



**Tuloso-Midway
Independent School District**

2023-2024

EMPLOYEE HANDBOOK

AND

**ACCEPTABLE USE POLICY OF
TECHNOLOGY RESOURCES**

**P.O. Box 10900
9760 LaBranch
Corpus Christi, Texas 78460-0900
Telephone: (361) 903-6400
Fax Number: (361) 241-1554
Website: www.tmsid.us**

Employee Handbook Receipt

Name (please print) _____

Campus/Department _____

I hereby acknowledge receipt of a copy of the **Tuloso-Midway ISD Employee Handbook** and the **Acceptable Use Policy for Technology Resources**. My signature indicates that I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy. An electronic copy can be found at <https://www.tmid.us/tmid-district-handbooks>.

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

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

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

I specifically **agree to abide by the guidelines, rules and conditions**, found in the Acceptable Use Policy for Technology Resources.

Signature

Date

Please sign and date this receipt and forward it to the designated secretary in your school or department.

Table of Contents

Employee Handbook Receipt	2
Introduction	6
District Information	7
Board of Trustees.....	
Administration.....	
Employment	8
Equal Employment Opportunity.....	
Job Vacancy Announcements.....	
Employment After Retirement.....	
Contract and Noncontract Employment.....	
Certification and Licenses.....	
Searches and Alcohol and Drug Testing.....	
Health Safety Training.....	
Reassignments and Transfers.....	
Workload and Work Schedules.....	
Breaks for Expression of Breast Milk.....	
Pregnant Workers Fairness Act.....	
Notification to Parents Regarding Qualifications.....	
Outside Employment and Tutoring.....	
Performance Evaluation.....	
Employee Involvement.....	
Staff Development.....	
Compensation and Benefits	15
Salaries, Wages, and Stipends.....	
Paychecks.....	
Automatic Payroll Deposit.....	
Payroll Deductions.....	
Overtime Compensation.....	
Travel Expense Reimbursement.....	
Health, Dental, and Life Insurance.....	
Supplemental Insurance Benefits.....	
Cafeteria Plan Benefits (Section 125).....	
Workers' Compensation Insurance.....	
Unemployment Compensation Insurance.....	
Teacher Retirement.....	
Leaves and Absences	19
Personal Leave.....	
Local Leave.....	
State Sick Leave.....	
Family and Medical Leave (FML)—General Provisions.....	
Local Family and Medical Leave Provisions.....	
Temporary Disability Leave.....	
Workers' Compensation Benefits.....	
Assault Leave.....	
Jury Duty.....	

Truancy Court Appearances	
Military Leave	
Employee Relations and Communications	32
Employee Recognition and Appreciation	
District Communications	
Complaints and Grievances	32
Employee Conduct and Welfare	38
Standards of Conduct	
Discrimination, Harassment, and Retaliation	
Harassment of Students	
Reporting Suspected Child Abuse	
Sexual Abuse and Maltreatment of Children	
Reporting Crime	
Technology Resources	
Personal Use of Electronic Communications	
Electronic Communications between Employees, Students, and Parents	
Public Information on Private Devices	
Criminal History Background Checks	
Certified/Uncertified Employee Arrests and Convictions	
Alcohol- and Drug-Abuse Prevention	
Tobacco Products and E-Cigarette Use	
Fraud and Financial Impropriety	
Conflict of Interest	
Gifts and Favors	
Copyrighted Materials	
Associations and Political Activities	
Charitable Contributions	
Safety and Security	
Possession of Firearms and Weapons	
Visitors in the Workplace	
Asbestos Management Plan	
Pest Control Treatment	
General Procedures	69
Emergency School Closing	
Emergencies	
Purchasing Procedures	
Name and Address Changes	
Personnel Records	
Facility Use	
Time Clock	
Job Abandonment	
Candles	
School Keys	
Cell Phones	
Termination of Employment	72
Resignations	
Dismissal or Nonrenewal of Contract Employees	
Dismissal of Noncontract Employees	

Discharge of Convicted Employees.....	
Exit Interviews and Procedures	
Reports to Texas Education Agency	
Reports Concerning Court-Ordered Withholding	
Student Issues	75
Equal Educational Opportunities.....	
Student Records.....	
Parent and Student Complaints.....	
Administering Medication to Students	
Dietary Supplements.....	
Psychotropic Drugs.....	
Student Conduct and Discipline	
Student Attendance.....	
Bullying	
Hazing.....	
Other Pertinent Information	80
Neutrally-applied absence control for non-contract employees	
Substitutes.....	
Contracts, Agreements, Covenants Which Obligate the District	
Damage of Personal Property	
District Owned Property	
Dress and Grooming.....	
Duty	
Food Service	
Energy Conservation	
Emergencies, Fire, Tornado Drill	
Shelter in Place	
Active Shooter	
Faculty, Staff, and Collaborative Planning Meetings.....	
Fund Raisers	
Inventory and Personal Property	
Textbooks	
Transportation of Students.....	
Transportation of Students in Private Vehicles	
Transfer Guidelines for Attendance for Children of Employees.....	
Closed Campus.....	
Technology Equipment.....	

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.

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

District Information

Board of Trustees

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

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

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members are elected biennially and serve 4-year terms.

The board usually meets on the third Monday of each month at 7:00 p.m. in the Board Room. When determined necessary and for the convenience of Board Members, the Superintendent, in consultation with the Board President, may change the date, time, or location of a regular meeting with proper notice. In the event that large attendance is anticipated, the board may meet at a different location. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and at the Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a one-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.

Current board members include:

- Kimberly Boone President
- Paul Arriaga Vice President
- Janie Anguiano Secretary
- Leo Gonzalez Vice Secretary
- Paul Mostella Trustee
- Ben Benavides Trustee
- Denise Villalobos Trustee

Administration

Stephen VanMatre	Superintendent of Schools
Philip Carroll	Deputy Superintendent
Dr. John White	Assistant Superintendent for School Leadership & Learning
Patrick Hernandez	Assistant Superintendent for School Operations
Yolanda Alvaro	Director of Special Education
Rosario Salinas	Director of Technology & Digital Learning
Dr. Allison D. Schaum	Director of Curriculum and Instruction
Kenna Moody	Assistant Director of Curriculum and Instruction
Iris Chapa	Director of At-Risk Services & Testing
Catherine Saldana	Director of Finance

Employment

Equal Employment Opportunity

Policies DAA, DIA

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

In accordance with Title IX, the district does not discriminate on the basis of sex and is prohibited from discriminateing on the basis of sex in its educational programs or activities. The prohibition against discrimination extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Employees with questions or concerns about discrimination based on sex, including sexual harassment should contact the Director of Human Resources, who is the District Title IX coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact the Director of Special Education, or the district ADA/Section 504 coordinator. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

Job Vacancy Announcements

Policy DC

Announcements of job vacancies by position and location are posted on a regular basis to the district's website. Positions requiring SBEC certification shall be posted for 10 days, unless the position becomes available during the school year.

Employment after Retirement

Policy DC

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

Contract and Noncontract Employment

Policy DC series

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

Probationary Contracts

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

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

Term Contracts

Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

Noncertified Professional and Administrative Employees

Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional administrators) are employed by a one-year contract that is not subject to the provisions for nonrenewal or termination under the Texas Education Code.

District of Innovation

Tuloso-Midway ISD will maintain its current expectation for employee certification and will make every attempt to hire highly-qualified teachers with appropriate certification for the position in question; however, where that is not possible, the District will have the flexibility to hire teachers who have knowledge and life experiences in the area and are able to perform the duties assigned to that position

Paraprofessional and Auxiliary Employees

All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district. Classroom paraprofessionals must have a current SBEC Educational Aide Certificate.

Certification and Licenses

Policies DBA, DF

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the personnel office in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify the Director of Human Resources when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Director of Human Resources if you have any questions regarding certification or licensure requirements.

Recertification of Employment Authorization

Policy DC

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

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

Searches and Alcohol and Drug Testing

Policy CQ, DHE

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

Employees Required to Have a Commercial Driver's License

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

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

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

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Transportation Director.

