary and Middle/Junior High Grade Levels**

In grades *PK – K grade*, promotion is based on mastery of the curriculum as assessed through standardized measures in reading and mathematics.

In grades 1-2: promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

In grades 3-8: promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas, achievement of at least approaches grade level on state assessment

instruments, and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

#### **Repeating PreKindergarten— Grade 8 at Parent Request**

A parent may request in writing that a student repeat *prekindergarten*, kindergarten, or any grade in grade 1-8. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

#### **High School Grade Levels**

To earn credit in a course, a student must receive a grade of at least 70 based on course-level standards.

A student in grades 9-12 will be advanced a grade level based on the number of course credits earned. [See **Grade-Level Classification** on page 58.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** on page 59 and **Standardized Testing** on page 93.]

#### **Retention Committee**

When the standards of mastery are not met by a student, the district shall convene a retention committee and meet with the parent or guardian to discuss retention or promotion.

The retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the student did not meet the standard of mastery; and
4. Additional teachers at the discretion of the principal if the student will potentially repeat multiple courses.

The retention committee shall:

1. Discuss the merits of and concerns with retention and promotion;
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments, including state assessments, administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course; and
3. Determine the accelerated instructional support that will be needed the next academic year for the student. The student shall be retained unless there is a unanimous decision by the retention committee to promote the student.

#### **Repeating a High-School Credit Course**

A parent may request in writing that a student repeat a high-school credit course in which the student was enrolled during the previous school year unless the district determines that the student has met all requirements for graduation.

Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

## **Release of Students from School**

[See **Leaving Campus** on page 76.]

## **Remote Instruction**

The district may offer remote instruction in accordance with TEA guidelines.

- Procedures for remote instruction are posted on the website [www.nazarethisd.net](http://www.nazarethisd.net)

All district policies, procedures, guidelines, rules, and other expectations of student behavior will be enforced as applicable in a remote or virtual learning environment.

## **Report Cards/Progress Reports and Conferences (All Grade Levels)**

Report cards with each student's performance and absences in each class or subject are issued at least once every 6 weeks.

At the end of the first three weeks of a grading period], parents will receive a progress report if their child's performance in any course/subject area is near or below 70 or is below the expected level of performance. If a student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be asked to schedule a conference with the teacher. [See **Working Together** on page 80 for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the principal pursuant to the board-adopted policy. Grading guidelines are designed to reflect each student's relative mastery of each assignment. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy. [See **Grading Guidelines** on page 58 and policy EIA(LOCAL) for more information.]

Questions about grade calculation should first be discussed with the teacher. If the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70.

## **Retaliation**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 45.]

## **Required State Assessments**

### **STAAR (State of Texas Assessments of Academic Readiness) for Grades 3-8**

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3-8
- Reading, annually in grades 3-8
- Science in grades 5 and 8
- Social Studies in grade 8

### **Standardized Testing for a Student Enrolled Above Grade Level**

If a student in grades 3-8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

A student in grades 3-8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science prior to high school.

### **High School Courses End-of-Course (EOC) Assessments**

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments is required for graduation, unless waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment. The windows occur in the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have opportunities to retake the assessment.

### **Requesting Administration of STAAR/EOC in Paper Format (All Grade Levels)**

STAAR and EOC assessments are administered electronically.

A parent or teacher may request that a STAAR or EOC be administered to a student in paper format. The district may grant this request for any single administration for up to three percent of the number of students enrolled in the district. Requests will be granted in the order in which they are received.

Requests for paper format for a fall administration of a STAAR or EOC must be submitted no later than September 15 each school year.

Requests for paper format for a spring administration of a STAAR or EOC must be submitted no later than December 1 each school year.

### **Standardized Testing for a Student in Special Programs**

Certain students — some with disabilities and some classified as emergent bilingual students — may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, school counselor, or special education director.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PGP). [See **Graduation** on page 59.]

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

For more information, see the principal, school counselor, or special education director

#### **Failure to Perform Satisfactorily on STAAR or EOC**

If a student does not perform satisfactorily on a required state assessment in any subject, the district will provide accelerated instruction for the student in the subsequent school year by:

- Assigning the student to a teacher who is certified as a master, exemplary, or recognized teacher if one is available in the grade and subject matter of the state assessment on which the student did not perform satisfactorily, or
- Providing supplemental instruction.

A student may be required to attend any assigned supplemental instruction program before or after school or during the summer.

The district will provide transportation for supplemental instruction.

When a student fails to perform satisfactorily on a required state assessment in the same subject area for two or more years, the district shall develop an accelerated education plan. Parents are encouraged to participate in developing this plan.

#### **Personal Graduation Plans — Middle School Students**

For a *middle-school* student who does not perform satisfactorily on a state-mandated examination, a school official will prepare a personal graduation plan (PGP).

