

# DEVINE INDEPENDENT SCHOOL DISTRICT



## **Employee Handbook**

**2016-2017**

***Devine Independent School District  
605 W. Hondo Ave.  
Devine, TX 78016***

***Dear DISD Educators and District Personnel:***

***Our DISD goal is to emphasize our responsibilities and the importance of developing positive relationships with students, parents, community members, and colleagues. It is the responsibility of each educator, paraprofessional, and support staff member to create a safe and positive school climate.***

***This Employee Handbook contains guidelines, procedures, and policies for the operation of the campus and District. By understanding and following the basic rules and regulations in your daily activities, you will be helping to develop an atmosphere that is conducive to student success. It is your responsibility to know and utilize the information in the DISD Employee Handbook in your daily activities.***

***All employees are encouraged to read the handbook and to be positive in all of their responsibilities. I encourage you to dedicate yourself to providing the best educational experience for all Devine ISD students. Each and every staff member is here to make a difference in students' lives.***

***The administration will provide each of you as much support as is possible to create the ultimate learning and working environment. The administration is here to help you make a difference with the students of Devine Independent School District. We hope that you will have a wonderful year.***

***Thank you.***

***Scott K. Sostarich***

***Superintendent of Schools***

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## 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 Scott Sostarich.

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.devineisd.org](http://www.devineisd.org).

# Employee handbook receipt

Name \_\_\_\_\_

Campus/department \_\_\_\_\_

I hereby acknowledge receipt of a copy of the Devine ISD Employee Handbook and Addendum/Chapter 37 TEC link, *FN (LOCAL)*, *FO (LEGAL)* and *(LOCAL)*. 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 and addendum in electronic format or hard copy. To receive this in an electronic format go to our website at:

***www.devineisd.org***  
District Employee Handbook

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook and addendum in electronic format and accept responsibility for accessing according to the instructions provided.
- I choose to receive a hard copy of the employee handbook and addendum.

The information in this handbook and addendum 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.

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 Central Office (830-851-0795) if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: Please sign and date a copy of this form and forward it to the **campus secretary or supervisor**.

# District Information

## Mission Statement

### *Policy AE*

*Devine ISD fosters respectful life-long learners and leaders who maximize their potential through optimal educational opportunities offered in an environment of equality, respect, and competitiveness.*

## Board of Trustees

### *Policies BA, BB series, BDseries, 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. Board members are elected by district and at-large and serve 3-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

The board usually meets the 3<sup>rd</sup> Monday of each month at the Devine ISD Central Office. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district web site and outside of the Administration Office on the bulletin board 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. 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 to consult with attorneys regarding pending litigation.



## Board Meeting Schedule for 2016-2017

Subject to Change- Please Check with the Administration Office (830) 851-0795

August 16, 2016  
September 19, 2016  
October 17, 2016  
November 21, 2016  
December 19, 2016  
January 16, 2017

February 20, 2017  
March 20, 2017  
April 17, 2017  
May 15, 2017  
June 19, 2017  
July 17, 2017

## Devine ISD Board of Trustees

Wayde Anderson  
President – District 5

Gina Champion  
Trustee-District 1

Nancy Pepper  
Vice-President-District 4

Wes Herring  
Trustee-District At Large

Henry Moreno  
Secretary-District 3

Robert Morales  
Trustee-District 2

Carl Brown  
Trustee-District At Large

## Administration

<i>Scott K. Sostarich, Superintendent</i>	<i>(830) 851-0701</i>
<i>Daryl W. Wendel, Asst.Superintendent Curriculum/Instruction/Personnel</i>	<i>(830) 851-0702</i>
<i>Dawn Schneider, Director of Student Services/PEIMS Coordinator</i>	<i>(830) 851-0709</i>
<i>Glenda Allen, Director of Special Programs</i>	<i>(830) 851-0703</i>
<i>Valerie Dykstra, Director of Special Education</i>	<i>(830) 851-0881</i>
<i>Derrick Byrd, High School Principal</i>	<i>(830) 851-0801</i>
<i>Michael Murphy, Middle School Principal</i>	<i>(830) 851-0601</i>
<i>Blain Martin, Intermediate School Principal</i>	<i>(830) 851-0401</i>
<i>Brenda Gardner, Elementary Principal</i>	<i>(830) 851-0301</i>

## School Calendar

Access school calendar at our website: [www.devineisd.org](http://www.devineisd.org). See school calendar link.

## 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.

### School Directory

Director of Finance  
Shannon Ramirez

*(830) 851-0704*

Accounts Payable  
Elaine Hoog

*(830) 851-0707*

Payroll & Benefits Coordinator  
Debbie Rodriguez

*(830) 851-0706*

Superintendent's Secretary  
Geri Woods

*(830) 851-0710*

Directors' Secretary  
Irma Hernandez

*(830) 851-0705*

Food Service Director  
Maisie Goodman

*(830) 851-0413*

Food Service Administrative Assistant  
Corinne Stacy

*(830) 851-0412*

IT, Director  
Scott Pesato

*(830) 851-0708*

Director of Operations/Custodial Services  
Darren VanFossen

*(830) 851-0752*

Transportation Director  
Jon Eichman

*(830) 851-0754*

Maintenance/Grounds Director  
Ruben Ramirez

*(830) 851- 0751*

Buildings Director  
David Cardenas

*(830) 851-0757*

# Employment

## Equal Employment Opportunity

*Policy DAA, DIA*

The Devine ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy), national origin, age, disability, military status, genetic information or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination based on sex, including sexual harassment should contact the district Title IX coordinator, Daryl W. Wendel at (830) 851-0702. Employees with questions or concerns about discrimination on the basis of a disability should contact the district ADA/Section 504 coordinator, Valerie Dykstra at (830) 851-0881. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis at the central administration building, campus offices, and on the district's Web site.

Employees wishing to apply for a position must submit a letter of interest, and may also submit an updated application upon request of the campus principal, department, director, or superintendent.

## Employment after Retirement

*Policy DC*

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain 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.texas.gov](http://www.trs.texas.gov)).

## Contract and Noncontract Employment

*Policies DC series*

State law requires the district to employ all full-time professional employees in positions requiring a certificate from 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 probationary contracts during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. The probationary period for those who have been employed in public schools 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 contract should be given.

**Term 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. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment polices can be accessed on line or copies will be provided upon request.

**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.

## Certification and Licenses

*Policies DBA, DF*

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to Devine ISD personnel department in a timely manner.

A certified employee's contract may be voided without due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact Devine ISD personnel department if you have any questions regarding certification or licensure requirements.