Health Safety Training

Policies DBA, DMA

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

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

Reassignments and Transfers

Policy DK

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-

assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Even though an employee requests a transfer, a transfer is not automatically guaranteed. All transfer requests will be approved in the best interest of the District. An employee-initiated transfer request (1) must be made on the Tulosso-Midway “**Request for Employee Transfer**” form; (2) must be signed by the present supervisor; (3) must be submitted to the Director of Human Resources, **not to the individual principal** of the campus where the employee is requesting a transfer to; (4) must be approved by the sending supervisor, the receiving supervisor, and the Director of Human Resources; and (5) the final decision on all transfer requests is the Superintendent of Schools.

Workload and Work Schedules

Policies DEAB, DK, DL

Professional Employees

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

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

Paraprofessional and Auxiliary Employees

Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See *Overtime Compensation* on page 16 for additional information.

Breaks for Expression of Breast Milk

Policies DEAB, DG

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

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother. The employee must give the district 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact the Director of Human Resources, 361-903-6405.

Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking PWFA accommodation should contact the Director of Human Resources, 361-903-6405 to begin the interactive process.

Notification to Parents Regarding Qualifications

Policies DK, DBA

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

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

Outside Employment and Tutoring

Policy DBD

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

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of district students for pay.

Performance Evaluation

Policy DN series

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

district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient. The committee shall be comprised of the other registered nurses in the district, the campus principal, and a central office administrator.

Teachers who are eligible for less frequent evaluations in accordance with law and local criteria will be appraised every three years, unless a supervisor authorizes a teacher to return to the annual cycle of appraisals.

Employee Involvement

Policies BQA, BQB

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

Staff Development

Policy DMA

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

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

Compensation and Benefits

Salaries, Wages, and Stipends

Policies DEA, DEAA, DEAB

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

All employees will receive written notice of their pay before their first paycheck. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact the Director of Human Resources for more information about the district's pay schedules or their own pay. All payroll changes must be submitted 2 weeks before payday.

Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid either semi-monthly or monthly. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. The District's teacher pay schedule can be located on the District website at <https://www.tmsd.us/payroll>.

Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account. A notification period of two weeks is necessary to activate this service. Contact the payroll clerk for more information about the automatic payroll deposit service.

Payroll Deductions

Policy CFEA

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

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Overpayments

Employees are not entitled to any funds the district overpays. An agreement between an employee and the district must be in place in order to deduct any overpayment from one or more paychecks if an overpayment occurs.

Other Payroll Deductions

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

Overtime Compensation

Policy DEAB, DEC

The district compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. **Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action up to and including termination.**

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of calculating overtime, a workweek begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. Saturday.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

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

Travel Expense Reimbursement

Policy DEE

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

Health, Dental, and Life Insurance

Policy CRD

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

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are employed for 10 or more regularly scheduled hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) are not eligible to participate in TRS-ActiveCare.

The insurance plan year is from September 1st through August 31st. Current employees can make changes in their insurance coverage during open enrollment each year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the employee benefits coordinator for more information.

Supplemental Insurance Benefits

Policy CRD

At their own expense, employees may enroll in supplemental insurance programs for Flex Spending Account, Disability, Vision, Dental, Cancer, Accident and Health Insurance. Premiums for these programs can be paid by payroll deduction. Employees should contact the employee benefits coordinator 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 life insurance). A third-party administrator handles employee claims made on these accounts.

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

However, once you make your choices, you may not change them for one full plan year-unless there is a change in family or employment status.* Such changes include the following:

- Marriage or divorce
- Birth or adoption of a child
- Change in employment for you or your spouse
- Death of spouse or dependent
- Dependent no longer eligible for insurance

*Please note, you must report a change of status within 30 days of the event. Consult your HR department for additional guidelines.

Workers' Compensation Insurance

Policy CRE

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Creative Risk Funding.

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

All work-related accidents or injuries should be reported immediately to the immediate supervisor and to the employee benefits coordinator. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Worker's Compensation Benefits* for information on use of paid leave for such absences.

Unemployment Compensation Insurance

Policy CRF

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

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). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are eligible to purchase a year of creditable service in TRS. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31st, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify the personnel department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web (www.trs.state.tx.us).

Leaves and Absences

Policies DEC, DECA, DECB

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

If an hourly employee does not report or request leave of absence(s) according to district procedures, the incident is considered a “no call/no show”. An employee who is absent for three (3) consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

TULOSO-MIDWAY POLICY DEC (LOCAL)

Definitions

Family

The term “immediate family” is defined as:

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

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA (LEGAL).

Family Emergency

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full time or part time.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph. Conditions related to elective surgery shall be considered catastrophic if they meet the requirements of this paragraph.

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

Earning Local Leave

An employee shall not earn any local leave when he or she is on unpaid status. An employee using full or proportionate paid leave shall be considered to be on paid status.

Deductions**Leave Without Pay**

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration**Employed for Less Than Full Year**

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

- State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
- Local leave the employee used but had not earned as of the date of separation.

Employed for Full Year

If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

Recording

Leave shall be recorded as follows:

- Leave shall be recorded in half-day increments for all employees, except as provided below, even if a substitute is not employed.
- Leave for maintenance and transportation employees shall be recorded in one-hour increments.
- If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
- If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]

Available leave shall be used in the order determined by each employee. If that category of leave is not available, the District will use the next category of leave available. Once leave has been entered into the system, it shall not be changed.

Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

Medical Certification

An employee shall submit medical certification of the need for leave if:

- The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;
- The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
- The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
- The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA (LEGAL)]

Note: For District contribution to employee insurance during leave, see CRD (LOCAL).

The district may require medical certification due to an employee's questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district may also request medical certification when an employee requests leave under the Family and Medical Leave Act (FMLA) for the employee's serious health condition, a serious health condition of the employee's spouse, parent, or child, or for military caregiver leave.

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC (LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

Limitations

Request for Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee at least two days in advance of the anticipated absence. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek

or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

Duration of Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays.

Schedule of Limitations

A campus instructional employee shall not be permitted to use discretionary leave on the day of state-mandated assessments for the employee's campus or any day scheduled for professional development.

Local Leave

Professional and auxiliary/paraprofessional employees shall earn five paid local leave days per school year in accordance with administrative regulations.

Hourly employees in the maintenance and transportation department shall not be eligible for local leave.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year. [See DEC (LEGAL)]

An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.

Extended Sick Leave

After all available state and local leave days have been exhausted, a full-time employee shall be granted in a school year a maximum of 30 leave days of extended sick leave to be used for the employee's catastrophic illness or injury, or for absences related to the catastrophic illness or injury of the employee's spouse or child, including a biological, adopted, foster, or stepchild.

The number of extended sick leave days granted shall depend upon the number of extended sick leave days the employee has accumulated. Extended sick leave shall be earned after the first year of service and shall accumulate in five-day increments per year, to a maximum of 30 leave days. As extended sick leave days are used, they shall be deducted from the employee's extended sick leave balance. The remaining balance at the end of each school year shall carry over to the following school year.

For professional employees, the average daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken, whether or not a substitute is employed. For employees other than professionals, an amount equal to one-half the individual employee's daily rate of pay shall be deducted for each day of extended sick leave taken.

Sick Leave Pool

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's spouse, son, or daughter as defined at Immediate Family, may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.

Abuse of Leave

The District shall investigate any suspected or reported abuse of leave benefits. An employee found to have abused leave benefits shall be subject to appropriate disciplinary action, up to and including termination.

Neutral Absence Control

If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave, regardless of the reason for the absence. [See DF series] The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA (LEGAL)], shall be considered before termination. If terminated, the employee may apply for reemployment with the District.

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

'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Continuation of Health Insurance

Employees, on an approved leave of absence other than family and medical leave, may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the FMLA will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave. Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee's unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

State Sick Leave

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

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

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

Personnel employed less than 100 percent of the day, but at least 50 percent of the day, shall earn two and one-half days in any one school year. Personnel employed less than 50 percent of the day do not earn sick leave.

Vacation

Policy DED

At the completion of the first year of employment, hourly 12-month noncertified employees who work 260 days, shall be given five days of paid vacation, which must be used prior to the completion of the second year of employment.

One additional day of vacation shall be given for each succeeding year of employment, not to exceed ten days for five years. All vacation days must be used before the end of the year in which they are given.

The starting date for accumulating each year's leave shall be the beginning date of employment. Paid holidays shall be given as determined by administration. The number and specific days shall be as stated in the District's official school calendar each year.

