

*School of Excellence in Education*

*Employee Handbook*

**2017-2018**



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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. These Policies and Procedures pertain to all employees; you will find that the Employee Handbook will answer a number of your questions about everyday working matters, benefits, and issues concerning relationships with our students and parents. We encourage you to read the entire Handbook so you can gain an overall understanding of our personnel policies and procedures.

Please note any masculine pronoun used in this handbook includes the feminine as well. “District” or “School” refers to the School of Excellence in Education.

If you have any questions about personnel matters, you are encouraged to discuss them with your immediate supervisor or a member of District management. We would also appreciate your input and suggestions on improving this Handbook to make it more beneficial for others. We are always looking for suggestions that can improve methods, procedures and working conditions for our employees. Please keep this Handbook in a convenient location for your future reference. School of Excellence in Education’s interpretation of any policy within this Handbook shall prevail.

This Handbook is for reference only and is not intended to be a complete description of all provisions or requirements. This Handbook shall also not in any way affect, modify, or nullify any agreement you have entered into with the District which obligates you to protect the District’s confidential information or to refrain from competing with the District after your employment is terminated.

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

Your employment with the School of Excellence in Education is “at will,” which means that either you or the District can terminate the employment relationship at any time for any reason, except as otherwise prohibited by law. No manager or supervisor has any authority to enter into a contract of employment – express or implied – that changes or alters this at will employment relationship. This employment at will policy is the sole and entire agreement between you and the District, as to the duration of employment and the circumstances under which employment may be terminated.

Also note, **this Handbook is not a contract of employment**, expressed or implied, nor does it contain any promises. At any time, the District may add, change or rescind any policy or practice at its sole discretion, without any prior notification.

## **Board of Trustees**

Mr. Patrick Britton, Board President

Dr. Yasan Gooding, Vice-President

LaVergie Washington, Secretary

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

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members serve without compensation, must be qualified voters, and must reside in the district.

The board usually meets every second Tuesday of every month at District office. In the event that large attendance is anticipated, the board may meet at Walker Intermediate Campus. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and each campus 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 two-hour notice.

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

## **Charter Schools**

In February of 1996, the Texas Legislature authorized the creation of chartered schools. These are public schools, required to meet state accreditation requirements. Charter schools are designed and managed by concerned teachers, parents, administration and community members.

Once the charter is created, it is submitted to the State Board of Education for approval. The non-profit organization governing this school is called School of Excellence in Education. The charter was awarded in March, 1998. The Board of Directors of School of Excellence is the governing body of the charter school. School of Excellence in Education has authorized a Board of Directors to create and implement the policies and procedures of the charter school. The school must conduct itself in agreement with its charter. Charter schools are accountable to the State Board of Education and are monitored by the Texas Education Agency to insure they meet both state and federal guidelines. Some rules and regulations that apply to public schools have been removed from charter schools, yet with this freedom there is a great deal of fiscal and student academic accountability.

## **SEE Students**

Our students are the most important people in our business.

Our students are dependent upon us; we are dependent upon them.

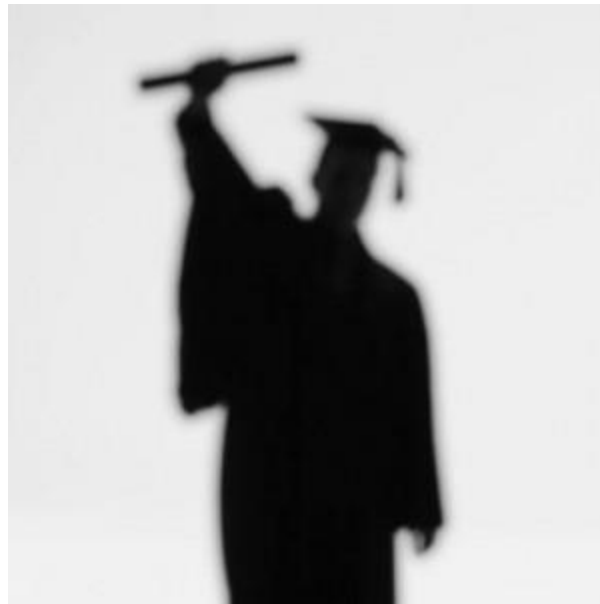
Our students are not an interruption of our work; they are the purpose of it.

Our students are a part of our business; they are not outsiders.

Our students are not just money in the bank; they are human beings with feelings like our own.

Our students deserve the most courteous attention we can give them.

They are the life-blood of this business; without them, we would have to close our doors.



## **Student Creed**

This is my generation.

I was born for such a time as this!

My future is secure and my present makes sense.

I have purpose and potential.

My steps are in order; I am destined to succeed!

I do not need popularity. I am not impressed by superiority.

My position is already secure!

I am limited only by my own actions.

I produce excellence by my own attitude.

This is my generation; it was waiting for me to arrive.

I am here and it will not be the same!



## Vision

All students graduate college and career ready, prepared to compete in a global society.

## Mission

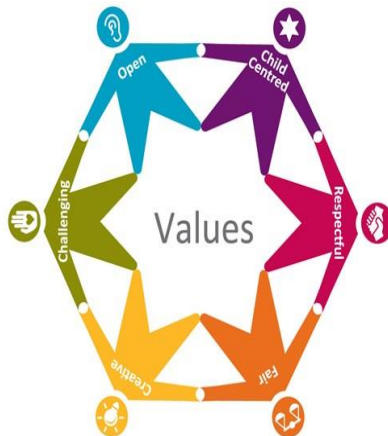
To provide a learning culture where all students thrive and excel through innovative and adaptive 21<sup>st</sup> century skills, using researched-based data driven methods.

## District Goals

1. Forty-five percent of SEE students will reach the “meets” standard on the Reading STAAR and EOC English I and II assessment during the 2017-2018 school year.
2. Thirty percent of SEE students will reach the “meets” standard on the Math STAAR and EOC Algebra I assessments during the 2017-2018 school year.
3. By the end of the 2017-2018 school year, SEE will retain 65 percent of its staff.
4. By the end of the 2017-2018 school year, SEE will have 100% of the staff trained on the District Safety Plan.

## Core Values

*Integrity, Responsible, Excellence, Service*



*Commitment, Community, Engagement, Growth*

## **General Employment Policies**

### **Equal Employment Opportunity**

The District does not discriminate against any employee or applicant because of race, color, religion, national origin, sex, gender/sexual orientation, pregnancy, age, marital status, physical or mental disability, veteran status, genetic information or any other characteristic protected by federal, state or local law in regard to any position for which such person is qualified. This policy covers all personnel practices, including but not limited to hiring, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, selection for training and employee benefits.

Employees with questions or concerns relating to discrimination for any of the reasons listed above should contact Human Resources.

To implement this policy, the District will continue to:

- Recruit, hire, train, and promote persons in all job classifications without regard to any protected characteristics, and to provide equal employment opportunities to disabled veterans and Veterans of the Vietnam Era;
- Base decisions on employment so as to further the principle of equal employment opportunity;
- Ensure that promotion decisions are in accord with principles of Equal Employment Opportunity by imposing only valid business requirements for promotional opportunities; and
- Ensure that all personnel actions (including but not limited to compensation, benefits, transfers, layoffs, and district-sponsored training, education, social and recreation programs) will be administered without regard to any protected characteristics.

Our policy is not just one of passive nondiscrimination. Instead, it is our goal to actively expand the opportunities in our District for members of protected groups, so that each person's skills can be fully utilized.

Equal Employment Opportunity is not only the law, but also it is a principle of the District's operation. It is the responsibility of every employee to ensure the continued success of this policy.

### **“At Will” Employment**

All employment with the District is “At Will” which means that your employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the School of Excellence in Education or yourself, except as otherwise provided by law.

## **Education and Training**

It is the responsibility of each employee to inform his or her supervisor of any skill or knowledge deficiency that might affect the safe performance of any task or job. The success of the safety program depends on how well the employee's knowledge level is communicated and identified to management. The School of Excellence in Education expects no employee to engage in any work which they are not qualified to perform. In most cases, work experience and/or formal training and testing will determine an employee's qualifications. Only the employee knows what jobs or tasks he or she is qualified to perform.

## **Employee Standards**

All employees are expected to adhere to the written and oral directives and instructions of their immediate and other supervisors, as well as the policies, procedures and regulations of the school, including but not limited to those set out in the Board Policy Manual, employment notices and agreements, employee handbooks, the Code of Ethics and Standard Practices for Texas Educators and all applicable state and federal laws and regulations.

## **Americans with Disabilities Act (ADA) and Americans with Disabilities Amendment Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendment Act (ADAAA) (collectively referred to herein as "the ADA") requires employers to reasonably accommodate qualified individuals with disabilities unless doing so creates an undue hardship. It is the policy of the District to comply with all federal and state laws concerning the employment of persons with disabilities.

It is District policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

The District will make every effort to reasonably accommodate qualified individuals with a temporary or long-term disability who can perform the essential functions of a job.

An individual who can be reasonably accommodated without undue hardship will be given the same consideration for available positions as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

## **Accommodation Policy – Disability**

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless undue hardship or a direct threat would result therefrom.

Any applicant or employee who requires an accommodation should contact his/her supervisor and request such an accommodation. The accommodation request can be written or oral and can be made by the employee or by someone else on the employee's behalf. The accommodation request should specify the accommodation the employee needs to perform the job. If the requested accommodation is reasonable and will not impose an undue hardship or a direct threat, the District will make the accommodation in accordance with applicable law. The District may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another, but the District retains the ultimate discretion to choose between reasonable accommodations.

Employees are expected to fully cooperate in the accommodation process. The duty to cooperate includes making every effort to provide management with current medical information. Employees who do not meaningfully cooperate in the accommodation process will waive the right to accommodation.

### **Definitions**

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a “disabled person.”

“Direct threat to safety” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

A “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustments or modifications to training materials, adjustment or modification of policies, and similar activities, depending on the individual and the requirements of a particular job.

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

The factors to be considered in determining an undue hardship include but are not limited to: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at the facility; (4) the effect on expenses and resources or other impact upon the facility; (5) the overall financial resources of the District; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire District; and (8) the relationship of the particular facility to the District.

These are not all the factors.

“Essential job functions” refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

### **Accommodation Policy – Religion**

The District will attempt to make reasonable accommodations for employee observance of religious holidays and sincerely held religious beliefs, unless doing so would cause an undue hardship on District operations. If you desire a religious accommodation, you are required to make the request in writing to your supervisor as far in advance as possible.

### **Employment Classification**

At the time you are hired, you are classified as full-time, part-time or temporary and also told whether you qualify for overtime pay. Your employment classification does not alter your employment at will relationship with the District.

All other policies described in this Handbook and communicated by the District apply to all employees, with the exception of certain wage, salary and time off limitations applying only to “non-exempt” (see the definition that follows) employees.

If you are unsure of which job classification your position fits into, please ask your manager.

**Full-Time Employees** – an employee who has successfully completed a minimum of 90 days of employment and who works at least thirty-two (32) or more hours per week is considered a full-time employee.

If you were a full-time employee and have been on an approved leave of absence, upon return you will be considered a full-time employee, provided you return to work as agreed to in the provisions of your leave.

**Part-Time Employees** – An employee who works less than a regular thirty-two (32) hour workweek is considered a part-time employee.

If you are a part-time employee, please understand that you are not eligible for benefits described in this Handbook, except as granted on occasion, or to the extent required by provision of State and Federal Law.

**Temporary Employees** – From time to time the School of Excellence in Education may hire employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a temporary employee.

The job assignment, work schedule and duration of the position will be determined on an individual basis. Normally, a temporary position will not exceed six (6) months in duration, unless specifically extended by a written agreement. Summer employees are considered temporary employees.

“Non-Exempt” and “Exempt” Employees – At the time of hire, all employees are classified as either “exempt” or “non-exempt.”

This is necessary because, by law, employees in certain types of jobs (ex. **teachers’ assistants, clerks, secretaries, IT technicians, maintenance, nurse assistants, cafeteria staff, and bus drivers**) are entitled to overtime pay for hours worked in excess of forty (40) hours per workweek. These employees are referred to as “**non-exempt**” in this Handbook. This means that they are not exempt from (and therefore should receive) overtime pay.

“**Exempt**” employees are professionals (**teachers, registered nurse, counselors**), school administration (**superintendent, deputy principals, department directors, instructional coaches**) and others whose duties and responsibilities allow them to be exempt from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

You will be advised on your employment classification at the time you are hired, transferred or promoted.

### **Job Vacancies Announcements**

Announcements of job vacancies by position and location are posted on a regular basis to the district’s Web Site [www.excellence-sa.org](http://www.excellence-sa.org) .

### **Employment after Retirement**

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

### **Certification and Licenses**

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit

documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Human Resources Department by certification expiration date.

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

## **Searches**

Noninvestigatory searches in the workplace including accessing an employee's desk, file cabinet, 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 as investigatory search may include drug and alcohol testing if the suspected violation relates to drug and alcohol use. The District may search the employee, the employee's personal items, and work areas including district-owned computers, lockers, and private vehicles parked on District premises or work sites or used in District businesses.

**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 requirement if their duties include driving a commercial motor vehicle.

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

All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements.

## **Health Safety Training**

Certain employees who are involved in physical activities for students must maintain and submit to the District proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the

American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to The Human Resources department.

It is important to note that 60% of all workplace injuries involve employees employed for fewer than six months. This is largely due to inexperience and a lack of appropriate training programs. It is imperative that all new employees be encouraged to ask questions and openly discuss knowledge deficiencies

### **Reassignments and Transfers**

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 offer of employment. Campus reassignment 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 assignment may be reassigned at any time. Employees who object to a reassignment may follow the district process for employee complaints as outlined on this handbook.

