

Liberty-Eylau ISD 2019-2020 Employee Handbook



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Employee Handbook Receipt

Name _____

Campus/Department _____

I hereby acknowledge receipt of a copy of the 2019-2020 Liberty-Eylau ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

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

A downloadable version of the handbook is available online at www.leisd.net.

Please indicate your choice by checking the appropriate box below:

- ☐ I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- ☐ I choose to receive a hard copy of the employee handbook and I understand I am required to contact the Human Resources Department to obtain a hard copy.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this document. 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 Human Resources Department if I have questions or concerns or need further explanation.

Signature

Date

Note: You have received a separate copy of this form in TalentEd. Please sign and date that copy in the TalentEd online system.

Introduction

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

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 online at www.leisd.net.

District Information

Description of the District

Liberty-Eylau ISD is comprised of six campuses serving approximately 2,500 students. The Early Childhood Center serves the district's three- and four-year old students as well as Kindergarten. The Elementary Campus includes first through fourth grades. The Middle School Campus, serving fifth through eighth grade students, offers a regimented academic environment including high school level courses. The High School Campus offers numerous hours of college credit, along with innovative career and technology programs. The DAEP/BAC school provides an alternative learning environment for secondary students.

Mission Statement, Goals, and Objectives

Policy AE

MISSION STATEMENT

To educate students to become productive citizens.

PHILOSOPHY

The philosophy of the Liberty-Eylau ISD is to educate students to high levels of academic performance that will result in the students being highly productive citizens of the nation, state, and community. Students will be taught a core curriculum of English language arts, mathematics, science, social studies, fine arts, health, physical education, and technological literacy. They will acquire a knowledge of citizenship and economic responsibilities and an appreciation of our common American heritage including its multicultural richness. Students will be provided the opportunity to develop the ability to think logically, independently, and creatively, and to communicate logically, independently, creatively, and effectively to the full extent of their individual abilities. The underlying beliefs on which this philosophy is established are:

- * All students can learn and should be presented an academic program.
- * All students should demonstrate mastery of the grade-level objectives.
- * It is the obligation of the teacher to prepare all students to perform grade-level objectives at the mastery level.
- * An education system must have an effective evaluation system to measure the attainment of goals.
- * Teachers have an obligation to the students to set proper examples through everyday role modeling as set forth in the Code of Ethics and Standard Practices for Texas Educators.

Board of Trustees

Policies BA, BB series, BD series, 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 laws 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 at large on the May uniform election date and serve three-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

Current board members include:

- Chad Turner, President
- Trevelyan Hodge, Vice President
- Scott Bergt, Secretary
- Debbie Courtney
- Bradley Haugh
- James Keeton
- Cliff Martin

The board usually meets the third Thursday of each month at 6:00pm in the administration building board room. In the event that large attendance is anticipated, the board may meet at the Liberty-Eylau High School Cafetorium at 2905 Leopard Drive. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and at the administration office at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

Administration

Ronnie Thompson, Superintendent

Dr. Ceretha Levingston, Assistant Superintendent of Instruction

Jeff Wright, Assistant Superintendent of Operations

Angela Featherson, Executive Director of Special Populations

Ronda Jameson, Executive Director of Curriculum and Instruction

Klint King, Athletic Director

Brandy Burnett, Director of Human Resources

Susie Byrd, Business Manager

Matt Fry, Director of Communications

Heather McNeill, Coordinator of State Programs & Certification

Tamara McGraw, Curriculum Coordinator

Farishn Tatum, Curriculum Coordinator

Brittney Nabors, Coordinator of Instructional Technology

Daryl Cameron, Federal Programs Coordinator

Marc Icenhower, Staff Accountant

Bart Veal, Chief of Police

Liberty-Eylau ISD

2019-2020 Calendar

July 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	August 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	September 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
October 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	November 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	December 2019 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
January 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	February 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29	March 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
April 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	May 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	June 2020 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

● Staff Development ● School Holiday ● State Testing ● Early Release
● Bad Weather/Staff Work Day Grading Period Start/End



IT STARTS HERE

Grading Periods

Dates	Days
1st 8/12-9/20	29
2nd 9/24-11/1	29
3rd 11/5-12/20	29
4th 1/7-2/14	28
5th 2/24-4/3	29
6th 4/6-5/22	30

LEISD Campuses

Administration
2901 Leopard Dr
903.832.1535

Early Childhood
PK-K
3105 Norris Cooley
903.831.5352

Elementary
1-4
5492 US 59 S
903.831.5390

Middle School
5-8
5555 Leopard Dr
903.838.5555

High School
2905 Leopard Dr
9-12
903.832.1530

www.leisd.net



@LibertyEylauISD

School Directory

Administration Building

2901 Leopard Drive, Texarkana, TX 75501

903.832.1535

Kendrick Smith, High School Principal

2905 Leopard Drive, Texarkana, TX 75501

903.832.1530

Jakeb Goff, Middle School Principal

5555 Leopard Drive, Texarkana, TX 75501

903.838.5555

Kristi Brown, Elementary School Principal

5492 US 59 S, Texarkana, TX 75501

903.831.5390

Amy Norwood, Early Childhood Center Principal

3105 North Cooley Drive, Texarkana, TX 75501

903.831.5352

Diane Niemeyer, School of Success DAEP/BAC At-Risk Coordinator

766 Macedonia Road, Texarkana, TX 75501

903.831.5767

Employment

Equal Employment Opportunity

Policies DAA, DIA

Liberty-Eylau ISD does not discriminate against any employee or applicant for employment because of gender, race, color, religion, gender, 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 Brandy Burnett, the district Title IX coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact Angela Featherson, the district ADA/Section 504 coordinator. 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 to the district's website.

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 Website (www.trs.texas.gov).

Contract and Noncontract Employment

Policy DC series

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

Probationary Contracts. Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after 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. Probationary contracts are one-year contracts. As a District of Innovation, the probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed two school years.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

Term 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 contract employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

Noncertified Professional, Paraprofessional and Auxiliary Employees. Noncertified professional, paraprofessional and auxiliary employees in positions that do not require SBEC certification, 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 the Human Resources 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 Brandy Burnett, Director of Human Resources, if you have any questions regarding certification or licensure requirements.

Recertification of Employment Authorization

Policy DC

At the time of hire all employees must complete the Employment Eligibility Verification Form (I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources Department if you have questions regarding reverification of employment authorization.

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, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business.

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

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 otherwise are 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 testing policies and related educational material should contact Chief of Police Bart Veal at 903-832-1535.

Health Safety Training

Policies DBA, DMA

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to Human Resources Director Brandy Burnett by September 1.

School nurses and employees with regular contact with students must complete a Texas Education Agency approved, online training regarding seizure disorder awareness, recognition, and related first aid.

Reassignments and Transfers

Policy DK

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. 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. A teacher requesting a transfer to another campus before the school year begins must submit his or her request in writing to the Human Resources Department. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources Department and must be approved by the receiving supervisor.

Workload and Work Schedules

Policies 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 including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. 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.

Breaks for Expression of Breast Milk

Policies 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. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include 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 Human Resources Director, Brandy Burnett, at 903-832-1535.

Outside Employment and Tutoring

Policy DBD

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

Performance Evaluation

Policy 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, Liberty-Eylau 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 Dr. Ceretha Levingston, Assistant Superintendent.

Staff Development

Policy DMA

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus

performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non instructional 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

Policies 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. Other employees are generally classified as non-exempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek.

All employees will receive written notice of their pay and work schedules before 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.

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

Paychecks

All employees are paid monthly. All LEISD employees (salaried, full-time, part-time, etc.) have payroll wage payments disbursed through direct deposit to the financial institution of the employee's choice. This convenience provides the employee with funds available in their bank account on the morning of payday. Each employee must have a Direct Deposit Form on file. It is the employee's responsibility to notify the Payroll Office if the individual's bank account changes. This is accomplished with the Direct Deposit Form. Employees may access their Payroll Earning Statement through Skyward® Employee Access for detailed pay information. An employee's Payroll Earnings Statement contains detailed information concerning deductions, withholding, and the amount of leave accumulated and used. For information on using Skyward® Employee Access, please contact the Human Resources Department or the Finance Department.

Any payroll omissions or errors must be reported and appropriate documentation must be submitted to the payroll department within five days in order for a correction to be processed before the next regularly scheduled pay date. In the event of overpayment, you agree that the District may deduct any overpayments from one or more of your paychecks.

Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

*In the event that incorrect direct deposit account information has been given or you have changed accounts please report this to the payroll office by the 10th day of the current month. Failure to do so may result in a two business day delay in pay.

Payday is the 20th of each month. If the 20th falls on a weekend or school holiday, payday is the last school day before.

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 required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; unreimbursable medical expenses; disability; cancer; critical care plans; and higher education savings plans or prepaid tuition programs. Employees also may request payroll deduction for payment of membership dues to professional organizations, the United Way, and the Liberty-Eylau Education Foundation. Salary deductions are automatically made for unauthorized or unpaid leave.

Overtime Compensation

Policies DEAB, DEC

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. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.

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. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday. Nonexempt

employees that are paid on a salary basis are paid for the hours set by the normal work schedule. Hours worked beyond the normal schedule up to 40 hours will be paid at a regular rate of pay.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) 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 is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

Travel Expense Reimbursement

Policy DEE

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

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 or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact TRS-ActiveCare at 1-800-222-9205 for more information.

Supplemental Insurance Benefits

Policy CRD

At their own expense, employees may enroll in supplemental insurance programs for vision, dental, life, disability, cancer, critical illness, and flexible spending. Premiums for these programs can be paid by payroll deduction.

Employees should contact the Human Resources Department 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 Edwards Claim Administration effective July 1.

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 employee's supervisor and the Human Resources Department. An accident report must be completed whether medical treatment is required or not. 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.

