



**EMPLOYEE  
HANDBOOK  
2009-2010**

*Wichita Falls Independent School District*

*(also available online at [www.wfisd.net](http://www.wfisd.net))*

# Table of Contents

## ***Introduction***

***Employee Handbook Receipt***

***Policy Revision Notice***

## ***District Information***

### ***Mission Statement, Goals, and Objectives***

Board of Trustees

Board Meeting Schedule for 2009–2010

Administration

Helpful Contacts

Employment

Equal Employment Opportunity

Job Vacancy Announcements

Employment After Retirement

Contract and Noncontract Employment

Searches and Alcohol and Drug Testing

Health Safety Training

Reassignments and Transfers

Workload and Work Schedules

Notification to Parents Regarding Qualifications

Outside Employment and Tutoring

Performance Evaluation

Employee Involvement

Staff Development

## ***Compensation and Benefits***

Salaries, Wages, and Stipends

Annualized Compensation

Paychecks

Direct Deposit

Payroll Deductions

Overtime Compensation

Travel Expense Reimbursement

Health, Dental, and Life Insurance

Supplemental Insurance Benefits

Cafeteria Plan Benefits (Section 125)

Workers' Compensation Insurance

Unemployment Compensation Insurance

Teacher Retirement

***Leaves and Absences***

***Personal Leave***

Sick Leave  
Local Leave  
Reporting Absences and Tardiness  
Temporary Disability Leave  
Family and Medical Leave  
Workers' Compensation Benefits  
Assault Leave  
Bereavement Leave  
Jury Duty  
Other Court Appearances  
Military Leave

***Employee Relations and Communications***

Employee Recognition and Appreciation  
District Communications

***Complaints and Grievances***

***Employee Conduct and Welfare***

Standards of Conduct  
Discrimination, Harassment, and Retaliation  
Harassment of Students  
Alcohol and Drug-Abuse Prevention  
Reporting Suspected Child Abuse  
Fraud and Financial Impropriety  
Conflict of Interest  
Gifts and Favors  
Associations and Political Activities  
Safety  
Tobacco Use

***Criminal History Background Checks***

Employee Arrests and Convictions  
Possession of Firearms and Weapons  
Visitors in the Workplace  
Copyrighted Materials  
Computer Use and Data Management  
Asbestos Management Plan  
Pest Control Treatment  
Other Topics

***Personal Property***

***Employees Operating District Vehicles***

***General Procedures***

Bad Weather Closing  
Emergencies  
Purchasing Procedures  
Name and Address Changes  
Personnel Records  
Building Use

***Termination of Employment.***

Resignations  
Dismissal or Nonrenewal of Contract Employees  
Dismissal of Noncontract Employees  
Exit interviews and Procedures  
Reports to State Board for Educator Certification  
Reports Concerning Court-Ordered Withholding

***Student Issues***

Equal Educational Opportunities  
Student Records  
Parent and Student Complaints  
Administering Medication to Students  
Dietary Supplements  
Psychotropic Drugs  
Student Discipline  
Student Attendance  
Bullying  
Hazing

## Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Director of Human Resources at 235-1012.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed on line at [www.wfisd.net](http://www.wfisd.net).

# Employee Handbook Receipt

Name \_\_\_\_\_ Campus/Dept. \_\_\_\_\_

I hereby acknowledge receipt of a copy of the Wichita Falls ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy.

The WFISD Employee handbook may be accessed on the District's website at [www.wfisd.net](http://www.wfisd.net) by clicking on the box labeled "Employment", then clicking on "Employee Handbook" – located on the left hand of the screen under the "Online Forms" section.

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing according to the instructions provided.
- I choose to receive a hard copy of the employee handbook. I understand that in order to receive a hard copy, I must print this page, select this option and return receipt page to Human Resources.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this booklet. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

**Policy Revision Notice:** I understand that the following policies have been added or updated and are addressed in the Employee Handbook. I am aware that the entire policy can be accessed on the WFISD website at [www.wfisd.net](http://www.wfisd.net).

<u>Policy Code</u>	<u>Policy Title</u>
DAA	Equal Employment Opportunity
DBAA	Criminal History and Credit Reports
DBB	Employment Requirement and Restrictions ~ Medical Examinations and Communicable Diseases
DEA	Salaries and Wages
DEAA	Incentives and Stipends
DEC	Leaves and Absences
DECA (New)	Family Medical Leave
DECB (New)	Military Leave
DHE	Employee Standards of Conduct; Searches and Alcohol / Drug Testing

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources Office if I have questions, concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **District Information**

### ***Mission Statement, Goals, and Objectives***

*Policy AE*

### ***Board of Trustees***

*Policies BA, BB, BD, and BE series*

Texas law grants the Board of Trustees the power to govern and oversee the management of the district's schools. The Board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the Superintendent and other professional staff, and facilities. The Board has complete and final control over school matters within limits established by state and federal law and regulations.

The Board of Trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees are elected biannually and serve four-year terms. Trustees serve without compensation, must be registered voters, and must reside in the district.

