

# Midlothian ISD



## 2009 - 2010 Employee Handbook

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# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to 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. Midlothian ISD policies can be accessed on line at:

[www.midlothian-isd.net](http://www.midlothian-isd.net)

# Employee handbook receipt

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

I hereby acknowledge that the Midlothian ISD Handbook has been made available to me for viewing and copying by going to the staff webpage on the district website at [www.midlothian-isd.net](http://www.midlothian-isd.net).

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

I understand that no modifications to contractual relationships or alterations of at-will 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 Deputy Superintendent if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

.....

## ACKNOWLEDGEMENT OF ELECTRONIC DISTRIBUTION OF POLICIES

I hereby acknowledge that I have been offered the option to receive a paper copy or to electronically access at [www.Midlothian-isd.net](http://www.Midlothian-isd.net) the Board policies regarding employment as required under Education Code 21.204(d) and the Board policies regarding student discipline as required under Education Code 37.018.

I have chosen to:

- Receive a paper copy of the employee handbook.
- Receive the employee handbook in electronic format and accept responsibility for accessing according to the instructions provided.

I have been trained to access these policies from the District's Web page and understand that if I have any questions regarding these policies, I should direct those questions to the Deputy Superintendent at 972.775.8296.

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: You have been given two copies of this form. Please sign and date one and keep it. Sign and date the other copy and forward it to immediate supervisor.

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Note: You have been given two copies of this form. Please sign and date one and keep it. Sign and date the other copy and forward it to immediate supervisor.

# District information

## Description of the district

The Midlothian Independent School District is located in the northern sector of Ellis County. The school district has approximately 113 square miles within its boundaries. It is bounded on the north by the populous Dallas and Tarrant Counties and is approximately thirty miles from the center of Metropolitan Dallas and Fort Worth at the crossroads of Highway 287 and 67.

The city and the surrounding communities are composed predominately of industrial workers employed in local cement and steel factories and suburbanites who commute to Dallas and Fort Worth. Three large cement producing factories have caused Midlothian to be dubbed the Cement Capital of Texas. These factories and a steel producing plant are the principal industries of the area.

The Midlothian Independent School District, as the local agency for the educational process, recognizes its responsibility to provide the best educational opportunities possible to each individual student. Each student is entitled to the opportunity to develop to a maximum level of his or her mental, physical, emotional and social capabilities in order to become an effective partner in the democratic society.

Education is a process of continuous growth. The Midlothian schools, through outstanding staff, continued community-parent support and efforts to provide an effective, relevant school program, is dedicated to its vital role in the growing process of the youth of the community.

## Statistics

- 113 square miles comprised of the communities of Midlothian, Ovilla, Britton, Mountain Peak, and Sardis.
- Located in Ellis County South of Dallas/Fort Worth at the crossroads of Highways 287 and 67.
- Facilities: 6 Elementary Schools (PK-5), 2 Middle Schools (6-8), 1 High School (9-12).
- Total Enrollment:
  - 1995-1996 – 3,431
  - 1996-1997 – 3,582
  - 1997-1998 – 3,843
  - 1998-1999 – 4,082
  - 1999-2000 – 4,163
  - 2000-2001 – 4,367
  - 2001-2002 – 4,715
  - 2002-2003 – 5,065
  - 2003-2004 – 5,415
  - 2004-2005 – 5,749
  - 2005-2006 – 6,182
  - 2006-2007 – 6,557
  - 2007-2008 – 6,855
  - 2008-2009 – 7,144

○ 2009 – 2010 Projections	
▪ High School (9-12)	2242
▪ Middle School (6-8)	1710
▪ Elementary (PPCD-5)	3328
 Total Projected Enrollment	 7280
 Growth of about	 2.6 %

## District Map

## **Mission statement, goals and objectives**

*Policy AE*

## **Board of trustees**

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

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

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

Board members:

Phil Seay	President
Jay Roberts	Vice-President
Tom Moore	Secretary
Wayne Shuffield	Member
Jim Mentzel	Member
Cindy Williams	Member
Duke Burge	Member

The board usually meets the third Monday of each month at 6:30 p.m. in the boardroom of the L.A. Mills Administration Building. In the event that large attendance is anticipated, the board may meet at a site to be announced. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the window by the front door of the L.A. Mills Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

**Board meeting schedule for 2009 - 2010**

August 17, 2009	February 15, 2010
September 21, 2009	March 29, 2010
October 19, 2009	April 19, 2010
November 16, 2009	May 17, 2010
December 14, 2009	June 21, 2010
January 18, 2010	July 19, 2010

## Administration

**Administration Building**  
100 Walter Stephenson Road  
972-775-8296  
Metro 972-723-6290  
Fax 972-775-1757

Superintendent	Dr. J. D. Kennedy
Deputy Superintendent	Robin Bullock
Assistant Superintendent for Learning	Judy Walling
Assistant Superintendent for Finance and Operations	Dr. Edd Bigbee
Public Relations Coordinator	Jana Hathorne
Director of Curriculum and Testing	Diane Foster
Elementary Curriculum Coordinator	Karena Blackwell
Executive Director of Technology	Kirk Paschall
Learning Technology Director	Nancy Bergvall
Director of Construction Projects & Maintenance	David Boswell
Payroll Supervisor	Kim Melton
PEIMS Coordinator	Kim Domke
Executive Director of Specialized Learning	Melissa Wolfe
Special Programs Director/ADA/504 Director	Lisa Knight
Technology Coordinator	Jerry Allen
Webmaster	Dennis King