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 Human Resources Department.

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 the Human Resources Department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web (www.trs.texas.gov).

Leaves and Absences

Policies 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 the Human Resources Department at (903) 832-1535 for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Use of Leave. Leave is available for the employee's use at the beginning of the year. However, State Leave and Local leave is earned as you work through the course of your work year. If an employee leaves the District before the end of the work year, the cost of any unearned leave taken shall be deducted from the employee's final paycheck.

Paid leave must be used in whole or half-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 the 1995-1996 school year
- State Personal Leave
- Local Partial-Pay 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.

Excessive Absences. An employee will receive a letter from their supervisor after they have missed 10 personal, non-school related days in a school year.

Immediate Family. For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*
- Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee
- Sibling, stepsibling, and sibling-in-law
- Grandparent and grandchild
- Any person residing in the employee's household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA (LEGAL).

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 healthcare 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 transferable 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 allow very little, if any, advance planning. Nondiscretionary 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 at least five 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. Discretionary leave may not be taken on the following key days without approval by the Superintendent or designee:

- Day before a school holiday
- Day after a school holiday
- Days scheduled for end of semester or end of year exams
- Days scheduled for state mandated testing
- Staff or professional development days

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 whole or half-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

During the regular school year, all employees shall earn five workdays of local partial-pay sick leave per school year at the same rate as state personal leave. Local partial-pay sick leave shall accumulate without limit and shall be taken with the daily rate of a substitute deducted for each day used.

Employees in positions requiring 11 or 12 months of service shall earn additional local sick leave days beyond the five days of partial-pay sick leave. The additional days shall be full-pay sick leave days and shall be earned at the same rate as state personal leave. Based on the length of their assignment, employees in positions requiring 11 or 12 months of service shall earn an additional one-half workday, one workday, or two workdays.

Local leave may be used for the following reasons:

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

Vacation Leave

Policy DED

An hourly wage employee (maintenance and custodial personnel) shall be required to work 130 days before beginning to accrue vacation time. Vacation time shall be earned at the rate of one-half day for

each 26 workdays up to five days per year. After five years of service in the District, hourly wage employees shall be eligible for ten days of paid vacation annually.

Employees shall be permitted to take vacation between July 1 and June 30. Vacation time may be taken all at one time or intermittently during the year. For the first-year employee who has worked 130 days, vacation days accrued prior to July 1 shall be added to the first five vacation days. After the first year, vacation days shall accrue from July 1 to June 30. Vacation days shall not be carried forward from one fiscal year to the next.

Emergency Closure Leave

Policy DEC

All eligible employees shall be awarded days of emergency closure leave per fiscal year in accordance with policy DEC (Local). Emergency closure leave shall not extend beyond the fiscal year in which it was awarded.

Catastrophic Sick Leave

Policy DEC

The purpose of the Catastrophic Sick Leave Bank is to provide additional sick leave days to members of the bank, in the event of an unexpected extended absence due to a debilitating, life-threatening, or catastrophic disability, as defined in board policy, that renders the member unable to perform the duties of his or her position and causes substantial loss of income.

Any employee may join the sick leave bank by contributing at least one day (depending on the time of enrollment) of accrued or anticipated state personal leave, so long as the employee will be able to earn the required number of days from the time of employment until completion of the number of days in the work assignment during the current school year.

Eligible employees who choose not to join the bank within three years of employment shall forfeit all rights to membership.

The District's elected CSL committee shall hear requests and determine the granting of days based on the program's established by-laws. A minimum of five days and a maximum of 30 days may be granted upon request.

See Catastrophic Sick Leave Bank Guidelines below.

Family and Medical Leave Act (FMLA)—General Provisions

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

Leave Entitlements. Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job.
- For qualifying extenuating circumstances related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections. While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements. An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

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

Requesting Leave. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities. Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement. Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against the 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) requires 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

Local Family and Medical Leave Provisions

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

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.

Fitness for Duty. An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee's ability to perform essential job functions is required, the district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider.

Reinstatement. An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according to the procedures outlined in policy (see DECA (LEGAL)).

Failure to Return. If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing person or family serious health condition or a spouse being unexpectedly transferred from than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

District Contact. Employees that require FML or have questions should contact the Human Resources Department for details on eligibility, requirements, and limitations.

Temporary Disability Leave

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

reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days.

If 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 Human Resources Department 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 incident involving an assault is a work-related injury, and should be immediately reported to the Human Resources Department. 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 not responsible 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

The use of state leave and/or local sick leave for a death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the District.

Jury Duty

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or documentation of time spent at the court may be required.

Compliance with a Subpoena

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 when engaged in authorized training or duty ordered by proper authority. 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. Employees returning to work following military leave should contact the Human Resources Department. 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 the Human Resources Department for details on eligibility, requirements, and limitations.

Truancy Court Appearances

An employee who is a parent, guardian of a child, or a court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

Religious Observance

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

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. Recognition and appreciation activities also include Campus and District Teacher of the Year Awards and an annual Employee Appreciation Banquet.

District Communications

Electronic communications may be viewed at Liberty-Eylau ISD's website, www.leisd.net.

Periodically each school year, the district publishes the Inkwell, a newsletter offering employees and the community information pertaining to school activities and achievements. Several district-wide newsletters are also published each year.

Complaints and Grievances

Policy DGBA

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

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

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

COMPLAINTS	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
OTHER COMPLAINT PROCESSES	<p>Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.4. Complaints concerning instructional materials shall be submitted in accordance with EFA.5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.7. Complaints concerning 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 shall be submitted in accordance with DFAA, DFBA, or DFCA.
NOTICE TO EMPLOYEES	The District shall inform employees of this policy through appropriate District publications.
GUIDING PRINCIPLES INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>

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PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

DIRECT COMMUNICATION WITH BOARD MEMBERS	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
FORMAL PROCESS	<p>An employee 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>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
WHISTLEBLOWER COMPLAINTS	Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
COMPLAINTS AGAINST SUPERVISORS	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.
GENERAL PROVISIONS FILING	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
SCHEDULING CONFERENCES	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee's absence.

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PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

RESPONSE	At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, 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	<p>"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.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. 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.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>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.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>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.</p>
COSTS INCURRED	Each party shall pay its own costs incurred in the course of the complaint.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

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COMPLAINT AND APPEAL FORMS	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>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.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing.</p>
AUDIO RECORDING	<p>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.</p>
LEVEL ONE	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">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; and2. With the lowest level administrator who has the authority to remedy the alleged problem. <p>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.</p> <p>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.</p> <p>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.</p> <p>The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.</p> <p>Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the con-</p>

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LEVEL TWO

ference. 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.

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 schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the 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 appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

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

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the 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

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EMPLOYEE COMPLAINTS/GRIEVANCES

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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.

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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, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation 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* 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. This chapter shall apply to educators and candidates for certification. (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 intentionally, knowingly, or recklessly 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 that are used 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, knowingly, or recklessly 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, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13 The educator shall not be under the influence of alcohol or 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.

Standard 2.8 The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

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 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 DISCRIMINATION, HARASSMENT, AND RETALIATION

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

Definitions	Solely for purposes of this policy, the term "employee" includes former employees, applicants for employment, and unpaid interns.
Statement of Nondiscrimination	The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.
Discrimination	Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.
Harassment	<p>Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:</p> <ol style="list-style-type: none">1. Has the purpose or effect of unreasonably interfering with the employee's work performance;2. Creates an intimidating, threatening, hostile, or offensive work environment; or3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.
Examples	Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.
Sexual Harassment	Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

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

Examples	Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.
Retaliation	The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.
Examples	Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
Prohibited Conduct	In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.
Reporting Procedures	<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	For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.
Title IX Coordinator	Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]
ADA / Section 504 Coordinator	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]
Superintendent	The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

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Alternative Reporting Procedures	<p>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.</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	<p>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.</p>
Notice of Report	<p>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.</p>
Investigation of the Report	<p>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.</p> <p>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.</p> <p>If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.</p> <p>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.</p> <p>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.</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 investigator shall take additional time if necessary to complete a thorough investigation.</p>

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	<p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p>
District Action	<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>
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 complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.</p> <p>The complainant may have a right to file a complaint with appropriate state or federal agencies.</p>
Records Retention	<p>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]</p>
Access to Policy	<p>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.</p>

Harassment of Students

Policies DH, DHB, FFG, FFH, FFI

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* and *Bullying* for additional information.