Current Board members include:

Bob Payton, President

Reginald Blow, Vice President

Kirk Wolfe, Secretary

Ken Hines

Trey Sralla

Kevin Goldstein

Allyson Flack

The Board usually meets the 3<sup>rd</sup> Monday of each month at 6:00 p.m. In the event that large attendance is anticipated, the Board may meet in room 302. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted to the district's website at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the Board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

### ***Board Meeting Schedule for 2009-2010***

August 11, 2009	Tuesday	Work Session	12:00 Noon
August 13, 2009	Thursday	Special Session	12:00 Noon
August 18, 2009	Tuesday	Special Session	12:00 Noon

August 31, 2009	Monday	Board Meeting	6:00 p.m.
September 15, 2009	Tuesday	Work Session	12:00 Noon
September 21, 2009	Monday	Board Meeting	6:00 p.m.
October 13, 2009	Tuesday	Work Session	12:00 Noon
October 19, 2009	Monday	Board Meeting	6:00 p.m.
November 10, 2009	Tuesday	Work Session	12:00 Noon
November 16, 2009	Monday	Board Meeting	6:00 p.m.
December 8, 2009	Tuesday	Work Session	12:00 Noon
December 14, 2009	Monday	Board Meeting	6:00 p.m.
January 12, 2010	Tuesday	Work Session	12:00 Noon
January 19, 2010	Tuesday	Board Meeting	6:00 p.m.
February 9, 2010	Tuesday	Work Session	12:00 Noon
February 15, 2010	Monday	Board Meeting	6:00 p.m.
March 23, 2010	Tuesday	Work Session	12:00 Noon
March 29, 2010	Monday	Board Meeting	6:00 p.m.
April 13, 2010	Tuesday	Work Session	12:00 Noon
April 19, 2010	Monday	Board Meeting	6:00 p.m.
May 11, 2010	Tuesday	Work Session	12:00 Noon
May 17, 2010	Monday	Board Meeting	6:00 p.m.
June 15, 2010	Tuesday	Work Session	12:00 p.m.
June 21, 2010	Monday	Board Meeting	6:00 p.m.
July 13, 2010	Tuesday	Work Session	12:00 p.m.
July 19, 2010	Monday	Board Meeting	6:00 p.m.
August 10, 2010	Tuesday	Work Session	12:00 p.m.
August 16, 2010	Monday	Board Meeting	6:00 p.m.

## ***Administration***

### ***Helpful Contacts***

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed below.

Superintendent	George Kazanas	235-1001
Assistant Superintendent	Tim Powers	235-1002
Chief Financial Operations Officer	Tim Turner	235-1003
ADA & Section 504 Coordinator	David Shipley	235-1019
AESOP	Sharla Carroll	235-1012
Athletics	Kenny Catney	235-1034
Benefits Specialist//Retirement	Lisa Bean	235-1014
Child Nutrition Director	Glenn Headlee	235-1065
Complaints (Employee)	Debbie Osborn	235-1012
Complaints (Student & Parent)	Freddie Allison	235-1029
Computer Services	HELP Desk	235-1059
Contracts	Rita Bridges	235-1005
Curriculum – Elementary	Carol Marlar	235-1021

Curriculum – Secondary	Debby Patterson	235-1021
Finance Office	Laura Lee Brock	235-1015
Employment Contracts	Debbie Osborn	235-1012
Health Services	Deborah Mills	235-1033
Human Resources Director	Debbie Osborn	235-1012
Human Resources Assistant Director	Bobby Waitman	235-1012
Human Resources Aux. Coord/Subs/Food Svc.	Dena Hoban	235-1012
Leave & Absence Specialist	Nicole Shelton	235-1012
Magnet Programs	Jan Banner	235-1024
Maintenance & Facilities Director	Dan Shelton	235-1060
Partners in Education (PIE)	Nancy Marks	235-1009
Payroll	Vickie Hawhee	235-1015
Policies/Local Regulations	Rita Bridges	235-1005
Print Shop & Graphics	Eddie Lyons	235-1035
Public Information	Renae Murphy	235-1004
Purchasing	Anna Rogers	235-1017
Risk Management	Lorri Savage	235-1008
ROTC LTC	Charles Simons	235-1028
Security	Karen Olson	235-1007
Special Education	Harry Ryan	235-1019
Staff Development Director	Jan Bennett	235-1026
Student Assignment & Transfers	Freddie Allison	235-1029
Student Attendance/Social Workers	Diann Taylor	235-1032
Support Services Director	Janet Powell	235-1041
Title IX	Freddie Allison	235-1029
Warehouse	Lewis Confair	235-1068
WFISD Foundation	Cheryl Pappan	235-1010

## **Employment**

### ***Equal Employment Opportunity***

#### ***Policies DAA, DIA***

The Wichita Falls ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination on the basis of race, color, religion, sex, national origin, age, or military status should contact the Superintendent or the District's Title IX Coordinator at 235-1029. Employees with questions or concerns about discrimination on the basis of a disability should contact the District's ADA/Section 504 Coordinator at 235-1019.

## ***Job Vacancy Announcements***

### *Policy DC*

Announcements of job vacancies by position are posted on the District's website at [www.wfisd.net](http://www.wfisd.net).

## ***Employment after Retirement***

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in limited circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Web Site ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## ***Contract and Noncontract Employment***

### *Policies DC, DCA, DCB, DCC, DCD, DCE*

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the Board determines it is doubtful whether a term or continuing contract should be given.

**Term and Continuing Contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. Teachers employed before June 15, 1997 are employed by continuing contract. Teachers employed after that date are employed by term contracts. Campus principals and central office administrators are employed under one-year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract electronically on TEAMS.