Family and Medical Leave (FML)—General Provisions

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

What is FMLA Leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's

Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

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

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

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

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your employer *must*:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, **your employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



Family and Medical Leave
TULOSO-MIDWAY ISD POLICY DEC

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.

Combined Leave for Spouses

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or Reduced Schedule Leave

The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of Leave

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness for Duty Certification

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.

End of Semester Leave

If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), Leave at the End of a Semester]

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Local Family and Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period from July 1st through June 30th.

Use of Paid Leave

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

Combined Leave for Spouses

Spouses who are employed by the district are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave

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

Fitness for Duty

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

Reinstatement

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

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

Failure to Return

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

District Contact

Employees that require FML or have questions should contact the employee benefits coordinator for details on eligibility, requirements, and limitations.

Temporary Disability Leave

Certified Employees

Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature.

Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

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

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

When an employee is ready to return to work, the Director of Human Resources should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties.

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

Workers' Compensation Benefits

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

If an employee is hurt on the job under workers' compensation and requires some leave from duty, the leave will be taken as follows:

- **First 8 days**, the employee must take their own leave days (state sick, state personal, or local sick)
- **After 8 days**, Worker's Compensation Benefits will be paid (a % of normal daily rate) and the employee's sick days are not used
- **After 15 days** of leave due to the accident, Worker's Compensation Benefits will continue and the sick days for the first 8 days which the employee used for their own leave time will be reimbursed to their sick time balances if the employee returns any salary paid to them for these leave days used

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use available, partial-day increments of sick leave or any other paid leave benefits to make up the difference between wage benefits and pre-injury or -illness wages. While an employee is receiving workers' compensation wage benefits, the district will charge available leave proportionately so that the employee receives an amount equal to the employee's regular salary.

Assault Leave

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury, and should be reported to the Director of Human Resources. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

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

Jury Duty

Policies DEC, DG

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of jury or grand jury service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

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

Compliance with a Subpoena

Employees will be paid while on leave to comply with a valid subpoena to appear in civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave if they are acting within the scope of their employment. Employees may be required to submit documentation of their need for leave for court appearances.

Truancy Court Appearances

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

Religious Observance

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may

use the accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

Military Leave

Paid Leave for Military Service

Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to 15 days of paid leave per fiscal year when engaged in authorized training or duty ordered by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

Reemployment after Military Leave

Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National Guard or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact the Human Resource Department. In most cases, the length of federal military service cannot exceed five years.

Continuation of Health Insurance

Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the employee benefits coordinator for details on eligibility, requirements, and limitations.

Payment for Accumulated Leave upon Separation

The following leave provisions shall apply to local leave earned beginning on the original effective date of this program.

An employee who separates from employment with the District shall be eligible for reimbursement for local leave under the following conditions:

- The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or nonrenewed.
- The employee provides advance written notice of intent to separate from employment at least two weeks before the last day of employment.
- The employee has at least 15 years of service with the District.

The employee shall be reimbursed for each day of local leave, to a maximum of 30 days.

Professional employees shall be reimbursed at a rate of \$100 per day. Auxiliary/paraprofessional employees shall be reimbursed at a rate of \$50 per day.

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

Employee Relations and Communications

Policy DGBA

Employee Recognition and Appreciation

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

District Communications

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

Complaints and Grievances

Policy DGBA

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

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

Guiding Principles

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns.

Informal Process

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Direct Communication with Board Members

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

Formal Process

An employee may initiate the formal process described below by timely filing a written complaint form.

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

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

Freedom from Retaliation

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

Whistleblower Complaints

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

Complaints against Supervisors

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

Other Complaint Process

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

- Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
- Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
- Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
- Complaints concerning instructional resources shall be submitted in accordance with EF.
- Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
- Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
- Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

General Provisions Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of

business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee's absence.

Response

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

Days

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

Representative

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

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

Consolidating Complaints

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

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

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

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

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

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

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

Audio Recording

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

Level One

Complaint forms must be filed:

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

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

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

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

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

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

Level Two

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

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

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

The Level One record shall include:

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

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

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

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

Level Three

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

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

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

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

The Level Two record shall include:

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

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

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

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

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

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

Employee Conduct and Welfare

Standards of Conduct

Policy DH

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

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

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, up to and including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the Superintendent knew of the incident.

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

Texas Educators' Code of Ethics

Purpose and Scope

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

Enforceable Standards

1. Professional Ethical Conduct, Practices, and Performance

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Ethical Conduct toward Professional Colleagues

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

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

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

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

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

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

Standard 2.7 The educator shall not retaliate against any individual who has filed a complaint with the SBEC or provides information for a disciplinary investigation or proceeding under this chapter.

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

3. Ethical Conduct toward Students

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

Standard 3.2 The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3 The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

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

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

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

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

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

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

- (i) the nature, purpose, timing, and amount of the communication
- (ii) the subject matter of the communication
- (iii) whether the communication was made openly or the educator attempted to conceal the communication
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship

- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student

Discrimination, Harassment, and Retaliation

Policies DH, DIA

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

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

Any district employee who believes that he or she has experienced prohibited conduct based on sex, including sexual harassment, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, the campus principal, the Title IX coordinator, or the superintendent. The district's Title IX coordinator's name and contact information is listed in the Equal Opportunity section of this handbook.

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

Employee Harassment

TULOSO-MIDWAY ISD POLICY DIA

Note: This policy addresses discrimination, harassment, and retaliation against District employees. For Title IX and other provisions regarding discrimination, harassment, and retaliation against students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term "employee" includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

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

Discrimination

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

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Prohibited Conduct

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

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

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

- Has the purpose or effect of unreasonably interfering with the employee's work performance;
- Creates an intimidating, threatening, hostile, or offensive work environment; or
- Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

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

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

Examples

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

Reporting Procedures

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

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

Definition of District Officials

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

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]

Superintendent

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

Alternative Reporting Procedures

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

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

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice of Report

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

Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

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

Initial Assessment

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

Interim Action

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

District Investigation

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

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

Concluding the Investigation

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

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

District Action

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

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

Confidentiality

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

Appeal

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

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

Response to Sexual Harassment – Title IX

General Purpose

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

- Equitable treatment of complainants and respondents;
- An objective evaluation of all relevant evidence;
- A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
- A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
- Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
- A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
- A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
- Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
- A description of the supportive measures available to the complainant and respondent;
- A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
- Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
- Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

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

Examples

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

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually to District employees. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

Title IX Coordinator

The District designates and authorizes the following person as the Title IX coordinator to be responsible for coordinating the District's efforts to comply with Title IX of the Education Amendments of 1972, as amended, for employees:

Position: Director of Human Resources
Address: 9760 La Branch, Corpus Christi, TX 78410
Email: [Title IX coordinator \(aelizondo@tmisd.us\)](mailto:aelizondo@tmisd.us)
Telephone: (361) 903-6405

ADA/Section 504 Coordinator

The District designates and authorizes the following person as the ADA/Section 504 coordinator to be responsible for coordinating the District's efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for employees:

Name: Yolanda Alvaro
Position: Director of Special Education
Address: 1921 Overland Trail, Corpus Christi, TX 78410
Email: [ADA/Section 504 coordinator \(yalvaro@tmisd.us\)](mailto:yalvaro@tmisd.us)
Telephone: (361) 903-6740

Harassment of Students

TULOSO-MIDWAY POLICY DH, DHB, FFG, FFH, FFI

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse* and *Bullying* for additional information.

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

“SOLICITATION OF A ROMANTIC RELATIONSHIP”

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

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:
 - a. The nature of the communications
 - b. The timing of the communications
 - c. The extent of the communications
 - d. Whether the communications were made openly or secretly
 - e. The extent that the educator attempts to conceal the communications
 - f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and
 - g. Any other evidence tending to show the context of the communications between educator and student

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

19 TAC 249.3(51)

TULOSO-MIDWAY ISD POLICY FFH

Note: This policy addresses discrimination, harassment, and retaliation against District students. For provisions regarding discrimination, harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Statement of Nondiscrimination

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

Discrimination

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

Prohibited Conduct

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

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

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

- Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by law and this policy.

Examples

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

By an Employee

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

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

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

By Others

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

- Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
- Otherwise adversely affects the student’s educational opportunities.