The district's policies that include definitions and procedures for reporting and investigating harassment of students are reprinted below:

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Note: This policy applies to a district of innovation under Education Code, Chapter 12A. [See AF]

Permissive Reports

The superintendent may notify the State Board for Educator Certification (SBEC) of any educator misconduct that he or she believes in good faith may be subject to sanctions under 19 Administrative Code, Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and/or Chapter 247, Educators' Code of Ethics. *19 TAC 249.14(d)*

Required Reports

A superintendent shall notify SBEC if:

1. An educator employed by or seeking employment with the district, or an applicant or holder of an SBEC certificate, has a criminal record 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 under Government Code 411.0845;
2. An educator's employment at the district was terminated and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct, below];
3. The educator submitted a notice of resignation and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct, below]; or
4. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 21.006, 22.087; 19 TAC 249.14(d)

Reportable Misconduct

A superintendent shall make a report to SBEC under items 2 and 3, above, if an educator was terminated or resigned and there is evidence that the educator:

1. Sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor;
2. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. 801 et seq.;
3. Illegally transferred, appropriated, or expended school property or funds;
4. Attempted by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual

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to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

5. Committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or
6. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

Education Code 21.006(b); 19 TAC 249.14(d)

Investigation

A superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described above at Reportable Misconduct, items 1 and 2, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

Deadline to Report

The superintendent shall promptly notify SBEC in writing by filing a report within seven business days after the date the superintendent receives a report from a principal [see DP(LEGAL)] or knew of the circumstances described above. *Education Code 21.006(c); 19 TAC 249.14(d)* [See Required Reports, above]

Contents of Report

The report must be in writing and in a form prescribed by SBEC. 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 and the factual circumstances requiring the report and 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;
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
7. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 21.006(c-1); 19 TAC 249.14(f)

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	The name of the student or minor is not public information under the Public Information Act. [See GBAA] <i>Education Code 21.006(h)</i>
Notice	
To the Board and Educator	A superintendent shall notify the board and the educator of the filing of a written report with SBEC. The superintendent shall notify the board before filing the report. <i>Education Code 21.006(d); 19 TAC 249.14(d)(3)(B)</i>
Before Accepting Resignation	Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. <i>19 TAC 249.14(d)(3)(A)</i>
Policy to Notify Parents	The board shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have abused or otherwise committed an unlawful act with a student or minor. [See FFF] <i>Education Code 21.0061</i>
Sanctions for Failure to Report	SBEC shall determine whether to impose sanctions, including an administrative penalty against a superintendent who fails to file a report. <i>Education Code 21.006(f); 19 TAC 249.14(d), (h), .15(b)(4)</i>
Administrative Penalty	If a superintendent is required to file a report and fails to file the report by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. <i>Education Code 21.006(i)</i>
Criminal Offense	A superintendent required to file a report commits a state jail felony if the superintendent fails to file the report by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. <i>Education Code 21.006(j)</i>
Immunity	A superintendent or principal who, in good faith and while acting in an official capacity, files a report with SBEC or communicates with another superintendent or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed. <i>Education Code 21.006(e)</i>
Definitions	"Abuse" includes the following acts or omissions:
"Abuse"	<ol style="list-style-type: none">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

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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)

"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 jurisdiction. *19 TAC 249.3(44)*

"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;

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- 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. Violating written directives from school administrators regarding the educator's behavior toward a student.
- 11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
- 12. Any other acts tending to show that the educator solicited a romantic relationship with the student.

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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. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

STATEMENT OF
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, 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 and is prohibited.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, 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, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating 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.

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SEXUAL HARASSMENT BY AN EMPLOYEE	<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">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; or2. The conduct is so severe, persistent, or pervasive that it:<ol style="list-style-type: none">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; orb. Creates an intimidating, threatening, hostile, or abusive educational environment. <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>
BY OTHERS	<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">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;2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or3. Otherwise adversely affects the student's educational opportunities.
EXAMPLES	<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>

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GENDER-BASED
HARASSMENT

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:

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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

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.

DATING VIOLENCE

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.

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

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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

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

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	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.
RETALIATION	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.
EXAMPLES	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.
FALSE CLAIM	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	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.
STUDENT REPORT	
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	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)]
ADA / SECTION 504 COORDINATOR	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

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SUPERINTENDENT	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination 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 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	<p>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.</p> <p>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.</p>
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	<p>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.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed,</p>

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	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	<p>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.</p> <p>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.</p>
NOTIFICATION OF OUTCOME	Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.
DISTRICT ACTION PROHIBITED CONDUCT	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
CORRECTIVE ACTION	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.
BULLYING	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.

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IMPROPER CONDUCT	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.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student 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.
RECORDS RETENTION	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]
ACCESS TO POLICY AND PROCEDURES	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.

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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, as defined by Texas Family Code §261.001, to a law enforcement agency, Child Protective Services (CPS), 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. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including the teacher) must be reported to CPS.

Employees are also required to make a report if they have cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to Child Protective Services can be made online at <https://www.txabusehotline.org/Login/Default.aspx> 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. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. 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 in the District Improvement Plan. As an employee, it is important for you to be aware of the 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 following the procedures described below in *Reporting Suspected Child Abuse*.

Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies—FFG(LEGAL) and (LOCAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)—are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact the director of human resources at (903) 832-1535.

What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

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).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

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

Are there any restrictions on reporting?

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

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

To whom do I make a report?

Reports may be made to any of the following:

- A law enforcement agency: The Liberty-Eylau ISD Police Department, at (903) 832-1535;
- The CPS division of the Texas Department of Family and Protective Services, at (800) 252-5400 or on the web at <http://www.txabusehotline.org>; or

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(EXHIBIT)**

- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

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

Reporting your suspicion to a school counselor, a principal, or another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion first to a school administrator.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

Will I be liable in any way for making a report?

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or canceled.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

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

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

Antivictimization Program	A district shall provide child abuse antivictimization programs in elementary and secondary schools. <i>Education Code 38.004</i>
Duty to Report By Any Person	Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. <i>Family Code 261.101(a)</i>
<i>Abuse of Persons with Disabilities</i>	<p>A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).</p> <p>A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.</p> <p>A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.</p> <p><i>Human Resources Code 48.051, .052, .054</i></p>
By a Professional	<p>Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.</p> <p>A professional may not delegate to or rely on another person to make the report.</p> <p>A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.</p> <p><i>Family Code 261.101(b)</i></p>
Adult Victims of Abuse	A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. <i>Family Code 261.101(b-1)</i>

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Psychotropic Drugs and Psychological Testing	<p>An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:</p> <ol style="list-style-type: none">1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child. <p><i>Education Code 26.0091; Family Code 261.111(a) [See FFAC]</i></p>
Contents of Report	<p>The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:</p> <ol style="list-style-type: none">1. The name and address of the child;2. The name and address of the person responsible for the care, custody, or welfare of the child; and3. Any other pertinent information concerning the alleged or suspected abuse or neglect. <p><i>Family Code 261.102, .104</i></p>
To Whom Reported	<p>If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made under item 3, below, or the report involves a juvenile justice program or facility [see JJAEPs, below].</p> <p>All other reports shall be made to:</p> <ol style="list-style-type: none">1. Any local or state law enforcement agency;2. DFPS, Child Protective Services (CPS) Division;3. A local office of CPS, where available; or4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred. <p><i>Family Code 261.103(a); 19 TAC 61.1051(a)(1)</i></p>
JJAEPs	<p>Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation.</p>

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	<p>The term "juvenile justice program" includes a juvenile justice alternative education program. <i>Family Code 261.405(a)(4)(A), (b)</i></p>
Immunity from Liability	<p>A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. <i>Family Code 261.106</i></p>
Criminal Offenses	<p>A district may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. <i>Family Code 261.110</i> [See DG]</p>
Failure to Report	<p>A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.</p> <p>A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.</p> <p><i>Family Code 261.109</i></p>
False Report	<p>A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. <i>Family Code 261.107(a)</i></p>
Coercion	<p>A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. <i>Penal Code 39.06</i></p>
Confidentiality of Report	<p>A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act), and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. <i>Family Code 261.201(a)(1)</i></p> <p>Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. <i>Family Code 261.101(d)</i></p>

SBEC Disciplinary Action	The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (regarding impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006 and 19 Administrative Code 249.14(d)–(f). <i>19 TAC 249.15(b)(4)</i>
Investigations	If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. <i>Family Code 261.105(d)</i>
Reports to District	On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. <i>Family Code 261.406(b)</i>
Interview of Student	The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. <i>Family Code 261.302(b)</i> [See GRA]
Interference with Investigation	A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. <i>Family Code 261.303(a)</i>
Confidentiality	A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. <i>Human Resources Code 42.004</i>
Reporting Policy	<p>A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.</p> <p>The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion.</p> <p>The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (relating to CPS) re-</p>

garding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and
 - b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy;
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above]; and
7. The current toll-free number for DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

19 TAC 61.1051(a)

Annual Distribution
and Staff
Development

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(b)*

Each school year, a district shall provide training as required by Education Code 38.0041 to all new district employees as a part of

new employee orientation. [See DH and DMA] *Education Code 38.0041; 19 TAC 61.1051(c)*

Required Poster

A district shall place a poster of the following specifications at every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11 inches x 17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. The current toll-free DFPS Abuse Hotline telephone number (in bold print);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS [Texas Abuse Hotline website](http://www.txabusehotline.org)¹ for more information on reporting abuse, neglect, and exploitation.

Education Code 38.0042; 19 TAC 61.1051(e), (f)

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

Liberty-Eylau ISD
019908

STUDENT WELFARE
CHILD ABUSE AND NEGLECT

FFG
(LOCAL)

REPORTING CHILD
ABUSE AND NEGLECT

Any person who has cause to believe that a child has been or may be abused or neglected by any person shall make a report immediately as required by law.

Reports shall be made in accordance with FFG(EXHIBIT).

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RELATIONS WITH GOVERNMENTAL ENTITIES
STATE AND LOCAL GOVERNMENTAL AUTHORITIES

GRA
(LEGAL)

**CPS Investigations
at School**

A school official may not refuse to permit a Child Protective Services (CPS) investigator to interview at school a student who is alleged to be a victim of abuse or neglect under Family Code 261. A school official may not require the CPS investigator to permit district personnel to be present at a student interview conducted at school. *Family Code 261.302(b), .303(a); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of a CPS investigation shall release that information to the Texas Department of Family and Protective Services (DFPS) on request. The release of information to DFPS as required by this subsection by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

**CPS Investigations
of Schools**

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code 261. Investigations of school personnel or volunteers for child abuse or neglect shall be conducted by CPS in accordance with the procedures adopted in DFPS rule. *Family Code 261.406; 40 TAC 700.401–.412*

Notice to Principal

Prior to conducting an investigation of school personnel or volunteers, CPS shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time when the investigator plans to visit the school campus to begin the investigation.

The CPS investigator must request that the school principal (or the principal's supervisor) not alert the alleged perpetrator or others regarding the report until the investigator has had an opportunity to interview the alleged perpetrator.