## Searches and Alcohol and Drug Testing

*Policy CQ, 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 duty requires 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 a commercial motor vehicle. The following employees shall also be subject to drug and alcohol testing: 1) any employee who operates a motorized equipment and who might harm him or herself, coworkers, or students; 2) any employee who drives a District-owned vehicle; and 3) any employee who transports students to extracurricular events or other school-sponsored activities. [DHE (Local)]

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when 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 are 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 John Eichman at (830) 851-0754.

## Health Safety Training

*Policy 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), concussion, and extra curricular 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 central office by September 1.

## Reassignments and Transfers

## *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent 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. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. 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. A written request for transfer must be completed and signed by the employee and the employee's supervisor. Teachers requesting a transfer to another campus before the school year begins must submit his or her request by April 30. 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 campus principal and Central Office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

*Policies DEA, DEAB, DK, 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 start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation and 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 receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See *Overtime Compensation* on page 19 for additional information.

## **Breaks for Expression of Breast Milk**

*Policies DEA, DEAB, DG*

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

## **Notification to Parents Regarding Qualifications**

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.

Texas law 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. Inappropriately certified or uncertified teachers includes individuals on an emergency permit (including individuals waiting to take a certification exam) and 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 Daryl W. Wendel at (830) 851-0702.

## **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 interests.

## **Performance Evaluation**

*Policies DN series*

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, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

## **Employee Involvement**

*Policies BQA, BQB*

At both the campus and district levels, Devine 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 Daryl Wendel at (830) 851-0702 or Glenda Allen at (830) 851-0703.

## **Staff Development**

### *Policy DMA*

Staff development activities are organized to meet the needs of employees and the DISD 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, DEAA, DEAB*

Employees are paid in accordance with administrative guidelines and an established pay structure. 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. Exempt employees may occasionally be asked to stay beyond the normal duty day for campus planning or completion of a specified task. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensation time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 19)

All employees will receive written notice of their pay and work schedules at the start of each school year. 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. Paraprofessionals receive additional pay for their number of college hours (30+) and must provide the district with an official transcript. It is the employee's responsibility to notify the personnel department of college hours and/or additional hours earned.

Employees should contact Debbie Rodriguez (830-851-0706) for more information about the district's pay schedules or their own pay.

### **Paychecks**



All professional employees and auxiliary employees are paid semi-monthly, for 12 months, in accordance with the payroll schedule. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. During summer breaks, paychecks will be mailed or picked up before 1:30 P.M.

The district will not make advances to employees in between pay periods.

An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated.

The schedule of pay dates for the 2016-2017 school year follows:

## PAY PERIODS, CORRESPONDING TIME SHEET DUE DATES AND PAY DATES

THE CAMPUS SECRETARY OR DEPARTMENT(S) HEAD RESPONSIBLE FOR TIME SHEETS, SHOULD HAVE TIME SHEETS SIGNED AND DATED BY YOUR EMPLOYEES BY THE DUE DATES BELOW IN ORDER FOR THE EMPLOYEES TO BE PAID. TIME SHEET CORRECTIONS SHOULD BE READY TO GO BY THAT DATE NO LATER THAN 12:00 P.M. ON THE DUE DATE FOR CENTRAL OFFICE. TIME SHEET CORRECTIONS RECEIVED AFTER THE DUE DATE WILL NEED TO BE REPORTED TO PAYROLL AND WILL BE PAID ON THE FOLLOWING PAYROLL CHECK

<u>PAY PERIOD DATES</u>	<u>DUE DATE FOR CENTRAL OFFICE</u>	<u>PAY DATE</u>
08/14/16 - 09/03/16	09/06/16	09/15/16
09/04/16 - 09/17/16	09/19/16	09/30/16
09/18/16 - 10/01/16	10/03/16	10/14/16
10/02/16 - 10/15/16	10/17/16	10/28/16
10/16/16 - 10/29/16	10/31/16	11/11/16
10/30/16 - 11/12/16	11/14/16	11/22/16
11/13/16 - 11/26/16	11/28/16	12/09/16
11/27/16 - 12/10/16	12/12/16 *EXTRA DUTY PAY NEXT CYCLE	12/16/16
12/11/16 - 01/07/17	01/09/17 MUST BE CORRECTED BEFORE NOON	01/13/17
01/08/17 - 01/21/17	01/23/17	01/25/17
01/22/17 - 02/04/17	02/06/17	02/15/17
02/05/17 - 02/18/17	02/20/17	02/28/17
02/19/17 - 03/04/17	03/06/17 * EXTRA DUTY PAY NEXT CYCLE	03/10/17
03/05/17 - 03/18/17	03/20/17	03/30/17
03/19/17 - 04/01/17	04/03/17	04/13/17
04/02/17 - 04/15/17	04/17/17	04/28/17
04/16/17 - 04/29/17	05/01/17	05/15/17
04/30/17 - 05/13/17	05/15/17	05/26/17
05/14/17 - 05/27/17	05/30/17	06/15/17
05/28/17 - 06/10/17	06/12/17	06/29/17
06/11/17 - 06/24/17	06/26/17	07/14/17
06/25/17 - 07/15/17	07/17/17	07/28/17
07/16/17 - 07/29/17	08/01/17	08/15/17
07/30/17 - 08/19/17	08/21/17	08/28/17

**\* SUBSTITUTES WILL BE PAID**

**REVISED 11/14/16 DR**

## MAINTENANCE HOLIDAYS 2016-2017

SEPTEMBER 5, 2016	LABOR DAY
NOVEMBER 24, 25, 2016	THANKSGIVING
DECEMBER 23, 26, 27, 28, 29, 30, 2016	CHRISTMAS/WINTER BREAK
APRIL 14, 2017	GOOD FRIDAY/BAD WEATHER
MAY 29, 2017	MEMORIAL DAY/BAD WEATHER
JULY 4, 2017	4 <sup>th</sup> OF JULY

### NON PAID, NON WORKING DAYS

MARCH 16, 17 2017	SPRING BREAK
July 3, 2017	4 <sup>th</sup> of JULY

## Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account by contacting Debbie Rodriguez (830) 851-0706. A notification period of (30) thirty days is necessary to activate this service.

## 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 in this district after March 31, 1986)

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

## Overtime Compensation

### *Policy DEAB*

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 workweek 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. Sunday and ends at midnight Saturday. [ See *DEC (LOCAL)*]

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:

Employees can accumulate up to 60 hours of comp time.

Comp time must be used in the duty year that it is earned.

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 available paid leave (e.g., sick, personal, vacation).