School officials will also develop a PGP for a *middle-school* student who is determined by the district to be unlikely to earn a high school diploma within five years of high school enrollment. The plan will, among other items:

- Identify the student's educational goals.
- Address the parent's educational expectations for the student.
- Outline an intensive instruction program for the student.

[See the *school counselor* and policy EIF(LEGAL) for more information.]

For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[See **Personal Graduation Plans** on page 63 for information related to the development of personal graduation plans for high school students.]

#### **Safety (All Grade Levels)**

Student safety on campus, at school-related events, and in district vehicles is a high priority of the district. The cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow all behavioral standards in this handbook and the Student Code of Conduct or set by district employees.

**Re: Opt out of AI**

Robert O'Connor <robert.oconnor@nazarethisd.net>

Mon 9/11/2023 10:36 AM

To:Samantha Nelson <sammynicholle@hotmail.com>

📎 1 attachments (112 KB)

Scanned from Nazareth ISD (99).pdf;

Mrs. Nelson,

Please print, sign, and return the attached form in L [redacted] class folder. Your signature on the form will formalize [redacted]'s removal from AI.

I also wanted to make sure you've had a chance to review the changes the School Board made to the EIE (Local) policy on Retention and Promotion. [The policy can be found here.](#)

Sincerely,  
Robert O'Connor  
Principal  
Nazareth ISD

On Fri, Sep 8, 2023 at 3:28 PM Samantha Nelson <[sammynicholle@hotmail.com](mailto:sammynicholle@hotmail.com)> wrote:

In regards to [redacted] Nelson,

Pursuant to 28. 0211 (a-9) I elect to remove my child from the accelerated instruction required by 28. 0211 (a-1)(2). Please confirm that he/she has been removed from all accelerated instruction.

Thank you,  
Samantha Nelson

Sent from my iPhone



**N**

**2022  
OUTSTANDING  
UIL ACHIEVEMENT**

**L [REDACTED] N [REDACTED] 3rd Grade**

**Music Memory - 3rd  
1st Place Team  
Spelling - 1st  
1st Place Team**

*Robert Olman*

**N**

**2023 UIL  
OUTSTANDING  
ACHIEVEMENT**

**4th Grade L [REDACTED] N [REDACTED]**

**Art Smart 1st place—2nd Place Team  
Music Memory 1st place—2nd Place Team  
Ready Writing 6th place  
Spelling 1st place—1st Place Team**

*Robert Olman*

N [REDACTED]

Fall 2023 STAAR Interim Grade 4 Reading Online, Paper, Braille, and Content and Language Supports Forms

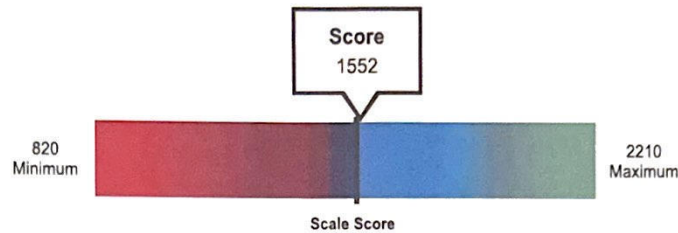
TSDS Number: 9145887314 | Student DOB: 9/9/2013 | Enrolled Grade: 4  
Date Taken: 11/8/2023

REG 16 EDUCATION SERVICE CENTER  
NAZARETH ISD  
NAZARETH SCHOOL

Scale Score: 1552 Overall Raw Score: 17/26 Predicted STAAR Performance: Predicted to be Masters Grade Level Form: High

How Did Your Child Do on the Test?

The scale score shows how well your student performed on the range of all possible scores.



How Is Your Child Predicted to Perform on the STAAR?

The Predicted STAAR Performance Level indicates the expected STAAR achievement level your child is likely to achieve based on their current Interim score, if their learning trajectory stays at the same constant rate.

Predicted STAAR Performance: Predicted to be Masters Grade Level

How Did Your Child Perform on Different Areas of the Test?

Reporting categories are groupings of related skills.

▲ Under Target ▲ Near Target ● Above Target

Reporting Category	Raw Score (1) High Form	Raw Score (2) Medium Form	Raw Score (3) Low Form	Performance
1. Reading	9/15	n/a	n/a	▲
2. Writing	8/10	n/a	n/a	▲

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(EXHIBIT)

### Exhibit A—Student / Parent Complaint Form—Level One

**Note:** Informal resolution is encouraged but does not extend any deadlines in FNG(LOCAL), except by mutual written consent. Please use this form to file a formal, initial complaint in accordance with FNG(LOCAL), regardless of the level of administrator or hearing that may be designated by the District to respond to the complaint.