Examples

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

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.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student’s gender, the student’s expression of characteristics perceived as stereotypical for the student’s gender, or the student’s failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

- Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
- Otherwise adversely affects the student’s educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student’s or the harasser’s actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyber harassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

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

- Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
- Otherwise adversely affects the student’s educational opportunities.

Examples

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

Reporting Procedures

Student Report

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

Employee Report

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

Definition of District Officials

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

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

Superintendent

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

Alternative Reporting Procedures

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

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

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice to Parents

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

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Sexual Harassment—Title IX.

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

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation

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

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

Criminal Investigation

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

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

Corrective Action

Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

Bullying

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct

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

Confidentiality

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

Appeal

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

Response to Sexual Harassment – Title IX

General Purpose

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX

formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

- Equitable treatment of complainants and respondents;
- An objective evaluation of all relevant evidence;
- A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
- A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
- Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
- A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
- A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
- Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
- A description of the supportive measures available to the complainant and respondent;
- A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
- Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
- Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of

harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX.

Examples

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

False Claim

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

Title IX Coordinator

The District designates and authorizes the following person as the Title IX coordinator to be responsible for coordinating the District's efforts to comply with Title IX of the Education Amendments of 1972, as amended, for students:

Position: Director of Human Resources
Address: 9760 La Branch, Corpus Christi, TX 78410
Email: [Title IX coordinator \(aelizondo@tmisd.us\)](mailto:aelizondo@tmisd.us)
Telephone: (361) 903-6405

The District designates and authorizes the following persons as the Title IX sub-coordinators for students at each campus:

For Tulosso-Midway High School

Name: Stacy Lucas
Position: Assistant Principal
Address: 2653 McKenzie Road, Corpus Christi, TX 78410
Email: [High school sub-coordinator \(slucas@tmisd.us\)](mailto:slucas@tmisd.us)
Telephone: (361) 903-6702

For Tulosso-Midway Middle School

Name: Connie Tierney
Position: Assistant Principal
Address: 9768 La Branch, Corpus Christi, TX 78410

Email: Middle school sub-coordinator (ctierney@tmisd.us)
Telephone: (361) 903-6613

For Tuloso-Midway Intermediate School

Name: Ryan Jennische
Position: Assistant Principal
Address: 1921 Overland Trail, Corpus Christi, TX 78410
Email: Intermediate school sub-coordinator (rjennische@tmisd.us)
Telephone: (361) 903-6547

For Tuloso-Midway Primary School

Name: Guadalupe Chapa
Position: Assistant Principal
Address: 3125 Deer Run, Corpus Christi, TX 78410
Email: Primary school sub-coordinator (gchapa@tmisd.us)
Telephone: (361) 903-6503

For Tuloso-Midway Academic Career Center

Name: Melody McClarren
Position: Principal
Address: 7601 Leopard Street, Corpus Christi, TX 78410
Email: Academic career center sub-coordinator (mmclarren@tmisd.us)
Telephone: (361) 903-6453

ADA/Section 504 Coordinator

The District designates and authorizes the following person as the ADA/Section 504 coordinator to be responsible for coordinating the District's efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for students:

Name: Yolanda Alvaro
Position: Director of Special Education
Address: 1921 Overland Trail, Corpus Christi, TX 78410
Email: ADA/Section 504 coordinator (yalvaro@tmisd.us)
Telephone: (361) 903-6740

Reporting Suspected Child Abuse

Policies DG, FFG, GRA

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §26.001, are required by state law to make a report to a law enforcement agency, Texas Department of Family and Protective Services (DFPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to DFPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of

the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to DFPS can be made online at <https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from taking an adverse employment action against a certified or licensed professional 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 make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educator's Code of Ethics.

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

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

Sexual Abuse and Maltreatment of Children

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at www.tmisd.us, under Educational Services Department. 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 has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

Reporting Crime

Policy DG

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

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

Scope and Sequence

Policy DG

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

Technology Resources

Policy CQ

The district's technology resources, including its network, computer systems, email 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/or legal action. Employees with questions about computer use and data management can contact the Technology Coordinator.

Employees must pay for the cost of replacement/repair of the iPad, or other technology issued to them. School iPads must remain in the possession of the educator.

Personal Use of Electronic Communications

Policy CQ, DH

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

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional

standards in their public use of electronic communications as they are for any other public conduct. If an employee's use of electronic communications interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

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

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

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

Electronic Communications between Employees, Students, and Parents

Policy DH

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

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

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

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

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

- *Electronic communications* means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes email, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Communications*, 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 communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- 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 email address.
- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- The employee shall not communicate directly with any student between the hours of 10:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educator’s Code of Ethics, including:
 - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
 - Copyright law [Policy CY]
 - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district’s record retention policy.
- An employee shall notify his or her supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

Public Information on Private Devices

Policy DH, GB

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

Criminal History Background Checks

Policy DBAA

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

Employee Arrests and Convictions

Policy DH, DHB, DHC

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

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

Moral turpitude includes the following:

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

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.

Certified Employees

The superintendent and directors are required to report the misconduct or criminal history of a certified or individual applying for certification or permit to TEA Division of Educator Investigations. Information about misconduct or allegations of misconduct of a certified employee obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abused or otherwise committed an unlawful act with a student or minor
- Possessed, transferred, sold, or distributed a controlled substance
- Illegally transferred, appropriated, or expended school property or funds
- Attempted by fraudulent means to obtain or alter any certificate or permit to gain employment or additional compensation
- Committed a criminal offense on school property or at a school-sponsored event, or
- Solicited or engaged in sexual conduct or a romantic relationship with a student or minor

Uncertified Employees

Misconduct or criminal history of an uncertified employee also must be reported to TEA. Information about misconduct or the allegations of misconduct obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abuse or unlawful act with a student or minor, or
- Involvement in a romantic relationship with or solicited or engaged in sexual contact with a student or minor

Alcohol- and Drug-Abuse Prevention

Policy DH

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

TULOSO-MIDAWAY ISD POLICY DH

Alcohol/Notice of Drug-free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

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

- Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
- Alcohol or any alcoholic beverage.
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

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

Exceptions

It shall not be considered a violation of this policy if the employee:

- Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;
- Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use; or
- Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment with the District; and
- Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Tobacco Products and E-Cigarette Use

Policies DH, FNCD, GKA

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

Fraud and Financial Impropriety

Policy CAA

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

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Conflict of Interest

Policy CB, DBD

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

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

Employees should contact their supervisor for additional information.

Gifts and Favors

Policy DBD

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

Copyrighted Materials

Policy CY

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

Associations and Political Activities

Policy DGA

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization. An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of district resources including work time for political activities is prohibited.

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

Charitable Contributions

Policy DG

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

Safety and Security

Policy CK series

The district has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries.

Employees must follow established protocols and response to emergencies for each campus and department. Refer to written security procedures specific to your location and work area.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

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

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

Employees with questions or concerns relating to safety programs and issues can contact the employee benefits coordinator.

Possession of Firearms and Weapons

Policies DH, FNCG, GKA

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun, firearm, or ammunition is properly stored and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor or call the police department immediately.

Visitors in the Workplace

Policy GKC

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

Asbestos Management Plan

Policy CKA

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

Pest Control Treatment

Policies CLB, DI

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on all front entrances in every campus. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electronic means. Pest control information sheets are available from campus principals or facility managers upon request.

General Procedures

Emergency School Closing

The district may close schools because of severe weather, epidemics, or other emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's website, notify local radio and television stations, and send out a school reach message by phone.

Emergencies

Policies CKC, CKD

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

Purchasing Procedures

Policy CH

All requests for purchases must be submitted to the business office 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 Business Manager for additional information on purchasing procedures.

Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the personnel office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The official name on your social security card is the name that will be used. The form to process a change of personal information can be obtained from the Personnel Department.

Personnel Records

Policy DBA, GBA

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal email is confidential and may not be released without the employee's permission.

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number

- Emergency contact information
- Information that reveals whether they have family members
- Personal email address.

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

Facility Use

Policies DGA, GKD

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

Time Clocks

Hourly employees and part-time employees must clock in and out at their work locations.

Job Abandonment

An employee who walks off the job without good cause will be considered as abandoning their jobs.

Candles

Scented and unscented candles in classrooms and offices can be a safety concern and to some students a health hazard. Therefore, **NO** candles are permitted nor are to be burned in any district classroom or office complex. The only exception is candles used in a ceremony or other activity with approval by the campus principal.