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 May 15<sup>th</sup>. 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 request will be coordinated by the Human Resource Department and must be approved by the receiving supervisor.

### **Bad Weather Closing**

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's Web site and by call alert via phone.

1. The Board determines that the day missed due to school closure for the inclement weather will be made up by SEE employees through either instruction of students or performance of other duties; and
2. The Board finds that a public purpose and a benefit to the SEE exists to excuse and/or forgive the absence that will not be made up by SEE employees due to school closure due to recent inclement weather, and that payments for such days are necessary in the conduct of the public schools as provided by Texas Education



Code §§ 12.107(a), 45.105(c); and

3. The Board hereby authorizes the Superintendent to excuse the day of absence of SEE employees for school closure necessitated by the inclement weather, and to pay all employees full compensation for these days.

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

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

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call Human Resources Department.

### **Employee Involvement**

At both the campus and District levels, School of Excellence in Education 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 District office.

### **Employee Personnel Files**

Personnel files are maintained for all employees and contain only employment related records. These files are kept in a secure and confidential manner.

Employees should keep your Supervisor and the Human Resources department apprised of any personal status changes, such as: legal name, marital status, children, home address, home telephone number, person to contact in case of emergency, emergency telephone number, exemptions on W-4 Form, changes of beneficiary, changes in driving record, military or draft status, membership in professional societies, additional outside education or certifications, etc.

All additional requests for documents pertaining to furthering your education should be turned in as completed.

Employees may request to review your own personnel file. Your personnel file may be reviewed only in the presence of a Human Resources department employee or other person selected by the District's administration.

### **Employment of Relatives**

It is the policy of the District not to discriminate in its employment and personnel actions with respect to its employees, prospective employees or applicants on the basis of familial status.

No employee, or prospective employee, or applicant, will be denied employment or benefits of employment solely on the basis of familial status. However, the District will consider such relationships when they affect job performance, occur during working time, or on District premises or pose the danger of conflict of interest.

Accordingly, the District retains the right to refuse to place one relative under the direct supervision of the other relative where such has the potential for creating an adverse effect on supervision, safety, security or morale and to place both relatives in the same department, division, or facility, or involves potential conflicts of interest. If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual.

However, even in situations where there is no direct supervisory relationship involved, if a conflict or the potential for such a conflict of interest exists, parties may be separated by reassignment, or terminated from employment at the discretion of the District. Potential applicants who are relatives of employees of the District can be hired only with written approval of a District's Superintendent.

### **Fraternization**

The School of Excellence in Education desires to avoid misunderstandings, actual or potential conflicts of interest, and complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships involving managerial and supervisory employees in the District or certain other employees in the District.

Accordingly, managers and supervisors are discouraged from fraternizing or becoming romantically involved with one another or with any other employee of the company. Additionally, all employees, both managerial and non-managerial, are discouraged from fraternizing or becoming romantically involved with other employees, when, in the opinion of the District, their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale.

An employee involved with a supervisor or fellow employee should immediately and fully disclose the relevant circumstances to their supervisor so that a determination can be made as to

whether the relationship presents an actual or potential conflict of interest. If an actual or potential conflict exists, the District may take whatever action appears appropriate according to the circumstances, up to and including transfer or discharge. Failure to disclose facts may lead to disciplinary action, up to and including termination.

All employees should also remember that the District maintains a strict policy against unlawful harassment of any kind, including sexual harassment. The District will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

### **Introductory Period**

Each new employee is hired on an introductory basis for a period of sixty (60) days beginning on the date of hire. This introductory period gives the District an opportunity to assess your attitude and performance. Benefits are afforded only to full-time employees 30 days from date of hire. The period also gives employees the opportunity to assess the School of Excellence in Education and determine if there is a suitable match. Completion of the Introductory Period does not alter your employment at will relationship with the District.

### **Proof of U.S. Citizenship and/or Right to Work**

The District is committed to employing only United States citizens and aliens who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, Federal regulations require that before becoming employed, all applicants must complete and sign a Federal Form I-9, Employment Eligibility Verification Form and must present documents of identity and eligibility to work in the U.S.

### **Rehire of Former Employees**

Former employees who are rehired will have their recent hire date as their date of hire and they will not be given credit for previous service.

### **Employment References**

All employment verification or reference requests on current or former employees are to be referred to Human Resources Department. The District will normally only release last title and dates of employment. All other requests for information on current or former employees such as verification for credit or mortgage purposes should be referred to Human Resources Department. However, certain information will only be provided if accompanied by a release executed by the employee.

All employment verification or reference requests should be forwarded to the Human Resources Department, fax: (210) 582-2593.

## **Outside Employment**

Outside employment must be approved by Superintendent and immediate supervisor. Employees with outside jobs should meet the performance standards of their job with the District. All employees will be judged by the same performance standards and will be subject to scheduling demands, regardless of any existing, outside work requirements.

If it is determined that an employee's outside work conflicts or interferes with performance, safety or the ability to meet the requirements of the District as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she desires to remain with the District.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the District for materials produced or services rendered while performing their jobs with the District.

## **Exit Interviews and Procedures**

Exit interviews will be scheduled for all employees leaving the District. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property including intellectual property and equipment must be returned upon separation of employment to Human Resource Department. Last pay check will not be direct deposited. Former employees will schedule a time with payroll to receive a live check.

## **Reports to Texas Education Agency**

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

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

The Superintendent is also required to notify TEA when a certified employee resigns and there is reasonable evidence that would support a recommendation to terminate employment because of the conduct listed above.

The reporting requirements above are in addition to the Superintendent's ongoing duty to notify TEA when a certified employee has a reported criminal history. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

### **Travel Expense Reimbursement**

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

### **Purchasing Procedures**

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

### **Fraud and Financial Impropriety**

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

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district

- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by laws or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

### **Conflict of Interest**

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**

District employees should not accept personal gifts, other than normal entertainment, from their customers, suppliers or vendors. All gifts of a personal nature should be returned to the sender.

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

### **Copyrighted Materials**

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

## **Associations and Political Activities**

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.

## **Non-Solicitation**

Employees are not permitted to distribute literature in working areas at any time. In addition, solicitations for any purpose, or collection of money or contributions on behalf of employees, and other individuals, or any organization is strictly forbidden during paid working time. As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the District. It does not include break periods, meal periods, or periods during which an employee is not performing and is not scheduled to be performing services or work for the District.

## **Charitable Contributions**

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

## **Property and Supplies**

District supplies and postage should not be used for personal use. Purchase of supplies for business use should be routed through your supervisor or District management. You are expected to exercise due care in the use of District property and to utilize such property only for authorized business purposes.

Negligence in the care and use of District property or the unauthorized removal of District property from the work premises will be cause for discipline, up to and including termination. Employees are responsible for damages caused to District property by their negligence or abuse. Any theft or disappearance of property should be reported immediately to your supervisor so that appropriate law enforcement officials can be notified.

## **Leaves of Absence Policies**

### **Family and Medical Leave**

The District will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. Although the federal and state laws sometimes have different names, the District refers to these types of leaves collectively as “FMLA Leave.” No greater or lesser leave benefits will be granted than those set forth in such state or federal laws. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.

When the need for family and medical leave is foreseeable, employees who want to use it must provide 30-day advance notice of their need. Employees are to turn in all keys and equipment to campus principals on or before start date of FMLA. When the need for leave is not foreseeable, employees must contact the Human Resource Department as soon as possible. Employees are expected to provide prompt notice to the District of any change(s) to an employee’s return to work date. Accepting other employment, continuing to work in another job, or filing for unemployment insurance benefits while on leave may be treated as a voluntary resignation from employment, unless you and the District have agreed, in writing, otherwise.

### **Employee Eligibility**

To be eligible for FMLA Leave benefits, you must: (1) have worked for the District for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) work at a location where at least 50 employees are employed by the District within 75 miles, as of the date the leave is requested.

### **Reasons for Leave**

State and federal laws allow FMLA Leave for various reasons. Because an employee’s rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. FMLA Leave may be used for one of the following reasons:

- (1) the birth, adoption, or foster care of an employee’s child within 12 months following birth or placement of the child (“Bonding Leave”);
- (2) to care for an immediate family member (spouse, child, or parent) with a serious health condition (“Family Care Leave”);
- (3) an employee’s inability to work because of a serious health condition (“Serious Health Condition Leave”);
- (4) a “qualifying exigency,” as defined under the FMLA, for military operations arising out of a spouse’s, child’s, or parent’s active duty or call to active duty as a member of the military reserves or National Guard in support of a “contingency operation” declared by the U.S. Secretary of Defense, President or Congress, as required by law (“Military Emergency Leave”); or



- (5) to care for a spouse, child, parent or next of kin (as defined under the FMLA)—who is an Armed Forces member (including the military reserves and National Guard) undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list—with a serious injury or illness incurred in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties (“Military Caregiver Leave”).

## **Length of Leave**

The maximum amount of FMLA Leave will be twelve (12) workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and/or (4) Military Emergency Leave. However, if both spouses work for the District and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave or to care for a parent using Family Care Leave.

Family and medical leave will consist of paid and unpaid leave and is available for a maximum of twelve weeks during any rolling twelve-month period for full-time employees. The “twelve-month period” is defined as a rolling period measured from the date the employee uses any FMLA leave backward.

**EXAMPLE:** If the approved leave begins December 1, 2010, the District will look at the twelve months immediately before December 1, 2010 (December 1, 2009 through December 1, 2010) to determine whether an employee is eligible for FMLA leave and, if eligible, how much FMLA leave he or she is entitled to.

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of twenty-six (26) workweeks in a single 12-month period. A “single 12-month period” begins on the date of your first use of such leave and ends 12 months after that date.

**EXAMPLE:** You take 16 workweeks off to care for a spouse, child, parent or next of kin under the Military Caregiver Leave provision of this policy. Later, in that same 12-month period, you wish to take time off from work to bond with a newly adopted child. Because the law allows up to 26 workweeks off in a 12-month period for Military Caregiver Leave or a combination of Military Caregiver Leave and other types of FMLA Leave, you will be allowed to take up to 10 workweeks off to bond with the new child in that same 12-month period so long as you otherwise qualify for FMLA Leave.

If both spouses work for the District and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave.

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. Leave taken intermittently may be taken in increments of no less than one hour.

Employees on FMLA leave may be required to provide periodic reports of their status and intent to return to work consistent with the reason for the leave. Employees who take intermittent FMLA leave will also be expected to call in and notify the District if a particular absence is a continuation of their FMLA leave.

To the extent required by law, some extensions to FMLA Leave may be granted when the leave is necessitated by an employee's work-related injury/illness or a "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law. Certain restrictions on these benefits may apply.

### **Notice and Certification**

#### **(i) Bonding, Family Care, and Serious Health Condition Leave Requirements.**

Employees may be required to provide:

1. 30-day advance notice when the need for the leave is foreseeable;
2. Advance notice within one or two business days after learning of the need for leave when the leave is not foreseeable;
3. When the leave relates to medical issues, a completed Certification of Health-Care Provider form within 15 calendar days (these forms are available from the Human Resources department);
4. periodic recertification; and
5. periodic reports during the leave.

At the District's expense, the District may also require a second or third medical opinion regarding your own serious health condition. Employees are expected to cooperate with the District in obtaining additional medical opinions that the District may require.

When leave is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt the District's operation. Please contact your supervisor or the Human Resources department prior to scheduling planned medical treatment.

Accepting other employment, continuing other employment while on FMLA leave with the District that is contrary to the restrictions indicated by your FMLA certification may be treated as a voluntary resignation from your employment with the District.

#### **(ii) Military Emergency Leave Requirements**

Employees seeking to use Military Emergency Leave must provide the District with as much notice of the need for leave as is reasonable and practicable under the circumstances. In

addition, the employee must provide the District with a copy of the covered military member's active duty orders when the employee requests leave.

Employees may also be required to provide:

6. a description, signed by the employee, describing facts supporting the leave request and attaching any available documentation to show the need for the time away from work;
7. the approximate date the qualifying exigency commenced or will commence;
8. the beginning and ending dates for the absence, if the leave request is for a single period of time;
9. an estimate of the frequency and duration of the qualifying exigency, if the leave request is on an intermittent or reduced schedule basis; and
10. contact information for the third party or entity and a brief description of the purpose of the meeting, if the exigency involves a meeting with a third party or entity.
11. absent unusual circumstances, certification of the need for leave must be provided to the District within 15 calendar days of the District's request for certification.

### (iii) Military Caregiver Leave Requirements

Employees may be required to provide:

12. 30-day advance notice when the need for the leave is foreseeable;
13. advance notice within one or two business days after learning of the need for leave when the leave is not foreseeable;
14. a completed Certification of Health-Care Provider form from the service member's authorized health care provider within 15 calendar days (these forms are available from Human Resources Department) or an invitational travel order or authorization;
15. confirmation of the family relationship with the service member; and
16. periodic reports during the leave.
17. Absent unusual circumstances, certification of the need for leave must be provided to the District within 15 calendar days of the District's request for certification.

### (iv) Failure to Provide Certification and to Return from Leave

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If you fail to return to work at your leave's expiration and have not obtained an extension of the leave, the District may presume that you do not plan to return to work and have voluntarily terminated your employment.

## **Compensation During Leave**

Generally, FMLA Leave is unpaid. However, you may be eligible to receive benefits through State-sponsored or District-sponsored wage-supplement benefit programs. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued vacation and personal time off (PTO) leave, to the extent permitted by law and District policy.

All such payments will be integrated so that you will receive no more than your regular compensation during this period. If you are not eligible to receive any of these wage-supplement benefits, the District may require you to use accrued vacation and PTO to cover some or all of the FMLA Leave. The use of paid benefits will not extend the length of FMLA Leave.