### **Midlothian High School (Grades 9-12)**

911 South Ninth Street  
972-775-8237  
Fax 972-775-3178

Principal - Dr. Al Hemmle  
Associate Principal – Becky Blackburn

Associate Principal	Robert Kindred
Assistant Principal	Kelly Johnson
Assistant Principal	Krista Tipton
Assistant Principal	Kim Gilson
Assistant Principal	Rick Pinson
MHS Registrar	Harriette Fowler

### **Frank Seale Middle School (Grades 6-8)**

700 George Hopper Road  
972-775-6145  
Fax 972-775-1502

Principal	Dee Arterburn
Assistant Principal	Natalie Dennington
Assistant Principal	Coy Tipton

**Walnut Grove Middle School (Grades 6-8)**

990 N. Walnut Grove Rd.

972-775-5355

Fax 972-775-8127

Principal  
Assistant Principal  
Assistant Principal

Brian Blackwell  
Roger Jaffe  
Gordon Butler

**J R Irvin Elementary (Grades K-5)**

700 West Avenue H

972-775-8239

Fax 972-775-3179

Principal  
Assistant Principal

Jean Embry  
Karena Blackwell

**T E Baxter Elementary (Grades PK-5)**

1050 Park Place

972-775-8281

Fax 972-775-3154

Principal  
Assistant Principal

Nena Challenner  
Anita Day

**Longbranch Elementary (K-5)**

6631 FM 1387

972-775-2830

Fax 972-775-2024

Principal  
Assistant Principal

Kelly Madden  
Courtney Carpenter

**Mt Peak Elementary (PK-5)**

5201 FM 663

972-775-2881

Fax 972-775-2054

Principal  
Assistant Principal

Karen Childers  
La-Shea Slaydon

**J A Vitovsky Elementary (K-5)**

333 Church Street  
972-775-5536  
Fax 972-775-5532

Principal  
Assistant Principal

Cherie Wagoner  
Nathan Daves

**LaRue Miller Elementary (K-5)**

2800 Sudith Lane  
972-775-4497  
Fax 972-775-4316

Principal  
Assistant Principal

Beth Van Amburgh  
Robin Mach

**MISD Child Care Center**

315 East Avenue E  
972-775-8955

Child Care

Glenda Dooley

**DAEP Center**

925 South Ninth Street  
972-775-5311

Director of Alternative Learning

Manny Medina

**Field House**

925 South Ninth Street  
972-775-8174  
Fax 972-775-5995

Athletic Director  
Assistant Athletic Director/Title IX Coordinator

Steve Keasler  
Jennifer McFalls

**Food Service**

601 East Avenue E  
972-775-2124  
Metro 723-8954  
Fax 972-775-1614

Director of Food Service

Brian McDonald

**Maintenance**  
601 East Avenue E  
972-775-1148  
Fax 972-775-1932

Director of Construction Projects  
Custodial Manager

David Boswell  
Vincent Perez

**Transportation**  
601 East Avenue F  
972-775-1805  
Fax 972-723-1757

Transportation Coordinator

Deanna Cannon

**A. H. Meadows High School Library**  
921 South Ninth Street  
972-775-3417

Librarian

Susan Yarbrow

**School calendar**

## **Helpful contacts**

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

Human Resources Department

## **School directory**

To be issued as soon as possible after school begins.

## **Employment**

### **Equal employment opportunity**

*Policies DAA, DIA*

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

Employees with questions or concerns about discrimination on the basis of race, color, religion, sex, national origin, age, or military status should contact Jennifer McFalls, the district's Title IX Coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact the Executive Director of Specialized Learning, Melissa Wolfe.

### **Job vacancy announcements**

*Policy DC*

To the extent possible, announcements of job vacancies by position and location are distributed on a regular basis and posted at the central administration building, central office on each campus and on the district's website. For positions which require a certificate or license, districts must give 10 days prior notice before filling vacancy, unless the district must fill a vacancy during a school year for a teaching position.

### **Employment after retirement**

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in limited circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after

retirement is available in the TRS publication *Employment After Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Web Site ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Contract and non-contract employment**

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

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

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

**Term 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. Campus principals and central office administrators are employed under two year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies are available online at: [www.midlothian-isd.net](http://www.midlothian-isd.net), link to Policy Online.

**Non-certified professional and administrative employees.** Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are employed by a two-year contract that is not subject to the procedures for non-renewal or termination under the Texas Education Code.

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

## **Searches and alcohol and drug testing**

*Policy DHE*

Noninvestigatory searches in the workplace, including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to

conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, work areas, including district-owned computers, lockers, and private vehicles parked on district premises or work sites or used in district business.

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

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

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

## **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 in first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED), and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to their campus nurse by the first day of school.

## **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 by the end of the prior school year on forms provided by the district. 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 Resource office and must be approved by the receiving supervisor.