40 TAC 700.407

Interviews

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by the CPS investigator, provided the investigator notifies the school principal (or that individual's supervisor in the event that the principal is the alleged perpetrator) prior to conducting an interview or examination on school premises.

RELATIONS WITH GOVERNMENTAL ENTITIES
STATE AND LOCAL GOVERNMENTAL AUTHORITIES

GRA
(LEGAL)

Participants

CPS may request that school personnel or volunteers not be present during the interview or examination of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303; 40 TAC 700.409(a)

Report of Findings

After DFPS has closed the school investigation, DFPS shall provide a report of the investigation, redacted to remove the identity of the reporter, to TEA (Director of Education Investigations). On request, DFPS shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

Notice need not be provided to a school official if a report of abuse or neglect is closed administratively prior to notification to any school official that a report was received by DFPS.

40 TAC 700.411(a), (e)

Students Taken into Custody

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.

RELATIONS WITH GOVERNMENTAL ENTITIES
STATE AND LOCAL GOVERNMENTAL AUTHORITIES

GRA
(LEGAL)

5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

	<p>Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]</p> <p>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.</p> <p>An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]</p>
Violations of Standards of Conduct	<p>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, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]</p>
Weapons Prohibited	<p>The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.</p>
Exceptions	<p>No violation of this policy occurs when:</p> <ol style="list-style-type: none">1. Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE]2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or3. 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 Communication Use with Students	<p>A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.</p> <p>Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee</p>

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication 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.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

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	<p>An employee shall not engage in prohibited harassment, including sexual harassment, of:</p> <ol style="list-style-type: none">1. Other employees. [See DIA]2. Students. [See FFH; see FFG regarding child abuse and neglect.] <p>While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.</p> <p>An employee shall report child abuse or neglect as required by law. [See FFG]</p>
Relationships with Students	<p>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]</p> <p>As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]</p>
Tobacco and E-Cigarettes	An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]
Alcohol and Drugs / Notice of Drug-Free Workplace	<p>As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.</p> <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">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.2. Alcohol or any alcoholic beverage.

EMPLOYEE STANDARDS OF CONDUCT

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	<ol style="list-style-type: none">3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug. <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">1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or3. 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.
Sanctions	<p>An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:</p> <ol style="list-style-type: none">1. Referral to drug and alcohol counseling or rehabilitation programs;2. Referral to employee assistance programs;3. Termination from employment with the District; and4. Referral to appropriate law enforcement officials for prosecution.
Notice	<p>Employees shall receive a copy of this policy.</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">1. Crimes involving school property or funds;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;3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or4. Crimes involving moral turpitude, which include:

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EMPLOYEE STANDARDS OF CONDUCT

DH
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- Dishonesty; fraud; deceit; theft; misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession 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.

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Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

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 intentionally, knowingly, or recklessly 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 that are used 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.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

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, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

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 who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

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.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

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:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. 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.

19 TAC 247.2

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 networks, 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 Technology Director Jason Brown.

Personal Use of Electronic Communications

Policy DH

Electronic communications 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 websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications 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 communications as they are for any other public conduct. If an employee's use of electronic communications 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 communications 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 Texas 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 Communications between Employees, Students, and Parents* below, for regulations on employee communication with students through electronic media.

Electronic Communications between Employees, Students, and Parents

Policy DH

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications

between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or e-mail address.

An employee is not subject to these provisions regarding electronic communications with a student 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 communications* means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mail, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *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 communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications that are not provided or accessible by the district unless a specific exception is noted below.
- 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 11:00 p.m. and 6:00 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 Texas Educators’ Code of Ethics 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 CY]
 - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- 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 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.
- All staff are required to use approved forms of communication, which include school email accounts, GroupMe, Class Dojo, Remind101 or Google Classroom, for all electronic communications with parents. Communication about school issues through personal email accounts or text messages must be transferred to the district.
- Employees are required to transfer to the district any electronic communication about school on personal devices. If the employee leaves the district, the employee is required to submit any archived communication electronically or in print to the Human Resources Department.
- An employee shall notify his or her supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

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 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 the 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

Policy DH

Liberty-Eylau ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use follows and may also be found in Policy DH LOCAL (above pg. 77).

Tobacco Products and E-Cigarette Use

Policies DH, FNCD GKA

State law prohibits smoking, 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 include 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 otherwise permitted by law or district policy
- Inappropriately destroying, removing, or 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
- Non-school 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 textbooks, 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.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

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. See Emergencies on page 100 for additional information.

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.

While driving on district business, employees are required to abide by all state and local traffic laws. Employees driving on district business are prohibited from texting and using other electronic devices that require both visual and manual attention while the vehicle is in motion. Employees will exercise care and sound judgement on whether to use hands-free technology while the vehicle is in motion.

Employees with questions or concerns relating to safety programs and issues can contact the Human Resources Department.

Possession of Firearms and Weapons

Policies DH, 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. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. 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 supervisor or call the Liberty-Eylau Police at 903-832-1535 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 each principal's office and is available for inspection during normal business hours.

SAFETY PROGRAM/RISK MANAGEMENT
INSPECTIONS

CKA
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ASBESTOS HAZARD
EMERGENCY
RESPONSE ACT

Under the Asbestos Hazard Emergency Response Act (AHERA), the District shall identify asbestos-containing materials and implement an appropriate management plan in a timely manner. *40 CFR 763.80*

DUTIES

The District shall ensure that:

1. All persons who perform inspections, reinspections, and periodic surveillance, who develop and update management plans, and who develop and implement response actions comply with federal and state law.
2. All custodial and maintenance employees are trained as required by law.
3. Workers and building occupants, or their legal guardians, are informed annually about inspections, response actions, and post-response action activities.
4. Short-term workers who may come in contact with asbestos in a school are informed of the locations of "asbestos-containing building material" (ACBM) and suspected ACBM assumed to be "asbestos-containing material" (ACM).
5. Warning labels are posted in accordance with 40 CFR 763.95 (see WARNING LABELS, below).
6. Management plans are available for inspection, and notice of their availability has been provided as specified in the management plan under 40 CFR 763.93(g).
7. An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2), is designated to ensure that legal requirements are met.
8. Any conflict of interest that may arise among accredited asbestos personnel is considered, especially when selecting accredited personnel.

40 CFR 763.84

MANAGEMENT
PLAN

An asbestos management plan shall be developed for each school and submitted to the Texas Department of State Health Services (TDSHS) for approval. This plan shall be developed by an accredited management planner who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

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2. Specific information about inspections conducted before December 14, 1987.
3. Specific information about required inspections and reinspections.
4. The name, address, and telephone number of the designated asbestos coordinator and details of his or her required training. The plan must also contain a true and correct statement signed by the coordinator certifying that the general District responsibilities have been met.
5. The written recommendations on response actions from the District's accredited asbestos management planner(s), including the name, signature, state of accreditation, and accreditation number, if applicable, of each planner.
6. A detailed description of preventive measures and response actions to be taken.
7. In regard to asbestos inspectors and persons who design or carry out response actions, a statement that the District uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course and licensed by TDSHS.
8. A detailed description of any material described in item 1 of this list that remains after the response actions are taken. The description shall be updated when response actions are completed.
9. A reinspection plan for operations and maintenance activities, a plan for periodic surveillance, a description of the management planner's recommendation regarding additional cleaning, and the District's response.
10. A description of steps taken to inform workers and building occupants or their legal guardians about inspections, reinspections, response actions, post-response action activities, and the availability of management plans.
11. An evaluation of resources needed to complete the response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.
12. The name of each consultant contributing to the plan and a statement that the consultant is accredited under another state's accreditation plan or accredited by an EPA-approved course.

SAFETY PROGRAM/RISK MANAGEMENT
INSPECTIONS

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PLAN AVAILABILITY	<p>A copy of the plan submitted to TDSHS shall be kept in the District's administrative office and be available for inspection by the EPA, the state, and the public, including teachers, school personnel, employee representatives, and parents.</p> <p>Updated management plans for each school shall also be available for inspection during normal business hours in the administrative office and at the school itself. Individual school plans shall be made available for inspection within at least five working days after a request is received.</p>
NOTICE	<p>Annually, the District shall notify in writing parent, teacher, and employee organizations of the availability of the management plans.</p> <p><i>40 CFR 763.93; Occupations Code 1954.101</i></p>
INSPECTIONS	<p>Each building leased, owned, or used as a school building shall be inspected to determine the locations of friable and nonfriable ACBM. At least once every three years after a management plan is in effect, the District shall conduct reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The inspector shall provide a written assessment of all friable known or assumed ACBM in the school building for each inspection or reinspection. The assessment shall meet all legal requirements and shall be signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. <i>40 CFR 763.85, .88</i></p>
PERIODIC SURVEILLANCE	<p>At least once every six months after the management plan is in effect, the District shall conduct and document periodic surveillance on any school building containing ACBM or assumed to contain ACBM. A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. <i>40 CFR 763.92(b)</i></p>
RESPONSE ACTIONS	<p>The District shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. <i>40 CFR 763.90</i></p>
ASBESTOS- RELATED ACTIVITY	<p>An "asbestos-related activity" means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Texas Asbestos Health Protection Act. <i>Occupations Code 1954.002, .101</i></p>

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	<p>An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. <i>Occupations Code 1954.252, .101; 25 TAC 295.61</i></p>
RECORDS	<p>A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against the District by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. <i>Occupations Code 1954.251; 25 TAC 295.58(d)</i></p> <p>For each area where all ACBM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. <i>40 CFR 763.94</i></p>
WARNING LABELS	<p>A warning label shall be attached adjacent to any friable and nonfriable ACBM and suspected ACBM assumed to be ACM located in routine maintenance areas at each school building. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM that is labeled is removed. <i>40 CFR 763.95</i></p>
OPERATIONS / MAINTENANCE TRAINING	<p>Members of the maintenance and custodial staff in buildings containing ACBM shall receive required training, including at least two hours of awareness training and an additional 14 hours of required training if their work activities may result in the incidental disturbance of ACBM. <i>40 CFR 763.92</i></p>

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 the exterior doors of the buildings. 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 electronic means. Pest control information sheets are available from campus principals or facility managers upon request.