Employees on leave will be required to use all accrued personal time off days while on leave before going unpaid.

### **Benefits During Leave**

The District will continue making contributions for your group health benefits during your leave on the same terms as if you had continued to work. This means that if you want your benefits coverage to continue during your leave, you must also continue to make any premium payments that you are now required to make for yourself or your dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave, and Military Emergency Leave will generally be provided with group health benefits for a 12 workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the District may recover premiums it paid to maintain health coverage if you fail to return to work following a FMLA Leave.

If you are on FMLA Leave but are not entitled to continue paid group health insurance coverage, you may continue your coverage through the District in conjunction with federal and/or state COBRA guidelines by making monthly payments to the District for the amount of the relevant premium. Please contact your supervisor or the Human Resources department for further information.

Your length of service as of the leave will remain intact, but accrued benefits such as vacation and sick leave will not accrue while on an unpaid FMLA Leave.

### **Job Reinstatement**

Under most circumstances, you will be reinstated to the same position held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. All employees returning from FMLA must present certification to return notice from physician and be seen by the District Nurse before approval to work.

“Key employees,” as defined by law, may be subject to reinstatement limitations in some circumstances. If you are a “key employee,” you will be notified of the possible limitations on reinstatement at the time you request a leave.

### **Special FMLA Rules Apply to Employees of Schools**

The special rules affect the taking of intermittent leave or leave on reduced schedule, or leave near the end of an academic term (semester), by instructional employees.

**“Instructional employees”** – those whose principal function is to teach and instruct students in a class, a small group or an individual setting. The term **includes** teachers, athletic coaches, and special education assistants. The term **doesn’t apply** to teacher’s assistants or aids, counselors, curriculum specialists, cafeteria workers, maintenance workers, or bus drivers.

Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation, when the employee would not have been required to report for duty is not counted against the employee’s FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee’s own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employer may require the employee to choose either to:

- Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee’s regular position.

These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position.

“Periods of a particular duration” means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the District may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the District may require the employee to delay the taking of leave until the notice provision is met.

There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

1. An instructional employee begins leave more than five weeks before the end of a term. The employer may require the employee to continue taking leave until the end of the term if

- The leave will last at least three weeks, and
- The employee would return to work during the three-week period before the end of the term.

2. The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member. The employer may require the employee to continue taking leave until the end of the term if

- The leave will last more than two weeks, and
- The employee would return to work during the two-week period before the end of the term.

3. The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member. The employer may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

For purposes of these provisions, “academic term” means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA.

An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employer could require the employee to stay out on leave until the end of the term.

If an employee chooses to take leave for “periods of a particular duration” in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employer has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employer to the end of the school term is not counted as FMLA leave; however, the employer shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

### **Military Reserves or National Guard Leave of Absence**

Employees who serve in U.S. military organizations, state military groups or who serve in the National Disaster Medical System may take the necessary time off without pay to fulfill this obligation and will retain all of their legal rights for continued employment under existing laws.

These employees may apply accrued personal leave and unused earned vacation time to the leave if they wish; however, they are not obliged to do so.

You are expected to notify your manager as soon as you are aware of the dates you will be on duty, so arrangements can be made for replacement during this absence.

### **Personal Leave of Absence**

Employees may be granted a leave of absence to attend to personal matters in situations in which the District determines that an extended period of time away from the job will be in the best interests of the employee and the District.

Requests for a personal leave of absence or any extension of a leave should be submitted in writing to the employee's supervisor thirty days prior to commencement of the leave period, or as soon as practical. The supervisor will forward the request to appropriate Manager recommending approval or denial. The final decision concerning the request will be made by the Manager. All employees on approved leave are expected to report any change of status in their need for leave or their intention to return to work to their supervisor.

Employees on personal leave will be required to use all accrued personal time off days while on leave before going unpaid. The District will continue health insurance and other benefits to employees on leave for no longer than 4 weeks from the beginning date of leave as long as employee continues to pay any employee portion of the contribution. Benefits that accrue according to length of service, such as paid time off, do not accrue during periods of leave.

Employees returning from a personal leave due to illness or injury must provide a job-related release indicating their ability to perform the essential functions of the job. Any restrictions must be noted on the release.

Employees on an authorized personal leave of absence may not perform work for any other employer that is considered by the District to be a conflict of interest.

An employee returning from a personal leave of absence may not be returned to the same position he/she held before taking leave. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave time, the employee will be considered to have voluntarily resigned from the District.

### **Limitations on Leave of Absence**

With the exception of leaves of absence under FMLA and USERRA (Uniform Services Employment and Reemployment Rights Act), no leave of absence, by itself or in combination with other periods of leave, may last longer than six months.

Any employee, who for any reason or combination of reasons misses a total of six months of work in a twelve-month period, or a total of nine months of work in an eighteen-month period, will be separated from employment due to unavailability for work. Any employee so separated will be eligible for rehire and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.

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

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

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

## **Hours, Pay & Performance Policies**

### **Attendance**

You are expected to adhere to the work schedule designated by the District. It is your responsibility to notify your immediate supervisor of any absences within 24 hours in advance of your starting time as possible. If your immediate supervisor is not available, another supervisor/manager should be notified. Absences must be *verbally* reported by you or an immediate member of your family (only if you are physically unable to do so) no later than one hour from the beginning of your shift or normal workday. Please note that leaving a voicemail, sending an email or a text message, etc. is not an acceptable form of notification. If you fail to give such notification, you will have to explain an unexcused absence and could be subject to disciplinary action.



***More than three (3) tardy infractions per month will be considered excessive.*** Tardy infractions shall be defined as being 10 or more minutes late to the job or leaving 10 or more minutes early from the job

Management reserves the right to require documentation to substantiate any absence. All time off (planned and unexpected) must be approved by the supervisor.

If you are absent for **three (3) consecutive days** without giving the District notification, your absence may be considered a voluntary resignation (unless it is a medical emergency which prevents you from reporting your absence), effective the first day of the absence.

You are expected to report to work on time. Excessive absenteeism or tardiness will result in disciplinary action up to and including termination.

### **Pay Deductions**

The District provides leaves of absence to allow employees to be absent from work to attend to important matters outside of the workplace. School districts are expected to record and monitor the work that employees perform and to conform to principles of public accountability in their compensation practices.

Consistent with principles of public accountability, it is the policy of the District that, when an employee is absent from work for less than one work day and the employee does not use accrued leave for such absence, the employee's pay will be reduced or the employee will be placed on leave without pay if:

- The employee has not entered time off request time clock plus/web clock (within 1 day of returning to work)
- The employee has not sought permission to use paid leave for this partial-day absence
- The employee has sought permission to use paid leave for this partial-day absence and permission has been denied
- The employee's accrued paid leave has been exhausted, or
- The employee chooses to use leave without pay.

In each case in which employee is absent from work for part of a work day, a deduction from compensation will be made or the employee will be placed on leave without pay for a period of time which is equal to the employee's absence from the employee's regularly scheduled hours of work on that day.

### **Garnishments**

We hope you will manage your financial affairs so that we will not be obligated to execute any court-ordered wage assignment/garnishment against your wages. However, whenever court-

ordered deductions are to be taken from your paycheck, you will be notified. According to the Federal Wage Garnishment Act, three (3) or more Garnishment may be cause for dismissal.

## **Workload and Work Schedules**

Professional Employees- Professional employees and academic administrators are employed at will and exempt from overtime pay. The school year will consist of a set number of days, according to the work schedules (10, 11, or 12 – month basis) set by the District. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

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

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge

## **Hours of Work**

The School of Excellence in Education’s work days and hours during the school year are normally Monday through Friday, from 7:30 am to 5:30 pm. Daily and weekly schedules for different positions are listed below, and may be changed from time to time at the discretion of the District to meet varying operational demands. Principles will provide variations of duty schedules for teachers to meet the needs of staff and students needs.

Administrative Staff: Monday to Friday from 7:30 am to 5:30 pm

Secondary Teachers: Monday to Friday from 7:00 am to 4:30 pm (unless extra duties are assigned).

Elementary Teachers: Monday to Friday from 7:00 am to 4:30 pm (unless extra duties are assigned).

All employees are expected to report to work when asked and work the established scheduled hours. Failure to adhere to your given schedule may result in disciplinary action.

## **Overtime**

Employees with an employment classification of “exempt” do not receive overtime.

Overtime for the remainder of the staff is paid at 1-1/2 times the straight time rate for hours worked in excess of forty (40) hours a week. The District shall establish the workweek period.

Overtime must be authorized in advance by your supervisor. Employees who work overtime without prior approval from their supervisor will be subject to disciplinary action, up to and including termination.

## **Payday and Paychecks**

Normally paychecks are distributed either direct deposit or personal distribution. The School of Excellence employees must have direct deposit set up to assure their paycheck is on time, in case an emergency situation or bad weather condition causes an interruption to operations and prevent a timely delivery. Paydays are scheduled every two weeks (26 Payments per year). If you are scheduled to be absent on a payday, you may make arrangements with your supervisor to have someone else pick up your paycheck. However, the person picking up the paycheck must present written authorization signed by you giving them authorization to pick up the check as well as a valid picture ID.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time using the web clock and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

## **Review Your Pay Stub**

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

If you have questions about deductions from your pay, please contact Payroll immediately. If you believe your wages have been subject to any improper deductions or your pay does not

accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Human Resources Department

## **Telephone Policy**

Telephones and faxes are a vital part of the District's business. Personal calls to employees will be taken as messages unless it is an emergency call.

Personal telephone calls may be made during breaks or lunchtime, or at other times if permitted by the supervisor.

Personal long distance calls on District telephones are prohibited. Excessive usage of the District telephone for personal use will be grounds for disciplinary action up to and including termination.

## **Non-exempt Employees**

If you are eligible for overtime pay or extra pay (including pay due under our handbook or a collective bargaining agreement), you must maintain a record of the total hours you work each day. These hours must be accurately recorded on the time clock system, by following the instructions that will be provided to you. Each employee must verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). Your time record must accurately reflect all regular and overtime hours worked any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, your recorded time will be submitted for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

## **Exempt Employees**

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the District. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary

state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a PTO plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a 403(b) or pension plan. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Your absence because the facility is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

### **Falsifying Work Hours**

It is a violation of the District's policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of Company policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

In addition, the District will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

### **Performance Appraisals**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Your immediate supervisor will prepare a written evaluation of your performance and review the document with you. Reports, correspondence, and memoranda also can be used to document performance information. You will receive a copy of the written evaluation and must sign it to acknowledge that you have reviewed the document with your supervisor. A copy of the evaluation will be placed in your personnel file and a copy forwarded to Human Resource. Employees must receive a 3.25 or more performance evaluation in order to be eligible for any board-approved raises.

Performance evaluations benefit the district by providing a means to improve productivity, and a channel for communicating district goals and objectives.

Performance evaluations benefit you by providing information on where you stand in the view of the district, a means to increase your capabilities through an agreed upon plan for development and an opportunity for you to present your ideas regarding your and/ or the district's effectiveness.

You may disagree with your performance evaluation and file a written dissent to accompany the evaluation. A member of management will review all dissents and determine if further action is required.

The District may evaluate your performance at any time in addition to the normally scheduled date. Inadequate, substandard or poor performance may be cause for termination.

SEE Teachers and support staff will undergo (2) formative evaluations and (1) summative evaluation. The dates are follows: Formative #1 (October – November) Due November 20<sup>th</sup>

Formative for all other employees (February – March) Due: March 31<sup>st</sup>

Teacher and support staff Summative Due: April 14<sup>th</sup>

All evaluations are to be completed in full and submitted to the HR department according to the dates above.

## **Salary & Wage Administration**

It is the normal practice of the District to pay salaries and wages in accordance with administrative guidelines and a pay structure established for each position.

Your compensation is reviewed periodically. The key factors to be considered in recommending an adjustment to your compensation include but are not limited to the quality and quantity of

your work performance, your performance in relation to others, new and added responsibilities that you have assumed or will assume, salaries in the local area for similar positions and the economic position of the District.

Compensation adjustments at any other time may be made only with the approval of the district superintendent.

The following information is generally applicable to the positions listed below.

**Professionals** (Teachers, Counselors, Peims and Registered Nurses) – Teachers, interventionist and support personnel are classified as **exempt** salaried employees. They are paid in 26 equal installments which extends their pay periods over the summer months.

**Executive Employees** (Superintendent, Directors and Principals) – These employees are classified as **exempt** salaried employees. They are paid in 26 equal installments.

**Principals Administrative Assistant** – These employees are classified as **non-exempt** hourly employees. They are paid in 26 installments for the actual hours worked.

**Paraprofessionals** (Teacher Assistants, Registrars, Clerks, IT technicians) – Teacher Assistants are classified as **non-exempt** hourly employees. They are paid in 26 installments for the actual hours worked.

**Maintenance and cafeteria personnel** are classified as **non-exempt** hourly employees. They are paid in 26 installments for the actual hours worked.

**Bus drivers** are classified as **non-exempt** hourly employees. They are paid biweekly for the actual hours worked.

### **Stipends**

Employees performing Superintendent-pre-approved extracurricular or supplemental duties will receive payment according to the terms approved by the Superintendent. The Superintendent will inform the employee and Payroll/Human Resources of the amount to be paid and the timing of payment(s).

### **Staff Development**

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly related to achieving campus/district performance objectives. Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g. bus drivers) and continued employee skill development. Individual holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation. (See District Calendar)

## **Termination**

In the event you wish to voluntarily resign your employment with the District, you are required to give the District 2 weeks' notice of your intentions.

A minimum of two (2) calendar weeks' notice is expected of all employees prior to leaving. You will be considered to have resigned your employment if you leave the District because of these additional reasons: failure to return from any paid or unpaid leave of absence, unauthorized absence in excess of three (3) working days, retirement or death.