School Keys

School keys are issued to you as an employee, and you are responsible for those keys. **NO** school keys should be given to a student/communitiy member to open up district facilities. Family members who are non-school employees should also not be given keys to district facilities. Any misplaced keys, lost or stolen should immediately be reported to your supervisor.

Cell Phones

Employees may use their personal cellular phones for job-related communication during work hours provided such use does not disrupt the learning environment. Personal use of cell phones during the school day should be limited to a teacher's conference or non-instructional times. This includes texting and other applications. Teachers are encouraged to have individuals that need to contact them call the school office and leave a message for them to return a call during non-instructional time. The exception to this policy would be that the employee is able to leave the cell phone on silent or vibrate mode for extenuating circumstances as approved by their building principal.

All classrooms are provided telephones for teacher use as well as for emergency situations. These phones are provided as a tool to help teachers contact parents and perform their required duties. These phones are for employee use only, and students are not allowed to use the phone during the instructional day.

For employees driving school buses, district vehicles or rented vehicles transporting students, **it is against State Law to use a cell phone or wireless device while driving/operating the vehicle and transporting students.** This includes text messaging and other social media applications.

Termination of Employment

Resignations

Policy DFE, DHB

Contract Employees

Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent. Contract employees may resign at any other time only with the approval of the Superintendent or the Board of Trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct. The Superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in any such misconduct.

Noncontract Employees

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

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or of knowing about an employee's resignation or termination following an alleged incident of misconduct described above.

Dismissal or Nonrenewal of Contract Employees

Policies DF Series, DHB

Employees on probationary and term contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

The principal is required to notify the Superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page XX. The Superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available online.

Dismissal of Noncontract Employees

Policies DCD, DP

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

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student; or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

Discharge of Convicted Employees

Policy DF

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under the Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction the requirement to discharge does not apply.

Exit Interviews and Procedures

Exit interviews may be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment.

Reports to Texas Education Agency

Policies DF, DHB, DHC

Certified Employees

The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is evidence that the employee was involved in any of the following:

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

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

The reporting requirements above are in addition to the Superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

Noncertified Employees

The voluntary or involuntary separation of a noncertified employee from the District must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

Reports Concerning Court-Ordered Withholding

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance. Notice of the following must be sent to the court and support recipient or, in the case of child support, the Texas Attorney General Child Support Division:

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

Student Issues

Equal Educational Opportunities

Policies FB, FFH

In an effort to promote nondiscrimination and as required by law, Tuloso-Midway ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to the Superintendent, the district Title IX Coordinator for students. Questions or concerns about discrimination on the basis of a disability should be directed to the Special Education Director, the District ADA/Section 504 Coordinator for students. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

Student Records

Policy FL

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

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

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

Parent and Student Complaints

Policy FNG

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

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

Administering Medication to Students

Policy FFAC

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen®), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. Contact the school nurse for information on procedures that must be followed when administering medication to students.

Dietary Supplements

Policies DH, FFAC

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

Psychotropic Drugs

Policy FFAC

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

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

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

Student Conduct and Discipline

Policies in the FN series and FO series

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

Student Attendance

Policy FEB

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are

allowed to leave campus. When absent from school, the student upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the Student Handbook. Contact the campus principal for additional information.

Bullying

Policy FFI

Bullying is defined by TEC §37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to the campus principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

TULOSO-MIDWAY POLICY FFI

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Retaliation

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

Examples

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

False Claim

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

Timely Reporting

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

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

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

Concluding the Investigation

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.

Notice to Parents

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

District Action

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. The District may notify law enforcement in certain circumstances.

Discipline

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.

Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers

The principal or designee shall refer to FDB for transfer provisions.

Counseling

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.

Improper Conduct

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

Confidentiality

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

Appeal

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

Records Retention

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

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Hazing

Policy FNCC

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

Other Pertinent Information for Tulo-so-Midway

Free Admission

Only the District employees will be admitted free to all home school-sponsored events. The spouse or children of the employee must pay to be admitted to all home school-sponsored events. Senior Citizen passes are available through the athletic department.

Summer Premiums for Health Insurance

Bus drivers who work fewer than 12 months will have an additional amount of money deducted every payday from September through May to cover additional June and July summer costs. You will receive the employer contribution for the summer months unless you terminate employment. If you do not return to work at the end of the summer, you will be billed for the entire amount and due upon receipt.

Master’s Degree Stipends

Master’s Degree stipends will be paid using the following guidelines:

- Mid-year hires or
- Employees who receive their Master’s Degree during the year, will receive the prorated amount of the daily rate of work days left.
- Employees will be paid only for the current year when the transcript is received in the Personnel Department.

Attendance

Being on time for each scheduled workday is essential to the proper performance of your job. Tardiness on your part impairs District efficiency and is a burden to your fellow employees. It is to your advantage to be on time since punctuality and attendance records count in determining the value of your service to the District. When it is impossible to report at your scheduled work time, call your supervisor as soon as possible with a brief explanation of the reasons for your absence and how long before you expect to return to work. A repeat call should be made each day.

At-will

If an at-will employee fails to report his or her absence for three consecutive days, he or she will be considered to have resigned from the District.

Neutrally-applied absence control for non-contract employees

At no time may an employee elect to be absent from duty and charge the absence to “absent without pay,” without the prior approval of the employee’s supervisor. A request to be “absent without pay” must be submitted to the principal or immediate supervisor in writing at least one day (24

hours) in advance for each day of the planned absence. Supervisors must notify the employee whether or not the absence is approved.

After a non-contract employee has exhausted all paid and unpaid approved leave, family and medical leave for which he or she is eligible and does not return to work within a reasonable amount of time, the employee shall be notified in writing that their job will be filled in order to prevent grievous economic injury to the District operations. If applicable, the employee will be offered COBRA. The employee may apply for available positions with the District when the employee provides a medical release certificate stating that the employee is able to return to work.

Substitutes

In the event that a teacher must be absent, the principal should be informed as soon as possible. **Please call the campus principal no later than 10:00 P.M. on the evening before, or no earlier than 6:00 A.M. and no later than 6:30 A.M. on the day that the substitute is needed.**

Contracts, Agreements, Covenants Which Obligate the District

All contracts, or covenants which would obligate the District in any way, shall be signed by the Superintendent or the district's designee. No other district person is authorized to execute or enter into contracts on behalf of the district.

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. Persons making unauthorized commitment or purchases shall assume full personal responsibility for all such debts.

Damage of Personal Property

Riding lawn mowers are not motorized vehicles. Any damage caused by lawn equipment is not covered under the district insurance. Vehicle owner is responsible for repairing any damage.

District Owned Property

An employee of the district cannot borrow or take home any district property for their own personal use (including but not limited to tables, chairs, desks, ladders, mechanic tools, maintenance tools and vehicles). The use of district owned property including district vehicles for personal use may lead to disciplinary actions, including but not limited to termination. Technology equipment that is assigned or checked out to district employees is the responsibility of the employees. Employees must pay for the repair of damaged technology, including but not limited to iPads, or cameras.

Dress and Grooming

TULOSO-MIDWAY ISD POLICY DH

Educators are professionals and their mode of dress should reflect their responsibility as a role model. All employees shall observe modesty and neatness in clothing and personal appearance. The principal on each campus shall make a final determination on the appropriateness of the educators clothing.

Duty

TULOSO-MIDWAY ISD POLICY DL

Other duties may be assigned to teachers throughout the year to help provide adequate and proper student supervision. Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students.

Food Service

Any employee, who would like to set up an account, may contact the Food Service Department office and they may maintain their account through their campus cafeteria. All employees will be assigned a campus destination for their "home" campus. The account will be accessible for use on all campuses for the employee, but payment should be made on their assigned "home" campus. Adults may also maintain their accounts online through <https://www.myschoolbucks.com/>.