Employee Dress Code

Liberty-Eylau ISD recognizes that professional attire helps set the tone of an educational system. Our professional appearance helps reflect the finest traditions of the teaching profession by establishing a sense of trust and confidence within our community. Our professional appearance should be one that enhances our primary goal of student learning and achievement. Employees' attire should at all times be distinguishable from students' attire. Staff should at all times be aware of the example being set for students, parents and the public in general with particular emphasis on modesty, appropriateness, and neatness of dress.

General Expectations

Employees of the District shall:

1. Maintain a level of personal hygiene necessary to:
 - a. Ensure an appropriate educational environment and to refrain from any mode of dress which is not exemplary for students.
 - b. Ensure a healthy school or work environment.
2. Adhere to administrative regulations related to appropriate dress/equipment for safety purposes.
3. Observe a standard of grooming and appearance consistent with the level of formality of the school or work situation.

Minimum Standards

The minimum standards of professional appearance for employees shall be as follows:

1. During the work day and anytime employees attend work-related activities, employees shall exhibit a professional appearance. Examples of clothing fostering a professional appearance include: collared shirt, dress slacks, dress coordinates, suits, dresses, ties and sports coats.

Exceptions would include those positions which have specified separate dress expectations, such as Food Service, Transportation, and Maintenance.

- a. Body alteration or modification is prohibited if it is intentional and results in a visible, physical effect that detracts from a professional image. Tattoos and brands anywhere on the body that are obscene, advocate sexual, racial, ethnic or religious discrimination or that are of a nature that tends to bring discredit to the District are prohibited. Prohibited alterations, modifications, tattoos or brands must be covered with articles of clothing, or other appropriate material if the tattoo is small, so they are not visible to students or other employees.
2. Some work sites and schools have certain designated days throughout the year commonly referred to as “Casual Friday” or “Spirit Day”. Clothing considered acceptable for these designated days includes the following: jeans, wind suits, non-collared shirts with the District/school logo or school colors, high school or college spirit wear, athletic shoes, other items deemed appropriate by the local school administration. Clothing considered acceptable for those locations which recognize “Spirit Day” include those items which are appropriate for “Casual Friday” if that dress supports the theme of the specific spirit day as deemed appropriate by the local school administration.
3. Some school-sponsored activities, such as laboratory experiences and field trips, necessitate dress other than that appropriate for a normal workday. Employees who have questions regarding acceptable dress for these activities should consult their supervisor or Human Resources.
4. Some job assignments, such as working with students who have disabilities in the severe and profound range who lack the ability to care for themselves, require interactions with students that warrant dress different than that appropriate for a normal work assignment. Employees who have questions regarding acceptable dress resulting from their job assignment should consult their supervisor or Human Resources.

Enforcement of the Standards of Professional Appearance

1. Schools:
The Principal shall be responsible for enforcing the standards of professional appearance based on his/her evaluation of the impact an individual’s appearance has upon the school climate, work process, or the school’s image in the community. The Principal shall be the final judge as to the appropriateness of wearing apparel.
2. Work Sites Other than Schools:
The work site supervisor shall be responsible for enforcing the standards of professional appearance based on his/her evaluation of the impact an individual’s appearance has on the site’s climate, work process, or the site’s image in the District and/or community. The supervisor shall be the final judge as to the appropriateness of wearing apparel.

Uncertainty

Employees who have specific questions about a garment’s acceptability, should consult their supervisor or Human Resources.

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 website and notify the following radio and television stations:

Television

KTBS Channel 3:	870.773.5827	www.ktbs.com
KTAL Channel 6:	903.334.2085	www.ktalnews.tv
KSLA Channel 12:	903.793.6160	www.ksla.com

Radio

KJMY 101.7:	903.793.6539	www.1017bobfm.com
KKYR 102.5:	870.773.1025	www.kkyr.com
KTOY 104.7:	903.794.1047	www.1047ktoy.com

Emergencies

Policies CKC, CKD

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. 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 finance department on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact the finance department for additional information on purchasing procedures.

Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from the Human Resources Department.

Personnel Records

Policy DBA, GBA

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal e-mail address is confidential and may not be released without the employee's permission. Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to the Human Resources Department. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under by law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

Facility Use

Policies DGA, GKD

Employees who wish to use district facilities after school hours must follow established procedures. The Superintendent's office is responsible for scheduling the use of facilities after school hours. Contact this office 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 other person designated by board action. 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 principal is required to notify the superintendent of an educator's resignation following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency* on page 100. The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the same acts.

Noncontract Employees.Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to their immediate supervisor 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

Policy DF Series

Employees on probationary, term, and continuing 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 timelines 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 timelines and procedures can be found in the DF series policies that are provided to employees or are available online.

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*.)

Exit Interviews and Procedures

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 resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is 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 reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification 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. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- 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

Policies FB, FFH

Liberty-Eylau 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 against students based on sex, including sexual harassment should be directed to Brandy Burnett, the district Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to Angela Featherson, the district ADA/Section 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 postsecondary 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 teacher 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 Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

Student Attendance

Policy FEB

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

Bullying

Policy FFI

Bullying is defined by TEC 37.0832. All employees are required to report student complaints of bullying, including cyber bullying, to their immediate supervisor. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

	<p>Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.</p> <p>For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.</p>
Bullying Prohibited	The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.
Examples	Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.
Retaliation	The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.
Examples	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.
False Claim	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.
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 immediately report may impair the District's ability to investigate and address the prohibited conduct.
Reporting Procedures	To obtain assistance and intervention, 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, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.
Student Report	
Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

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FREEDOM FROM BULLYING

FFI
(LOCAL)

Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Notice of Report	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
Prohibited Conduct	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
Investigation of Report	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
Concluding the Investigation	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
Notice to Parents	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.
District Action	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Bullying</i>	
<i>Discipline</i>	A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

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STUDENT WELFARE
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FFI
(LOCAL)

	The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether 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 bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
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 and Procedures	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 shall be readily available at each campus and the District's administrative offices.

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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 administrator.

Appendix A: Employee Policy Reference

The following is a list of pertinent policies, including (Legal) and (Local) policies, found in Liberty-Eylau ISD School Board Policy. Please familiarize yourself with each of the policies listed.

Policy code Topic

District Goals and Planning

AE District educational philosophy

BQ series District- and campus-level planning

Instruction and Students

EFA Handling complaints regarding instructional materials

EIA Grading standards and grade reporting

EIE Promoting and retaining students

FB series Protection of students from unlawful discrimination

FFAC Providing medical treatment or medication to students

FFAD Excluding students with communicable diseases

FFG Mandated reporting of child abuse and neglect

FFH Freedom from discrimination, harassment, and retaliation

FFI Freedom from bullying

FL Safeguarding privacy of student records

FNA Student expression

FNAA Distribution of non-school literature

FNAB Use of school facilities for non-school purposes

FNC Student conduct

FNG Handling student/parent complaints; parents' rights

GRA Interaction of police and child protective services with students on campus

Personnel

CAA Financial ethics

CK series Employee safety practices and crisis management

CQ District computers and electronic communications

CRD Health and life insurance

CY Intellectual property and copyright

DA series Equal employment opportunity and genetic nondiscrimination

DAA Protection of employees from unlawful discrimination

DAB Genetic nondiscrimination

DBAA Criminal history and credit reports

DBD Conflict of interest

DC series Employment practices

DCB Term contracts

DEA series Salaries and wages

DEC series Employee leaves and absences

DEE Requirements for expense reimbursement

DF series Termination of employment

DFA series Termination of, or return to, probationary contract
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 Process for employee complaints and grievances
DGC Employee immunity
DH Employee standards of conduct
DHB SBEC reporting
DHE Alcohol/drug screening and other searches of employees
DI Employee welfare
DIA Freedom from discrimination, harassment, and retaliation
DK Assignment to positions; transfers
DMD Attendance at professional meetings on school time
DN series Employee evaluation/appraisal
GBA series Confidentiality of personnel records; public and nonpublic information

Chapter 37 Discipline Chart	
<i>Published online in TASB School Law eSource</i>	
This chart is designed to assist school officials in determining the appropriate disciplinary responses to student misconduct both on and off campus. The chart is based on the requirements of Texas Education Code chapter 37 and common provisions of districts' local student codes of conduct (SCOC). Before making any final disciplinary decision, school officials should always consult their local SCOC.	
Key: ★	Chapter 37 states that a district "shall" take this action in response to the misconduct. [See Mitigating Factors, below.]
✓	Chapter 37 states that a district "may" take this action in response to the misconduct. The district may choose to impose this penalty if the district's SCOC provides for this option.
*	Chapter 37 does not specifically address this misconduct. The district may choose to impose a consequence if permitted under the local SCOC.
SCOC	Student Code of Conduct
TEC	Texas Education Code
TPC	Texas Penal Code
H&SC	Texas Health & Safety Code
ISS	In-School Suspension
OSS	Out-of-School Suspension
DAEP	Disciplinary Alternative Education Program
JJAEP	Juvenile Justice Alternative Education Program
CBC	Campus Behavior Coordinator
Important Notes	
Campus behavior coordinator (CBC): A school district is required to appoint one CBC per campus to be responsible for maintaining student discipline and implementing discipline management techniques. Districts must also post each CBC's e-mail address and dedicated telephone number on the district's website. Even if the district is exempt from the requirement to designate a CBC through a local innovation plan, the district must post contact information for a campus administrator responsible for student discipline. [TEC 26.015.]	