The District retains the right to be an "at will" employer and may terminate your employment with the District at any time, with or without cause. It is the District's intent that while some termination proceedings may vary to fit the circumstances, individual employees are to be treated equitably and by like procedures under similar circumstances.

Causes for the termination of an employee include, but are not limited to:

- Falsifying employment information or other District records;
- Poor work performance;
- Reduction in work force (layoff);
- Violation of District and/or office guidelines, anti-harassment policies, and rules of conduct;
- Failure to respond to disciplinary procedures;
- Insubordination;
- Gossip;
- Excessive absenteeism or tardiness;
- Theft, misappropriation of District property, dishonesty, misfeasance and malfeasance;
- Acts endangering others;
- Soliciting or accepting gratuities from clients;
- Reporting to work intoxicated or under the influence of non-prescribed drugs;
- Engaging in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- Bringing or using alcoholic beverages on District property or while engaged in District business at client or other locations, except where authorized;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of property from the District or its clients, suppliers or employees;
- Unauthorized possession of a firearm on District premises or while on District business;
- Disregarding safety or security regulations; and
- Failure to maintain the confidentiality of District or client information.



## **Reporting Time**

Each employee is required to report time worked each day. Please follow the specific instructions given to you by the School of Excellence in Education. Failure to report time will result in the non-payment of wages and may be subject to disciplinary action.

Employees are responsible for ensuring the time records are accurate and complete. Falsification of time records will result in disciplinary action, up to and including termination.

## **Employee Benefits**

### **Bereavement Leave**

Regular full-time School of Excellence in Education employees may take two (2) days off with pay if there is a death in the immediate family; which is defined as mother, step-mother, father, step-father, brother, step-brother, sister, step-sister, spouse, child, immediate grandparents, mother and father-in-law(s). The days taken must fall between the date of the death and the day following funeral. Proof of notification of death may be required in conjunction with the absence. Additional time-off may be requested as vacation, PTO, or leave without pay.

### **Religious Leave**

The School shall grant leave requests for religious observances and practices except when such request cannot be reasonably accommodated without undue hardship on the conduct of the School's operations. Such leave shall be unpaid unless other paid leave is available under School policy and is requested by the employee.

### **Jury and Witness Duty and Time Off for Voting**

The District encourages employees to serve on jury or witness duty when called. You must notify your supervisor of the need for time off for jury or witness duty and provide a copy of the notice or summons from the court or the subpoena as soon as it is received so accommodations may be made to allow you to serve, or so your date of service can be reset if it conflicts with an important District deadline.

Generally, you are to be paid what you would have earned had you not served on jury duty, less the amount you are paid by the courts for a maximum of five (5) days. Any jury duty leaves beyond five (5) days will be unpaid. You are to give your Supervisor full details on the dates of your jury duty and the fees received so that arrangements can be made to keep you fully compensated. However, exempt employees will not incur any reduction in pay for a partial week of absence due to jury or (subpoena) witness duty.

Employees must call in each morning they serve on the jury and provide feedback to their supervisor as to the status of their jury duty. Feedback refers to the status and duration of their jury duty service. Verification from the court clerk of having served may be required and you

will be expected to report or return to work for the remainder of your work schedule on any day you are dismissed from jury or witness duty.

For court appearances related to an employee's personal business, absences shall be applied to the employee's PTO, if available, or taken as time off without pay.

The District will also provide time off for voting as required by state and local law.

## **Holidays**

The School of Excellence in Education observes the following holidays:

New Year's Day

Memorial Day

Fourth of July

Labor Day

Thanksgiving Day

Christmas Eve

Christmas Day

Martin Luther King Day

Good Friday

Battle of Flowers

Upon holiday observance please note these holidays will not be paid for all employees. The School of Excellence in Education management may designate other periods as Holidays or time-off.

## **Paid Time-Off (PTO)**

The School of Excellence in Education provides five (5) days of PTO to Teachers, Teacher Assistants, Interventionist, Nurse Assistants and Cafeteria Staff. However, accrued time cannot be taken until thirty (30) continuous days of employment is reached.

The School of Excellence in Education provides ten (10) days of PTO to Deputy Principals, Principal Secretaries, Custodial/Maintenance Staff, District Nurse, Department Managers and Administrative Staff. However, accrued time cannot be taken until thirty (30) continuous days of employment is reached.

Employees taking time off or any type of leave will be required to use all accrued personal time off (PTO) days before going unpaid.

Employees PTO request must be entered in web clock as well as Aesop (substitute calling system) prior to scheduled absence. A leave request form must be filled out and submitted to your immediate supervisor for prior approval before leave is taken.

All PTO time accrued must be used within the same school year it is earned, whenever is possible. Only ½ (one half) of the accrued and unused PTO time at school year's end may be rollover to be used in the coming school year.

For Example: Employees that received 5 days of PTO during the school year (such as teachers, teacher assistants and cafeteria staff) and have not used any PTO time throughout the year will be allowed to roll over 2.5 days (5 x .50). Employees that received 10 days of PTO during the school year (such as administrative staff, principals, and maintenance staff) and have not used any PTO time throughout the year will be allowed to roll over 5 days (10x.50).

All PTO time accrued and unused must be verified by Human Resources and Payroll Staff before rollover is approved. Beginning September 1 PTO will start accruing for the new school year.

Leave shall be recorded in minimum two hour increments or whole workdays only for exempt employees and in partial hour increments for non-exempt employees, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act.

Upon separation of employment (either voluntary or involuntary) any accrued and unused PTO time will not be liquidated and paid-out.

## **Health Insurance**

Group health insurance coverage is provided through TRS-Active Care, the statewide public school employee health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees.

Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are 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 at least 10 hours per week, are not eligible to participate in TRS-Active Care.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year. Detailed descriptions of

insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the Human Resources Dept. for more information.

### **Supplemental Insurance Benefits**

At their own expense, employees may enroll in supplemental insurance programs for additional coverage. Premiums for these programs can be paid by payroll deduction. Employees should contact Payroll for more information.

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

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

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

### **Occupational Injury Benefit Plan Insurance Service**

The District, in accordance with state law, provides occupational insurance as benefit to employees who suffer a work-related illness or are injured on the job. 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 direct supervisor and Human Resources Department. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

An employee absent from duty because a job-related illness or injury may be eligible for employee occupational benefit plan. School of Excellence has adopted the OIBP which provides payment for medical care, salary continuance, and certain death and dismemberment benefits arising from Accidental injuries within the course and Scope of Employment. The benefits set forth below are “excepted benefits” under the terms of certain statutes, including with limitation, the Public Health Service Act (42 U.S.C. ss 300gg-91) and the Health Insurance Portability and Accountability Act of 1996 (sec. 706 ©).

Any absence due to a work-related illness or injury will be considered a leave of absence and when applicable, it will run concurrently with Family and Medical Leave of Absence (FMLA).

Employees on leave will be required to use accrued personal time off (PTO) days to the extent available.

## **Teacher Retirement**

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitute's 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 Human Resources as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teachers 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).

## **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 not responsible for purposes of criminal liability.

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

## **General District Policies**

### **Education and Training**

School of Excellence in Education is dedicated to encourage all employees with their commitment of personal growth and development of your skills through professional development. Professional development includes your certification, afterschool and weekend PD. Employees may request this information by contacting the Human Resources Department. We also provide training for supervisors and managers.

### **Accident Procedure**

All employees must report any injury and/or accident to his or her supervisor IMMEDIATELY. Accidents and/or injuries should also be immediately reported to the Human Resources Department.

### **Anti-Retaliation Policy**

The School of Excellence in Education strictly prohibits retaliation against any person by another employee or by the District for using the District's complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the District or a governmental enforcement agency. The District also prohibits retaliation and discrimination against an individual for filing a workers' compensation claim, hiring an attorney in connection with a workers' compensation claim, testifying in a workers' compensation hearing or otherwise participating in a workers' compensation proceeding. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefits.

The District does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including management employees. Such prohibited conduct may lead to discipline, up to and including termination.

### **Diversity**

As the workforce becomes more diverse, School of Excellence in Education seeks to retain the most qualified employees and aims to ensure that a diverse population of employees is fully represented and included in our District. Diversity creates a competitive advantage and encourages organizations to foster an environment that values each individual's contributions. We acknowledge that along with an increasing number of diverse employees, some potential gender, racial, or other biases that operate against the inclusion of women, people of color, persons with disabilities and older workers. Bias and stereotypes can influence both employee interactions and management decision-making to create damaging conflict and undermine fair

treatment. At the School of Excellence in Education we encourage managers and employees to recognize, accept and value differences in the workplace.

We adhere to all of the federal “protected categories” (race, color, national origin, sex, pregnancy, age, physical or mental disability, religion, genetic information), and any other characteristic protected by federal, state or local law. We are proud of our diverse workforce and will continue to work toward maintaining a diverse harmonious work environment.

### **Non-Discrimination**

In accordance with the requirements of the Americans with Disabilities Act and the Americans with Disabilities Amendment Act, the District does not discriminate against employees, or applicants who are qualified individuals with a disability who are not currently engaged in use of illegal drugs and who do not otherwise violate the provisions of this Policy, including but not limited to individuals who: 1) have successfully completed a supervised rehabilitation program and are no longer engaging in illegal drug use; or 2) have otherwise been rehabilitated successfully and are no longer engaging in such use.

### **Criminal History Background Checks**

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.

### **Consent**

As a condition of employment or continued employment, applicants and employees must sign a consent form, which will be provided to them along with a copy of this Policy. Refusal to sign the consent form will result in withdrawal of a conditional job offer and/or termination.

### **Employee Arrests and Convictions**

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

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

State law requires that a person may not serve as a member of the governing body of a charter holder, as a member of the governing body of a charter school, as an officer or employee of a charter school, if the person has been convicted of:

- a misdemeanor involving moral turpitude or any felony;
- an offense listed in Texas Education Code Chapter 32.007(a);
- or an offense listed in Code of Criminal Procedure, Article 62.01(5).

Moral turpitude includes but not limited to:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to rouse or gratify the sexual desire of the actor;
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance.
- Acts constituting abuse or neglect under the Texas Family Code & SBEC rules
- Felonies involving driving while intoxicated (DWI)

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

In accordance with Texas Administrative Code §100.1151, the District will obtain criminal history record information that relates to a person the District intends to employ or a person who has indicated in writing, an intention to serve as a volunteer with the District, as well as a person currently employed or serving as a volunteer. Criminal history checks will be performed every third year after the initial date of employment. National criminal history checks based on an individual's fingerprints, photo and other identification will be conducted and entered into the Texas Department of Public Safety (DPS) Clearinghouse.



In compliance with Texas Administrative Code §100.1151 District must report to the State Board of Educator Certification (SBEC) any known criminal record of employees who hold certification.

Criminal history record information obtained by the District may not be released or disclosed to any person, other than the individual who is the subject of the information, Texas Education Agency, or State Board for Educator Certification.

An employee must notify his or her principal or immediate supervisor in writing 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 on school property or at a school-sponsored activity.

## **Drug-Free Workplace Policy**

### **Purpose and Coverage**

The District values its employees and customers and recognizes the need for a safe, productive and healthy work environment. Employees who abuse drugs and/or alcohol are less productive, less dependable, and are a critical threat to the safety, security and welfare of co-workers, customers, vendors, those who do business with the District as well as the general public. The establishment of a Drug-Free Workplace Policy is consistent with the District's desire to provide a safe, productive work environment for our employees.

School of Excellence is committed to maintaining an alcohol and drug free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use follows: referenced by Policy DH(Local) 600.040

Accordingly, it is the policy of the District to maintain a work environment free from the use and abuse of illegal drugs and alcohol. Compliance with this Policy is a condition of employment. If questions arise regarding this Policy, please direct them to the Human Resources Department.

This Policy covers all employees of the District, including employees who are also covered by and subject to rules regarding the use of illegal drugs and alcohol under United States Department of Transportation (DOT) regulations.

This Policy, by its terms, also covers applicants insofar as applicants, after a conditional offer of employment has been made, must take and pass a pre-employment drug test. Applicants, however, are not entitled to participate in any Employee Assistance or Rehabilitation Program offered by the District to its employees.

### **Tobacco Products and E-Cigarette\_Use**

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

### **Inspections**

The District reserves the right to inspect vehicles, premises, and property (including offices, desks, lockers and other repositories) and personal effects (such as lunch boxes/bags, purses, gym bags, backpacks, handbags, briefcases, packages or coats) where there is reasonable cause to believe that an employee has violated this Policy.

### **Definitions**

For the purposes of this policy, “employee” means an employee, independent contractor or person working for an independent contractor who performs services for compensation, in whatever form, for the District.

“Drug” means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812, including cocaine, opiates, marijuana, amphetamines, phencyclidine (PCP).

The term “illegal drug” includes all drugs the possession or uses of which are made unlawful under federal, state, or local law. “Illegal drug” does not include drugs obtained and taken under supervision by and in accordance with prescriptions or other instructions issued by a licensed health care professional and other drugs otherwise authorized to be used under the Controlled Substances Act.

Under the influence of alcohol means (1) the presence of alcohol in the individual’s system which equals or exceeds a blood alcohol content (BAC) of .04; or (2) behavior, appearance,

speech, or bodily odors that lead a supervisor or manager to reasonably suspect that the employee is impaired by alcohol during working time or on District's premises.

"Reasonable suspicion" means behavior, appearance, speech, or bodily odors that lead a supervisor or manager to reasonably suspect that the employee is impaired by illegal drugs or alcohol or is using illegal drugs or alcohol during working time or on District's property.

"Dilute Specimen" means a urine specimen with creatinine and specific gravity values that are lower than expected in human urine.