## **Workload and work schedules**

*Policies DEA, DL*

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

Classroom teachers will have planning periods for instructional preparation, including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period 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 will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor.

## **Notification to parents regarding qualifications**

*Policies DK, DBA*

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

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive

instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notification under NCLB is sent. Inappropriately certified or uncertified teachers include individuals serving with an emergency permit (including individuals waiting to take a certification exam) or individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status can call the Human Resources Department at 972-775-8296.

## **Outside employment and tutoring**

*Policy DBD*

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

## **Performance evaluation**

*Policies DN, DNA, DNB*

Evaluation of an employee's job performance is a continual 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 every third year. Written evaluations will be completed on Professional Development and Appraisal System forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. During the employee's appraisal year, all employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

## **Employee involvement**

*Policies BQA, BQB*

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

## **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 (Local)*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each overtime hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 24)

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 Human Resource Department for more information about the district's pay schedules or their own pay.

### **Annualized compensation**

*Policy DEA*

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

### **Paychecks**

All employees are paid monthly. Each employee is required to have direct deposit account information on file where payroll funds will be direct deposited on pay day.

Employees may view payroll information on-line through Employee Access at the following web-site: <http://skyweb.midlothian-isd.net/scripts/cgiip.exe/WService=wsFin/seplog01.w> or by

accessing this information from the MISD web page under Staff and the drop down selection of Employee Access.

Employees will be provided with a log-in and temporary password. This information may be obtained by contacting the payroll office.

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

(Subject to Change)

<u>Cut Off</u>	<u>Pay Day</u>
July 4, 2009	July 28, 2009
August 8, 2009	August 28, 2009
September 5, 2009	September 28, 2009
October 3, 2009	October 28, 2009
October 31, 2009	November 20, 2009
November 28, 2009	December 18, 2009
January 9, 2010	January 22, 2010
February 6, 2010	February 26, 2010
March 6, 2010	March 26, 2010
April 10, 2010	April 28, 2010
May 8, 2010	May 28, 2010
June 5, 2010	June 28, 2010

## **Payroll deductions**

### *Policy CFEA*

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

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax

Medicare tax (applicable only to employees hired after March 31, 1986)

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

## **Overtime compensation**

### *Policy DEA*

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

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

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

- Employees can accumulate up to 60 hours of comp time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval as workload permits, or at the supervisor's direction.
- An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal, vacation).
- Weekly time sheets will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel expense reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor and Assistant Superintendent for Finance and Operations 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 and the Internal Revenue Service. Employees must submit receipts to be reimbursed for expenses other than mileage.

## **Health, dental, and life insurance**

### *Policy CRD*

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

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

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

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees

in a separate booklet. Employees should contact the Human Resource Department for more information.

## **Supplemental insurance benefits**

*Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the Human Resource 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., cancer and dread disease, dental, and vision insurance). Flexible spending accounts for unreimbursed medical expenses as well as dependent care expenses are also available on a pretax basis. 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.

Retirement plans available on a pretax basis are:

Section 457 Deferred Compensation (established through the third party administrator)

403(b) Tax Deferred Annuities and 403(b)(7) Tax Deferred-Mutual Funds Option (established through private financial advisors who are approved by the third party administrator)

## **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 effective September 1 of every year. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to your supervisor, your building principal and the Human Resource Department. Employees who are unable to work due to a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' compensation benefits*, page 36 for information on use of paid leave for such absences.

## **Unemployment compensation insurance**

*Policy CRF*

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

## **Teacher retirement**

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

Employees who plan to retire under TRS should notify TRS as soon as possible. Information on the application procedures for TRS benefits are available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)). See page 25 for information on restrictions of employment of retirees in Texas public schools.

## **Other benefit programs**

*Policy DEB*

Children of full-time nonresident District employees may attend District schools tuition free.

Any District provisions regarding insurance programs and/or deferred compensation programs are found in policy CRD(LOCAL).

## **Leaves and absences**

*Policy DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than five days should call the Human Resources Department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

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

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

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

## **Personal leave**

State law entitles all employees to five days of paid personal leave per year. Personal leave is earned at a rate of one-half workday for each 18 workdays of employment. A day of earned personal leave is equivalent to an assigned workday. State personal leave accumulates without limit, is transferable to other Texas school districts and is generally transfers to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

**Nondiscretionary.** Leave that is taken for personal or family illness, family emergency, or a death in the family, or active military service is considered nondiscretionary leave. This type of leave allows very little or no advance planning and will be granted to employees in the same manner as state leave.

**Discretionary.** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request two days in advance of the anticipated absence to his or her principal or supervisor. 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. The following is a quote from Midlothian ISD Policy:

### **DEC(LOCAL) USE OF DISCRETIONARY LEAVE**

**REQUEST FOR LEAVE** The employee shall submit a written request for discretionary use of state personal to the immediate supervisor or designee in advance and in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to

use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes. [See DEC(LEGAL)]

Use of discretionary personal leave shall be considered granted unless the principal or designee notifies the employee to the contrary within 24 hours of receipt of the request.