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The duties of the CBC may be executed by a designee if the coordinator is unavailable or unable to promptly address the situation. [TEC 37.0012]
Coursework during disciplinary placement: The district is required to provide notice to the parent of a student who has been removed to DAEP of the opportunity to complete coursework required for graduation and any available methods to obtain such coursework. [TEC 37.008(l-1)]. In addition, a district must provide a student placed in ISS or OSS an alternative means of receiving all foundation curriculum coursework, including at least one option that does not require use of the Internet. [TEC 37.005(e)]
Criminal penalties: School officials may take disciplinary action regardless of whether law enforcement officials seek criminal consequences for the same misconduct. Nonetheless, the criminal consequences of a particular act or incident may impact school district discipline. For example, a student who engages in conduct punishable as a felony on or within 300 feet of school property or while attending a school-related activity is subject to mandatory placement in DAEP. [TEC 37.006(a)(2)(A)]
Disabilities: Special state and federal laws apply to the discipline of students with disabilities. See Policy FOF(LEGAL) and your SCOC. Before making a disciplinary decision regarding a student with a disability, school officials may want to seek legal advice to ensure compliance with the relevant laws.
Homelessness: A student who is homeless may not be placed in OSS unless the student engages in misconduct that is drug- or alcohol-related or that contains the elements of certain weapons offenses or violent offenses under the Texas Penal Code. [TEC 37.005] The CBC may work with the district's homeless liaison to identify appropriate alternatives to OSS. [TEC 37.005(d)]
Length of placement: The district's SCOC includes guidelines on the length of a removal to DAEP or an expulsion. [TEC 37.001(a)(5)].
Mitigating factors: Before deciding to assign a student OSS, DAEP, expulsion, or JJAEP, regardless of whether the decision is described as mandatory or discretionary in Chapter 37, a district must consider certain mitigating factors in relation to the student's misconduct: self-defense, intent, disciplinary history, a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct, and the student's status as homeless or in the conservatorship of DFPS (foster care). [TEC 37.001(a)].
New students: If a student withdraws from school before an order of expulsion or DAEP is entered, the district may complete the proceedings and enter the order. If the student reenrolls in the district during the same or the subsequent school year, the district may enforce the order, reduced for time served. If the student enrolls in another school district, the new district may honor the order, or, if the preceding district failed to enter an order, the new district may complete the proceedings and enter an order. [TEC 37.009(i)].
Notice of student discipline: A CBC is required to provide prompt notice to a parent or guardian of a student who is placed in ISS, OSS, DAEP, JJAEP, or is taken into custody by law enforcement. This notice must be provided by telephone or in writing. If the coordinator is unable to make contact with the parent or guardian by 5pm of the first business day after the day the disciplinary action was taken, the coordinator must mail written notice to the parent or guardian. [TEC 37.0012]

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<p>Past misconduct: School officials are permitted, but not required, to remove students for mandatory DAEP misconduct if school officials did not learn of the conduct for more than one year after the conduct occurred. [TEC 37.006(n)].</p> <p>Procedures: Before a student is removed from the regular classroom setting, school officials must typically follow an established procedure. The formality of these proceedings varies according to the seriousness of the penalty; for example, the Texas Education Code includes procedures for a conference in the case of a DAEP placement and a formal due process hearing in the case of an expulsion. For more detail on the required procedures, see the FO series of policies and your SCOC.</p> <p>Temporary placement: Pending expulsion or DAEP placement, a student may be placed in ISS, OSS for up to 3 days, or another appropriate placement in accordance with the district's SCOC.</p> <p>Transition to the regular classroom: The district must provide transition services for a student who is exiting DAEP and returning to the student's local campus. [19 TAC 103.1201(k)] In addition, the campus administrator or CBC must develop a personalized transition plan for a student exiting an alternative education program, including DAEP or JJAEP, to return to the regular classroom. [TEC 37.023]</p> <p>Young students: Students younger than 10 must receive services in a DAEP if they engage in expellable misconduct. [TEC 37.007(e)(3), (h)]. However, a student younger than 6 may not be sent to a DAEP unless the student brings a firearm to school under TEC 37.007(e)(2). [TEC 37.006(i)]. Students below third grade may not be placed in OSS unless the student engages in misconduct that is drug- or alcohol-related or that contains the elements of certain weapons offenses or violent offenses under the Texas Penal Code. [TEC 37.005] A district may adopt and implement a positive behavior program as an alternative to traditional discipline for students below third grade. [TEC 37.0013]</p> <p>This document is continually updated, and references to online resources are hyperlinked, at tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/chapter_37_chart.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoolawesource.tasb.org.</p> <p><i>This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.</i></p> <p>© 2019, Texas Association of School Boards, Inc. All rights reserved.</p> <p><i>This document is copyrighted by TASB but may be reproduced in order to share the information within your own school district. Further use or copying is prohibited without the consent of TASB Legal Services. Requests to duplicate or distribute this document should be made in writing to Director, Legal Services, Texas Association of School Boards, P.O. Box 400, Austin, Texas 78767-0400 or by e-mailing legal@tasb.org.</i></p> <p>Published August 2019</p>

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Weapons					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Intentionally, knowingly, or recklessly carrying on or about the student's person a <u>handgun</u> on school property or at a school-related activity				20 U.S.C. 7151; TEC 37.007(a)(1), 37.007(e) ★	The federal Gun-Free Schools Act, which is incorporated into Chapter 37, requires expulsion for one year except that a superintendent may modify the expulsion in writing on a case-by-case basis. [20 U.S.C. § 7151(b)(1); Tex. Educ. Code § 37.007(e).] Exception: The Act does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety. [20 U.S.C. § 7151(g).]

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Weapons					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Possessing a <u>firearm</u> within 300 feet of school property				TEC 37.007(b)(3) ✓	Exception: Use, exhibition, or possession of a firearm at an approved off-campus target range facility while participating in or preparing for a shooting sports competition or activity sponsored by the district or affiliated with the Texas Parks and Wildlife Department [TEC 37.007(k)]
Intentionally, knowingly, or recklessly carrying on or about the minor student's person a <u>location-restricted knife</u> on school property or at a school-related activity				TEC 37.007(a)(1); TPC 46.02(a-4) ★	<i>Location-restricted knife</i> means a knife with a blade of over five and one-half inches. [TPC 46.01(6)]
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3)(A), (i) ✓	

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Weapons					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Intentionally, knowingly, or recklessly going with or possessing a <u>location-restricted knife</u> on the premises of a school, any grounds or building where a school-sponsored activity is taking place, or a passenger vehicle of the school			TEC 37.006(a)(2)(A); TPC 46.03(a)(1), (g-1) ★		Possessing a location-restricted knife on school premises, school passenger vehicle, or a school-sponsored activity is a felony offense. [TPC 46.03(a)(1), (g-1)] District must place in DAEP a student who engages in conduct punishable as a felony on or within 300 feet of school property or while attending a school-related activity. [TEC 37.006(a)(2)(A)]
Intentionally, knowingly, or recklessly carrying, or intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling a <u>prohibited weapon</u> , on school property or at a school-related activity				TEC 37.007(a)(1) ★	<i>Prohibited weapon</i> means an explosive weapon, machine gun, short-barrel firearm, armor-piercing ammunition, chemical dispensing device, zip gun, tire deflation device, improvised explosive device, or certain silencers. [TPC 46.05]

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Weapons					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Same conduct within 300 feet of campus or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
Intentionally, knowingly, or recklessly possessing or going with a <u>club</u> , on the physical premises of the district, any grounds or building in which a school-sponsored activity is being conducted, or a passenger vehicle of the district			TEC 37.006(a)(2)(A)		Possessing a club (e.g., a blackjack, nightstick, mace, or tomahawk) in certain locations is a felony offense. [TPC 46.03(a)(1), (g)]
Possessing or using look-alike weapons	*	*	*		
Possessing or using air guns or BB guns	*	*	*		
Possessing or using razors, box cutters, pocketknives, or other knives with a blade of less than 5 1/2 inches	*	*	*		

Weapons					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Possessing or using various other dangerous objects, including knuckles	*	*	*		<i>Knuckles</i> include any instrument that consists of finger rings or guards made of a hard substance and designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Violence					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Murder or attempt to commit murder</u> on school property or at a school-related activity				TEC 37.007(a)(2)(C) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Aggravated assault</u> on campus or at a school-related activity				TEC 37.007(a)(2)(A) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Aggravated kidnapping</u> on school property or at a school-related activity				TEC 37.007(a)(2)(E) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	

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Violence					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Aggravated robbery</u> , on school property or at a school-related activity				TEC 37.007(a)(2)(F) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
Aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student, on or off school property				TEC 37.007(b)(4) ✓	
<u>Manslaughter</u> , on school property or at a school-related activity				TEC 37.007(a)(2)(G) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Criminally negligent homicide</u> , on school property or at a school-related activity				TEC 37.007(a)(2)(H) ★	

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Violence					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Assault with bodily injury</u> , on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(B) ★		
Title 5 felony or <u>aggravated robbery</u> off campus and not at a school-sponsored or school-related activity if: student receives deferred prosecution; a court or jury finds that student engaged in delinquent conduct based on the conduct; or superintendent reasonably believes that student engaged in the conduct			TEC 37.006(c) ★		<i>Title 5 felonies</i> are violent offenses defined in Texas Penal Code chapters 19-22. A list of Title 5 felonies can be found in the TASB Model SCOC glossary and FOC(LEGAL).