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional administrators) are not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

**Paraprofessional and Auxiliary Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at-will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

## ***Searches and Alcohol and Drug Testing***

### *Policy DHE*

Noninvestigatory searches in the workplace, including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, work areas, including district-owned computers, lockers, and private vehicles parked on district premises or work sites or used in district business.

**Employees Required to Have a Commercial Driver's License.** Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted if reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

All employees required to have a CDL or who is otherwise subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs. Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the Risk Manager at 235-1008.

## **Health Safety Training**

*Policies DBA, DMA*

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to the PE / Health Curriculum Specialist at the beginning of each school year or before its expiration.

## **Reassignments and Transfers**

*Policy DK*

All personnel are subject to assignment and reassignment by the Superintendent or designee when the Superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. An on-line request for transfer must be completed by the employee and approved by the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by the date determined by the Human Resources office. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources office.

## **Workload and Work Schedules**

*Policies DEA, DL*

**Professional Employees.** Professional employees and academic administrators are exempt from overtime pay and are employed on a 10-, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including required days of service and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation, including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes.

Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

**Paraprofessional and Auxiliary Employees.** Support employees are employed at-will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor.

## ***Notification to Parents Regarding Qualifications***

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

Texas law also requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notification under NCLB is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) or individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status can call the Human Resources office at 235-1012.

## ***Outside Employment and Tutoring***

*Policy DBD*

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## ***Performance Evaluation***

*Policies DN, DNA, DNB*

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to

document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

## ***Employee Involvement***

*Policies BQA, BQB*

At both the campus and district levels, Wichita Falls ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from the Assistant Superintendent at 235-1002.

## ***Staff Development***

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for noninstructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

# **Compensation and Benefits**

## ***Salaries, Wages, and Stipends***

*Policy DEA*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each overtime hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 15)

All employees will receive written notice of their pay and with their September check. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform

extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact the Human Resources office for more information about the district's pay schedules or their own pay.

## **Annualized Compensation**

### *Policy DEA*

The district pays all salaried employees over 12 months regardless of the number of months employed during the school year. Salaried employees will be paid in equal monthly payments, beginning with the first pay period of the school year. Employees that separate after the last day of instruction will continue to receive paychecks through the end of the summer.

## **Paychecks**

All professional salaried and hourly employees are paid monthly on the 25<sup>th</sup> of each month.

An employee's payroll statement contains detailed information including deductions and withholding information.

The schedule of pay dates for the 2009-2010 school year follows:

Tuesday, August 25, 2009	Thursday, February 25, 2010
Friday, September 25, 2009	Tuesday, March 25, 2010
Friday, October 23, 2009	Friday, April 23, 2010
Tuesday, November 24, 2009	Tuesday, May 25, 2010
Friday, December 18, 2009	Friday, June 25, 2010
Monday, January 25, 2010	Friday, July 23, 2010

## **Direct Deposit**

In order to conserve District funds and improve productivity, the electronic transfer of funds (Direct Deposit) has been determined to be the most efficient system of paying employees. ***Effective September 1, 2008, Wichita Falls ISD will make payments via direct deposit to all employees*** unless the employee specifically contacts the payroll department to request a physical check be processed. Direct Deposit can be made to any bank, savings or brokerage account in the United State Federal Reserve banking system as long as an account number and an ABA routing number are available. Signing up for Direct Deposit is quick and easy. The appropriate form is available from the Payroll or Human Resources departments; also on the District's Finance department webpage at [www.wfisd.net](http://www.wfisd.net).

With Direct Deposit, in lieu of a check, each employee will receive a payroll wage statement for documentation of the wages paid and any deductions taken. This statement will be available on each pay date indicated on the Monthly Pay Schedule located on the Finance department's webpage.

In the case that an employee does not have any type of bank account listed above, the District has made arrangements with its depository institution to make payment to the employee via a “direct deposit card.” To establish the direct deposit card, employees will need to contact the payroll department of the Finance office.

***Errors on Direct Deposit/Paychecks*** – In the event an employee does not feel he/she has received proper payment for services rendered, the employee should first ask the campus secretary/timekeeper. If necessary, the secretary/timekeeper will direct the employee to the Human Resources/Payroll office for further review of the matter. When an employee is contacting Human Resources or Payroll, please have your most current pay stub available. Do not call the Human Resources/Payroll office with a question based on the direct deposit amount as it appears on the bank’s website. Please refer to the pay stub itself before calling.

## ***Payroll Deductions***

### *Policy CFEA*

The district is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax
- Medicare tax (applicable only to employees hired after March 31, 1986)

Other payroll deductions employees may elect include deductions for the employee’s share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans. Employees also may request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

## ***Overtime Compensation***

### *Policy DEA*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.

Overtime is legally defined as all hours worked in excess of 40 hours in a work week and is not measured by the day or by the employee’s regular work schedule. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Monday and ends at midnight Saturday.

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Use of comp time may be at the employee's request with supervisor approval as workload permits, or at the supervisor's direction.
- An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## ***Travel Expense Reimbursement***

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for expenses other than mileage.

## ***Health, Dental, and Life Insurance***

### *Policy CRD*

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school health insurance program. The district's contribution to employee insurance premiums is determined annually by the Board of Trustees. Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are regularly scheduled to work at least 10 hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) and employees who are not contributing TRS members who are regularly scheduled to work less than 10 hours per week are not eligible to participate in TRS-ActiveCare.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the Benefits Specialist at 235-1014 for more information.