**DURATION OF LEAVE** - Discretionary use of state personal leave shall not exceed three consecutive days.

**SCHEDULE LIMITATIONS** - Discretionary leave shall not be allowed on the day before or the day after a school comp day; the day before a school holiday, the day after a school holiday; days scheduled for end-of-semester or end-of-year exams; days scheduled for state assessment tests, or professional or staff development days.

## **Sick leave**

Previously accumulated state sick leave is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in one day or one 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 personal leave**

### **Catastrophic sick leave bank**

The District shall establish a sick leave bank that employees may join through contribution of local 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 experiences a catastrophic illness or injury and has exhausted all paid leave.

**ELIGIBILITY** All full-time and permanent part-time employees who have contributed one day of accumulated local sick leave as of September 30 of any school year shall be eligible to participate in the catastrophic sick leave bank for the following school year.

Participation shall be voluntary, but requires contribution to the bank.

New staff members employed by the District during any school year must join within 30 days of their employment date by donating one day of the sick leave days to be earned during that year.

Employees who elect not to join the catastrophic sick leave bank at the first opportunity shall not be permitted to join until the subsequent annual open enrollment period.

**ADMINISTRATION** The catastrophic sick leave bank shall be administered by a committee composed of one representative from each building in the District and chaired by the Deputy Superintendent. The committee shall be selected from the continuing membership. The term shall run from October 1 through September 30.

The committee shall be responsible for receiving requests for days from the bank, verifying the validity of requests, recommending approval or denial of requests, and communicating decisions to the member and to the payroll office. The committee shall meet as the need arises.

**CONTRIBUTIONS** Contributions made on the appropriate form shall be authorized by the employee and continued from year-to-year until cancelled in writing by the sick leave bank member. Employees who have used days from the bank for previous illnesses must donate one additional sick leave day to the bank beyond what is required for continuing members. Sick leave properly authorized for contribution to the bank shall not be returned if a bank member submits a cancellation. Cancellation of membership on the proper form may be submitted at any time; however, the employee shall not be eligible to use days from the bank as of the effective cancellation date.

In the event that prior to September 1 of a given catastrophic sick leave bank year, the balance of days available for use is not sufficient to cover the number of days needed to meet the needs of the specific year; each participating member shall have one additional day transferred from his or her sick leave account to the catastrophic sick leave bank. If the employee does not have an accrued day available, then a day shall be advanced from the days to be earned during the following fiscal year.

At the end of the school year, any unused bank days shall be carried forward to the next school year. If the balance is equal to two times the number of participants in the bank, those members shall not be required to donate a day to the bank during the next September in order to be members the following year. New employees and other nonmembers shall be permitted to join by donated days in September of the next school year.

**USE OF SICK LEAVE BANK DAYS** The maximum number of days that may be withdrawn from the bank by a bank member in any one contract year or year of service shall be 30 workdays, unless the committee determines that more days are necessary. In the event the committee determines that more days are necessary, days awarded cannot extend past the day the member is on FMLA or DMLP leave.

Members must use all available paid leave and accrued vacation leave before receiving any days from the bank. Applications for use of days from the bank shall be made on the required form and submitted to the committee. If a bank member does not use all of the days granted from the bank, the unused sick leave bank days shall revert to the bank.

Days from the catastrophic sick leave bank shall be available for use by the contributor for his or her own life-threatening personal illness or disability that may include surgery that cannot be avoided or postponed, or to enable the contributor to be away from his or her work assignment to care for a seriously ill member of the employee's immediate family as that term is defined by this policy, with the following exception: days from the catastrophic sick leave bank shall not be available for a member to care for any seriously ill person who may be residing in the employee's household at the time of illness or death, found at item 6 under DEFINITIONS, FAMILY, on page 1. Only those persons listed at items 1-5 shall qualify.

For purposes of this policy, catastrophic shall include a life-threatening illness or disability as well as an event that results in the entire loss of the member's primary residence due to fire, flood, or tornado.

Days from the bank shall not be available for routine pregnancy but shall be available in the event of complications that endanger the applicant or the fetus. The complications must be verified in detail by the attending physician, specifying why a return to work would be detrimental to the health of the applicant or fetus. Days from the bank shall not be available during the routine six-weeks recovery period following a normal birth or birth by Caesarian section.

The committee shall have the right to accept or reject any application for days from the bank.

**LOSS OF RIGHTS** A member of the catastrophic sick leave bank shall lose the right to benefits from the bank in the event of one or more of the following:

1. Termination of employment with the District.
2. During any period of suspension without pay.
3. Voluntary cancellation of membership in the bank by the member on the effective date of the cancellation.
4. Written authorization by the member to discontinue the annual contribution of sick leave days to the bank, as of the date the contribution is due.
5. During an approved leave of absence for a reason other than personal illness.
6. Any violation of bank rules or misuse of bank benefits.

**RULES AND PROCEDURES** Each separate application for a grant from the bank must include a new statement from the attending physician on the appropriate form. The form shall include authorization by the employee to release medical reports to the District catastrophic sick leave bank committee. The committee shall review and forward its decision to the payroll office within 15 workdays after receipt of the request by the committee chairperson.

A request for days from the bank shall be made on the appropriate form and shall be submitted to

the committee within 45 calendar days of the first date use of days from the bank is requested.