Weekly time sheets 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 and/or the superintendent or superintendent's designee must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate for the conference city which should be checked at <http://www.gsa.gov/portal/category/100120>. Employees must submit itemized receipts in order to be reimbursed for expenses other than mileage.

The District will provide transportation for staff development needs, U.I.L., athletic and academic activities, etc. as needed. Teachers and coaches should seek bus driving capability, certification to assist with need for qualified drivers.

Transportation for buses and other vehicle requests may be accessed at the district's website [www.devineisd.org](http://www.devineisd.org) (see *Workorders*) and should be made at least 7 days prior to each trip with a Transportation Request Form and forwarded to the Central Office. An email will be returned to the sender upon request approval or denial.

### Mileage:

For travel/mileage reimbursement, employees should use a Travel Requisition and Reimbursement Form found on the district's website, [www.devineisd.org](http://www.devineisd.org), (see *Intranet*).

Employees claiming reimbursement for travel/mileage in their personal vehicle, can claim the current per mile, state travel reimbursement, but their reimbursement form must be accompanied with a copy of the district transportation denial response/email. Travel/mileage reimbursement requested following travel, must be submitted within 7 days. If transportation, such as a taxi or shuttle bus is required, employees will be reimbursed at the actual cost. (***Employees must submit receipts to request reimbursement***). Taxi and shuttle reimbursement will not be paid for employees that take their own vehicles.

### Lodging and meals:

For lodging and meal expense reimbursement, employees should use Travel Reimbursement and/or Meal Reimbursement forms which can be found at [www.devineisd.org](http://www.devineisd.org) under Intranet> Business Office> Travel.

Hotel rates for the conference city should be checked at <http://www.gsa.gov/portal/category/100120> before making reservations. The district will pay only up to that amount per person on lodging. Any overage will have to be covered by the employee. Rooms may be shared and the rate doubled. 3<sup>rd</sup> party entities such as Travelocity, Expedia, Hotels.com, etc. can **NOT** be used to book lodging.

Per Diem Meal rates for the conference city should be checked at <http://www.gsa.gov/portal/category/100120> . Use these rates when completing the Meal Reimbursement Form. Each meal receipt during the travel time will be reimbursed up to that amount. **The receipt must be itemized (meals and beverages listed). Summary receipts will not be reimbursed.**

**Upon return from a trip, the employee must turn in the following to Central Office within 30 days:**

- Provide a Conference Agenda
- A completed Travel Reimbursement Form, including personal vehicle mileage if school vehicle request was denied. Include mileage documentation (Google maps, MapQuest, etc.)
- A completed Meal Reimbursement Form and all meal receipts. Must be itemized receipt, not summary. (The itemized receipt has the meals and beverages listed.)
- Hotel bill
- Student signatures, if applicable.

Note:

- The District is not allowed to pay expenses of any kind for an employee's spouse or children.
- If the employee pays for the workshop or conference fees, they will be reimbursed at the actual cost (***must have receipts for reimbursement***).
- Telephone calls for personal reasons are not reimbursable.
- The District will not be responsible for such items as entertainment, alcoholic beverages, in-room movies or other personal expenses.

Reference the district's *Financial Manual* at [www.devineisd.org](http://www.devineisd.org) for specific procedures and rates for travel, lodging, meals, and airfare.

## Health, Dental, and Life Insurance

### *Policy CRD*

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee 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 employed for 10 or more regularly scheduled hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) 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 year. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact Debbie Rodriguez (830) 851-0706 for more information.

The health insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within the first 31 days of employment. Current employees can make changes in their

insurance coverage during open enrollment or special enrollment event. Employees should contact Debbie Rodriguez (830) 851-0706 for more information.

## **Supplemental Insurance Benefits**

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs for life, cancer, income protection plans, and dental. Premiums for these programs can be paid by payroll deduction. Employees should contact Debbie Rodriguez (830) 851-0706 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 Texas Association of School Boards, effective from September 1 of every school year. 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 campus principal, employee's supervisor, and Shannon Ramirez at (830) 851-0704. 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 29 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 Shannon Ramirez at (830) 851-0704.

## 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 eligible to purchase a year of creditable service in TRS. 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 Debbie Rodriguez as soon as possible. Information on the application procedures for TRS benefits are available at Central Office. Additional inquiries should be addressed to: 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.texas.gov](http://www.trs.texas.gov)). 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 for an extended period of more than five days should call Debbie Rodriguez at (830) 851-0706 for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Paid leave must be used in ½ day increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Local leave
- State sick leave accumulated before 1995-96 school year
- State personal leave

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification.

**Medical 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.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of

a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Continuation of Health Insurance.** 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.

Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee's unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

## Personal Leave

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee's usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferred to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

**Nondiscretionary.** Leave 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, advance planning. Nondiscretionary leave may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee's discretion 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 (3) 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.

**Leave Proration.** If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

## State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in ½ day 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

### *Policy DEC(LOCAL)*

All employees shall earn five workdays of paid local leave per school year in accordance with administrative regulations and shall be used according to the terms and conditions of state personal leave. Employees in a position normally requiring in excess of 216 days of service in a school year shall earn additional local leave. [See DEC (LOCAL)]

Local leave shall accumulate without limit.

Additional local leave is also provided to eligible employees. An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate only local leave for use by the eligible employee. A request for the establishment of a sick leave pool shall be made in writing to the Superintendent. No staff member shall be allowed to contribute more than three of his or her local leave days to a pool per school year, and the employee may receive a maximum of 30 days from the pool. [See Sick Leave Pool-- DEC (LOCAL)]

All employees may request annual reimbursement of unused local leave to a maximum of two days per year by submitting a written request in accordance with administrative procedures at the substitute rate or actual daily rate, whichever is less.

## Family and Medical Leave (FML)—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.** The 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.** An eligible employee whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use his or her 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 servicemember during a single 12-month period. A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

**Benefits and Protections.** During FML, 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 FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FML 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.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

**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 FML. In order to use paid leave for FML, 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 FML 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 FML 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 FML and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FML, the employer must notify the employee.

**Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer to: Interfere with, restrain, or deny the exercise of any right protected under the FMLA; Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The 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 Family and Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period beginning on the first duty day of the school year.

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

**Combined Leave for Spouses.** Spouses who are employed by the district are limited to a combined total of 12 weeks of FML 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 FML or have questions should contact Shannon Ramirez at (830) 851-0704 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 days.

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 campus principal or supervisor 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. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus 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

### *DEC Local*

Use of state leave and/or local sick leave for death in the immediate family shall not exceed five (5) workdays per occurrence, subject to the approval of the district.

## Jury Duty

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service and shall be allowed to retain any compensation they receive.