"During working time" means time during which the employee is being paid to work for or represent the School of Excellence in Education or the employee is in fact representing the School of Excellence in Education's interests. The term also includes all paid break and meal periods.

"Substituted Specimen" means a urine specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## **Policy Prohibitions**

Employees are strictly prohibited from engaging in the conduct listed below.

With respect to illegal drugs, employees violate this Policy by engaging in the following conduct, whether or not during work time or on the District's premises or property:

- bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs, hallucinogens, or drug paraphernalia on District's premises or property, and District's owned or leased vehicles
- having possession of, being under the influence of, testing positive for, or otherwise having in one's system, illegal drugs or their metabolites
- using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling or dispensing illegal drugs
- Engaging in activity that results in a conviction, and/or a conviction or plea of guilty relative to any criminal drug offense while employed with the School of Excellence in Education. All employees must notify the district in writing of any criminal drug conviction no later than five (5) calendar days after such conviction
- abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications
- switching, tampering with or adulterating any specimen or sample collected under this Policy, or attempting to do so refusing to cooperate with the terms of this Policy
- refusing a test, including conduct obstructing testing such as failure to sign necessary paperwork, failing to report to the collection site at the appointed time and failing to remain available for a post-accident test
- failure to consent to, participate in and abide by the terms and recommendations of any Employee Assistance Program (EAP) assessment or rehabilitation program

to which the district makes a referral, including but not limited to, failure to follow recommendations, if any, regarding behavior modification and abstinence. These failures are a violation of this Policy, as is any failure to be available for any prescribed continuing or follow-up sessions

- failure to advise a supervisor or manager of the use of a prescription or over-the-counter drug which may alter the employee's ability to perform the essential functions of his or her job is a violation of this Policy – Note: where lawful, we have contracted with our laboratories and Medical Review Officers (“MRO”), to take additional measures in the event of detection of prescription drugs that you have not informed us of – where prescription drugs are detected, an occupational health physician, likely the Medical Review Officer, will review the essential requirements of your job, and, if the medication listed would, in the physician's opinion after a review of an investigation into the facts, affect your ability to perform those functions, the MRO will inform the District of the prescription, and the District reserves the right to initiate an interactive process and to work with you to decide how, if at all, these circumstances would affect your employment status, or
- failure of employees to notify his or her supervisor before going to work if he or she believes that he or she is under the influence of drugs.

The District will not generally consider use of medical marijuana or hemp products a valid medical explanation for a positive marijuana test result.

Any questions about this prohibition should be directed to the Human Resources Department.

With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on the District's premises or property:

- bringing and/or storing (including a desk, automobile, or other repository) alcohol on the district's premises or property, including District's owned or leased vehicles, in vehicles used for the District purposes or a customer's premises
- having possession of, being under the influence of, testing positive for or having in one's system, alcohol
- using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling or dispensing alcohol
- A conviction or plea of guilty relative to any criminal alcohol offense. All employees must notify the district in writing of any criminal alcohol conviction no later than five (5) calendar days after such conviction
- switching, tampering with or adulterating any specimen or sample collected under this Policy, or attempting to do so
- Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by the District or its designee is in violation of the District's Policy and subject to disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure

- to sign necessary paperwork, failing to report to the collection site at the appointed time and failing to be reasonably available for a post-accident test
- failure to consent to, participate in and abide by the terms and recommendations of any Employee Assistance Program (EAP) assessment or rehabilitation program to which the District makes a referral, including but not limited to, failure to follow recommendations, if any, regarding behavior modification and abstinence. These failures are a violation of this Policy, as is any failure to be available for any prescribed continuing or follow-up sessions, or
  - failure of employees to notify his or her supervisor before going to work if he or she believes that he or she is under the influence of alcohol.

### **Consequences for Policy Violation**

Employees who engage in any of the prohibited conduct listed above are in violation of this Policy and are subject to discipline, up to and including termination at the District's discretion.

While the discipline imposed will depend on the circumstances, ordinarily certain offenses will result in immediate termination (e.g. possession, sale or use of illegal drugs on the Districts' premises or during working time).

The District also reserves the right to refer employees with a verified positive drug and/or confirmed alcohol test for assessment, counseling, rehabilitation services or treatment by a Rehabilitation Service Provider, Substance Abuse Professional, or other qualified person licensed or certified in accordance with applicable state law to provide chemical dependency counseling and to require any employee so referred to enter into and abide by one or more of the following:

- A Rehabilitation Agreement and/or a Return-to-Work Agreement. Costs associated with this benefit may be covered by the employee's medical insurance plan; however, any costs not covered by the employee's medical insurance plan and which are not otherwise required to be paid by any applicable plan are entirely the employee's sole responsibility.

### **Drug Testing**

The School of Excellence in Education reserves the right, within the limits of federal, state or local laws, to examine and test for the presence of drugs and/or alcohol. Under the conditions of this Policy, applicants or employees may be asked to submit to a medical examination and/or submit to urine, hair, saliva, or breathe testing for drugs and/or alcohol.

### **Circumstances of Testing:**

The types of testing performed by the School of Excellence in Education include, but are not limited to, the following:

\*Pre-Employment/Pre-Placement

\*Post- Accident

\*Random

\*Reasonable Cause

### **Pre-Employment/Pre-Placement**

The School of Excellence in Education makes all offers of employment subject to and conditioned on the applicant submitting to a pre-hire drug test receiving a negative test result. Applicants applying for safety-sensitive jobs may also be required to submit to a pre-hire alcohol test.

If the applicant tests positive or if the applicant refuses to undergo testing, the offer of employment will be withdrawn.

### **Post-Accident**

A drug and/or alcohol test will be conducted for all employees whose acts, or failure to act appear to have caused or contributed to accident occurring during work time, on work premises, or while operating a District-provided vehicle. Covered accidents include accidents that result in: 1) personal injury to employees or others which necessitates emergency first aid and/or off-site medical attention; and/or 2) damage to the District's property.

A following-up testing is required if "No Data" or "Inconclusive" reading is determined, which will require a urinalysis and a hair sample within 10 days of original testing.

Employees are expected to report an accident immediately, and to remain available for post-accident testing. If circumstances require an employee to leave the scene of an accident, the employee must make a good faith attempt to notify the District of his or her location as soon as possible. Any employee who fails to report any work-related accident is in violation of this Policy and is subject to disciplinary action, up to and including termination. Employees who test positive on a post-accident test may be ineligible for workers' compensation benefits.

### **Random**

Employees are subject to unannounced drug tests on a random selection basis. Employees in safety-sensitive roles may also be subject to random alcohol testing.

Random selection basis means a mechanism for selection of employees that: 1) results in an equal probability that any employee from a group of employee's subject to the selection

mechanism will be selected, and 2) does not give the District discretion to waive the selection of any employee selected under the mechanism.

Please consult your supervisor if you have questions with respect to whether your position is considered safety-sensitive.

### **Reasonable Cause**

Employees will be asked to submit to a drug and/or alcohol test if reasonable cause exists indicating that the employee is under the influence of illegal drugs or alcohol. Employees asked to submit to such tests will be escorted to the collection site and then sent home until test results are received.

All employees sent for reasonable cause testing will be placed on a non-disciplinary suspension until District receives the test results. Hourly employees will not be compensated for time missed from work if the test is positive, but will be compensated if the test is negative.

### **Return-to-Duty**

Employees who have tested positive and whose employment is not being terminated as a consequence will be required to submit to an evaluation for substance abuse dependence and to complete any education and/or treatment prescribed by a substance abuse professional. Once released to return to work, each such employee takes and pass drug and/or alcohol test result prior to returning to work.

### **Follow-Up**

An employee who has been removed voluntarily or otherwise from his or her job duties on the basis of a verified positive drug test result and/or confirmed positive alcohol test result will be subject, following the return to work, to unannounced drug and/or alcohol testing.

The testing will be unannounced, and may continue up to twenty-four (24) months from the return-to-work date.

### **Testing Methods**

Consent – No alcohol test may be administered, sample collected, or drug test conducted on any sample without the written consent of the person being tested. However, a person's refusal to submit to a proper test will be viewed as a refusal to test and will subject the person to

disciplinary action, up to and including termination. The School of Excellence in Education will pay the costs of all drug and/or alcohol tests it requires of employees and applicants.

**Collection and Chain-of-Custody** – Persons being tested will be asked to provide a test sample by the collection site person or medical personnel. Procedures for the collection of specimens will allow for reasonable individual privacy. Urine specimens will be tested for temperature, and may be subject to other validation procedures as appropriate. Dilute urine specimens may require a recollection. The collection site person and the person being tested will maintain chain-of-custody procedures for specimens at all times.

**Testing Methods** – Drug test specimens may include urine, hair, or saliva. All drug test samples will be screened using an immunoassay technique and all presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS). All confirmatory drug tests will be conducted by a laboratory certified by the federal Substance Abuse and Mental Health Services Administration to conduct workplace drug testing. Alcohol tests may be conducted using breath, saliva, or blood, and will ordinarily be conducted and confirmed immediately at the collection location. A test result showing 0.04 percent or more alcohol in an individual’s system will be considered a positive test result. Tests will seek only information about the presence of drugs and alcohol (or their metabolites) in an individual’s body and will not test for any medical condition.

**Notification** – The District has contracted with a Medical Review Officer (“MRO”) (a health care professional with an expertise in toxicology) who will attempt to contact any individual whose sample is confirmed positive by the laboratory. The MRO will offer the individual an opportunity to discuss, in confidence, any legitimate reasons he or she may have that would explain the positive drug test. If the individual provides an explanation acceptable to the MRO that the positive drug-test result is due to factors other than the consumption of illegal drugs or other prohibited behavior, the MRO will order the positive test result to be disregarded and will report the test as negative. Otherwise, the MRO will verify the test as positive. The MRO may also review test results that are apparently dilute, substituted, or adulterated, and verify those test results as well.

**Right to Retest** – An individual who tests positive for drugs may request that his or her original sample be sent to an independent certified laboratory for an independent confirmatory test, at the individual’s expense, although School of Excellence may suspend, transfer, or take other appropriate action pending the results of any such re-test.

**Dilute Specimens** – The following applies with respect to dilute specimens:

If the District’s Medical Review Officer, a trained doctor the District has retained to review test results, informs the District that a negative drug test was dilute, the following will apply:

**Dilute Negative with Low Creatinine:** If the MRO indicates that a recollection under direct observation is required because the laboratory reported the specimen as negative dilute with a creatinine concentration of the specimen equal to or greater than 2 mg/ld. but less than or equal to 5 mg/ld., the District will immediately instruct the employee to undergo a recollection under



direct observation so that people who may naturally produce low creatinine levels will not be reported as having substituted their specimens.

**Other Dilute Negative:** Otherwise, if the creatinine concentration of the dilute specimen is greater than 5 mg/ld. but less than 20 mg/ld., the District will direct the particular individual to take another test immediately for all test types (i.e., pre-employment, post-accident, random, reasonable suspicion, return-to-duty or follow-up). Such recollections will be unobserved.

Instead of a second urine collection, the District may also elect to require the individual to submit to another form of test, such as a saliva or hair test.

A refusal to submit to the second test as directed by the District will be deemed a test refusal. With respect to dilute recollections/retests, the result of the second test – not the original dilute result – will be the test of record upon which the District will rely.

If the second test is also a dilute negative the test will be treated as a negative test result.

Nonetheless, the District reserves the right, except as limited by applicable law, rule or regulation, to take adverse employment action based on a second dilute test result.

### **Drug Testing Confidentiality and Privacy**

All drug and alcohol test results are reported to Drug Program Coordinator and are considered confidential.

Results will only be disclosed within the District on a need-to-know basis and as allowed by law and retained in a secure location with controlled access. Information about an employee's medical condition or history obtained in connection with a drug and alcohol test will be kept in a file separate and apart from the employee's personnel file.

The release of an individual's drug and alcohol test results and other information gained in the testing process will only be otherwise disclosed in accordance with an individual's written authorization or as otherwise required or permitted by applicable law.

Employees or applicants will not be observed while providing a urine specimen unless there is reason to believe the employee or applicant has tampered with, adulterated, switched or attempted to tamper with, adulterate or switch a urine specimen. Except where limited by law, one situation in which the District reserves the right to make an observed collection is when a laboratory reports a specimen as having a low creatinine concentration (i.e., a creatinine concentration greater than or equal to 2 mg/ld. and less than or equal to 5 mg/ld.) and the MRO reports the specimen as negative and dilute.

### **Reservations of Rights (Drug Testing)**

This Policy supersedes and revokes any other District's practice or policy relating to the use of drugs and alcohol in the workplace and drug and/or alcohol testing. The District reserves the right to interpret and administer this Policy, and at any time and at its sole discretion, amend, supplement, modify, revoke, rescind or change this Policy, in whole or in part, with or without

notice and with or without consideration. This Policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this Policy does not in any way affect or change the status of any at-will employee. At-will employees continue to be free to terminate their employment or resign from employment at any time and the District continues to be free to terminate employee, with or without cause, with or without notice, for any lawful reason or for no reason at all.

Nothing in this Policy is a promise or guarantee or should be construed as a promise or guarantee that District will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

## **Dress Code Policy**

The District has a dress code which calls for business attire at all times during business hours Monday through Friday. Attire and grooming should be appropriate for a professional setting and is expected of all staff members. Clothing should visually separate staff from students and should reflect leadership and authority. **Jeans and athletic shoes may be worn only on Fridays and when paired with a “spirit shirt” (i.e. campus shirt, college shirt) unless a stated dress code exception policy allows you to dress casually on a given day such as field trips, full-day workdays, field days, and assessment days.** Employees in positions that require a uniform should wear their uniform to work every day, unless otherwise authorized by their manager.