All requests must be accompanied by a physician's statement using the District's form stating the beginning date of the condition, describing the life-threatening illness or disability and a prognosis for recovery and anticipated date the employee is expected to return to work.

If the days requested are for the purpose of caring for a qualified family member, the request must state the relationship, the residence of the family member, and include a physician's statement describing the illness or disability and the extent to which the family member is dependent on the employee on a continuing basis.

Prior to making a decision on a request for days from the bank, the committee may require an applicant to undergo for the purpose of a second opinion, a medical review by a physician chosen by the committee. The committee shall not take any action on the applicant's request for days from the bank until it has received directly from the physician the second opinion report.

In the event a member's incapacity prevents the member from applying personally for days from the bank, application may be submitted to the committee by an authorized agent or family member on behalf of the member.

Days granted from the bank shall be in increments of no more than ten consecutive workdays. An applicant may submit a request for an extension of the days granted from the bank before the first grant of days expires by using the appropriate extension of leave form. A new physician's statement must be submitted with the extension of leave form.

All forms for application for participation in the bank, withdrawal of sick leave days from the bank, and membership cancellation forms shall be available in the principal's or the supervisor's office on each campus and in the Human Resource Office, and shall be sent to any member on request.

Copies of all bank donations, sick leave grant requests, and sick leave bank membership cancellation forms shall be marked for approval or denial by the committee. Following such action, the committee shall provide copies of the forms to the bank members and the payroll office.

The Human Resource Office shall maintain all records regarding the operation of the catastrophic sick leave bank. Duties of the Human Resource Office shall be to:

1. Report the status of the catastrophic sick leave bank upon the request of the committee.
2. Provide information to the committee upon request for any data maintained in the Human Resource Office files with regard to an applicant's use of or investment in, the bank.

The Superintendent or designee shall advise committee members of their responsibility under state and federal law to maintain confidentiality requirements. [See DBB and DH(EXHIBIT)]

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 donate to become a member;

1. Procedures to request leave from the sick leave bank;
2. The maximum number of days per school year a member employee may receive from the sick leave bank;
3. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests;

Other procedures deemed necessary for the operation of the sick leave bank.

## **APPEAL**

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

## **DISTRICT MEDICAL LEAVE PLAN**

**ELIGIBILITY** - All part-time employees who do not meet the requirements for the Family Medical Leave Act (FMLA) due to limited hours of their position and have not contributed a day of personal leave to the Catastrophic Sick Leave Bank, and have been employed for one school year, shall be eligible to participate in the District Medical Leave Plan. The District Medical Leave Plan grants part-time employees the opportunity to receive up to six weeks of unpaid leave, concurrent with any other leave to which they may be entitled under other policies.

## **APPEAL**

All decisions regarding the District Medical Leave Plan may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

## **Temporary disability**

**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 leave request must be accompanied by a physician's

statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

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

When an employee is ready to return to work, the supervisor and 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. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following school year.

## **Family and medical leave**

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

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

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

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

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

list.

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

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

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

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

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

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

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

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

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

for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

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

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

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

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

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

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

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

## **Local FMLA provision**

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

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

Use of paid leave: Family and medical leave 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 family and medical leave, if applicable, and notify the employee that accumulated leave will run concurrently.

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

## **Workers' compensation benefits**

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

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

## **Assault leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-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.

## **Local bereavement leave**

All employees shall earn two workdays of local bereavement leave per school year, at the same rate as state personal leave. Local bereavement leave shall be non-cumulative and shall be taken with no loss of pay. It shall be available for death in the immediate family only, as defined in this policy.

## **Jury duty**

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service and may keep any compensation they receive.

## **Other court appearances**

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees may be required to submit documentation of their need for leave for court appearances.

## **Military leave**

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

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

**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.

# **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 on each campus. Recognition and appreciation activities also include annual staff awards ceremony.

## **District communications**

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

## **Maintenance requests**

Employees may communicate their need for repairs or maintenance assistance to their administrator or supervisor in writing or by electronic mail. Only the administrator or supervisor submits requests to the Maintenance Department.

## **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 grievance 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 grievance 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 complaints and grievances is reprinted as follows:

### **DGBA**

#### **(LOCAL)**

#### **GUIDING PRINCIPLES**

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

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

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

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

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

*NOTICE TO EMPLOYEES:* The District shall inform employees of this policy.

*FREEOM FROM RETALIATION:* Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

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

*COMPLAINTS AGAINST SUPERVISORS:* Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.

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

*EXCEPTIONS:* This policy shall not apply to:

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

*GENERAL PROVISIONS (FILING):* Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

*RESPONSE:* At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

*DAYS:* “Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

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

The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

*CONSOLIDATING COMPLAINTS:* Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

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

*UNTIMELY FILINGS:* All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

*COSTS INCURRED:* Each party shall pay its own costs incurred in the course of the complaint.

*COMPLAINT FORM:* Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

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

#### *LEVEL ONE:*

Complaint forms must be filed:

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

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

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

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

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

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

### *LEVEL TWO*

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

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

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

The Level One record shall include:

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

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

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

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

### *LEVEL THREE*

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

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

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

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

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

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

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

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

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

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

## **Employee conduct and welfare**

### **Professional Dress Code**

Midlothian Independent School District employees shall dress in a manner appropriate to their assignment and in accordance with the standards listed. Instructional and instructional support staff should dress in a professional manner that models an appropriate standard for students.