## Other Court Appearances

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. 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, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave for authorized training or duty orders. Paid military leave is limited to 15 days each fiscal year. 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 duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed 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 within the time specified by law to the superintendent. In most cases, the length of federal military service cannot exceed five years.

**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 Shannon Ramirez, Director of Finance (830) 851-0704 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. In recognition of the value of years of service, the district issues an award to each staff member upon reaching five (5) years, then every five years thereafter. The staff is recognized at the End-of-Year Employee Recognition Program.

### District Communications

Throughout the school year, the central 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 problems 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 or complaints is reprinted as follows:

### **PERSONNEL-MANAGEMENT RELATIONS EMPLOYEE COMPLAINTS/GRIEVANCES**

DGBA (LOCAL)

**GUIDING PRINCIPLES** The Board encourages employees to discuss their concerns and

INFORMAL PROCESS	<p>complaints through informal conferences with their supervisor, principal, or other appropriate administrator.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
DIRECT COMMUNICATION WITH BOARD MEMBERS	<p>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.</p>
FORMAL PROCESS	<p>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.</p> <p>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.</p> <p>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.</p>
NOTICE TO EMPLOYEES	<p>The District shall inform employees of this policy.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
WHISTLEBLOWER COMPLAINTS	<p>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]</p>
COMPLAINTS AGAINST SUPERVISORS	<p>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.</p>
COMPLAINTS	<p>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.</p>
EXCEPTIONS	<p>This policy shall not apply to:</p> <p style="padding-left: 40px;">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]</p>

Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]

Complaints concerning retaliation relating to discrimination and harassment. [See DIA]

Complaints concerning instructional materials. [See EFA]

Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]

Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]

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**

“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.

**AUDIO RECORDING** As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

**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 after the superintendent knew of the incident. See *Reports to the Texas Education Agency*, page 67 for additional information.

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

## Texas Educators Code of Ethics

### 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 and good moral character. 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. (19 TAC 247.1(b))

### Professional Standards

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

**Standard 1.1** The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

**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 of students, 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 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.

**Standard 1.9** The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

**Standard 1.10** The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

**Standard 1.11** The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

**Standard 1.12** The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

**Standard 1.13** The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

## **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, gender, disability, family status, or sexual orientation.

**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 or provides information for a disciplinary investigation or proceeding 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 intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

**Standard 3.3** The educator shall not intentionally, knowingly, or recklessly 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, gender, disability, national origin, religion, family status, or sexual orientation.

**Standard 3.5** The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

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

**Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

**Standard 3.8** The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

**Standard 3.9** The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

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

### *Policies DH, DIA*

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees, unpaid interns, student teachers, 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.

Individuals 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 complaint should be made 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:  
FREEDOM FROM HARASSMENT

DIA (LOCAL)

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**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

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DEFINITIONS	Solely for purposes of this policy, the term “employees” includes former employees, applicants for employment, and unpaid interns.
Statement of Nondiscrimination	The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, 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: <ol style="list-style-type: none"><li>1 Has the purpose or effect of unreasonably interfering with the employee’s work performance;</li><li>2 Creates an intimidating, threatening, hostile, or offensive work environment; or</li><li>3. Otherwise adversely affects the employee’s performance, environment or employment opportunities.</li></ol>
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	<p>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:</p> <ol style="list-style-type: none"> <li>1 Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or</li> <li>2 The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.</li> </ol>
EXAMPLES	<p>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.</p>
RETALIATION	<p>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.</p> <p>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.</p>
EXAMPLES	<p>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.</p>
Prohibited Conduct	<p>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.</p>
REPORTING PROCEDURES	<p>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.</p> <p>Alternatively, the employee may report the alleged acts to one of the District officials below.</p>
DEFINITION OF DISTRICT OFFICIALS	<p>For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.</p>

**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: Daryl W. Wendel  
Position: Assistant Superintendent of Curriculum and Instruction/Personnel Director  
Address: 605 West Hondo Avenue, Devine, TX 78016  
Telephone: (830) 851-0702

**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, as amended:

Name: Valerie Dykstra  
Position: Director of Special Education  
Address: 205 West College Avenue, Devine, TX 78016  
Telephone: (830) 851-0881

**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

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 by an employee or adult 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 and *Bullying*, page 70 for additional information.

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

### DHB (LEGAL)

- |                             |                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REPORT REQUIRED             | In addition to the reporting requirement under Family Code 261.101 [see FFG], a superintendent shall notify the State Board for Educator Certification (SBEC) if:                                                                                                                                                                                  |
| CRIMINAL HISTORY            | 1. An educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;                                                       |
| TERMINATION                 | 2. An educator's employment at the district was terminated based on evidence that the educator engaged in an act of misconduct listed below;                                                                                                                                                                                                       |
| RESIGNATION                 | 3. An educator has submitted a notice of resignation and evidence exists that would support a finding that the educator engaged in an act of misconduct listed below;<br>or                                                                                                                                                                        |
| ASSESSMENT INSTRUMENT       | 4. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.                                                                                                                                                                                                           |
| "REPORTED CRIMINAL HISTORY" | "Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal                                                                       |
|                             | <i>Education Code 21.006, 22.087; 19 TAC 249.3(43), .14(d)</i>                                                                                                                                                                                                                                                                                     |
| REPORTABLE MISCONDUCT       | A superintendent shall make a report to SBEC under Education Code 21.006 if there is evidence that the educator:<br><br>1. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;<br><br>2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; |

3. 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.;
4. Illegally transferred, appropriated, or expended funds or other property of the district;
5. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation; or
6. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

**“ABUSE”**

“Abuse” includes the following acts or omissions:

1. Mental or emotional injury to a student or minor that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning;
2. Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student’s or minor’s development, learning, or psychological functioning;
3. Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
4. Sexual conduct harmful to a student’s or minor’s mental, emotional, or physical welfare.

*19 TAC 249.3(1)*

**“SOLICITATION OF A ROMANTIC RELATIONSHIP”**

“Solicitation of a romantic relationship” means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator’s job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications;
  - d. Whether the communications were made openly or secretly;
  - e. The extent that the educator attempts to conceal the communications;
  - f. If the educator claims to be counseling a student, SBEC 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 authorities; and

- g. Any other evidence tending to show the context of the communications between educator and student.
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.
3. Making sexually demeaning comments to a student.
4. Making comments about a student's potential sexual performance.
5. Requesting details of a student's sexual history.
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
8. Inappropriate hugging, kissing, or excessive touching.
9. Providing the student with drugs or alcohol.
10. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
11. Any other acts tending to show that the educator solicited a romantic relationship with the student.