Energy Conservation

TULOSO-MIDWAY ISD POLICY CL

All employees are asked to do their part to make our schools more energy efficient. **TURN OFF CLASSROOM AND OFFICE LIGHTS WHEN NOT IN USE.**

Emergencies, Fire, Tornado Drill

TULOSO-MIDWAY ISD POLICY CKC

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

Students, teachers and other District employees will participate in emergency drills. Drills are held to develop safety practices and promote speedy evacuation to assigned safety areas during an emergency. Safety rules are reviewed regularly. During an actual emergency or drill, personal safety depends on the way instructions are followed. Inappropriate student behavior during drills constitutes a violation of discipline rules. Fire and emergency drill procedures should be carefully followed:

- Post evacuation routes in a visible location
- Regularly review evacuation procedures with students
- Designate the last student in line to turn off the lights and close the door
- Do not lock the room
- Remind students to leave possessions/books in room, except for purses
- Assemble students at a safe distance from the building following the master evacuation plan
- Take roll and notify an administrator if any student is missing
- Wait for signal before returning to the building.

Shelter in Place

This is a safety procedure used in case of a chemical accident involving noxious fumes or other potential hazards. If such an accident occurs near a school, or if the wind would carry the fumes

to a school, the following procedures should be followed:

- All students and school personnel should return inside the school building at once
- Custodian will turn off all air and heating units and close exhaust vents
- Account for all students and lock all doors leading to the outside of the building
- Remain inside the building until an all clear message is given.

Active Shooter

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. The immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims. Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, we as individuals must be prepared to deal with an active shooter situation.

Traditional lockdown is a good response in most emergencies, but may not be enough when one or more people are actively killing teachers and students inside a building or classrooms.

When an active shooter is in your vicinity, you have three options:

1. Lock Out
 - Lock door to the room or block entry, and turn lights out
 - Cover windows and hide out of the shooter's view
 - Silence cell phones (including vibrate mode) and remain quiet
2. Get Out (if necessary)
 - Be aware of your environment. Preplan an escape route
 - Leave belongings behind. Help others to escape, if possible
 - Exit by whatever means possible, including breaking windows
 - If exiting through doors, keep hands visible and above head
 - Prevent others from entering an area where a shooter might be
3. Take Out (This is a personal decision.)
 - Fight as a last resort and only when your life is in imminent danger
 - Attempt to incapacitate the shooter
 - Act with as much physical aggression as possible
 - Improvise weapons or throw items at the active shooter
 - Commit to your actions...your life and that of others depend on it

The first officers to arrive on scene will not stop to help the injured. Their primary purpose is to stop the active shooter. Expect rescue teams to follow initial officers. These teams will treat and remove the injured.

When law enforcement arrives

- Remain calm and follow instructions
- Drop items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers

- Keep hands visible at all times
- Avoid quick movements toward officers, such as holding on to them for safety
- Avoid pointing, screaming, or yelling
- Do not ask questions when evacuating

Faculty, Staff, and Collaborative Planning Meetings

Collaborative Planning meetings are intended for instructional planning during the workday. Educators should not schedule personal appointments during this planning time. Principals should not schedule faculty meetings during collaborative planning time.

Faculty meetings are scheduled to provide information and communication between administration and employees. Employees are expected to attend these meetings. Times for the faculty meetings will be planned and are usually the same each time.

Fund Raisers

TULOSO-MIDWAY ISD POLICY FJ

Fund-raising activities by student groups and/or for school-sponsored projects shall be allowed, with prior Superintendent's approval and under the supervision of the project sponsor, for students in all grades. Student participation in approved fund-raising activities shall not interfere with the regular instructional program. No outside organizations of any sort may solicit contributions of any type from students, within the schools. Door to door fundraisers are discouraged for elementary students.

Inventory and Personal Property

Any incoming equipment should be added to the District inventory as it is received. Employees are responsible for the safekeeping and proper use of all equipment and supplies in their care. The school district is not responsible for any loss or damage to teacher or student property on the school campus. An additional safeguard to school and personal property is to turn out the lights and lock the door when a classroom is not in use.

Textbooks

TULOSO-MIDWAY ISD Policy CMD

Each student or his or her parent or guardian shall be responsible for all books not returned by the student, and any student failing to return all books shall forfeit the right to free textbooks until the books previously issued but not returned are paid for by the student, parent, or guardian.

If a book is not returned and payment is not made, the District may withhold the student's records, but shall not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma.

Books, other than electronic textbooks, must be covered by the student under the direction of the teacher. Books must be returned to the teacher at the end of the school year or when the student withdraws from school.

Transportation of Students

When students ride in a District vehicle or district rented vehicle, seat belts must be used at all times. Cell phones shall not be in use while transporting students.

Transportation of Students in Private Vehicles

SUBCHAPTER B. TORT LIABILITIES OF GOVERNMENTAL UNITS

Students may not be transported by employees in private vehicles. Employee accepts all liability when using personal vehicle on any District Business.

Transfer Guidelines for Attendance for Children of Employees

The District welcomes employee's dependents as transfers if the employee does not reside in the district. The employee must fill out all of the paperwork in accordance with board approved regulations for transfer students.

Closed Campus

TULOSO-MIDWAY ISD POLICY FEE

All District school campuses are closed campuses. Any student needing to leave campus during the school day due to illness or for any other reason must obtain permission to leave school from an appropriate school official after parent(s) or guardian(s) have been contacted. In the event parent(s) or guardian(s) cannot be contacted, the building principal may grant the student permission to leave.

Technology Equipment Earned as Part of a Grant or Training

All technology resources, teaching resources or other types of equipment that are awarded through part of a grant writing process (Educational Foundation) will remain the property of the Tuloso-Midway Independent School District and not the property of the person who these resources were awarded to. These resources are to be used for the sole purpose that they were originally intended for and cannot be given away to other staff members or relocated to another school or classroom. (Example: Music stereo that was awarded to choir to enhance the music program cannot be given to another class that does not use music as part of their curriculum.) If an employee is transferred to another assignment or another school, the equipment or resources must remain in the classroom that it was intended for. Any equipment or resources that are not being used for their original intended purpose can be reassigned by the school administrator. Employees are responsible to pay for all damaged technology equipment.



**ACCEPTABLE USE POLICY
OF
TECHNOLOGY RESOURCES
FOR EMPLOYEES**



Table of Contents

Introduction	1
Internet Safety Procedures	1
Access to Inappropriate Material	1
Inappropriate Network Usage	2
Education, Supervision and Monitoring	2
Copyright	2
Electronic Mail	3
Electronic Media	4
Electricity (clean power)	5
Internet Access/Filtering	5
Internet Usage	5
Maintenance of Local Hard Drives	6
Network Security	6
Purchases of New Equipment	6
Monitored Use	6
Stolen or Damaged Technology	7
Maintenance Requests/Inventory	7
Repurposing	7
Software	7
Substitutes	8
Network Access	8
Termination/Revocation of Network User Account	8
Vandalism Prohibited	9
Consequences of Improper Use	9
Disclaimer of Liability	9
Records Retention	9
Website	9
Technology Department Staff	10
Tuloso-Midway Acceptable Use Policy for Employees	11

Acceptable Use Policy of Technology Resources for Employees

Introduction

Access to Tulosso-Midway ISD's network, devices and technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

At TMISD, we will use network, devices and technology resources as one way of enhancing the mission to teach the skills, knowledge and behaviors students will need to succeed in the global community. These technologies include all district-provided equipment such as computers, tablets, laptops, iPads, and more.

The District will make training available to all users in the proper use of the system and will make copies of acceptable use guidelines available to all users. All training regarding the use of the District's systems will emphasize the ethical use of these resources.

In accepting this agreement, faculty and staff acknowledge the following:

Internet Safety Procedures

It is the policy of Tulosso-Midway ISD to:

- prevent user access over its computer network to transit inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- prevent unauthorized access and other unlawful online activity;
- prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet access, or other forms of electronic communications, to inappropriate information. Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the TMISD online computer network when using electronic mail, instant messaging, and other forms of direct electronic communications. Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the TMISD staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of campus principals or designated representatives.

The campus principals or designated representatives will provide age appropriate training for students who use the TMISD Internet facilities. The training provided will be designed to promote the TMISD commitment to:

- The standards and acceptable use of Internet services as set forth in the TMISD Internet Safety Procedures;
- Student safety with regard to:
 - safety on the Internet;
 - appropriate behavior while on online, on social networking web sites, and
 - cyberbullying awareness and response.
- Compliance with the E-rate requirements of the Children's Internet Protection Act ("CIPA"). Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of the District's acceptable use policies.