Violence					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Same conduct plus charges, referral to juvenile court for delinquent conduct, probation, deferred adjudication, arrest, or conviction for a <i>violent felony</i> [TPC Title 5 or aggravated robbery], with special findings by board or designee, regardless of location or time or whether the student was enrolled at the time or completed court requirements			TEC 37.0081 ✓	TEC 37.0081 ✓	
Fighting or scuffling	*	*	*		
Threats against students, staff, or school property	*	*	*		

Sexual Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Sexual assault</u> or <u>aggravated sexual assault</u> , on school property or at a school-related activity				TEC 37.007(a)(2)(A) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
Sexual assault, or aggravated sexual assault against another student, on or off school property				TEC 37.007(b)(4) ✓	
Conviction, deferred adjudication, or probation based on <u>continuous sexual abuse of a child or children</u> , <u>sexual assault</u> , or <u>aggravated sexual assault</u> of another student attending the same campus, upon request of the victim's parent and if there is not another campus in the district to which the offending student may be transferred			TEC 25.0341(b)(2), 37.0051 ★		Student shall be removed and placed in DAEP or JJAEP in accordance with state law. A limitation imposed by Chapter 37, Subchapter A, does not apply to placement under this section. [TEC 37.0051]

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Sexual Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Indecency with a child</u> , on school property or at a school-related activity				TEC 37.007(a)(2)(D) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Continuous sexual abuse of a young child or children</u> on school property or at a school-related activity				TEC 37.007(a)(2)(I) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
<u>Public lewdness</u> or <u>indecent exposure</u> , on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(F) ★		
<u>Voyeurism</u> , on or within 300 feet of school property or at a school-related activity, if victim is a child under the age of 14			TEC 37.006(a)(2)(A) ★		Voyeurism is punishable as a felony if the victim is a child under the age of 14 at the time of the offense.

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Sexual Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Invasive visual recording</u> , on or within 300 feet of campus or at a school-related activity			TEC 37.006(a)(2)(A) ★		
<u>Unlawful disclosure or promotion of intimate visual material</u> on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(A) ★		
Sexual misconduct punishable as Title 5 felony off campus and not at a school-sponsored or school-related activity if: student receives deferred prosecution; court finding of delinquent conduct; or superintendent reasonably believes that student engaged in the conduct			TEC 37.006(c) ★		<i>Title 5 felonies</i> are violent offenses defined in Texas Penal Code chapters 19-22. A list of Title 5 felonies can be found in the TASB Model SCOC glossary and FOC(LEGAL).
<u>Possession or promotion of child pornography</u> on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(A) ★		

Sexual Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Registered sex offender—under court supervision			TEC 37.304 ★		If student is under court supervision, including probation, community supervision, or parole, district must assign to DAEP or JJAEP for at least one semester. [TEC 37.304, .309]
Registered sex offender—not under court supervision			TEC 37.305 ✓		A student who is required to register as a sex offender but is not under any form of court supervision may be placed in DAEP or JJAEP for one semester. However, the student may not be placed in the regular classroom if the board or designee determines that such placement threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the district's students. [TEC 37.305]

Sexual Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Inappropriate exposure of body parts	*	*	*		
Sexual or gender-based harassment	*	*	*		
Inappropriate sexual conduct toward a student or employee	*	*	*		

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Substance Abuse					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Drug- or alcohol-related misconduct [TEC 37.006(a)(2)(C), (D)], on school property or at a school-related activity, if punishable as a felony				TEC 37.007(a)(3) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
Selling, giving, delivering, possessing, using, or being under the influence of any amount of <u>marijuana</u> , a <u>controlled substance</u> , or a <u>dangerous drug</u> , on or within 300 feet of school property or at a school-related activity, if not punishable as a felony			TEC 37.006(a)(2)(C) ★	TEC 37.007(b)(2)(A) ✓	District may not prohibit possession of low-THC cannabis pursuant to a valid prescription as authorized by Texas Health & Safety Code chapter 487.
Selling, giving, delivering, possessing, using, being under the influence of, or committing a serious act or offense while under the influence of alcohol, on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(D) ★	TEC 37.007(b)(2)(A) ✓	

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Substance Abuse					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Abusable volatile chemical</u> offense, on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(E) ★	TEC 37.007(b)(2)(B) ✓	Chapter 37 addresses DAEP or expulsion for conduct containing the elements of offenses related to abusable volatile chemicals under Texas Health & Safety Code §§ 485.031-.034, including possession, use, and delivery to a minor.
Off-campus non-violent felony, with special findings by superintendent or designee [see TEC 37.006(d)]			TEC 37.006(d) ✓		
Possessing or using tobacco products or e-cigarettes, including any component, part, or accessory for the e-cigarette	*	*	*		
Possessing, selling, giving, or using drug paraphernalia	*	*	*		
Possessing, selling, or using look-alike drugs or items attempted to be passed off as drugs	*	*	*		
Improper use, possession, or being under the influence of prescription drugs	*	*	*		

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Substance Abuse					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Improper use or being under the influence of over-the-counter drugs	*	*	*		

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Retaliation					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
On- or off-campus retaliation through conduct containing the elements of a violent or weapons-related offense [TEC 37.007(a)] against a school employee or volunteer				TEC 37.007(d) ★	
<u>Assault with bodily injury</u> against a school employee or volunteer, on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(B) ★	TEC 37.007(b)(2)(C) ✓	
On- or off-campus retaliatory assault with bodily injury on a school employee or volunteer			TEC 37.006(a)(2)(B) [on campus] or TEC 37.006(c) [off campus] ★	TEC 37.007(d) ✓	
On- or off-campus <u>retaliation</u> against any school employee			TEC 37.006(b) ★		

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Mistreatment of Others					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Bullying [TEC 37.0832(a)] that occurs on or is delivered to the site of a school-sponsored or school-related activity on or off school property	*	*	*		
Bullying [TEC 37.0832(a)] that occurs on a publicly or privately owned school bus or vehicle used for transportation of students to or from school or a school-sponsored or school-related activity	*	*	*		
Cyberbullying [TEC 37.0832(a)] that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying: interferes with a student's educational opportunities; or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity	*	*	*		
Bullying [TEC 37.0832(a)] that encourages a student to commit or attempt to commit suicide			TEC 37.0052 ✓	TEC 37.0052 ✓	

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Mistreatment of Others					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Inciting violence against a student through group bullying [TEC 37.0832(a)]			TEC 37.0052 ✓	TEC 37.0052 ✓	
Releasing or threatening to release intimate visual material [Tex. Civ. Prac. & Rem. Code 98B.001] of a minor or of an adult student without the student's consent			TEC 37.0052 ✓	TEC 37.0052 ✓	<i>Intimate visual material</i> means film, photograph, or other physical medium allowing an image to be displayed on a screen that depicts a person with the person's intimate parts exposed or engaged in a sexual conduct.
<u>Harassment</u> of a district employee in the form of initiating a communication and in the course of the communication making an obscene comment, request, suggestion, or proposal with intent to harass, annoy, alarm, abuse, torment, or embarrass the employee, on or within 300 feet of school property or while attending a school-related activity			TEC 37.006(a)(2)(G); TPC 42.07(a)(1) ★		<i>Obscene</i> means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function. [TPC 42.07(a)(3)]

Mistreatment of Others					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Harassment</u> of a district employee in the form of threatening to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee's family or household, or the employee's property, on or within 300 feet of school property or while attending a school-related activity			TEC 37.006(a)(2)(G); TPC 42.07(a)(2) ★		
<u>Harassment</u> of a district employee in the form of conveying a false report regarding the death or serious bodily injury of another person, on or within 300 feet of school property or while attending a school-related activity			TEC 37.006(a)(2)(G); TPC 42.07(a)(3) ★		
<u>Harassment</u> of a district employee by sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend the employee, on or within 300 feet of school property or while attending a school-related activity			TEC 37.006(a)(2)(G); TPC 42.07(a)(7) ★		
Directing profanity or obscene gestures at students or staff	*	*	*		

Mistreatment of Others					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Hazing [TEC 37.151], dating violence [TEC 37.0831], harassment [TEC 37.001(b)(2)], or making a hit list [TEC 37.001(b)(3)]	*	*	*		
<u>Assault</u> with threat of imminent bodily injury but no bodily injury [TPC 22.01(a)(2)]	*	*	*		
<u>Assault</u> by offensive or provocative physical contact but no bodily injury [TPC 22.01(a)(3)]	*	*	*		

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Other Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Arson</u> , on campus or at a school-related activity				TEC 37.007(a)(2)(B) ★	
Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district				TEC 37.007(b)(3), (i) ✓	
Documented serious misbehavior while in DAEP				TEC 37.007(c) ✓	<i>Serious misbehavior</i> means: (1) deliberate violent behavior that poses a direct threat to health or safety; (2) extortion, meaning gaining of money or property by force or threat; (3) <u>coercion</u> ; (4) <u>public lewdness</u> ; (5) <u>indecent exposure</u> ; (6) <u>criminal mischief</u> ; (7) <u>hazing</u> ; or (8) <u>harassment</u> in the form of initiating a communication and in the course of the communication making an obscene comment, request, suggestion, or proposal with intent to harass, annoy, alarm, abuse, torment, or embarrass a student or employee.