*19 TAC 249.3(50)*

A superintendent may notify SBEC of any educator misconduct that the superintendent believes in good faith may be subject to sanctions by SBEC. *19 TAC 249.14(d)*

DEADLINE TO REPORT

The superintendent must notify SBEC in writing not later than the seventh day after the date the superintendent knew about an employee's termination of employment following an alleged incident of misconduct. *Education Code 21.006(c)*

CONTENT OF REPORT

The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims; and
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report.

*Education Code 21.006(c); 19 TAC 249.14(e)*

A superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code Chapter 552. [See GBAA] *Education Code 21.006(h)*

**NOTICE** A superintendent shall notify the board and the educator of the filing of a written report with SBEC. *Education Code 21.006(d)*

**SANCTIONS FOR FAILURE TO REPORT** A superintendent who fails to timely make a required report is subject to sanctions by SBEC. *Education Code 21.006(f); 19 TAC 249.14(e)*

**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(e)*

**STUDENT WELFARE: FFH (LOCAL)  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

**DATE ISSUED: 3/14/2016**

**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: <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or</li> <li>3. Otherwise adversely affects the student's educational opportunities.</li> </ol> Prohibited harassment includes dating violence as defined by this policy.

<p>EXAMPLES</p>	<p>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.</p>
<p>SEXUAL HARASSMENT BY AN EMPLOYEE</p>	<p>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:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. The conduct is so severe, persistent, or pervasive that it: <ol style="list-style-type: none"> <li>a. 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</li> <li>b. Creates an intimidating, threatening, hostile, or abusive educational environment.</li> </ol> </li> </ol> <p>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. [See DH]</p>
<p>BY OTHERS</p>	<p>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:</p> <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or</li> <li>3. Otherwise adversely affects the student's educational opportunities.</li> </ol>
<p>EXAMPLES</p>	<p>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.</p> <p>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.</p>



GENDER-BASED HARASSMENT	<p>Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:</p> <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or</li> <li>3. Otherwise adversely affects the student's educational opportunities.</li> </ol>
EXAMPLES	<p>Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.</p>
DATING VIOLENCE	<p>Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.</p> <p>For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:</p> <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or</li> <li>3. Otherwise adversely affects the student's educational opportunities.</li> </ol>
EXAMPLES	<p>Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.</p>
RETALIATION	<p>The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.</p>
EXAMPLES	<p>Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.</p>

FALSE CLAIMS	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, shall be subject to appropriate disciplinary action.
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	
STUDENTS REPORT	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, school counselor, principal, other District employee, or the appropriate District official listed in this policy.
EMPLOYEE REPORT	Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.
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	<p>Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)] The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:</p> <p>Name: DARYL W. WENDEL  Position: Assistant Superintendent of Curriculum and Instruction/Personnel Director  Address: 605 West Hondo Avenue, Devine, TX 78016  Telephone: (830) 851-0702</p>
ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)] The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: Valerie Dykstra  Position: Director of Special Education  Address: 205 W. College Ave., Devine, TX 78016  Telephone: (830) 851-0725</p>
SUPERINTENDENT	The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.
ALTERNATIVE REPORTING PROCEDURES	<p>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 ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>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.</p>

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 immediately 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 require, a written report. If a report is made orally, the District official shall reduce the report to written form.
INITIAL ASSESSMENT	Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at CRIMINAL INVESTIGATION. If the District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.
INTERIM ACTION	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.
DISTRICT INVESTIGATION	The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the 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.
CRIMINAL INVESTIGATION	If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.
CONCLUDING THE INVESTIGATION	Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, 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 include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.
NOTIFICATION OF OUTCOME	Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

DISTRICT ACTION	
PROHIBITED CONDUCT	<p>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.</p> <p>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.</p>
CORRECTIVE ACTION	<p>Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.</p>
BULLYING	<p>If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.</p>
IMPROPER CONDUCT	<p>If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.</p>
CONFIDENTIALITY	<p>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.</p>
APPEAL	<p>A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
RECORDS RETENTION	<p>The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records retention schedules, but for no less than the minimum amount of time required by law. [See CPC]</p>
ACCESS TO POLICY	<p>Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.</p>

## Reporting Suspected Child Abuse

*Policies DG, DH, DHB, 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 SBEC and includes the following acts or omissions:

- Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
- Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

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 or administrator 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 as a Class A 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 Texas Educators' Code of Ethics.**

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 agency.

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. 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.

## Sexual Abuse and Maltreatment of Children

The district has established a plan for addressing sexual abuse, and other maltreatment of children which may be accessed at [www.devineisd.org](http://www.devineisd.org) under Health Services. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child.

Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Employees are required to follow the procedures described above in *Reporting Suspected Child Abuse*.

## Reporting Crime

### *Policy DG*

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

## Technology Resources

### *Policy CQ*

The district's technology resources, including its network, computer systems, e-mail accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use 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 technology resources are not confidential and can be monitored at any time to ensure appropriate use.**

Employees are required to abide by the provisions of the acceptable use agreement and administrative procedures.

Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the superintendent or technology director. See DISD's Employee Acceptable Use Policy.

## Cellular Phones and Pagers

Personal cellular phones and pagers are allowed on the school campus as long as they are turned off and out of sight during the day. No personal calls should be made or received during the instructional day or during after-school meetings, with the exception of limited personal calls which may be made during planning period and lunch. The wearing of cell phone ear devices is prohibited.

## Personal Use of Electronic Media

### *Policies CQ, DH*

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for Web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Educators' Code of Ethics even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]
  - Copyright law [See Policy CY]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

See *Use of Electronic Media with Students*, below, for regulations on employee communication with students through electronic media.

## **Use of Electronic Media with Students**

*Policy DH*

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may communicate through electronic media with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. All other employees are prohibited from communicating with students who are enrolled in the district through electronic media.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

The following definitions apply for the use of electronic media with students:

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). *Electronic media* also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who uses electronic media to communicate with students shall observe the following:

The employee may use any form of electronic media **except** text messaging. Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging shall comply with the following protocol:

- The employee shall include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
- The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
- For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee's district e-mail address.



- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity.)
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- The employee shall not communicate directly with any student between the hours of 8:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy EFE]
- Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DF]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.

## **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, 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 on 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
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under SBEC rules

If an educator is arrested or criminally charged, the superintendent is also required to report the educators' criminal history to the Division of Investigations at TEA.

## Alcohol- and Drug-Abuse Prevention

*Policies DH, DI*

Devine 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. 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 abuse schools follows:

### EMPLOYEE STANDARDS OF CONDUCT

DH(LOCAL)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

Each District employee 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.