Copyright

All persons are prohibited from using District technology in violation of any law including copyright laws. Only appropriately licensed programs or software may be used with District technology resources. No person shall use the District's technology resources to post, publicize, or duplicate information in violation of copyright law. The Board shall direct the Superintendent or designee to employ all reasonable measures to prevent the use of District technology resources in violation of the law. All persons using District technology resources in violation of law shall lose user privileges in addition to other sanctions.

Unless a license or permission is obtained, electronic media in the classroom, including motion pictures and other audiovisual works, must be used in the course of face-to-face teaching activities as defined by law.

The District protects all TMISD and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use. TMISD grants permission to students, student organizations, parent organizations and other District affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of school-related business or activity. The Superintendent or designee shall determine what constitutes use in furtherance of school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations. Members of the general public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without the written permission of the Superintendent.

Electronic Mail

All network users are provided with an email account for use in conjunction with their jobs. An assigned email account is the property of TMISD.

1. While email can be a valuable tool, the following activities are prohibited by policy:
 - a. Sending email that is intimidating or harassing, abusive, threatening, obscene, sexually oriented, discriminatory, damaging, illegal, false, profane, or any other inappropriate behavior.
 - b. Using email for conducting personal business or for purposes of political lobbying or campaigning.
 - c. Violating copyright laws by inappropriately distributing protected works.
 - d. Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.
 - e. Using another employees email account.
 - f. Forgery or attempted forgery of electronic messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users or deliberate interference with the ability of other system users to send/receive electronic mail is absolutely prohibited.
2. The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:
 - a. Sending or forwarding chain letters, virus warnings, urban legends or other unsubstantiated scares.
 - b. Sending unsolicited messages to large groups except as required to conduct school business.
 - c. Sending excessively large messages.
 - d. Sending or forwarding email that is likely to contain computer viruses.
3. The software and hardware that provides us email capabilities has been publicly funded. For that reason, it should not be considered a private, personal form of communication. Although we do not have staff who actively monitor email communications, the contents of any communication of this type would be governed by the Open Records Act. We would have to abide and cooperate with any legal request for access to email contents by the proper authorities.
4. Since email access is provided as a normal operating tool for any employee who requires it to perform his/her job, individual staff email addresses must be shared with interested parents and community members who request to communicate with staff in this fashion. We have no plans to

produce and publish a district wide list of email addresses, but each campus and department should post a list of email addresses for their staff through their Campus webpages.

5. **Requests for personal information on students or staff members should not be honored via email.** It is critical for a personal contact to be made with any individual requesting personal information. This relates particularly to any requests for student grades, discipline, attendance or related information. In addition, security information such as username or password should not be sent via email for any reason.

Electronic Media

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels and not any form of electronic media which 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, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and Web-based applications. An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Use with Students:

- The employee shall limit communications to matters within the scope of the employee's duties. For an employee with an extracurricular duty, communication should be limited to matters relating to the extracurricular activity.
- 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 Standards practices for Texas Educators:
 - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records
 - Copyright Law
 - Compliance with the Children's Internet Protection Act (CIPA)

Employees are personally responsible for the content they publish online. Be mindful that what you publish will be public for a long time. Protect your privacy.

- Your online behavior should reflect the same standards of honesty, respect, and consideration that you use face-to-face.
- Remember that these sites are an extension of your profession. What is inappropriate in your workplace should be deemed inappropriate online.
- The lines between public and private, personal and professional are blurred in the digital world. By virtue of identifying yourself as a TMISD employee online, you are now connected to colleagues, students, parents and the school community. You should ensure that content associated with you is consistent with your work at Tulosso-Midway ISD.
- Employees shall not use the TMISD district's logo or other copyright materials of the TMISD district without express, written consent.
- When contributing online, do not post confidential student information.

- Employees must not use social-networking sites to disparage the schools, its students, programs, activities, volunteers, or other employees.
- Employees must not communicate with students from their personal social-networking sites.

Any employee found to be in violation will be subject to immediate disciplinary action, up to and including termination of employment. In addition, the school reserves the right to publicly access an employee's electronic media sites as part of its decision-making process with respect to promotions and other human relations management requirements and considerations. Where applicable, employees may be asked to provide access as part of an employment selection and/or promotion process.

Electricity (clean power)

DO NOT PLUG ANYTHING OTHER THAN COMPUTERS OR PRINTERS INTO THE ORANGE OR GREY PLUGS. These electrical circuits were specially installed for computers only. They are isolated from the regular building power and are not subject to the normal surges and sags common in normal business or residential circuits. Coffee pots, fans, refrigerators, and other appliances that are plugged into these outlets can cause surges that may affect computers elsewhere in the building.

Internet Access/Filtering

All networked computers will have access to the web. The web is a loosely controlled collection of computers all over the world linked by special phone lines, microwave or satellite. Because there is no central control of the data available on the Internet, some information may not be considered suitable for use in schools. A filtering system within our district implements measures to protect K-12 school children from harmful online content/inappropriate matter as required by the Children's Internet Protection Act (CIPA). These filters protect against access by adults and minors to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors. The most important safeguard for our students is the classroom teacher. Teachers must supervise students while on the Internet, and report those students who violate the rules. The district will disable the filter upon request for all staff with a justified request for "bona fide research or other lawful purposes." This request must be made in writing to the lead campus administrator. All requests must contain the link, include the justification and duration of the time to unblock.

Internet Usage

- Non-business-related purchases made over the internet are prohibited.
- Internet access may not be used for personal gain.
- Electronic files are subject to the same records retention rules that apply to other documents and must be retained in accordance with departmental records retention schedules.
- No files or documents may be sent or received that may cause legal liability for, or embarrassment to Tulooso-Midway ISD.
- Storage of personal email messages, files and documents within TMISD's Information Resources should be nominal.

- All email messages, files and documents located on TMISD's Information Resources are owned by TMISD, may be subject to open records requests, and may be accessed in accordance with this policy.
- Any mobile internet access (i.e. 3G-4G) activation will be the responsibility of the user and not the school district. All district owned devices warrant that users understand and agree to comply with all rules and regulations of the Acceptable Use Policy at home or the work place.

Maintenance of Local Hard Drives

On occasion, hard drives must be reformatted or replaced. Reformatting completely erases all contents of the hard drive. All district software such as Microsoft Office, which is consistent throughout the district, will be reinstalled. All other approved software, purchased by the campus, will need to be reinstalled by the Network Technician. You will be personally responsible for making backups of any personal data files that you store on your local hard drive.

Network Security

Student/Staff personal-owned devices are currently allowed to be connected to the District's wireless network. Connecting these devices to the wired network, however, is strictly prohibited. The following is a list of devices that are also prohibited from connecting to the District network: switches, routers, wireless access points, splitters, network printers, and other such equipment. Persons who introduce these devices on the network will be subject to denial of access and disciplinary actions, including termination for employees.

Users must not install network hardware or software that provides network services without the TMISD Technology Department approval. Users must not download, install or run security programs or utilities that reveal weaknesses in the security of a system. For example, TMISD users must not run password cracking programs, packet sniffers, network mapping tools, or port scanners while connected in any manner to the district's network infrastructure. Users must report any weaknesses in computer security and any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the Technology Director.

Purchases of New Equipment

Any quotes for new technology equipment/accessories must be requested through the Technology Department to ensure compatibility and inclusion in the district's central inventory.

Monitored Use

Electronic files created, sent, received, or stored on computers owned, leased, administered, or otherwise under the custody and control of Tulo-so-Midway ISD are the property of Tulo-so-Midway ISD. These files are not private and may be accessed and monitored by the Superintendent or Technology Department at any time without knowledge of the user or owner to ensure appropriate use. Electronic file content may be accessed by appropriate personnel in accordance with the provisions and safeguards provided in the Texas Administrative Code 201.13(b), Information Resource Standards.

Stolen or Damaged Technology

It is the responsibility of the user to report damaged or stolen items to the principal and Technology Department immediately. If there is a police report filed, a copy of the report must be made available to the Technology Director. Various technologies can be tracked and the police report will be helpful in tracking these devices. Any school-owned technology equipment in the hands of a school employee becomes the liability of the school employee. The employee accepts all responsibility for replacement costs due to theft, loss or damage. The employee will be liable for payment of all replacements or repairs. Repair costs will be deducted from the employee's check or the employee can pay all of the costs at one time. Failure to report stolen, lost or damaged equipment will result in the cost of the equipment being deducted from the employee's paycheck.