## ***Supplemental Insurance Benefits***

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs for life, dental, vision, disability, cancer and other programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the Benefits Specialist at 235-1014 for more information.

## ***Cafeteria Plan Benefits (Section 125)***

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## ***Workers' Compensation Insurance***

*Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from August 1, 2009 – September 31, 2010. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the Risk Manager at 235-1008. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits*, page 23, for information on use of paid leave for such absences.

## ***Unemployment Compensation Insurance***

*Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Risk Manager at 235-1008.

## ***Teacher Retirement***

*Policy DEG*

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify TRS as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)). See page 11 for information on restrictions of employment of retirees in Texas public schools.

## **Leaves and Absences**

### ***Policy DEC, DECA, DECB***

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent should call the Leave Specialist for information about applicable leave benefits. Contact the Benefits Specialist for payment and requirements for communicating with the district.

Leave is available for the employee's use at the beginning of the school year. However, state personal and local sick leave is earned monthly. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any employee who is absent more than five days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee's fitness to return to work.

Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

### ***Personal Leave***

State law entitles all employees to five days of paid personal leave per year. Personal leave is earned at a rate of  $\frac{1}{2}$  a workday for each eighteen (18) days of employment. A day of earned personal leave is equivalent to an assigned workday. State personal leave accumulates without limit, is transferable to other Texas school districts and generally transfers to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

**Nondiscretionary.** Leave that is taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons

for this type of leave allows very little, if any advanced planning. Nondiscretionary leave will be granted to employees in the same manner as state sick leave.

**Discretionary.** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor three days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

### ***Sick Leave***

Previously accumulated state sick leave is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in one hour increments except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers' compensation benefits.

State sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

### ***Local Leave***

In addition to State leave, employees in positions normally requiring ten months shall earn an additional five workdays of local leave per school year. Employees in positions normally requiring 11 months shall earn an additional six workdays of local leave per school year. Employees in positions normally requiring 12 months shall earn an additional seven workdays of local leave per school year.

Local leave shall accumulate to a maximum of 90 workdays and shall be taken with no loss of pay. Local leave shall be taken under the terms and conditions applicable to state and sick leave accumulated prior to the 1995-96 school year. (See Sick Leave above and DEC [Legal]). Local leave may not be used for discretionary absences.

### ***Reporting Absences and Tardiness***

The employee (unless physically unable to do so) must personally report the absence or tardiness and the reason. Reports from a spouse, relative or friend are not acceptable except in the case of complete inability on the part of the employee.

**Food Service** employees are required to report absences (prior to 2:30 p.m. the day prior to the day of the absence) and tardiness directly to the supervisor and give a reason.

**All other employees** are required to report absences and tardiness directly to their supervisor and give a reason. Exempt employees and non-exempt employees requiring a

substitute must also report any absence to AESOP by calling 1-800-942-3767 or reporting the absence online at [www.aesoponline.com](http://www.aesoponline.com).

## ***Family and Medical Leave (FMLA)—General Provisions***

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the district has adopted to implement the FMLA follows this general notice.

**Basic Leave Entitlement.** FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

**Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections.** During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Eligibility Requirements.** Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

**Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for Unpaid Leave.** Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**Employee Responsibilities.** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Employer Responsibilities.** Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Unlawful Acts by Employers.** FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right protected under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

*FMLA section 109 (29 U.S.C. § 2619) required FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300 (a) may require additional disclosures.*

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 - [www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## ***Local FMLA Provisions***

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period measured forward from the date an individual employee's first FMLA leave begins

**Use of Paid Leave.** Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, vacation leave and absences due to a work-related illness or injury. The district will designate the leave as family and medical leave, if applicable, and notify the employee that accumulated leave will run concurrently.

**Combined Leave for Spouses.** A husband and wife who are both employed by the district are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

**Intermittent Leave.** When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**District Contact.** Employees that require FMLA leave or have questions should contact the Leave Specialist at 235-1012, ext. 11007, for details on eligibility, requirements, and limitations.

## ***Temporary Disability Leave***

**Certified Employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the Board of Trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, the employee's supervisor and the Human Resources office should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following school year.

## ***Workers' Compensation Benefits***

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage.

## ***Assault Leave***

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

### ***Bereavement Leave***

Use of state and/or local leave for death in the employee's immediate family shall not exceed five (5) workdays per occurrence.

### ***Jury Duty***

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service to the Human Resources Leave Specialist.

Official documentation is considered an affidavit or statement on court letterhead with a county seal and signature noting the date(s) served. A summons is not an acceptable form of jury duty documentation. Absences for which official documentation has not been received will be charged to the employee as personal business.

Employees are required to report to work upon release when serving a partial day on jury duty.

Note: Employees on jury duty who are placed on "telephone standby" must report to work during those days.

### ***Other Court Appearances***

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Absences for court appearances related to an employee's personal business must be taken as personal leave or leave without pay (if no personal leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

## ***Military Leave***

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the United States Armed Forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days each federal fiscal year (October 1–September 30). In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment After Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they can be qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to the Human Resources office.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Benefits Specialist at 235-1014 for details on eligibility, requirements, and limitations.

## **Employee Relations and Communications**

### ***Employee Recognition and Appreciation***

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at Board meetings, in the district newsletter, and through special events and activities.