#### **Standards**

##### **Men: teachers and staff**

1. professional looking dress slacks
2. collared shirts tucked in
3. belts or suspenders
4. tattoos shall be covered
5. no earrings or facial jewelry
6. no shorts
7. facial hair that is groomed is permitted
8. hair may not extend below the collar of a dress shirt, no ponytails or braids
9. No t-shirts allowed in academic setting (except for spirit shirts on Fridays or special occasions deemed appropriate by campus principal.)

### **Female: teachers and staff**

1. professional dresses, shirts, blouses, skirts and/or slacks
2. capris are permitted if they are mid calf, loose fitting around the leg
3. no leggings
4. cap sleeves if they extend over the shoulder
5. no sleeveless blouses, shirts or dresses
6. low cut blouses will not be allowed
7. no more than two earrings per ear
8. tattoos shall be covered
9. no skorts or shorts
10. no overalls

*\* The campus principal will be the sole authority in deciding whether an employee's appearance is appropriate for the school setting.*

### **Spirit Days**

The campus administrator may designate special days for teachers and staff to wear spirit shirts and jeans. On spirit days, tennis shoes may be worn.

Teachers and staff are encouraged to wear spirit shirts with slacks or docker-styled pants.

### **Physical Education and/or Coaches**

Physical Education teachers should wear shorts that follow the high school dress code of mid-thigh.

Coaches may not wear shorts in the instructional classrooms.

### **Non-instructional support staff (custodial, food service, maintenance, transportation, etc.)**

Non-instructional support staff shall be neat, clean, and dressed appropriately as described in their respective handbooks.

Clothing should reflect a businesslike atmosphere, and reflect pride in the work to be done. Styles of clothing should be modest and tasteful. Shorts may not be worn during the instructional day.

Male employees hair shall be neatly groomed. Male employees shall not wear earrings or facial jewelry.

## **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.

Cell phone use by staff is prohibited except for emergencies or during conference periods.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the superintendent first learns of the incident. See *Reports to the State Board for Educator Certification*, page 69 for additional information.

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

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

### **Statement of Purpose**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable

treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

## **Professional Standards**

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

- Standard 1.1** The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.
- Standard 1.2** The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3** The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- Standard 1.4** The educator shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.
- Standard 1.6** The educator shall not falsify records, or direct or coerce others to do so.
- Standard 1.7** The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws.
- Standard 1.8** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

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

- Standard 2.1** The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Standard 2.2** The educator shall not harm others by knowingly making false statements about a colleague or the school system.
- Standard 2.3** The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- Standard 2.4** The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5** The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.
- Standard 2.6** The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

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

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

- Standard 3.1** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2** The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.
- Standard 3.3** The educator shall not deliberately or knowingly misrepresent facts regarding a student.
- Standard 3.4** The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.
- Standard 3.5** The educator shall not engage in physical mistreatment of a student.
- Standard 3.6** The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

### **Discrimination, harassment, and retaliation**

#### *Policies DH, DIA*

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

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

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

### **DIA (LOCAL)**

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

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

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

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

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; or
3. 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:

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.

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

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

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

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

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

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

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

Name: Jennifer McFalls

Position: Title IX Coordinator/Assistant Athletic Director

Address: 100 Walter Stephenson Road, Midlothian, TX 76065

Telephone: (972) 775-8296

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

Name: Lisa Knight

Position: Special Programs Director/ADA/504 Director

Address: 100 Walter Stephenson Road, Midlothian, TX 76065

Telephone: (972) 775-8236

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Harassment of students

*Policies, DH, FFG, FFH*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment or abuse of a student will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting suspected child abuse*, page 60 for additional information.

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

### DF(LEGAL)

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

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

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

1. The employee has been convicted of:
  - a. A felony under Penal Code Title 5;
  - b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
  - c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

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

1. The date of the offense is more than 30 years before June 15, 2007; and
2. The employee satisfied all terms of the court order entered on conviction.

*CERTIFICATION TO SBEC:* Each school year, the Superintendent shall certify to the Commissioner that the District has complied with the above provisions.

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

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

*Education Code 22.085* [See DBAA]

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

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and
2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

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

*Education Code 21.058*

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

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

*DISTRICT'S OPTIONS:* After an employee receives notice that the employee's contract is void the District may:

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

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

*NO APPEAL OR CHAPTER 21 HEARING:* The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision.

*Education Code 21.0031*

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

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

*CRIMINAL HISTORY:*

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

*ASSESSMENT INSTRUMENT:*

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

*RESIGNATION:*

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

*TERMINATION:*

4. A certificate holder's employment at the District was terminated based on a determination that the certificate holder:
  - a. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;
  - b. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;
  - c. Illegally transferred, appropriated, or expended funds or other property of the District;
  - d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation;
  - e. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or
  - f. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

*DEFINITIONS:* "Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor. "Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity. Acts that constitute the solicitation of a romantic relationship include:

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

relationship, the following may be considered:

- 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 to which the educator attempted to conceal the communications;
  - f. If the educator claims to be counseling a student, TEA staff may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate law enforcement agencies; and
  - g. Any other communications tending to show that the educator solicited a romantic relationship with a student.
2. Making inappropriate comments about a student's body.
  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.
  7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
  8. Inappropriate hugging, kissing, or excessive touching.
  9. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
  10. Any other acts tending to show that the educator solicited a romantic relationship with the student, including providing the student with drugs or alcohol.