Please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. Mail to the appropriate administrator within the time established in FNG(LOCAL). All complaints will be heard in accordance with FNG(LEGAL) and (LOCAL) or any exceptions outlined therein.

A person filing a complaint regarding refusal of entry to or ejection from property under the District’s control based on Education Code 37.105 will be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before reaching the Board. [See GKA]

*(Please print.)*

Name: Samantha Nelson

Address: 151 S FM 168 Nazareth TX 79063 United States

Telephone number: (806) 292-2182

Email address: sammynicholle@hotmail.com

Campus: Nazareth ISD

If you will be represented in presenting your complaint, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Please describe the decision or circumstances causing your complaint. *(Give specific, factual details.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(EXHIBIT)

What was the date of the decision or circumstances causing your complaint?

August 8, 2024

Please explain how you have been harmed by this decision or circumstance.

My child's education is being harmed. She has mastered her 4th grade content and is not being  
allowed to further her education. This is also taking a toll on her mental health.

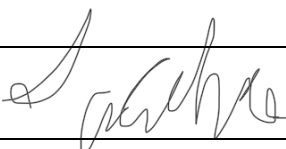
Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.

I spoke to SI Garlitz on Friday 8/9/24. I asked her to consider the best interest of my child and she  
said she was looking out for the best interest of the district. I also emailed principal, SI and board  
president on 8/10/24 asking them to reconsider because my child was miserable and got no response.

Please describe the outcome or remedy you seek for this complaint.

My daughter promoted to 5th grade. Policy changed to not be discriminatory.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student's or parent's signature: 

Signature of student's or parent's representative: \_\_\_\_\_

Date of filing: 8/14/2024

*Complainant, please note:*

*If you are initiating a formal complaint with the District, please use this Exhibit A—Level One form. The appropriate level administrator or level hearing will be designated to respond to the complaint in accordance with this policy.*

*A complaint form that is incomplete in any material way may be dismissed, but may be refiled with all the required information if the refileing is within the designated time for filing a complaint.*

*Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.*

In September 2022, when my child L.N. was in 3rd grade, I informed the district that I would be opting her out of STAAR testing for the reasons set forth in my opt out letter.

The district sent me letters and emails basically telling me I wasn't allowed to opt out and tried to use several TEA policies to make their point. We went back and forth several times about this issue.

In April 2023, during STAAR testing, my daughter advanced through the test without selecting any answers and submitting the test blank.

In July 2023 the school board changed the policy from "a student must pass classes with a grade of 70+ OR obtain a ranking of 'approaches grade level' on STAAR or a retention meeting will be had" to "a student must pass classes with 70+ AND obtain a ranking of 'approaches grade level' on STAAR or a retention meeting will be had." Also, the board changed the policy to state that a child will be retained if the decision by parent, teacher and principal is not a unanimous yes. As a result, only one person is needed to say that a student cannot be promoted and the student will be forced to repeat a grade. This policy was passed to "combat" parents who protest the state accountability system by opting out.

In March 2024, when she was in 4th grade, I informed my child's teacher that L.N. would again submit a blank test. My reasons for opting out are unchanged. She said she respected my wishes as parent but informed me that a retention meeting would be held during the summer, but also assured me that my daughter was more than ready for 5th grade.

On July 8, 2024, I got a letter saying my child did not approach grade level on the STAAR test and that I would be contacted later to schedule a retention meeting.

On July 25, 2024, I received notice of the time and the date of the retention meeting.

I emailed the school in August and made clear that L.N. would be advancing to fifth grade.

My husband and I attended the retention meeting, along with Principal O'Conner and L.N.'s teacher, Ms. Garcia.

Ms. Garcia read L.N.'s report card, which showed excellent grades and "iready" assessments. (iready is a program used to track student progress throughout the school year.)

Ms. Garcia said my daughter was on track and had mastered her assessments for 4th grade.

Despite L.N.'s performance, Principal O'Conner decided to retain her in 4th grade.

Principal O'Conner got the final say. He never asked the teacher, my husband, and I for our thoughts concerning whether she should be retained or promoted. There was absolutely no discussion. His mind was made up before we walked in the door.

I called a member of the school board to ask if I could appeal to the school board. My impression from her is that they all support the principal's decision.

I let Superintendent Garlitz know that a lawsuit was coming and that I wanted to avoid it if possible. Based on our conversation, I concluded that she wasn't doing what was in the best interest of my child, but instead was prioritizing her perception of what was best for the district and what would most effectively stop parents from protesting STAAR by opting out.

I also got the impression that the policy was changed last year because of my opting out with my daughter the previous year. No other students who had to have retention meetings were retained without parental consent. There were several students that took the STAAR test and failed and also had failing report card grades who were still promoted. I feel that my child has been retaliated against for my position and actions against STAAR.