### ***District Communications***

Throughout the school year, the Public Information office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements.

## **Complaints and Grievances**

### ***Policy DGBA***

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance

process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board of Trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints is reprinted as follows:

#### **GUIDING PRINCIPLES**

DGBA (Local)

##### **INFORMAL PROCESS**

The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

##### **DIRECT COMMUNICATION WITH BOARD MEMBERS**

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

##### **FORMAL PROCESS**

If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee 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.

##### **NOTICE TO EMPLOYEES**

The District shall inform employees of this policy.

##### **FREEDOM FROM RETALIATION**

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

##### **WHISTLEBLOWER COMPLAINTS**

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

## COMPLAINTS AGAINST SUPERVISORS

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.

## COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.

This policy shall not apply to:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]
4. Complaints concerning instructional materials. [See EFA]
5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]
7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See DFAA, DFBA, or DFCA, respectively]

## GENERAL PROVISIONS

### FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or 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. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked 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.

### RESPONSE

At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’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 time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the District at any level of this process. If the employee 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. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.

## 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 employee, at any point during the complaint process. The employee 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 FORM

Complaints 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 employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

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

## LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee 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, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

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.

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

The administrator shall provide the employee 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 employee did not receive the relief requested at Level One or if the time for a response has expired, the employee 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 employee 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 employee 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 hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at

Level One and identified in the Level Two appeal notice. At the conference, the employee 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 employee 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 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 employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee 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 employee 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 complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

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

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 employee 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 employee 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 employee or the employee'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.

## **Employee Conduct and Welfare**

### ***Standards of Conduct***

#### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public.

Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the Superintendent first learns of the incident. See *Reports to the State Board for Educator Certification*, page 59 for additional information.

The *Code of Ethics and Standard Practices for Texas Educators*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

### **Code of Ethics and Standard Practices for Texas Educators**

## **Statement of Purpose**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

## **Professional Standards**

### **1. Professional Ethical Conduct, Practices, and Performance**

**Standard 1.1** The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

**Standard 1.2** The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

**Standard 1.3** The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

**Standard 1.4** The educator shall not use institutional or professional privileges for personal or partisan advantage.

**Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.

**Standard 1.6** The educator shall not falsify records, or direct or coerce others to do so.

**Standard 1.7** The educator shall comply with state regulations, written local school Board policies, and other applicable state and federal laws.

**Standard 1.8** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

### **2. Ethical Conduct toward Professional Colleagues**

**Standard 2.1** The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

**Standard 2.2** The educator shall not harm others by knowingly making false statements about a colleague or the school system.

**Standard 2.3** The educator shall adhere to written local school Board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

**Standard 2.4** The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

**Standard 2.5** The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.

**Standard 2.6** The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

**Standard 2.7** The educator shall not retaliate against any individual who has filed a complaint with the SBEC under this chapter.

### **3. Ethical Conduct toward Students**

**Standard 3.1** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

**Standard 3.2** The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

**Standard 3.3** The educator shall not deliberately or knowingly misrepresent facts regarding a student.

**Standard 3.4** The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.

**Standard 3.5** The educator shall not engage in physical mistreatment of a student.

**Standard 3.6** The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.

**Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

## ***Discrimination, Harassment, and Retaliation***

*Policies DH, DIA*

Employees shall not engage in prohibited harassment, including sexual harassment and bullying, of other employees or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons, including Board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action.

Employees who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal, supervisor, or district official is the subject of a complaint, the employee should report the complaint directly to the Superintendent. A complaint against the Superintendent may be made directly to the Board.

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

### **Employee Welfare**

### **DIA (Local)**

#### **Freedom from Discrimination, Harassment, and Retaliation**

**Note:** This policy addresses discrimination, harassment and retaliation involving District employees. In this policy, the term "employees" includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

#### **STATEMENT OF NONDISCRIMINATION**

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

#### **DISCRIMINATION**

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

#### **HARASSMENT**

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

Has the purpose or effect of unreasonably interfering with the employee's work performance;

Creates an intimidating, threatening, hostile, or offensive work environment; or

Otherwise adversely affects the employee's performance, environment or employment opportunities.

## EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

## SEXUAL HARASSMENT

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

Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or

The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

## EXAMPLES

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

## RETALIATION

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

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

## EXAMPLES

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

## PROHIBITED CONDUCT

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

## REPORTING PROCEDURES

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

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

#### Definition of DISTRICT OFFICIALS

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

#### TITLE IX COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Freddie Allison  
Position: Student Assignment Coordinator  
Address: 1104 Broad Street, Wichita Falls, TX 76301  
Telephone: (940) 235-1029

#### ADA / SECTION 504 COORDINATOR

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:

Name: David Shipley  
Position: Program Coordinator/504  
Address: 1104 Broad Street, Wichita Falls, TX 76301  
Telephone: (940) 235-1019

#### SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

#### ALTERNATIVE REPORTING PROCEDURES

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

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

## TIMELY REPORTING

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

## NOTICE OF REPORT

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

## INVESTIGATION OF THE REPORT

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

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

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

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney.