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

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

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

*Education Code 21.006; 19 TAC 249.14*

## **FFH (LOCAL)**

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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. For provisions regarding bullying, see FFI.

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*STATEMENT OF NONDISCRIMINATION:* The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin,

disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

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

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

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 or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

*SEXUAL HARASSMENT BY AN EMPLOYEE:* Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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

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

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 sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

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

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

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

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

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.

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

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

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

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

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

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

*DEFINITION OF DISTRICT OFFICIALS:* For the purposes of this policy, District officials are the Title IX coordinator, the Section 504 director, and the Superintendent.

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

Name: Jennifer McFalls  
Position: Title IX Coordinator/Assistant Athletic Director  
Address: 100 Walter Stephenson Road, Midlothian, TX 76065  
Telephone: (972) 775-8296

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

Name: Lisa Knight  
Position: Special Programs Director/ADA/504 Director  
Address: 100 Walter Stephenson Road, Midlothian, TX 76065  
Telephone: (972) 775-8296

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

*ALTERNATIVE REPORTING PROCEDURES:* A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or Section 504 director, may be directed to the Superintendent.

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

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

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

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

*INVESTIGATION OF THE REPORT:* The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official

shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

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

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

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

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

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

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

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

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

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

*RECORDS RETENTION:* Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).

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

## **Alcohol-and-Drug-abuse prevention**

*Policies DH, DI*

Midlothian ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs or alcohol in the workplace, 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 and drug-free schools follows:

**DH (Local)** and may be accessed at [www.Midlothian-isd.net](http://www.Midlothian-isd.net) under Policy on Line.

## **EMPLOYEE STANDARDS OF CONDUCT**

Employees shall be courteous to one another and the public, working together in a cooperative spirit to serve the best interests of the District. All District employees shall be expected to adhere to the standards of conduct set out in the "Code of Ethics and Standard Practices for Texas Educators." [See DH(EXHIBIT)]

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

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

**TOBACCO USE:** Employees shall not use tobacco products on District premises, in District vehicles, nor in the presence of students at school or school-related activities. [See DH and GKA]

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

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

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.
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 drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

**EXCEPTION:** An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee's use shall not be considered to have violated this policy.

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

**ARRESTS AND CONVICTIONS:** An employee who is arrested for any felony or any offense

involving moral turpitude must report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within three calendar days of the event.

**MORAL TURPITUDE:** Moral turpitude includes but is not limited to dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; drug- or alcohol-related offenses; or acts constituting abuse under the Texas Family Code.

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

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

## **DI (Exhibit)**

### **DRUG-FREE SCHOOLS REQUIREMENTS**

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

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

Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

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

### **Reporting suspected child abuse**

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

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g.: state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Abuse is defined by Texas Family Code and includes any sexual conduct involving an educator and a student or minor. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an

employee may not delegate to or rely on another person to make the report.

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

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

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

presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Fraud and financial impropriety**

### *Policy CAA*

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

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

## **Conflict of interest**

*Policies BBFA, DBD*

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

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

## **Gifts and favors**

*Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks may result in prosecution of a class B misdemeanor offense. This does not include staff development,

teacher training, or instructional materials, such as maps or worksheets that convey information to students or contribute to the learning process.

## **Associations and political activities**

*Policy DGA*

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

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

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

## **Safety**

*Policy CK*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and con-

serve district equipment, employees must comply with the following requirements:

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

Employees with questions or concerns relating to safety programs and issues can contact the Superintendent or designee.

## **Tobacco use**

*Policies DH, GKA, FNCD*

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

## **Criminal history background checks**

*Policy DBAA*

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

## **Employee arrests and convictions**

*Policy DH*

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

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

Moral turpitude includes the following:

- Dishonesty

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

## **Possession of firearms and weapons**

*Policies FNCG, GKA*

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

## **Visitors in the workplace**

*Policy GKC*

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

## **Copyrighted materials**

*Policy EFE*

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

## **Computer use and data management**

*Policy CQ*

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

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

Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use. Employees are not to use electronic mail for non-school purposes during the instructional day. Employees shall not respond to chain e-mails.

Employees who are authorized to use the systems are required to abide by the provisions of Midlothian ISD's Acceptable Use Policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact the Technology Department.

## **Asbestos management plan**

*Policy CKA*

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

## **Pest control treatment**

*Policy DI, CLB*

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located in an area of common access to employees. Pest control information sheets are available from campus principals or the Integrated Pest Management Coordinator upon request.