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

### VIOLATIONS OF STANDARDS OF CONDUCT

Each employee 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 his or her status as a District employee. Violation of any

policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

**WEAPONS PROHIBITED** The District prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

**EXCEPTIONS** No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**ELECTRONIC MEDIA** Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

**USE WITH STUDENTS** In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

**PERSONAL USE** An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

**SAFETY REQUIREMENTS** Each employee 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:

1. Other employees, as defined at DIA.
2. Students, as defined at 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** An employee 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 AND E-** An employee shall not smoke or use tobacco products or e-cigarettes on District property, in

CIGARETTES	District vehicles, or at school-related activities. [See also GKA]
ALCOHOL AND DRUGS	<p>An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Alcohol or any alcoholic beverage.</li> <li>3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.</li> <li>4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.</li> </ol> <p>An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.</p>
EXCEPTIONS	<p>It shall not be considered a violation of this policy if the employee:</p> <ol style="list-style-type: none"> <li>1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;</li> <li>2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use; or</li> <li>3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian.</li> </ol>
NOTICE	<p>Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]</p> <p>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.</p>
ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS	<p>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:</p> <ol style="list-style-type: none"> <li>1. Crimes involving school property or funds;</li> <li>2. 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;</li> <li>3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or</li> <li>4. Crimes involving moral turpitude, which include: <ul style="list-style-type: none"> <li>• Dishonesty; fraud; deceit; theft; misrepresentation;</li> <li>• Deliberate violence;</li> </ul> </li> </ol>

- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Felony driving while intoxicated (DWI); or

Acts constituting abuse or neglect under the Texas Family Code.

**DRESS AND GROOMING**

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

**EMPLOYEE WELFARE**

DI (LOCAL)

<p>DRUG-FREE AWARENESS PROGRAM</p>	<p>The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:</p> <ol style="list-style-type: none"> <li>1. The dangers of drug use and abuse in the workplace.</li> <li>2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]</li> <li>3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.</li> <li>4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]</li> </ol>
<p>EMPLOYEE RESPONSIBILITY</p>	<p>All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.</p>

DI (EXHIBIT)

**DRUG-FREE SCHOOLS REQUIREMENTS**

The District prohibits the unlawful distribution, possession, or use of illegal drugs, inhalants, and alcohol on school premises or as part of any of the District's activities.

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.

[This notice complies with notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3224a and 34 CFR 86.201)]

**Employee Dress**

In keeping with Devine Independent School District's commitment to excellence, faculty and staff dress will model a business standard. The following guidelines are provided to reflect the spirit of pride which exists throughout our campuses.

**Acceptable dress includes:**

- Collared shirts, blouses, and dresses with sleeves – No sleeveless garments unless worn under coordinated jackets, sweaters, or blouses, providing the outer garment is not see-through. No spaghetti straps. No t-shirts are allowed, even on Fridays.
- Dress slacks or *Dockers (or other similar brands)* slacks are appropriate. All slacks/trousers/pants for both men and women must be full length.
- Capris / blue jeans with collared shirt or blouse (no t-shirts), denim skirts/dresses/jumpers may be worn on campus-approved days only. Tennis shoes will be allowed on these days.
- Skirts/dresses should be to the top of the knee when standing.
- Staff members may wear colored (not blue denim) dress jeans with an appropriate blouse or collared shirt during the week. Ripped jeans or jeans of any color with holes (*of any color*) are not allowed.
- Orthopedic shoes are the appropriate footwear for those with a doctor’s note concerning feet. No tennis shoes are allowed except on campus administration-approved days.

**Unacceptable dress includes:**

- No T-shirts, jogging suits, including those made of velour, and/or shorts outside the athletics or physical education setting. Coaching staff should wear a collared shirt in the classroom, and may not wear wind pants (or other PE attire) as they move from the gym to the classroom.
- No sleeveless tops or tops which expose midriffs.
- No inappropriate necklines (low-cut or exposed cleavage)
- No garments made of spandex or clingy material. No leggings of any kind.
- No sweat pants, sweat shirts, or sweat jackets.
- No beach-style, “flip-flop” shoes (with single straps which fit between the toes). No rubber soles are permitted.
- No exposed tattoos.
- No body-piercing ornaments will be allowed, with the exception of female staff members having pierced ears.
- No unnatural hair color or hairstyle.

As representatives of our school system and our profession, we should strive to give the best possible impression to the students and community we serve. **Professional attire should appear clean, un-faded, and wrinkle-free.** If you have a question about appropriate apparel, please consult your campus principal.

**Tobacco Products and E-Cigarette Use**

*Policies DH, FNCD, GKA*

State law prohibits smoking, ~~or~~ using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. 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 using tobacco products or e-cigarettes 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.

## **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, except as other-wise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- 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 federal, state or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

## **Conflict of Interest**

### *Policy CB, DBD*

Employees are required to disclose in writing to the district 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

Employees should contact their supervisor for additional information.

## **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 textbook, electronic textbooks, instructional materials or technological equipment 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.

## **Copyrighted Materials**

### *Policy CY*

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.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication 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.

## **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.

## **Charitable Contributions**

### *Policy DG*

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

## **Safety**

### *Policy CK series*

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 superintendent.

## **Possession of Firearms and Weapons**

*Policies FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a handgun 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 superintendent 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.

## **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 school. A copy of the district's management plan is kept in the Central Office and is available for inspection during normal business hours.

## **Pest Control Treatment**

*Policies CLB, DI*

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 entry doors. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

## **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, to release students early, or to cancel school, district officials will post a notice on the district's Web site, Facebook page, or send out a message on the parent notification system, and notify the following radio and television stations:

**Radio** **KTSA 550 AM**  
**KTFM 101.9 FM**  
**KONO 101.1 FM**

**TV** **KENS 5 CBS**  
**KSAT 12 ABC**  
**WOAI 4 NBC**  
**KABB 29 FOX**

## Emergencies

*Policies CKC, CKD*

All employees should be familiar with the safety procedures for responding to a medical emergency and the evacuation diagrams posted in their work areas. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

## Purchasing Procedures

*Policy CH*

All requests for purchases must be submitted to the accounts payable 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 Elaine Hoog (830) 851-0707 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 Central Office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. Forms to process a change in personal information can be obtained from Irma Hernandez, (830) 851-0705.

## Identification Badges

Employees are issued a new identification badge at the beginning of every year. It is important to wear your ID badge as required for safety practices and campus EOP's. If lost, ID badges can be obtained at the Transportation Department for a \$5.00 replacement fee.