When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

## CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

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

## DISTRICT ACTION

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

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

## CONFIDENTIALITY

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

## APPEAL

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

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

## RECORDS RETENTION

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

## ACCESS TO POLICY

This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

## ***Harassment of Students***

*Policies DH, FFG, FFH*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment of a student will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, page 50 for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

Termination of Employment

DF (Legal)

**Note:** For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).

## WITHHOLDING INFORMATION

An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts). *Education Code 26.008(b)*

## DISCHARGE OF CONVICTED EMPLOYEES

The District shall discharge an employee if the District obtains information through a criminal history record information (CHRI) review that:

The employee has been convicted of:

A felony under Penal Code Title 5;

An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or

An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and

At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

## EXCEPTION

However, the District is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

The date of the offense is more than 30 years before June 15, 2007; and

The employee satisfied all terms of the court order entered on conviction.

## CERTIFICATION TO SBEC

Each school year, the Superintendent shall certify to the Commissioner that the District has complied with the above provisions.

## SANCTIONS

The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has been convicted of an offense described above.

## OPTIONAL TERMINATION

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the District. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085 [See DBAA]

## CERTAIN OFFENSES AGAINST CHILDREN

A district that receives notice under Education Code 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and

As soon as practical, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

These removal and termination requirements apply only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender, and only if the victim of the offense is under 18 years of age.  
Education Code 21.058

#### FAILURE OF CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

Does not hold a certificate or permit issued by SBEC; or  
Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

#### DISTRICT'S OPTIONS

After an employee receives notice that the employee's contract is void the District may:

Terminate the employee;  
Suspend the employee with or without pay; or  
Retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate.

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

#### NO APPEAL OR CHAPTER 21 HEARING

The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision.

Education Code 21.0031

#### APPLICABILITY

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

#### REPORT TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall promptly notify SBEC in writing by filing a report within seven calendar days of the date the Superintendent first obtains or has knowledge of information indicating that:

#### CRIMINAL HISTORY

An applicant for or holder of a certificate issued by SBEC has a reported criminal history; assessment instrument

The certificate holder engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301; or

## RESIGNATION

The certificate holder resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 4(a)–(f), below [see DFE];

## TERMINATION

A certificate holder’s employment at the District was terminated based on a determination that the certificate holder:

Sexually or physically abused or otherwise committed an unlawful act with a student or minor;

Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;

Illegally transferred, appropriated, or expended funds or other property of the District;

Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation;

Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or

Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

## DEFINITIONS

“Abuse” has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor.

“Solicitation of a romantic relationship” means deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity. Acts that constitute the solicitation of a romantic relationship include:

Behavior, gestures, expressions, communications, or a pattern of communication with a student that is unrelated to the educator’s job duties and that may reasonably be interpreted as encouraging the student to form an ardent or exclusive emotional attachment to the educator, including statements of love, affection, or attraction. When evaluating whether communications constitute the solicitation of a romantic relationship, the following may be considered:

The nature of the communications;

The timing of the communications;

The extent of the communications;

Whether the communications were made openly or secretly;

The extent to which the educator attempted to conceal the communications;

If the educator claims to be counseling a student, TEA staff may consider whether the educator’s job duties included counseling, whether the educator reported the subject of the counseling to the student’s guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate law enforcement agencies; and

Any other communications tending to show that the educator solicited a romantic relationship with a student.

Making inappropriate comments about a student’s body.

Making sexually demeaning comments to a student.

Making comments about a student’s potential sexual performance.

Requesting details of a student's sexual history.

Requesting a date.

Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

Inappropriate hugging, kissing, or excessive touching.

Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

Any other acts tending to show that the educator solicited a romantic relationship with the student, including providing the student with drugs or alcohol.

## REPORTS

A superintendent who is required to file a report, but fails to timely do so, is subject to sanctions.

The Superintendent shall notify the Board of the District and the educator of the filing of the report.

## IMMUNITY

A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

Education Code 21.006; 19 TAC 249.14

## STUDENT WELFARE

FFH (LOCAL)

### FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. For provisions regarding bullying, see FFI.

statement of nondiscrimination

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy.

Retaliation against anyone involved in the complaint process is a violation of District policy.

## DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

## PROHIBITED HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

#### EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

#### SEXUAL HARASSMENT

##### BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when: A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

The conduct is so severe, persistent, or pervasive that it:

Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

##### BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

Otherwise adversely affects the student's educational opportunities.

#### EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or

conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

#### DATING VIOLENCE

Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

Otherwise adversely affects the student's educational opportunities.

#### RETALIATION

The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

#### EXAMPLES

Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student's performance in the classroom.

#### PROHIBITED CONDUCT

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

#### REPORTING PROCEDURES

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Alternatively, a student may report prohibited conduct directly to one of the District officials below:

#### DEFINITION OF DISTRICT OFFICIALS

For the purposes of this policy, District officials are the Title IX Coordinator, the Section 504 Coordinator, and the Superintendent.

#### TITLE IX COORDINATOR

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX Coordinator. The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Freddie Allison  
Position: Student Assignment Coordinator  
Address: 1104 Broad Street, Wichita Falls, TX 76301  
Telephone: (940) 235-1029

#### SECTION 504 COORDINATOR

Reports of discrimination based on disability may be directed to the Section 504 Coordinator. The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:

Name: David Shipley  
Position: Program Coordinator/504  
Address: 1104 Broad Street, Wichita Falls, TX 76301  
Telephone: (940) 235-1019

#### SUPERINTENDENT

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

#### ALTERNATIVE REPORTING PROCEDURES

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or Section 504 Coordinator, may be directed to the Superintendent.