We will allow casual business attire on Fridays when we are not anticipating special meetings or events that may require otherwise. While dress preference is a matter of personal taste, casual attire does have limitations. For example, warm-up suits, tee-shirt outfits, thongs, sneakers, flip flops and shorts are not acceptable casual clothing in a business environment.

Managers are responsible for ensuring their departmental personnel are in compliance. Management reserves the right to send any person home to change clothes who violates any part of the dress code policy.

Where an employee’s clothing is questionable, that employee’s supervisor will have discretion. Even though the company trusts your good judgment, it is always necessary to establish disciplinary criteria. In the event there are violations of this policy, the following may occur:

1st Violation Verbal Warning (**not sent home to change**)

2nd Violation Written Warning (**sent home to change**)

3rd Violation Final Written Warning (**sent home to change**)

Final Violation suspension without pay/ possible termination for repeated violation.

\*The following list is provided for illustrative purposes only and not for the purpose of limitation.

### **Business Environment - Men**

Required:

- Dress Shirts w/ties (Monday – Thursday)
- Dress Pants, Dockers
- District Logo Polo Shirts, Polo Shirts (Fridays Only)
- Polo Shirts (Monday – Thursday) (August – October)
- Loafers, dress shoes, Skechers (Black, White, Gray only)

### **Coaches Attire**

- Polo Shirts (Preferably School logo)
- Athletic attire

Not Acceptable

- Jeans (unless uniform for position), Sweat Pants, Athletic attire;
- Sweatshirts, T-Shirts, Sleeveless Shirts,
- Athletic Shoes, Sandals, Work Boots

### **Business Environment - Women**

Acceptable

- Dresses (**length appropriate**), Dress Pants,
- Dockers, Skirts (length appropriate)
- Blouses, Sweaters, Polo Shirts, Dress Jackets
- Dress Shoes with or without Heels,
- Loafers, Toed Shoes, Boots, Dress Sandals
- Skechers (White, Black or Gray Only)

Not Acceptable

- Jeans or skinny jeans, Sweatpants, Stretch Pants, Leggings (of any kind), Stirrups, Capri Pants, Athletic attire, Tank Tops;
- Sweatshirts, T-Shirts, Halter Tops, Spaghetti Straps, Revealing Blouses, Sweaters, Cold shoulder dresses, Cold shoulder tops etc.
- Flip flops, Thong sandals, Hiking Boots, Beach Sandals, and Athletic Shoes, Sandals /Shoes (without a back strap)

\*Note on **Body Piercings**- Though not an article of clothing, piercings are considered stylish and fashionable. This accessory should remain limited to traditional use (earrings). Any other piercings on a person's body should not be visible to public view and will follow the same violation guidelines as "Dress".

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 and approved by the Superintendent.

### **Cell Phone Policy**

Ringling cell phones are extremely disruptive. Unless otherwise instructed, while at work keep your personal cell phones off. Cell phones may only be used during scheduled break times. Blue tooth ear devices are not allowed in classrooms.

Safety must come before all other concerns, and distractions are to be avoided while driving. Therefore, while we support the use of cellular telephones for business purposes, we prohibit employees from using hand held cellular telephones to conduct business while driving. If an employee needs to make or take a business call while on the road, the employee should pull off the road and stop in a safe location, if practicable, prior to using the cell phone. In addition, the District requires that all employees comply with all state and local laws regarding the use of cell phones while operating a motor vehicle.

### **Conduct and Discipline**

All employees are expected to work together in a cooperative spirit to serve the best interest of the school and to be courteous to students, other employees and the public.

All employees are expected to accept certain responsibilities, follow acceptable business principles in matters of conduct, and exhibit a high degree of integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that employees refrain from any behavior that might be harmful to themselves, co-workers, the District, or that might be viewed unfavorably by current or potential customers or by the public at large. Employee conduct – both inside and outside of work – reflects on the District. Employees are, consequently, encouraged to observe the highest standards of professionalism at all times.

Employees are expected to observe the following standard of conduct:

- Recognize and respect the rights and property 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 the immediate supervisor as early as possible (preferably in advance) in the event 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 procedures and policies.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use District time, funds and property for authorized District business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC no later than the seventh day after the Superintendent first learns of the incident.

For infractions that do not merit drastic action, you may receive both verbal and written warnings and/or suspension without pay (length of suspension will vary based on the infraction). Available vacation days cannot be taken in conjunction with disciplinary suspensions.

Warnings are given with the intent of motivating employees to act in an acceptable way in the future. They are also designed to protect the safety of, and to ensure the fair treatment of, all employees. Management is not obligated to follow any or all of these steps in any predetermined order. Any or all of the steps may be skipped at the discretion of the District.

## **Gossip**

In the workplace, gossip is an activity that can drain, distract and downshift employee job satisfaction. School of Excellence in Education will maintain a Zero Tolerance position concerning gossip as it is considered gross misconduct and may result on immediate termination.

Gossip - rumor or talk of a personal, sensational, or intimate nature, a person who habitually spreads intimate or private rumors or facts, trivial chatty talk or writing.

- Gossip always involves a person who is not present.
- Unwelcome and negative gossip involves criticizing another person.
- Gossip often is about conjecture that can injure another person's credibility, reputation
- Gossip affects the reputation of School of Excellence in Education or its employees.

In order to have a more professional, gossip free workplace school employees will:

1. Not speak or insinuate another person's name when that person is not present unless it is to compliment or reference regarding work matters.
2. Refuse to participate when another mentions a person who is not present in a negative light.
3. Choose not to respond to negative email or use email to pass on private or derogatory information about any person in the District.
4. While off the job, avoid speaking to another co-worker about people at work in a derogatory light.
5. If another person in the District does something unethical, incorrect, against procedures, or disruptive the employee will use the proper channels to report this to the person in authority to take corrective action.

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

All employees, as public servants, must follow the Code of Ethics and Standard Practices for Texas Educators, which is reprinted below.

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.

### *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.

## *II. Ethical Conduct towards 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.

## *III. 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.

## **Confidential Information**

As a condition of employment, all, District employees agree not to disclose or otherwise misappropriate Confidential Information during or after the termination of their employment with the District.

Employees should not remove Confidential Information from the District's premises and should return all Confidential Information to their supervisor upon termination.

Misappropriation of the District's Confidential Information will subject you to legal action.

## **Customer Relations**

The success of the District depends upon the quality of the relationships between the School of Excellence in Education and our customers, our suppliers and the general public. Our customers' impression of the School of Excellence in Education and their interest and willingness to conduct business with us is greatly formed by the people who serve them. In a sense, regardless of your position, you are the School of Excellence in Education's ambassador. The more goodwill you promote, the more our customers will respect and appreciate you, the School of Excellence in Education and our services.

Here are several things you can do to help give customers a good impression of the School of Excellence in Education:



- Act competently and deal with customers in a courteous and respectful manner and communicate pleasantly and respectfully with other employees at all times;
- Follow up on requests and questions promptly, provide businesslike responses to inquiries and requests and perform all duties in an orderly manner; and
- Take great pride in your work and enjoy doing your very best.

## **Employee Problems**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that you believe is detrimental to your employment with the District, you should follow the procedure described below for bringing your complaint to management's attention.

## **Complaint Procedures**

Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately: tell the harasser to stop his/her unwanted behavior; and report that behavior, preferably in writing, to your Manager, Human Resources Department or another appropriate member of District management. There will be up to four levels of which an employee can make a complaint. (Step by step instructions [www.excellence-sa.org](http://www.excellence-sa.org) policies and procedures)

## **Grievance Policy**

The purpose of this policy is to provide employees an orderly process for the prompt and equitable resolution of complaints. The Board of Directors intends that, whenever feasible, complaints be resolved at the lowest administrative level.

A complaint under this policy shall include grievances concerning an employee's wages, hours, or conditions of work and specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability, or on the basis of the employee's exercise of constitutional rights. A complaint must specify the individual harm alleged.

Additionally, since many employees' concerns can be more effectively resolved through direct communication with the immediate supervisor or through channels provided for communication with senior staff than by resorting to this official process for presentation of complaints, the Board expects employees to take full advantage of those less formal processes when they are appropriate.

Except for complaints where the supervisor is the subject of the complaint (e.g. unlawful harassment), all employees shall first bring their work-related complaints or concerns to their immediate supervisor.

Complaints or concerns which are not resolved at the supervisory level may be brought to the attention of the director of the department within 15 days of the day the employee knew of, or should have known of, the complaint. The complaint or concern addressed to the director of the department must be in writing, specific, and where possible, suggest a resolution. The director of the department shall attempt to respond to all written complaints or concerns within 10 days of the receipt of the written complaint.

Complaints or concerns which are not resolved at the Director 's level may be brought to the attention of the Human Resources director within 25 days of the day the employee knew of, or should have known of, the complaint. The complaint or concern addressed to the Human Resources director must be in writing, specific, and where possible, suggest a resolution. The Human Resources director shall attempt to respond to all written complaints or concerns within 10 days of the receipt of the written complaint.

Complaints or concerns which are not resolved at the Human Resources director's level may be brought to the attention of the school superintendent within 35 days of the day the employee knew of, or should have known of, the complaint. The complaint or concern addressed to the superintendent must be in writing, specific, and where possible, suggest a resolution. The superintendent shall attempt to respond to all written complaints or concerns within 10 days of the receipt of the written complaint.

Employees dissatisfied with the response of the Superintendent or if the Superintendent is the subject of a complaint may make their complaint known in writing to the Board of Directors. The complaint shall be directed to the chairperson of the Board of Directors, shall include a copy of the written complaint to the Superintendent and the Superintendent's response. The chairperson of the Board of Directors shall, at the next regular meeting of the Board, provide a copy of the complaint record to all Directors. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Open Meetings Act.

In regard to whistleblower grievances, employees shall not suffer any adverse personnel action for having reported, in good faith, a violation of law or policy to an authority in a regulating, enforcing, investigating or prosecuting branch of state or local government. Employees who believe that an adverse personnel action was taken in violation of this policy shall take immediate steps to have that action reviewed under the employee complaint process.

The procedure should not be construed, however, as preventing, limiting, or delaying the District from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the District deems disciplinary action appropriate. (Step by step instructions on [www.excellence-sa.org](http://www.excellence-sa.org) policies and procedures)

### **Anti-Harassment Policy**

The District believes that all employees should be able to work in an atmosphere free from all forms of harassment. Therefore, it is our policy to prohibit all types of harassment, including, but not limited to harassment based on: sex, race, color, religion, national origin, pregnancy, age, disability, or genetic information. Also note, the District's prohibition against sexual harassment applies to same-sex harassment, as well as traditional forms of harassment, and all allegations will be taken seriously and investigated promptly and thoroughly.

This policy extends to each and every level of our operations. Accordingly, harassment, whether by a fellow employee, client, guest, or member of management, will not be tolerated. Activities of this nature are unlawful and serve no legitimate purpose; they have a disruptive effect on your ability to perform your job and they undermine the integrity of the employment relationship.

Some examples of conduct that may constitute prohibited harassment include, but are not limited to: slurs, jokes, cartoons, stereotypes, statements, etc. based upon sex, race, color, religion, national origin, pregnancy, age, disability, genetic information or any other characteristic protected by federal, state or local law.

Sexual harassment, one type of harassment, is more specifically defined as "unwelcome" sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to, actions such as: sexually oriented "kidding," "teasing," or jokes; subtle pressure for sexual activity; physical contact such as patting, pinching or brushing against another's body; or demands for sexual favors. Conduct of this type is improper if: (a) submission to the conduct is either an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; (c) the conduct has the purpose or effect of substantially interfering with an individual's work performance or environment.

### **Employee Duty to Report**

If any employee becomes aware of harassing conduct engaged in or suffered by an employee, regardless of whether such harassment directly affects that employee, the employee must immediately report that information, preferably in writing, according to the procedures outlined in the *Complaint Procedures* section above. An employee's duty to report such activity is essential to ensure a harassment-free workplace for everyone, because while isolated incidents of harassment generally do not violate federal law, a pattern of such incidents may be unlawful. Therefore, employees are required to report any harassing conduct so that the School of Excellence in Education can stop harassment before it becomes severe or pervasive.

### **Investigations and Confidentiality**

Whenever the District is aware of a situation which may violate this policy, the District will conduct an immediate, thorough and objective investigation of any harassment claims and take

prompt steps to protect the individuals involved. The District will also take steps to protect the confidentiality of any harassment allegations to the extent possible while conducting its investigation. However, the District cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Nevertheless, employees may be assured that information and records relating to harassment complaints will be shared on a “need to know” basis only.

A determination regarding the alleged harassment will be made and communicated to the person claiming harassment as soon as practical under the circumstances. If the District determines that prohibited harassment has occurred, it will take appropriate disciplinary action against the person found to have engaged in prohibited harassment, and will provide appropriate remedies for any victims of harassment. The type of discipline administered will depend upon the severity of the conduct, as well as any other factors presented in the particular circumstances. Employees violating the policy, however, are subject to discipline, up to and including termination.

## **Technology Resources**

The district’s technology resources, including its networks, computer systems, e-mail accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district’s technology resources
- Has no adverse effect on job performance or on a student’s academic performance?

Electronic mail transmissions and other use of technology resources are not confidential and can be monitored at any time to ensure appropriate use.

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

Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact Technology department.

## **Electronics Policy**

It is the intent of the District to provide the communication systems necessary for the conduct of its business. Employees are expected to adhere to proper use of all communication systems. These include but are not limited to the Telephone, Internet, Electronic Mail (E-Mail), Voice Mail, Facsimile and Systems Software (refer to the Telephone Policy in this handbook for

information regarding use of District telephones and facsimile). Employees are permitted use of District property for business purposes and personal use within the limits of educational usefulness. Improper (down loading of software that is not license), or illegal (porn) use is prohibited.