## Personnel Records

*Policy DBA, 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, including personal cell phone number  
Social Security number  
Emergency contact information  
Information that reveals whether they have family members  
Personal e-mail address

The choice to not allow public access to this information may be made at any time by submitting a written request to Irma Hernandez, (830) 851-0705. New or terminated 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 campus principal is responsible for scheduling the use of facilities after school hours. Contact Jon Eichman at (830) 851-0754 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 at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or designee. 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 Texas Education Agency* on page 71.

**Noncontract Employees.** Noncontract employees may resign their positions at any time. A written notice of resignation should be submitted to the supervisor or superintendent 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, DFFA, DFFB, DFFC*

Employees on probationary and term contracts can be dismissed during the school year according to the

procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. 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 when the employee's 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 are available on line.

## **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, color, religion, gender, national origin, age, disability, military status, genetic information, 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. (See *Complaints and grievances*, page 30).

## **Exit Interviews and Procedures**

### *Policies DC and CY*

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. 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, including intellectual property and equipment must be returned upon separation from employment.

## **Reports to Texas Education Agency**

### *Policy DF, DHB*

The dismissal of a certified employee must be reported to the the Division of Investigations at TEA whenever the termination is based on evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact 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 district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The superintendent is also required to notify TEA when a certified employee resigns and there is evidence the educator engaged in the conduct listed above.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee has a reported criminal history. "Reported criminal history" means any formal criminal

justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

## 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 Opportunities

*Policy FB, FFH*

The Devine ISD does not discriminate on the basis of race, color, religion, national origin, sex, 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 of students based on sex, including sexual harassment should be directed to Daryl W. Wendel, the district's Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to Valerie Dykstra, Director of Special Education, the district ADA/504 coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

## **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: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's records before this time.
- 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 may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen®), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other 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 Conduct and 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 Code of Conduct and Student Handbook. 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 check in at the campus office, and present 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 or designees. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

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

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STUDENT WELFARE: FREEDOM FROM BULLYING	FFI (LOCAL)
BULLYING PROHIBITED	The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.
DEFINITION	Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that: <ol style="list-style-type: none"><li>1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or</li><li>2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.</li></ol>
EXAMPLES	Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.
TIMELY REPORTING	Reports of bullying 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.

REPORTING PROCEDURES	Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. A report may be made orally or in writing.
NOTICE OF REPORT	Any District employee who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.
INVESTIGATION OF REPORT	<p>If a report is made orally, the campus principal or designee shall reduce the report to written form.</p> <p>The campus principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, and if so proceed under that policy instead.</p> <p>The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.</p>
CONCLUDING THE INVESTIGATION	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the campus principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The campus principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Superintendent or designee.</p>
DISTRICT ACTION	<p>If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]</p> <p>The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.</p>
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.
APPEAL	A student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.
RECORDS RETENTION	Retention of records shall be in accordance with 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.

**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 administration.

## **Policy Index for Employment Policies**

DAA-Equal employment opportunity

DAB-Genetic nondiscrimination  
DBAA-Criminal history and credit report  
DBD-Conflict of interest  
DC Series-Employment practices  
DEA Series-Salaries and wages  
DEC Series-Leaves and absences  
DF-Termination of employment  
DFB Series-Termination of term contracts  
DFD-Hearings before hearing examiner  
DFE-Resignations  
DFF-Reduction in force  
DFFA-Reduction in force due to financial  
Exigency  
DFFB-Reduction in force due to program  
Change  
DG-Employee rights and privileges  
DGBA-Employee complaints  
DH-Employee standards of conduct  
DHE-Searches and drug/alcohol testing  
DI-Employee Welfare  
DIA-Discrimination, harassment, and retaliation  
DK-Assignments and schedules  
DN Series-Performance appraisal

# Employee Handbook Addendums

## Chapter 37 of the Texas Education Code/Discipline; Law and Order

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm>

**FN (LOCAL)**

**FO (LEGAL)**

**FO (LOCAL)**

## STUDENT RIGHTS AND RESPONSIBILITIES

**FN (LOCAL)**

Each student is expected to respect the rights and privileges of other students, teachers, and District staff. All teachers, administrators, and other District personnel are expected to respect the rights and privileges of students. [See DH series]

### STUDENT HANDBOOK

The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

### NO BOARD ACTION

Student handbooks are subject to Board review but shall not be adopted by the Board.

### DISTRIBUTION

Student handbooks shall be made available on the District's Web site at the beginning of the school year; hard copy shall be provided upon request. Amendments to the handbook shall be communicated promptly to students and parents.

[For provisions on the Student Code of Conduct, see FO]

## STUDENT DISCIPLINE

## FO (LEGAL)

### STUDENT CODE OF CONDUCT

The Board shall adopt a Student Code of Conduct for the District, with the advice of its District-level committee. The Student Code of Conduct must:

1. Specify the circumstances, consistent with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, or disciplinary alternative education program (DAEP).
2. Specify the conditions that authorize or require a principal or other appropriate administrator to transfer a student to DAEP.
3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].
4. Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:
  - a. Self-defense;
  - b. Intent or lack of intent at the time the student engaged in the conduct;
  - c. A student's disciplinary history; or
  - d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), the District is not required to specify a minimum term of removal or expulsion.
6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.
7. Prohibit bullying, harassment, and making hit lists and ensure that District employees enforce those prohibitions.

"Bullying" has the meaning provided by Education Code 37.0832. [See FFI]

"Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

“Hit list” means a list of people targeted to be harmed using a firearm, as defined by Penal Code 46.01(3) [see FNCG]; a knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or any other object to be used with intent to cause bodily harm.

8. Provide, as appropriate for students at each grade level, methods, including options, for:
  - a. Managing students in the classroom and on school grounds;
  - b. Disciplining students; and
  - c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

The methods adopted must provide that a student who is enrolled in a special education program under Education Code Chapter 29, Subchapter A, may not be disciplined for bullying, harassment, or making of hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. [See FOF]

CHANGES IN SCOC

Once a Student Code of Conduct is promulgated, any change or amendment shall be approved by a board.

POSTING

The Student Code of Conduct shall be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

*Education Code 37.001*

NOTICE TO PARENTS

Each school year, a district shall provide parents with notice of and information regarding the Student Code of Conduct. *Education Code 37.001(d)*

NONCUSTODIAL PARENT

A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, a district provide that parent with a copy of any written notification that is generally provided to a student’s parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. A district may not unreasonably deny the request. Notwithstanding this requirement, a district shall comply with any applicable court order of which the district has knowledge. *Education Code 37.0091(a)*

COPIES TO STAFF

The district shall provide each teacher and administrator with a copy of Education Code Chapter 37, Subchapter A regarding student discipline and with a copy of the related local policy. *Education Code 37.018*

CAMPUS BEHAVIOR COORDINATOR

A person at each campus must be designated to serve as the campus behavior coordinator (CBC). The person may be the campus principal or any other campus administrator selected by the principal. The CBC is primarily responsible for maintaining student discipline and

the implementation of Education Code Chapter 37.