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

#### TIMELY REPORTING

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

#### NOTICE OF REPORT

Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

#### NOTICE TO PARENTS

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

#### Investigation of the report

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

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

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

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

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

## CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

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

## DISTRICT ACTION

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

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

## CONFIDENTIALITY

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

## APPEAL

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

## RECORDS RETENTION

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

## ACCESS TO POLICY

Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

## ***Alcohol and Drug-Abuse Prevention***

### *Policies DH, DI*

Wichita Falls ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property.

Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use follows:

## EMPLOYEE STANDARDS OF CONDUCT

DH

(Local)

All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

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

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

## VIOLATIONS OF STANDARDS OF CONDUCT

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

## SAFETY REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

## HARASSMENT OR ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:  
Other employees. [See DIA]

Students. [See FFH; see FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

## RELATIONSHIPS WITH STUDENTS

Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

## TOBACCO USE

Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

## ALCOHOL AND DRUGS

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

Alcohol or any alcoholic beverage.

Any abusable glue, aerosol paint, or any other chemical substance for inhalation.  
Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.  
An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

#### EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use shall not be considered to have violated this policy.

#### NOTICE

Each employee shall be given a copy of the District’s notice regarding drug-free schools.  
[See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

#### ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

Crimes involving school property or funds;

Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

Crimes that occur wholly or in part on school property or at a school-sponsored activity; or

Crimes involving moral turpitude, which include:

Dishonesty; fraud; deceit; theft; misrepresentation;

Deliberate violence;

Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;

Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;

Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or

Acts constituting abuse under the Texas Family Code.

#### DRESS AND GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

Employee Welfare

DI (Exhibit)

#### DRUG-FREE WORKPLACE REQUIREMENTS

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. *41 U.S.C. 702(a)(1)(A); 28 TAC 169.2*

The District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. *41 U.S.C. 702(a)(1)(B); 28 TAC 169.2*

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] *41 U.S.C. 702(a)(1)(A); 28 TAC 169.2*

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice—from the employee or any other source—the District shall notify the granting agency of the conviction. *41 U.S.C. 702(a)(1)(D), (E)*

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. *41 U.S.C. 703*

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (*41 U.S.C. 702*) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

## ***Reporting Suspected Child Abuse***

*Policies DF, DG, DH, FFG, GRA*

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Abuse is defined by Texas Family Code and includes any sexual conduct involving an educator and a student or minor. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to report suspected child abuse may result in prosecution for the commission of a Class B misdemeanor. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Code of Ethics and Standard Practices for Texas Educators.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## ***Fraud and Financial Impropriety***

*Policy CAA*

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes the following:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets, including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district

## ***Conflict of Interest***

*Policies BBFA, DBD*

Employees are required to disclose to their supervisor any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Nonschool employment

## ***Gifts and Favors***

### *Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials, such as maps or worksheets, that convey information to students or contribute to the learning process.

## ***Associations and Political Activities***

### *Policy DGA*

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Use of district resources, including work time, for political activities is prohibited.

## ***Safety***

### *Policy CK*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.

- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

Employees with questions or concerns relating to safety programs and issues can contact the Risk Manager at 235-1008.

## ***Tobacco Use***

*Policies DH, GKA, FNCD*

State law prohibits smoking or using tobacco products on all district-owned property and at school-related or school-sanctioned activities, on or off campus. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## ***Criminal History Background Checks***

*Policy DBAA*

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on certain employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the district and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history.

## ***Employee Arrests and Convictions***

*Policy DH*

An employee must notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, any offense involving moral turpitude, and any of the other offenses listed below:

- Crimes involving school property or funds
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator
- Crimes that occur wholly or in part of school property or at a school-sponsored activity
- Crimes involving moral turpitude

Moral turpitude includes, but is not limited to, the following:

- Dishonesty
- Fraud
- Deceit

- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Drug- or alcohol-related offenses
- Acts constituting abuse or neglect under the Texas Family Code

## ***Possession of Firearms and Weapons***

*Policies FNCG, GKA*

Employees, visitors, and students are prohibited from bringing firearms, knives, clubs or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisors or call the Director of Security at 235-1007 or 781-6665 immediately.

## ***Visitors in the Workplace***

*Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## ***Copyrighted Materials***

*Policy EFE*

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Rented video-tapes are to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

## ***Computer Use and Data Management***

### *Policy CQ*

The district's electronic communications systems including its network access to the internet is primarily for administrative and instructional purposes. Limited personal use of the system is permitted if the use:

- Imposes no tangible cost to the district
- Does not unduly burden the district's computer or network resources
- Has no adverse effect on job performance or on a student's academic performance

Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

Employees who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact the Help Desk at 235-1035.

## ***Asbestos Management Plan***

### *Policy CKA*

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each piece of district property. A copy of the district's management plan is kept in the Maintenance office and is available for inspection during normal business hours.

## ***Pest Control Treatment***

### *Policy DI, CLB*

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on a centralized bulletin board for posting of notices in each building. Pest control information sheets are available from campus principals or facility managers upon request.

## ***Other Topics***

### ***Personal Property***

The Wichita Falls ISD and individual schools are not liable for and do not have insurance coverage for personal belongings that are stolen, lost or damaged on District premises, en route to or from District premises, or at any school activity away from District premises. This includes clothing, jewelry, automobiles, or any kind of personal items. This applies to everyone – parents, students, visitors, and employees. Bringing personal property onto WFISD premises is at your own risk.