Personal files may be used or stored on District equipment, but must be within the guidelines established by the District Technology Department.

The communication systems are owned and operated by the District and are to be used for the business of the District. Employees should have no expectation of privacy of any correspondence, messages or information in the systems.

The District reserves the right to access and disclose all such messages sent for any purpose. All such messages, regardless of content or the intent of the sender, are a form of corporate correspondence, and are subject to the same internal and external regulation, security and scrutiny as any other corporate correspondence. E-mail communications must be written following customary business communications practices as is used in District correspondence.

E-mail communications are official internal District communications, which may be subject to summons in legal proceedings. Work-related messages should be directed to the affected employee(s) rather than sending a global message to all employees.

The District's communication systems shall not be used as a forum to promote religious or political causes, or an illegal activity. Offensive or improper messages or opinions, transmission of sexually explicit images, messages, cartoons, or other such items, or messages that may be construed as harassment or disparagement of others based on *race, color, religious creed, sex, national origin, ancestry, citizenship status, pregnancy, childbirth, physical disability, mental disability, age, military status or status as a Vietnam-era or special disabled veteran, marital status, registered domestic partner or civil union status, gender (including sex stereotyping and gender identity or expression), medical condition (including, but not limited to, cancer related or HIV/AIDS related), sexual orientation, genetic information or any other characteristic protected by federal, state or local law*, are also prohibited on the District's communication systems.

Any violation of these guidelines may result in disciplinary action, up to and including termination.

### **Internet Code of Conduct**

Access to the Internet has been provided to staff members for the benefit of the organization and its clients. It allows employees to connect to information resources around the world. Every staff member has a responsibility to maintain and enhance the District's public image, and to use the Internet in a productive manner. To ensure that all employees are responsible, productive Internet users and are protecting the District's public image, the following guidelines have been established for using the Internet:

- Employees using Internet access via District hardware and software are representing the School of Excellence in Education. As such, their conduct should be ethical and lawful at all times.
- Internet Relay Chat Channels may be accessed for official District business to gain technical or analytical information and to establish business contacts.
- Internet access should not be used for personal gain or advancement of personal views, for solicitation of non-District business, or result in the disruption of District network operation or interfere with personal productivity at work.
- Employees are responsible for the content of all text, audio, or images they place or send over the Internet, regardless of the source or origin. Fraudulent, harassing, or obscene messages are prohibited. All messages on the Internet should be identified with the employee's name.
- Employees may not violate or infringe upon the rights of others. Abusive, profane, or offensive language transmitted through the District's system is strictly prohibited.
- Employees may not download software without the express acknowledgment and support of the Network Administrator to ensure that proper licenses are obtained and viruses are not transmitted.
- Employees may not send/upload District copyrighted material, trade secrets, proprietary information, or similar materials to third parties.
- All messages created, sent, or retrieved over the Internet are the property of the District and should be considered public information.
- The District reserves the right to access and monitor all messages and files on the computer system at any time.
- All communications can be disclosed to law enforcement officials or third parties without prior consent of the sender or the receiver.
- Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sex, pregnancy, age, physical or mental disability, or other protected attributes may not be transmitted.
- Violations of the Internet Code of Conduct may result in disciplinary action, up to and including termination and illegal activities may result in prosecution by legal authorities.

### **Social Networking Internet Sites**

Please note that as an employee, the District may, at its discretion and at any time, review information posted on the internet which relates to you, whether that information is posted by you or others.

### **Personal Use of Electronic Media**

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

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

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

- The employee may not set up or update the employee's personal social network page(s) using the District's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to break, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the District's logo or other copyrighted material of the District without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records.
  - Confidentiality of health and personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law.

- Confidentiality of district records, including educator evaluations and private e-mail addresses.
- Copyright law.
- Prohibition against harming others by knowingly making false statements about a colleague or the school system.

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

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

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

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

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

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

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs) electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Myspace, Twitter, LinkedIn). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a communication: however, the employee may be subject to district regulations on personal electronic communications. See



*Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a communication.

- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

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

- The employee may use any form of electronic media **except** text messaging. Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging shall comply with the following protocol:
  - The employee shall include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
  - The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
  - For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee’s district e-mail address.
- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- The employee shall not communicate directly with any student between the hours of 7 pm and 7 am. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:

- Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records.
  - Copyright law
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student.
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
  - Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.
  - An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor

## Safety

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, a students and to protect and conserve district equipment, employees must comply with the following requirements:

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

Employees with questions or concerns relating to safety programs and issues can contact Lois Butler.

The School of Excellence in Education will make every reasonable effort to ensure a safe working environment and expects all employees to be safety-conscious. Please use good judgment regarding matters of safety and observe at all times any safety rules posted in various areas.

Employees should immediately report any unsafe or hazardous condition to your immediate supervisor. Every effort will be made to remedy the problem as soon as possible.

If you are injured on the job, or witness an accident that results in an injury to another employee, you should immediately report the accident to your immediate supervisor. Injuries and/or accidents should also be immediately reported to the Human Resources Department.

Safety protection must be worn in designated areas. Conduct such as running on District property, shoving another employee, throwing items and horseplay is strictly prohibited.

Aisles, exits, and areas surrounding fire extinguishers and control panels must be kept clear at all times. Good housekeeping is the responsibility of everyone on the job.

## **Security**

It is extremely important for everyone to be security-conscious, especially regarding equipment, tools and Confidential Information.

We expect you to exercise good judgment in protecting these items and treat them as you would your own equipment.

## **Possession of Firearms and Weapons**

Employees, visitors, and students, including those with a license to carry a concealed handgun, are prohibited from bringing firearms, knives, clubs or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their Campus Principal or call 911 immediately.

## **Visitors in the Workplace**

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. All volunteers must be cleared through Human Resource department before assisting the district in any capacity. If clearance has been denied, the volunteer will not be allowed to participate in any school activities (i.e., field trips, classroom parties, field days etc.) Once HR has denied clearance Rapture cannot be used to override or allow access.

## **Violence in the Workplace Policy**

The School of Excellence in Education provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provision of this Violence in the Workplace Policy.

### **Prohibited Conduct**

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behavior, while not exhaustive, provides examples of prohibited conduct:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on District property or while on District business; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

### **Reporting Procedure**

Any potentially dangerous situations must be reported immediately to a supervisor or to the Human Resources Department. Reports can be made anonymously.

All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of the investigation will be discussed with them. The District will actively intervene at any indication of a possible hostile or violent situation.

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform management if any employee exhibits behavior which could be a sign of potentially dangerous situations.

Such behaviors include but are not limited to:

- Discussing weapons and bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance; and
- Displaying irrational or inappropriate behavior.

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual.

If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.

## **Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination.

Non-employees engaged in violent acts on the District's premises will be reported to the proper authorities and will be prosecuted.

## **Student Issues**

### **Equal Educational Opportunities**

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

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to Superintendent.

### **Student Conduct and Discipline**

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

## **Student Attendance**

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.

## **Student Records**

Student records are confidential and are protected from unauthorized inspection or use. (The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects students' privacy by prohibiting disclosure of education records without adult consent. FERPA also allows parents and students over age 18 to inspect and review education records and request that inaccuracies be corrected.) Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of postsecondary education. A District is not prohibited from granting the student access to the student's records before this time.
- School officials with legitimate educational interest

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.

The School of Excellence maintains the confidentiality of all special education records and has developed procedures to implement confidentiality requirements consistent with federal regulations. Parents or adult students are advised of their rights pertaining to student records at least once annually.

Parent Access – The parents (or adult student) has access during school business hours to any education records pertaining to the identification, evaluation and placement of their child only and the provision of FAPE (Free Appropriate Public Education) to the child.

Availability – Records will be made available to the parent (or adult student) without any unnecessary delay and before any meeting regarding an individual education plan (IEP), or any hearing related to the placement of the student, or the provision of FAPE and in no case more than 45 days after a request has been made.

Copies – Parents (or adult student) have the right to request copies of any documents in the student’s records as well as the right to a response for any explanation or interpretation of the records. The parent (or adult student) may have a representative inspect or review records.

Costs of Copies – The school maintains the right to charge a fee for copies of records but not if it will prevent parent access to copies. No fee will be charged to search or retrieve any information to which the parents (or adult student) have a right.

Maintenance – Records are kept in a locked cabinet or room. Access to this room is monitored and recorded by the designee. A listing of individuals who have access to the student files is maintained in full public view. An access record is maintained in the cabinet or room which includes the name of any authorized party accessing the records and the purpose for which the party is authorized to access the records as well as the date access occurred.

Consent – Consent of the parent (or adult student) is needed before any confidential information is disclosed to anyone other than officials of participating agencies or is released to any participating agencies except when release of information without consent is permitted by the rules in Family Education Rights & Privacy Act.

Amendment – The parent (or adult student) may request an amendment to any information in the education record. The School of Excellence in Education will reply in a reasonable time period with a refusal or amendment. If the parent (or adult student) still disagrees, a hearing may be requested and will be carried out in accordance with all state and federal regulations.

Destruction of Records – Parents (or adult students) are notified when confidential records are no longer necessary and can request destruction of the records, which will be carried out by the designee and in accordance with state and federal requirements. However, a permanent record of the student’s name, address, phone number, grades, attendance, classes and completion information may be maintained without time limitation.

Misappropriation of the District’s Confidential Information will subject you to legal action.

### **Parents and Student Complaints**

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

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

### **Bullying**

All employees are required to report student complaints of bullying to The *Title IX Coordinator, April Short*. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

The definition of bullying includes both in-person bullying, and bullying that may occur through electronic expression, commonly referred to as "cyber bullying". Texas Education Code section 37.0832 provides the definition of bullying:

"Bullying" means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at school-sponsored or school-related activity, or in a vehicle operated by the district and that:

- a. has the effect or 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
- b. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Conduct described by Subsection (a) is considered bullying if that conducts:

- a. exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
- b. Interferes with a student's education or substantially disrupts the operations of a school.

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

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

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



To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee. A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

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

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

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct. Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

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.

### **Rights for Disable Students and Their Parents under Section 504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public school specifically, 504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

### **Reporting Suspected Child Abuse**

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 the facility) within 48 hours of the event that led to the suspicion. Abuse is defined by SBEC and includes the following acts or omissions:

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

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

Report abuse to Child Protective Services 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 as a Class A misdemeanor. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency.

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

### **Sexual Abuse and Maltreatment of Children**

The District has established a plan for addressing sexual abuse and other maltreatment of children, please contact our Title IV coordinator housed in Human Resources.

As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or otherwise maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

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

### **Reporting Crime**

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

employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

## **Administering Medication to Students**

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

## **Dietary Supplements**

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**

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

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

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

**Disciplinary Action for Alcohol & Drug Abuse** – refer to Student & Parent Handbook and Student Code of Conduct.

## **Discrimination and Harassment of Students**

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.

Sexual or 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 or know that a student may have experienced or is being harassed by a school employee or by another student shall inform his or her principal or immediate supervisor.

Any allegation of harassment of students or employees shall be investigated and addressed. 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.

“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:
  - The nature of the communications;
  - The timing of the communications;
  - The extent of the communications;
  - Whether the communications were made openly or secretly;

- If the educator claims to be counseling a student, TEA staff may consider whether the educator’s job duties included counseling, whether the educator reported the subject of the counseling to the student’s guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate law enforcement agencies; and
  - Any other communications tending to show that the educator solicited a romantic relationship with a student.
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; or
  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.

## **Title IX of the Education Amendments of 1972**

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

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 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 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 or graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds or 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:

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

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

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

### **Sexual Harassment 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 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 student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the students' 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 the purpose 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 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.

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.

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.



For the purposes of this policy, District officials are the Title IX coordinator, Director of Academics and the Superintendent.

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator.

The District designates the **Director of Human Resources, April Short** to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended.

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 ADA/Section 504 specialist, 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.

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.

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.

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 designee, such as a campus principal, or by a third party designed 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.

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 should be filed with the District official overseeing the investigation.

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.

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.

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 State Department of Education Office for Civil Rights.

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

### **Asbestos Public Notice**

*School of Excellence in Education* is working hard to maintain compliance mandated by both Federal and State laws governing asbestos in school buildings. The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the Asbestos Management Plan can be found in the main office at each campus. If you have any questions or would like to examine the district's Asbestos Management Plan in more detail, please contact *Lois Butler*, the district's Asbestos Designated Person at 210-431-9881 ext. 2111 during normal business hours.

## **Pest Control Treatment**

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the intergrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's intergrated 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 the main office. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who request individualized notice will be notified by telephone, written or electronic means. Pest control information sheets are available from campus principals or facility manager upon request.

## **Safety Guide**

### **Introduction**

School of Excellence in Education is committed to provide a safe and healthy working environment for all employees to ensure every employee returns home safely every day.

In its effort in providing a safe place for you to work the School of Excellence in Education has developed this Safety Guide to help you understand your role and responsibilities in ensuring a safe working environment for yourself and your fellow co-workers. Following this Safety Guide will help you identify workplace hazards and avoid accidents. It is recommended that you keep it with you on the job as a handy reference.

Following your roles and responsibilities set forth in this Safety Guide is a requirement of your employment. Your failure to follow these rules could result in disciplinary action up to and including termination. If you don't understand something in this Safety Guide, ask your supervisor to explain.

### **Only You Can Prevent Workplace Accidents**

Each year, more than 6,000 Americans are killed on the job and about 3.6 million receive disabling injuries. Many more suffer unnecessary pain and discomfort from work-related injuries and illnesses.

### **A Safe Work Environment Takes Teamwork**

To keep your workplace safe, the Federal Occupational Safety and Health Administration (OSHA) sets workplace safety and health standards.

The School of Excellence in Education follows OSHA rules DOT (if applicable) regulations, and provides you with information, equipment, training, and procedures to avoid job-related injuries and illnesses.