**DUTIES** The specific duties of the CBC may be established by campus or district policy. Unless the policy provides otherwise, duties imposed on a campus principal or other campus administrator by Education Code Chapter 37 must be performed by the CBC and a power granted to a campus principal may be exercised by the CBC

**NOTICE TO PARENTS** The CBC shall promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a DAEP, expelled, or placed in a JJAEP or is taken into custody by a law enforcement officer.

A CBC must provide notice by promptly contacting the parent or guardian by telephone or in person; and making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a CBC shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

If a CBC is unable or not available to promptly provide notice, the principal or other designee shall provide the notice.

Education Code 37.0012

**NO UNSUPERVISED SETTING** Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP. *Education Code 37.008(h)*

**CONTINUATION OF DISCIPLINARY ACTION** If a district takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Education Code 37.022

**OPPORTUNITY TO** If a student is placed in in-school suspension or other alternative setting



COMPLETE COURSES	<p>other than a DAEP, a district shall offer the student the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of removal. A district may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. <i>Education Code 37.021</i> [For DAEP notice requirements, see FOCA.]</p>
SECLUSION	<p>A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. <i>Education Code 37.0021(c)</i></p> <p>“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <ol style="list-style-type: none"> <li>1. Is designed solely to seclude a person; and</li> <li>2. Contains less than 50 square feet of space.</li> </ol> <p><i>Education Code 37.0021(b)(2)</i></p> <p>This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:</p> <ol style="list-style-type: none"> <li>1. Is employed or commissioned by a school district; or</li> <li>2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.</li> </ol> <p><i>Education Code 37.0021(h)</i></p>
EXCEPTIONS	<p>This prohibition on seclusion does not apply to:</p> <ol style="list-style-type: none"> <li>1. A peace officer performing law enforcement duties; or</li> <li>2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.</li> </ol>
LAW ENFORCEMENT DUTIES	<p>“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.</p> <p><i>Education Code 37.0021(b)(4), (g)</i></p>
RESTRAINT REPORTS	<p>A district shall report electronically to TEA, in accordance with standards provided by Commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties [see LAW ENFORCEMENT DUTIES, above] on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by Commissioner rule for reporting the use of restraint involving students with disabilities [see FOF]. <i>Education Code 37.0021(i)</i></p> <p>“Restraint” means the use of physical force or a mechanical device to</p>

significantly restrict the free movement of all or a portion of a student's body. *Education Code 37.0021(b)(1)*

CORPORAL  
PUNISHMENT

If the board adopts a policy under Education Code 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline. *Education Code 37.0011(b)*

PARENT  
STATEMENT

To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board in the manner established by the board. The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board. *Education Code 37.0011(c)-(d)*

DEFINITION

"Corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education or the use of restraint as authorized under Education Code 37.0021 [see FOF]. *Education Code 37.0011(a)*

USE OF FORCE TO  
MAINTAIN  
DISCIPLINE

The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. *Penal Code 9.62*

VIDEOTAPES AND  
RECORDINGS

A district employee may, without consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)* [See FNG]

REPORTS

A district shall annually report to the Commissioner:

DISCIPLINARY  
ALTERNATIVE  
EDUCATION  
PROGRAMS

1. For each placement in a DAEP:
  - a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
  - b. Information indicating whether the placement was based on:

- (1) Conduct violating the Student Code of Conduct;
  - (2) Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];
  - (3) Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or
  - (4) Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);
- c. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and
  - d. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

## EXPULSIONS

2. For each expulsion:
  - a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
  - b. Information indicating whether the expulsion was based on:
    - 1) Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school; or
    - 2) Conduct for which expulsion is permitted;
  - c. The number of full or partial days the student was expelled;
  - d. Information indicating whether:
    - 1) The student was placed in a JJAEP;
    - 2) The student was placed in a DAEP; or
    - 3) The student was not placed in a JJAEP or other alternative education program; and
  - e. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct.

*Education Code 37.020*

# STUDENT DISCIPLINE

FO (LOCAL)

STUDENT CODE OF CONDUCT	<p>The District’s rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.</p> <p>Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.</p> <p>At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:</p> <ol style="list-style-type: none"><li>1. Posted and prominently displayed at each campus or made available for review in the principal’s office, as required by law; and</li><li>2. Made available on the District’s website and/or as a hard copy to students, parents, teachers, administrators, and others on request.</li></ol>
REVISIONS	<p>Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.</p>
EXTRACURRICULAR STANDARDS OF BEHAVIOR	<p>With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.</p> <p>A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.</p> <p>Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.</p> <p>A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.</p>
'PARENTS' DEFINED	<p>Throughout the Student Code of Conduct and discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.</p>

GENERAL DISCIPLINE  
GUIDELINES

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
  - a. The seriousness of the offense;
  - b. The student's age;
  - c. The frequency of misconduct;
  - d. The student's attitude;
  - e. The potential effect of the misconduct on the school environment;
  - f. Requirements of Chapter 37 of the Education Code; and
  - g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

CORPORAL  
PUNISHMENT

Corporal punishment may be used as a discipline management technique in accordance with this policy and the Student Code of Conduct.

Corporal punishment shall not be administered to a student whose parent has submitted to the principal a signed statement for the current school year prohibiting the use of corporal punishment with his or her child. The parent may reinstate permission to use corporal punishment at any time during the school year by submitting a signed statement to the principal.

GUIDELINES

Corporal punishment shall be limited to spanking or paddling the student and shall be administered in accordance with the following guidelines:

1. The student shall be told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by the principal or designee.
3. Corporal punishment shall be administered only by an employee who is the same sex as the student.
4. The instrument to be used in administering corporal punishment shall be approved by the principal.

5. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students.

DISCIPLINARY RECORDS

The disciplinary record reflecting the use of corporal punishment shall include any related disciplinary actions, the corporal punishment administered, the name of the person administering the punishment, the name of the witness present, and the date and time of punishment.

PHYSICAL RESTRAINT

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Control an irrational student.
5. Protect property from serious damage.

A District employee may restrain a student with a disability who receives special education services only in accordance with law.  
[See FOF(LEGAL)]

VIDEO AND AUDIO MONITORING

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

USE OF RECORDINGS

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

ACCESS TO RECORDINGS

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law.  
[See FL(LEGAL)]