### ***Employees Operating District Vehicles***

Regulation CRC

Employees who drive a District-owned vehicle as a function of their job are subject to the State Point System for School Bus Drivers. Whenever such an employee receives any citation or conviction for a traffic violation, regardless of when or where it is issued, must report it to his or her supervisor and to the Risk Manager at 235-1008 within three working days. An employee who accumulates 10 or more points under this system is ineligible to drive a District vehicle and appropriate personnel action will be taken.

## **General Procedures**

### ***Bad Weather Closing***

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early, the following radio and television stations will be notified by school officials:

If school starts late, personnel are expected to report at the regular duty time if possible. If not possible, then personnel are to report as closely as possible to the regular duty time.

In the event of school closings, school principals are expected to go to their school early in the event a parent is not aware of the school closing and sends a child to school. After the principal is confident no child will report for school the principal may leave the campus. Other personnel, unless they have job responsibilities directly related to the closing or weather conditions, are not required to report to work. Those employees having such responsibilities may leave as soon as those responsibilities are discharged. Clerical staff members at the campuses, Education Center, or other facilities are not expected to report for duty if the schools are closed, unless otherwise directed by his or her supervisor. Leave

will not be charged for days of work missed due to bad weather closings; however, if the day must be made up for student attendance purposes, employees will work the make up day without additional compensation unless otherwise required by law.

## ***Emergencies***

### *Policy CKC*

All employees should be familiar with the evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all district buildings. Employees should know the location of the extinguishers nearest their place of work and how to use them.

## ***Purchasing Procedures***

### *Policy CH*

All requests for purchases must be submitted to the Purchasing department on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact the Purchasing department at 235-1017 for additional information on purchasing procedures.

## ***Name and Address Changes***

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, home telephone number, marital status, emergency contact, or beneficiary. Forms to process a change in personal information can be obtained from the Human Resources office. Employees holding SBEC certification must also keep information current with the State Board of Education. (See [www.sbec.state.tx.us](http://www.sbec.state.tx.us) )

## ***Personnel Records***

### *Policy GBA*

Most district records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Address
- Phone number
- Social Security number
- Information that reveals whether they have family members

The choice to not allow public access to this information may be done at any time by submitting a written request to the Human Resources office. New or terminating employees

have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public.

## ***Building Use***

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. The Director of Facilities is responsible for scheduling the use of facilities after school hours. Contact 235-1060 to request to use school facilities and to obtain information on the fees charged.

# **Termination of Employment**

## ***Resignations***

*Policy DFE*

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Director of Human Resources. Contract employees may resign at any other time only with the approval of the Superintendent or the Board of Trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The Superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in Reports to the State Board for Educator Certification, on page 59.

**Noncontract Employees.** Noncontract employees may resign their positions at any time. A written notice of resignation should be submitted to the Director of Human Resources at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

## ***Dismissal or Nonrenewal of Contract Employees***

*Policies DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFF*

Employees on probationary, term, and continuing contracts can be dismissed during the school year or nonrenewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The time lines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct. Information on the time lines and procedures can be found in the DF series

policies that are provided to employees or in the policy manuals located in the Superintendent's office.

## ***Dismissal of Noncontract Employees***

### *Policy DCD*

Noncontract employees are employed at-will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, sex, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance.

## ***Exit Interviews and Procedures***

### *Policy DC*

Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, and equipment must be returned upon separation from employment.

## ***Reports to State Board for Educator Certification***

### *Policy DF*

The dismissal or resignation of a certified employee will be reported to the SBEC when the Superintendent first learns about an alleged incident of conduct that involves the following:

- A reported criminal history
- Any form of sexual or physical abuse of a minor or any other illegal conduct with a student or a minor
- Soliciting or engaging in sexual conduct or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position
- Committing a crime on school property or at a school-sponsored event
- Violating assessment instrument security procedures

## ***Reports Concerning Court-Ordered Withholding***

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code §8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

## **Student Issues**

### ***Equal Educational Opportunity***

*Policies FB, FFH*

The Wichita Falls ISD does not discriminate on the basis of race, color, religion, national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination against students on the basis of race, color, religion, gender, or national origin should be directed to the Superintendent at 235-1001, or the district's Title IX Coordinator at 235-1029. Questions or concerns about discrimination on the basis of a disability should be directed to the ADA/Section 504 Coordinator at 235-1019.

### ***Student Records***

*Policy FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student (if 18 or older or emancipated by a court)
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance.

## ***Parent and Student Complaints***

### *Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on different issues. Any campus office or the Superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## ***Administering Medication to Students***

### *Policy FFAC*

Only designated employees can administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. A student who must take medication during the school day must bring a written request from his or her parent and the medicine, in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

## ***Dietary Supplements***

### *Policies DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

## ***Psychotropic Drugs***

### *Policy FFAC*

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis

- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## ***Student Discipline***

*Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

## ***Student Attendance***

*Policy FEB*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student, upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## ***Bullying***

*Policy FFI*

All employees are required to report student complaints of bullying to the campus principal. The district's policy that includes definitions and procedures for reporting and investigating bullying of students is located at [www.wfisd.net](http://www.wfisd.net).

## ***Hazing***

*Policy FNCC*

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, engaging in or permitting "hazing" is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing who has reason to know or suspect that a student intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus discipline person.