It is your responsibility to do your part in preventing accidents by following the rules set by the School of Excellence in Education and the guidelines in this Safety Guide.

### **Safety Policy Statement**

The School of Excellence in Education believes it is the responsibility of each employee to comply with safety rules and work in such a manner as to prevent injuries to themselves and others. It is the policy of the School of Excellence in Education that no employee shall perform any job or task in which they have not been properly trained or are unqualified to perform. Only employees know whether they are capable or qualified to perform a particular task. Employees who feel they need additional training before performing a specific task should advise their immediate supervisor.

### **Management/Employee Participation**

A successful safety program is dependent on the individual employee and the School of Excellence in Education's understanding and acceptance of assigned safety responsibilities.

The following is an outline of the responsibilities of employees and the School of Excellence in Education.

### **Employee's Safety Responsibilities**

Safety is primarily the employee's responsibility. Employee responsibility for safety extends not only to themselves, but to their family, fellow workers, community and the School of Excellence in Education. Following these rules is not an option, but a requirement of employment.

All employees are expected to:

- Observe safety rules, regulations and safe work practices.

- Be familiar with the School of Excellence in Education’s safety policies and procedures.
- Actively participate in safety and follow the rules and regulations contained in the School of Excellence in Education’s safety program.
- Assist in the development and review of rules and procedures.
- Attend, participate and periodically lead scheduled safety meetings.
- Maintain good housekeeping in their area.
- Participate in safety inspections and audits.
- Assist and participate in required safety training activities.
- Stop, correct and immediately report unsafe conditions to their supervisors.
- Identify safety problems and offer ideas for corrective action.
- Report all accidents, injuries and near-miss incidents to their supervisors immediately.
- Know how to recognize a near-miss incident and participate in incident investigations.
- Properly use and maintain the required personal protective equipment.
- Observe and correct unsafe acts of visitors, contractors, vendors and fellow employees. Take responsibility for safety on the job!

If you don’t take responsibility for safety...who will?

### **The School of Excellence in Education’s Safety Responsibilities**

The School of Excellence in Education will take an active role in ensuring the safety of its employees by:

- Reinforcing the role employee’s play in safety.
- Ensure all employees are provided proper training in the safe work practices of their assigned duties prior to placing the employee in the assignment.
- Assist in the development and enforcement of a comprehensive safety program.
- Consistently enforce rules and regulation of the safety program with employees, visitors, vendors and contractors.
- Solicit employee input with regard to all Accident Prevention Plan activities.
- Ensure all employees are trained on what to do in the event of an accident and to report all accidents.

### **Employee Responsibilities:**

It is the employee’s responsibility to be honest with the School of Excellence in Education about the skills they possess or lack. The employee must also follow the rules, procedures and safe work practices adopted by the School of Excellence in Education.

## **Safety Meetings**

The purpose of safety meetings is to promote safety consciousness, hazard awareness and to provide a forum for required training. Safety meetings provide an opportunity to discuss identified problems, and as a group, and develop corrective actions to avoid accidents.

## **Employee Responsibilities**

Employees are required to attend and actively participate in all safety meetings. Employees should ask questions when unclear about information covered during the safety meeting to ensure they understand what is being taught.

## **Safety Inspections & Audits**

An inspection or audit program is established by the School of Excellence in Education to assist the employee in identifying common hazards in the workplace. This inspection program includes reporting requirements and follow up for timely corrective action.

## **Employee Responsibilities:**

It is the responsibility of the employee to inspect equipment; tools and the work area before using or performing any job or task to ensure all equipment is in good working order and that all identified safety hazards are corrected prior to the commencement of work.

## **Accident Reporting, Analysis & Investigation**

Since 85% of all injuries are preceded by one or more near-miss incidents, most incidents causing personal injury or loss are avoidable with proper reporting and feedback from employees. If employees report near-miss incidents and unsafe situations as they occur, there is a good chance that the unsafe incident and/or condition can be corrected before a serious injury occurs.

The School of Excellence in Education requires all employees to report all injuries, no matter how minor, to the direct supervisor or the most immediately available supervisor as soon as possible.

Prompt reporting and treatment can help minimize or prevent more serious complications. Untreated, minor injuries often become major infections or serious problems.

## **Employee Responsibilities:**

All injuries should be reported immediately, no matter how minor they may seem. Employees should be aware of and understand School of Excellence in Education's accident reporting procedures and ensure they seek treatment from qualified and/or approved medical facilities, unless it is an emergency. If an employee is unclear of any accident/injury reporting procedure, he should ask the direct supervisor or call the Human Resources Department.

Employees should also cooperate in the analysis and investigation of all accidents.

## **General Safety Guidelines**

Following these general safety guidelines is a requirement of your employment. If you have any questions or do not understand any of the information contained in this section, contact your supervisor for further explanation.

## **You Have a Right to Know About Chemical Hazards**

Chemicals are safe if they are handled properly. OSHA developed the Hazard Communication Standard (HazCom) to inform you of chemical hazards in your workplace and how to protect yourself from these hazards. If you use chemicals in your job this information can be found in your employer's written HazCom program.

Your employer is required to provide HazCom training to inform you of the chemical hazards that exist in your workplace and the proper procedures to handle those chemicals safely. (*HazCom*) training teaches you to use two sources of chemical safety information: Container Labels and Material Safety Data Sheets (MSDSs).

*Container Labels* identify the chemical and its health and physical hazards – toxic, corrosive, flammable, etc. – with words, colors, numbers or symbols. All chemical containers should be properly labeled. If you are using a container that is missing its label, notify your supervisor immediately.

Material Safety Data Sheets (MSDSs) detail the chemicals:

- Hazardous ingredients;
- Physical and chemical properties;
- Stability and reactivity data;

- Personal protective clothing and equipment (PPE) and procedures to use to avoid hazardous exposure;
- Safe handling and storage instructions; and
- Emergency procedures – first aid, firefighting, and spill control, etc.

Before starting any job involving the use of chemicals, read the label and MSDSs. Your employer is required to maintain MSDSs for all chemicals used while performing your job. You have a right and responsibility to review that information before using the chemicals.

### **Personal Protective Equipment (PPE) Protects You Against Hazards**

OSHA requires employers to identify workplace hazards, ensure proper PPE is used to protect against these hazards and train you to use PPE correctly.

- *Gloves* protect hands from burns, cuts, chemicals, abrasions, and electrical shock. An employee's hands and fingers are exposed to a greater variety of hazards for a longer period of time than any other part of the body. Make certain you are using the appropriate type of hand protection for the task you are assigned.
- *Hard Hats* protect your head from bumps, falling objects and electrical hazards. Always wear hard hats when fall hazards exist. Hard hats should meet OSHA or industry specification and must always be worn in the forward position unless they are specially equipped to be worn in reserve.
- *Safety Glasses, Goggles and Face Shields* protect your eyes and face from flying objects, chemical splashes, sparks, and ultraviolet radiation. Employees are required to wear appropriate OSHA approved eye protection anytime potential hazards to the eye or face exist. Basic protection should consist of approved safety glasses with side shields and eyewash stations(s), or some other suitable means of flushing the eyes.
- *Protective Clothing* protects you from chemical and corrosive splashes, heat, and sparks. Loose clothing should never be worn in the vicinity of moving machinery parts.
- *Safety Shoes and Boots* protect against foot injuries from falling objects, punctures, slippery surfaces and electrical shock. Protective footwear should be sturdy, with nonskid soles to prevent slips and falls.
- *Hearing Protection* – earplugs, earmuffs and canal caps – protect against hearing damage when you are exposed to high noise levels. The School of Excellence in Education should develop a hearing conservation program where required. This program should include periodic employee testing in high exposure areas as well as noise monitoring of the work area. It is the responsibility of each employee to request, wear and adhere to hearing protection requirements.
- *Fall Protection* protects you from falling when working at heights at or above six (6) feet. Fall protection systems include guardrails, safety nets and/or personal fall arrest systems, including harnesses. It is the responsibility of each employee to use fall protection devices when required. It is also the responsibility of the employee to inspect fall protection equipment prior to each use.



- *Respirators* protect you from inhaling harmful dusts, gases and vapors. Employees are required to wear respiratory protective equipment anytime it is required. Employees should also be trained in the proper use of respiratory equipment.

Always inspect your PPE for damage before use. Damaged PPE should be repaired or replaced immediately.

It is your responsibility to know your employer's requirements for PPE use and always wear PPE where required.

### **Lockout/Tag out Prevents Machine Injuries and Electrical Shocks**

Moving machinery parts can crush, cut, or amputates a hand or other body part. Employees can also suffer severe shocks or electrocution when a machine is not properly de-energized.

OHSA requires lockout/tag out to prevent these types of injuries. During service or repair of equipment, power must be locked or tagged out so it won't start up accidentally or be turned on by another employee who does not know you are servicing that piece of equipment.

All employees need lockout/tag out training. Only authorized employees may perform the specific lockout/tag out steps. Only they may disconnect and turn off the equipment and energy sources, secure energy controls in the "off" position with a lock or tag, test to verify the equipment is de-energized and remove the lock or tag and restart equipment after repair or servicing.

### **Avoid Slips, Trips, and Fall**

More than 12,000 people die each year as a result of falls. Here's what you can do to prevent slips, trips and falls:

- Wear shoes with non-skid soles.
- Walk, don't run.
- Keep aisles, walkways and stairs clear of tools, material, cords, hoses and trash.
- Place all trash in proper containers.
- Clean up spills quickly and correctly – or report them to the proper person.
- Make sure you can see over materials you are carrying.
- Use hand rails on stairs.
- Stay away from platform or roof edges.
- Report loose or damaged flooring immediately.
- Ensure all holes are properly covered or report uncovered holes immediately even if the hole is not associated with your specific work on the project.

## **Prevent Electrical Shock**

Do Not:

- Use electrical cords that are damaged. This includes electrical cords with damaged or missing prongs, exposed insulation or wires, and damaged ends.
- Use metal tools, ladders or other conductive items around exposed energy parts.
- Reach blindly into areas that could contain energized parts.
- Perform electrical jobs unless you are trained and authorized to do so.

## **Good Housekeeping Helps to Prevent Fires and Other Safety Hazards**

Good housekeeping is an essential part of a safety program. Maintaining a clean work environment helps to eliminate accident and fire hazards and maintains a safe and healthy work environment.

### **To prevent fires always:**

- Keep dust and grease off machines. They're not only fire hazards, but are also bad for the equipment.
- Keep flammable liquid containers closed when not in use.
- Use proper containers for flammable liquids and store away from sources of combustion.
- Know where to locate and use fire extinguishers.
- Ensure fire extinguishers are readily available when required.
- Store oxygen cylinders away from combustible sources.
- Do not block fire exits, passageways or sprinklers.
- Do not smoke around flammable materials – or outside of designated smoking areas.

### **To prevent other hazards:**

- Keep aisles, path ways, stairwells and emergency exits clear and free of debris.
- Clean up spills immediately and properly or call someone who can.
- Avoid keeping food & beverages in the work area.
- Sweep and/or clean up debris regularly.
- Put away air hoses and electrical cords so they do not create a tripping hazard.
- Good housekeeping not only helps prevent accidents but also improves productivity and quality, boosts morale and reflects a well-run organization.

## **Protect Your Back**

When performing material handling, follow these safe lifting principles:

- Test the weight of the load before lifting.
- Warm up by stretching your muscles before lifting.
- Plan the most direct route and remove anything that could get in your way.
- Don't try to lift large, heavy, or awkward loads by yourself.
- Use lifting equipment when it is available.
- Don't overdo it; lift only what you can comfortably handle and take your time.
- Learn the right way to lift. When you lift, let your leg muscles do the work – not your back. To lift safely:
  - Position yourself close to the load with feet at shoulder width.
  - Squat down next to the load; maintain your back's natural curves and keep your knees bent.
  - Tighten your stomach muscles.
  - Get a good grip.
  - Bring the load close to your body.
  - Lift slowly, without jerking the load.
  - Walk with small steps, holding the load waist high and close to your body.
  - Move your whole body to change direction; never twist.
  - To lower the load, just reverse the process.

## **Do Not Operate Machinery or Mechanical Equipment Unless You Have Received Proper Training**

- It is your employer's responsibility to provide you the necessary training to operate forklifts and other mechanical equipment.
- Only trained and/or authorized employees may operate machinery or mechanical equipment.
- All equipment should be inspected before each use and a documented inspection program should be in place.

## **Help Keep Your Workplace Safe**

It is your employer's responsibility to provide you with the necessary training, equipment, and procedures to stay safe on the job. It's up to you to:

- Stay alert of hazards. Look for what could go wrong and prevent or report the hazard.
- Use what you learn in safety training and follow safety rules.
- Avoid complacency. No matter how often you've done a job, take the time to do it safely.
- Take responsibility for safety – your own and that of your co-workers.

- Ask your supervisor about any procedure or precaution you don't understand or have not been trained to perform.

If you have any questions concerning any area of safety discussed in this Safety Guide, please contact your supervisor for clarification.

## EMPLOYEE HANDBOOK RECEIPT

Print Name \_\_\_\_\_

Campus/Department \_\_\_\_\_

\_\_\_\_ I hereby acknowledge access to the SEE Employee Handbook which is available to me through the District's computer system at [www.excellence-sa.org](http://www.excellence-sa.org)

I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in the document. Employees who have access to a district computer can access the handbook electronically and download (print) two copies of this page.

The information in this handbook is subject to change by the District without notice, and management retains the right to apply provisions of the handbook with flexibility as it alone deems appropriate. I understand that changes in district policies may supersede, modify or render obsolete the information summarized in this book. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that this handbook intends no modification to contractual relationships or alterations of at-will relationships.

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_