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Other Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
<u>Terroristic threat or false alarm</u> involving a public school			TEC 37.006(a)(1) ★	TEC 37.007(b)(1) ✓	
<u>Deadly conduct</u> , on or within 300 feet of school property or at a school-related activity				TEC 37.007(b)(2)(D) ✓	
On- or off-campus felony <u>criminal mischief</u>				TEC 37.007(f) ✓	<i>Felony criminal mischief</i> includes damage to property equal to or in excess of \$2,500. [TPC 28.03]
Non-felony criminal mischief	*	*	*		
Any felony on or within 300 feet of school property or at a school-related activity			TEC 37.006(a)(2)(A) ★		Check for potential expulsion, depending on type of felony
Off-campus non-violent felony, with special findings by superintendent or designee [TEC 37.006(d)]			TEC 37.006(d)-(e) ✓		

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Other Misconduct					
Misconduct	ISS, detention, or other local disciplinary techniques	Out-of-school suspension up to 3 days	DAEP	Expulsion	Notes
Breach of computer security if a student accesses a district's computers, computer system, or computer network and knowingly alters, damages, or deletes district property or information				TEC 37.007(b) ✓	
Stealing	*	*	*		
Other violations of SCOC	*	*	*		

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Liberty-Eylau ISD

Catastrophic Sick Leave Bank

⇒ Purpose/ Definition

- ♦ The catastrophic sick leave bank shall be defined as a bank of state leave days, contributed by eligible personnel, to be used by members of the bank.
- ♦ The purpose of the sick leave bank is to provide additional sick leave days to a member of the bank in the event of an unexpected extended absence due to disability, as defined below**, that renders the member unable to perform the duties of his or her position and causes substantial loss of income.

*****Catastrophic Illness or Injury:*** For purposes of the District's catastrophic sick leave bank, a catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

⇒ Eligibility/ Procedures for Joining

All employees of the District shall be eligible for membership. Participation shall be voluntary, but shall require an initial contribution of one state personal leave day to the bank. The following procedures shall govern joining the bank:

1. Any employee may join the sick leave bank by contributing one day of available state personal leave, so long as the employee will be able to earn at least one day from the time of employment until completion of the number of days in the work assignment during the current school year.
2. The enrollment period for current employees and new employees hired prior to the beginning of the school year shall be July 1 through September 15.
3. All personnel who join the bank within the enrollment period shall be eligible for membership beginning on their first official day of work.
4. All new personnel employed after the enrollment period shall be required to meet the first criterion set out above to be eligible for membership during the current year.
5. Employees who wish to join the bank shall complete the membership application form and submit it to the Human Resources office for verification of eligibility.
6. Membership forms shall be maintained by the Human Resources office.

⇒ Contributions

Contributions shall be governed by the following procedures:

1. Each employee who joins the sick leave bank shall contribute one state personal leave day to the bank. The contributed day shall be deducted from the employee's state personal leave record and shall become the property of the catastrophic sick leave bank. All contributions made shall remain in effect and cannot be returned to the employee should the employee cancel his or her membership.
2. For bank purposes, the school year shall be September 1 through August 31. A member who uses one or more days from the bank during a school year shall be required to contribute one day for the following school year in order to continue



Liberty-Eylau ISD

Catastrophic Sick Leave Bank

⇒ Contributions (continued)

3. Members shall be assessed one additional day during any given year if the bank falls below 200 days as of July 1. When an assessment of the general membership is required, the additional day shall be contributed during the regular enrollment period of July 1 through September 15.
4. Days contributed by a member who cancels membership in the bank shall be forfeited; the days contributed shall remain the property of the bank.
5. A member who drops out of the bank may rejoin within three years of the date of cancellation during the regular enrollment period. The employee shall be required to contribute the number of days that other employees have contributed during the employee's lapsed membership.
6. Eligible employees who choose not to join the bank within three years of employment shall forfeit all rights to membership. An employee who did not join the first year of his or her employment and who chooses to join the second year shall be required to contribute two days; an employee who joins the third year shall be required to contribute three days.

⇒ Granting of Days

Sick leave days from the bank shall be those days granted to a member because of a debilitating, life-threatening, or catastrophic disability due to illness, surgery, or injury suffered by the employee, the employee's spouse, parents, or dependents that renders the employee unable to perform the duties of his or her position. Days from the bank may be available for handling and attending a funeral of an immediate family member. A grant of days shall be considered only for an illness or disability of five or more consecutive days.

Days granted from the bank shall be governed by the following procedures:

1. Days from the bank shall be granted only after the requesting member has exhausted all available state and local leave days, both full pay and partial pay, including days to be earned during the current school year.
2. Sick leave bank days shall be granted only if the employee's absence from work meets the definition of a catastrophic illness or injury (see Purpose/Definition).
3. Days from the bank shall be granted only for absences on workdays and shall not be granted for holidays, vacation days, or other days for which the member is not paid.
4. Days from the bank shall not be granted for illness or disability resulting from self-inflicted injury or acts of war.
5. All requests for days from the bank must be accompanied by the appropriate physician's statement, signed by the physician, confirming diagnosis and treatment, and certifying the existence of illness or disability that precludes the employee's performance of assigned duties.
6. If a request for days from the bank involves absences that are not consecutive days, each request must include the physician's statement and must be submitted for each period of illness or disability.
7. A member of the bank may be granted a maximum of 30 days per school year. The bank shall not grant more days than its members have contributed.



Liberty-Eylau ISD

Catastrophic Sick Leave Bank

⇒ **Granting of Days (continued)**

8. The board of directors may request a medical review by a physician of the committee's choice; the review shall be at the member's expense.
9. The board of directors may consider a request from a member for up to five days for the purpose of arranging for and attending funeral services for an immediate family member.
10. Days remaining in the bank at the end of the school year, i.e., August 31, shall be carried over to the following school year. The District's liability for the number of days in the bank shall be capped at 400 days and shall never exceed that number.

⇒ **Loss of Rights**

A sick leave bank member shall lose participation rights in the bank if any of the following occur:

1. The member's employment is suspended or terminated.
2. The member voluntarily and in writing cancels membership.
3. The member is placed on an approved leave of absence.
4. The member is determined to have attempted abuse of the bank or its policies.
5. The member refuses to continue assessed contributions.

⇒ **Application for Sick Leave Days**

The following procedures shall govern applications for days from the bank:

1. Subject to the conditions established above, a member of the bank requesting days from the bank shall be required to submit to the central office the completed physician's statement containing:
 - a — Identification of the nature and extent of the illness or disability or injury;
 - b — date of initial onset of condition;
 - c — anticipated date of eligibility to return to work on a full-time or part-time basis;
 - d — dates of actual treatment;
 - e — dates of absence from work due to the illness, disability, or injury;
 - f — anticipated days, if any, for follow-up examinations.
2. Forms shall be available from the Human Resources office.
3. The board of directors may refuse to consider an incomplete application and may establish a limit for days for follow-up examinations.
4. If a member of the bank is unable to file an application, a supervisor or coworker may initiate the application form at the request of the member or an immediate family member.

⇒ **Board of Directors**

The governing committee, which shall approve or disapprove all requests for sick leave bank days, shall be called the catastrophic sick leave bank board of directors.



Liberty-Eylau ISD

Catastrophic Sick Leave Bank

⇒ **Board of Directors (continued)**

1. Members of the bank employed by the District for at least three consecutive years shall be eligible to be elected to the board of directors.
2. Composition of the elected board shall include: one representative from each campus; one representative from administration (i.e., a central administration staff member); one representative from auxiliary personnel (i.e., maintenance, custodial, food service staff).
3. The chairperson shall be elected from these representatives. In addition, the Director of Human Resources shall serve as executive officer of the board of directors.
4. Terms of office shall be as follows: the chairperson shall serve a minimum of two years and a maximum of four years; members of the board of directors from the Prekindergarten campus, C.K. Bender Elementary campus, the Middle School, and Central Administration shall each serve two year terms beginning September 1 and ending August 31. Members of the board of directors from the Primary campus, the High School, and the Auxiliary staff shall each serve three year terms beginning September 1 and ending August 31.
5. Election procedures shall be as follows: Elections shall be held at the end of a school year or at the beginning of the following school year. Only members of the bank shall be eligible to vote. Representatives from each group shall be elected by members of that group. Voting shall be by school email to the executive officer and returned the same way. The executive officer with the assistance of central office staff shall tabulate the votes following the election and prior to the end of the school year. A member assigned to more than one campus shall be eligible to serve as a representative from his or her "home campus."
6. Vacancies on the board of directors that arise during the school year shall be filled by appointment by the board or selection from the group represented by the member who resigned.

⇒ **Duties and Responsibilities of the Board of Directors**

The duties and responsibilities of the board of directors shall include:

1. Electing the chairperson at the end of every two year term. Reviewing all applications for days from the bank on an individual basis in a called meeting. The chairperson shall vote on an application only in the event of a tie vote by other members of the board of directors.
2. If appropriate, requesting an applicant for bank days to appear before the board of directors to substantiate the request.
3. Determining the number of days approved. The board shall reserve the right to approve, deny, or modify the number of days requested.

**In cooperation with the payroll office, the executive officer shall process all approved sick leave days for members.

**A member of the board of directors shall recuse himself or herself when the board is considering the board member's request or a request made by the board member's immediate family member.



Liberty-Eylau ISD

Catastrophic Sick Leave Bank

Appeal Process

The appeal process shall be as follows:

1. A member of the bank may appeal the decision of the board of directors by writing a letter to the executive officer requesting to appear in person before the bank's board of directors.
2. Following an appeal to the bank's board of directors, if the member is not satisfied with the response, an appeal may be made through policy DGBA Local, beginning at Level Two.

Amendments

Amendments to the policy governing the District sick leave bank shall be subject to the following:

1. Any questions concerning membership, regulations, or application for sick leave days from the bank that are not covered in the provisions of this policy shall be submitted to the board of directors, who shall make a recommendation to the Superintendent. A member of the bank who is not satisfied with the Superintendent's decision may appeal to the Board through policy DGBA Local, beginning at Level Three.
2. Suggestions for amendments should be submitted to the board of directors prior to April 1.

Policy DEC Local: Sick Leave Bank

As approved by the LEISD Board of Trustees:

The District shall establish a sick leave bank that employees may join through contribution of state personal leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

- Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
- Procedures to request leave from the sick leave bank;
- The maximum number of days per school year a member employee may receive from the sick leave bank;
- The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
- Other procedures deemed necessary for the operation of the sick leave bank.

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