## **Storage and use of pesticides in the Midlothian ISD**

No person shall store or apply any pesticide, either commercial or over the counter (Raid, Hot Shot), without an appropriate commercial or noncommercial pesticide applicators license. All pesticide storage and application will be conducted in accordance with the requirements of the:

Federal Insecticide, Fungicide and Rodenticide Act  
(7 United States Code 136 et seq.)  
Environmental Protection Agency regulations in 40 CFR  
Occupational Safety and Health Administration regulations  
Texas Structural Pest Control Act  
(Article 135B-6 of the Texas Revised Civil Statutes)  
with associated regulations  
(Title 22, Texas Administrative Code, section 591-599)

## Midlothian I.S.D. policies and procedures and local regulations

If a person violates an Act, Rule or Order adopted by the Structural Pest Control Board, the Board may assess an administrative penalty against the person. The penalty may be in an amount not to exceed \$5,000 a day for each violation. Each day a violation continues or occurs may be considered a separate violation for purposes of penalty assessment.

### Vehicle rental procedures

Employees who need to rent vehicles for school sponsored activities should not make reservations in their own name, secured by their own credit card, or purchase extra insurance. By electronic mail, contact the Assistant Superintendent for Finance and Operations two weeks in advance of the activity with the following information:

- Activity description
- Start and end dates
- Rental agency name
- Rental agency address, telephone number, and fax number
- Rental agency contact person
- Names of drivers

The Assistant Superintendent for Finance and Operations will then provide both the employee and the rental agency with a certificate of insurance coverage.

## General procedures

### Bad weather closing

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

midlothian-isd.net	Web-site
KDFW-TV	Channel 4
KXAS-TV	Channel 5
KRLD-Radio	1080
WBAP-Radio	820
KBEC-Radio	1390

### Emergencies

#### *Policy CKC*

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

use them.

## **Purchasing procedures**

*Policy CH*

All requests for purchases must be submitted to the 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 your building secretary or 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, home telephone number, marital status, emergency contact, or beneficiary. Forms to process a change in personal information can be obtained from the building secretary. All SBEC certified employees must also inform SBEC via the web site of any demographic changes: [www.sbec.state.tx.us](http://www.sbec.state.tx.us).

## **Personnel records**

*Policy GBA*

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

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

The choice to not allow public access to this information may be done at any time by submitting a written request to the Human Resources Department. New or terminating employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public.

## **Building use**

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. The Assistant Superintendent for Finance and Operations is responsible for scheduling the use of facilities after school hours. Contact the office of the Assistant Superintendent for Finance and Operations (972-775-8296) to request to use school facilities and to obtain information on the fees charged.

# Termination of employment

## Resignations

*Policy DFE*

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

The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*, on page 69.

**Non-contract employees.** Non-contract employees may resign their positions at any time. A written notice of resignation should be submitted to their supervisor or principal and to the Human Resources Department 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 non-renewal of contract employees

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

Employees on probationary or term contracts can be dismissed during the school year or non-renewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The time lines and procedures to be followed when a suspension, termination, or non-renewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct. Information on the time lines and procedures can be found in the DF policies that are provided to employees or in the policy manuals located in the Principal's Office and the Superintendent's Office and on the district website: [www.midlothianisd.net](http://www.midlothianisd.net), Policy Online link.

## Dismissal of non-contract employees

*Policy DCD*

Non-contract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, sex, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Non-contract 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, 39.)*

## **Exit interviews and procedures**

*Policy DC*

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, and equipment must be returned upon separation from employment.

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

*Policy DF*

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

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

## **Reports concerning court-ordered withholding**

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

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

## **Student issues**

### **Equal educational opportunities**

*Policies FB, FFH*

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

Questions or concerns about discrimination against students on the basis of race, color, religion, sex, or national origin should be directed to the superintendent or Jennifer McFalls, the district's Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to the Executive Director of Specialized Learning.

### **Student records**

*Policy FL (LEGAL)*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records.

The following people are the only people who have general access to a student's records:

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

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

### **Parent and student complaints**

*Policy FNG*

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

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

## **Administering medication to students**

*Policy FFAC*

Only designated employees can administer medication to students. A student who must take prescription medication, non-prescription medication, and herbal or dietary supplements 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*

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

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

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## **Student discipline**

*Policies in the FN series and FO series*

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

## **Student attendance**

*Policy FEB*

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

## **Bullying**

### *Policy FFI*

All employees are required to report student complaints of bullying to campus principal or designee. The district's policy that includes definitions and procedures for reporting and investigation bullying of students is reprinted below:

---

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

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**BULLYING PROHIBITED:** The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

**DEFINITION:** Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that:

1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**EXAMPLES:** Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

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

**REPORTING PROCEDURES:** Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. A report may be made orally or in writing.

**NOTICE OF REPORT:** Any District employee who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.

**INVESTIGATION OF REPORT:** If a report is made orally, the campus principal or designee shall reduce the report to written form.

The campus principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, and if so proceed under that policy instead.

The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

*CONCLUDING INVESTIGATION:* Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the campus principal or designee shall take additional time if necessary to complete a thorough investigation.

The campus principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Superintendent or designee.

*DISTRICT ACTION:* If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]

The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.

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

*APPEAL:* A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

*RECORDS RETENTION:* Retention of records shall be in accordance with CPC(LOCAL).

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

## **Hazing**

### *Policy FNCC*

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

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