Failure to allow L.N. to advance with the rest of her class will cause irreparable harm, a permanent loss of a school year, but even a few days will set her back without good cause.

I understand that because this is an appeal of the principal's decision, it can be docketed at Level 2, but if my understanding is incorrect, I ask that it be docketed at the level the district contends is proper.

I also ask that the district include in the record any notes of the meeting made by Principal O'Connor or the teacher, a copy of L.N.'s academic records including grades and assessments (internal and external, including iReady) for the past three years, and the attached documents and audio recording.

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**Complaints**

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

Other Complaint  
Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

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 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.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.



STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
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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.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.
14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

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.

**Guiding Principles**

Informal Process

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.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

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

Even after initiating the formal complaint process, students and parents are encouraged to seek informal 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.

**Freedom from Retaliation**

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



STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**General Provisions**

Filing

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. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling  
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

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

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 days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing 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.

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

- 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. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
- Costs Incurred Each party shall pay its own costs incurred in the course of the complaint.
- Complaint and Appeal Forms Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.
- Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.
- A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing.

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

**Level Two**

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**Level Three**

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or par-

STUDENT RIGHTS AND RESPONSIBILITIES  
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(LOCAL)

ent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

**Parent Notification of  
PRELIMINARY  
Student Performance  
on the Grade 4, Reading & Mathematics  
State of Texas Assessment of Academic Readiness  
Nazareth School**

July 2, 2024

Dear Parents of L [redacted] M [redacted] :

In the Spring semester of the 2023-2024 school year, your child took the Grade 4 State of Texas Assessment of Academic Readiness (STAAR) assessments in Reading & Mathematics.

The preliminary results suggest that your child may not have met the expected grade-level performance in the following assessment(s): Reading & Mathematics.

Please note, final results will be available to Nazareth Independent School District by mid-July, and report cards will be distributed in early August.

As previously discussed at our annual parent meeting in Fall 2023 and outlined on our website, district policy EIE (Local) states that students scoring in the "Did Not Approach Grade Level" category are subject to retention. Progression to the next grade level can occur through a unanimous decision by a retention committee.

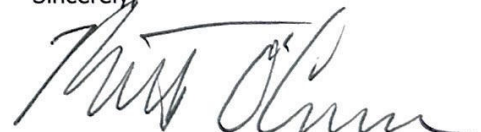
This committee, consisting of parent(s)/guardian(s), a teacher, and a principal, will convene to conduct a review of your child's academic performance and growth. Your participation is crucial, and we value your input regarding grade level promotion.

When NISD receives final results later in July, we will send an invitation to a retention committee meeting with details regarding the date and time. Should you have any questions or wish to discuss this matter prior to the meeting, please do not hesitate to reach out.

To clarify TEA's scale in terms of Pass-Fail, I have included this table:

Fail	Pass		
Did Not Approach Grade Level	Approaches Grade Level	Meets Grade Level	Masters Grade Level

Sincerely,



Robert O'Connor  
Nazareth School Principal



## Regarding Laikyn

Samantha Nelson <sammynicholle@hotmail.com>

Sat 8/10/2024 10:33 AM

To:alan.birkenfeld@nazarethisd.net <alan.birkenfeld@nazarethisd.net>

I'm not sure if you're the person I need to be taking this to but I figured it can't hurt. I sent this to the principal and superintendent last night. I'm reaching out to see if there's any solution we can come to.

I am coming to you as a mother who finally got her daughter to fall asleep after hours of crying. I'm begging you not to do this to my child. Ever since I told her yesterday that she will not be moving onto 5th grade with her friends she has been heartbroken. She hasn't left her room, I can't get her to eat much. This is going to crush her. I cannot imagine what the long term effects of this will be on her mental health. I have never seen her so devastated and broken. The bubbly light that usually surrounds her is gone. She was very much looking forward to decorating her locker, catching up with her friends, going to meet the teacher, getting her new yearbook and doing all the things she loves at school. She's even been so excited to get to do "athletics" this year and use the new gym bag she just had to have. She has been so excited to get back. Placing her in a class younger than her when she's much more academically ahead will be a detriment to her self esteem and to her education. She's an A average student at the top of her class. Please don't punish her for a choice I made for her. She has been begging me to just take the test right

now so she can go on. She's pleading with me that she will try her hardest on it next year if she can just go back to school and be in the grade that she is supposed to be in. She's earned that. She deserves that. I never would've had her tab through the test if I knew that her grades were not going to be taken into account at the retention meeting. I did not think it would solely be based on staar alone. I cannot take another night of her falling asleep crying in my arms. Please don't take her away from the only friends she's ever known. I don't want this to escalate. I'm willing to put my pride aside for what is best for my child. I'm begging you to do the same.

Thank you,  
Samantha Nelson