Maintenance Requests/Inventory

All requests for service MUST be made by completing the online Technology Helpdesk Request form. This procedure is important for tracking and verifying all work done on TMISD computers. If an online Technology Maintenance Requests form is not completed, the Technology Department may not honor your request for service. All technology will be tracked and must be verified to keep accurate inventory. Under no circumstances should any technology be moved within the district or campus without the permission of the technology department. All technology will remain in the classroom as stated in the inventory. Proper forms, available through the Campus Technology Specialists must be filled out and approved by the principal before the Campus Techs can move technology to another room or campus.

Repurposing

An existing computer that is replaced with a newer one will be sent to the Technology Department shop at the high school to be refurbished and repurposed. Computers purchased with federal funds will be repurposed for use by the federal program for which those funds were provided. On all other computers, the previous user relinquishes it upon acceptance of the new computer. A majority of these computers will be used in classrooms to meet campus requests. Do not promise your old computer to someone else.

Software

Only technology staff will be able to install or remove programs on TMISD networked computers. While this may be inconvenient to some, this is an important policy because:

- It lowers the chance that a virus will be introduced into the TMISD network.
- Users cannot accidentally install an incompatible program
- Users cannot accidentally erase all or part of an important piece of software.
- Any software that is installed by TMISD technology staff will have a legal license.
- Users must not make unauthorized copies of copyrighted software.

Software purchased for Tulosos-Midway ISD is not allowed to be installed on home computers. Programs brought from home are not allowed to be installed on TMISD computers. The district could be fined for each instance of an illegal software installation.

Shareware and Freeware programs, especially those downloaded from the Internet must be judged on an individual basis by Technology staff as to their safety before installation. It is not unusual for a virus to enter a computer system through such software, and precautions will be taken to prevent an infection. Shareware programs, if installed, must be purchased from the author to be legally installed.

TMISD reserves the right to remove any non-business-related software or files from any system. Examples of non-business-related software or files include, but are not limited to: games, pop email, music files, image files, freeware and shareware.

An employee knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with policy.

Substitutes

TMISD teachers must have a lesson plan for student use of computers while a substitute is in the classroom.

Network Access

Access to the District's network systems will be governed as follows:

- Students will have access to the District's resources for class assignments and research with their teacher's permission and/or supervision.
- Teachers with accounts will be required to maintain password confidentiality by not sharing passwords with students or others.
- Computers should be locked or logged off when you are not at your desk.
- If a password is forgotten or has been compromised, please contact the network administrator, campus technician, or the Technology Department.
- With the approval of the Human Resources Department, district employees will be granted access to the District's network system.
- Any network user identified as a security risk or as having violated the District Acceptable Use Guidelines may be denied access to the District's network system. Other consequences may also be assigned.

Termination/Revocation of Network User Account

The District may suspend or revoke any network user's access to the District's network upon violation of District policy and/or administrative regulations regarding acceptable use. Termination of an employee's account or of a student's access will be effective on the date the principal or campus coordinator receives notice of user withdrawal or of revocation of network privileges, or on a future date if so specified in the notice. An employee who is terminated must return all equipment in the employee's possession. If an employee fails to return any equipment, the monetary value of the equipment will be deducted from the employee's final paycheck.

Vandalism Prohibited

Any malicious attempt to harm or destroy District equipment, materials, data of another user, or any of the agencies or other networks to which the District has access is prohibited. Deliberate attempts to degrade or disrupt network performance may be viewed as violations of district guidelines and, possibly, as criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, Chapter 33. This includes, but is not limited to, the uploading or creating of computer viruses. Vandalism as defined above will result in the cancellation of network use privileges, possible prosecution, and will require restitution for costs associated with network restoration, hardware, and/or software costs.

Consequences of Improper Use

Improper or unethical use may result in disciplinary actions in accordance with District policies. This may include termination of employment. Additionally, individuals are subject to loss of TMISD Information Resources access privileges, and may be subject to civil and criminal prosecution. This may also require restitution for costs associated with system restoration, hardware, and/or software costs.

Disclaimer of Liability

The District shall not be liable for users' inappropriate use of the District's technology resources, violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The District shall not be responsible for ensuring the availability of the District's technology resources or the accuracy, age appropriateness, or usability of any information found on the Internet.

Records Retention

All electronic records shall be retained, whether created or maintained using the District's technology resources or using personal technology resources, in accordance with the District's record management guidelines.

Website

The district's website is: www.tmisd.us

Technology Department Staff

Rosie Iglesias-Salinas, Director of Technology and Digital Curriculum rosiesalinas@tmisd.us

Orlando Garza, Technology Systems Manager, ogarza@tmisd.us

Julie Marines, Administrative Assistant, jmarine@tmisd.us

David Wiltshire, Network Administrator, dwiltshire@tmisd.us

Juan Cervantez, Network Technician, jcervantez@tmisd.us

Rudy Blanco, Network Technician, rblanco@tmisd.us

Vanessa Ortiz, Network Technician, vortiz@tmisd.us

Timothy Moreno, Network Technician, timoreno@tmisd.us

Technology Department Phone Number: 361-903-6415

Tuloso-Midway Acceptable Use Policy for Employees

As a TMISD employee, you are expected to help students use technologies in a meaningful, safe, and responsible way. In accepting this agreement, employees acknowledge the following rules and conditions:

Appropriate Use Guidelines:

- I will use technology in accordance with all administrative regulations and guidelines.
- I understand that it is my responsibility to comply with the Internet Safety Procedures.
- I will educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with CIPA.
- I understand that the use of the network is a privilege, not a right, and may be revoked if abused.
- I understand that I represent the district in all my online activities. Additionally, I understand that what I do on social networking websites should not reflect negatively on students, teachers, or the District.
- I understand personal social network accounts should not be used for educational/school use and should not be accessed during work hours.
- I understand that teachers with accounts will be required to maintain password confidentiality by not sharing passwords with students or others; I will log off or lock my computer when I am not at my desk.
- I will use technology resources productively, appropriately and for school-related purposes. I will avoid using any technology resources in such a way that would disrupt the activities of other users.
- I understand that all student information including names, photos and classwork to be shared with the media, posted online or published is subject to approval from parents.
- I understand that I am prohibited from using the district's technology in violation of any law, including copyright laws.
- I understand that I will be responsible for the care and maintenance of all technology that is in my care and all maintenance issues should be reported to the Technology Department on the TMISD website under Staff Resources>Eduphoria/Tech Help Desk.
- I understand that the most important safeguard for our students is the classroom teacher. I will supervise students while on the Internet and report those students who violate the rules.
- I understand I will personally be responsible for my actions when utilizing the school's computer resources.
- I understand that the use of the district's computer at home can be a potential security risk for theft, viruses and spyware being introduced into the school network. I will use extreme caution when using district resources at home.
- I understand that if I agree to activate mobile internet access (i.e. 4G-5G) or Internet connection from a carrier on a district owned device, I must adhere and abide by all rules and regulations. The Acceptable Use Policy must be followed on all district owned devices at home/work.
- I will use email and other means of communications (e.g. blogs, discussion boards, virtual learning environments, etc.) responsibly.
- I understand if technology in my care is damaged or stolen, it is my responsibility to report it as necessary. If there is a police report filed, a copy of the report must be made available to your Principal and the Technology Director.
- I will not use District resources for gambling, political advertising, lobbying, or campaigning.
- I understand I am only to plug technology devices into the orange/ grey plugs in my classroom.
- I will not use the District resources for the promotion of commercial goods/services or personal gain.
- I understand that all district equipment/network/my account are property of TMISD and can be monitored.
- I understand that students may only use the computer network when supervised or granted permission by a staff member. I will take the responsibility of insuring the safety and security of minors that will be using electronic communication under my supervision.
- I accept all responsibility for replacement costs of technology in my possession due to theft, loss or damage. I will be liable for payment of all replacements or repairs.
- I understand that I will refrain from attempting or allowing students to bypass or circumvent security settings or Internet filters, or interfere with the operation of the network by installing illegal software, web-based services, connecting to streaming media and/or software not approved by the TMISD Technology Department.
- I understand and will abide by the above Acceptable Use Policy. Should I commit a violation, I understand that consequences of my actions could include suspension of computer privileges, disciplinary action, termination and/or referral to law enforcement.