

# **Pearland Independent School District**

## **2023-2024 Employee Handbook**

If you have difficulty accessing the information in this document because of a disability, please  
email [esc-hr@pearlandisd.org](mailto:esc-hr@pearlandisd.org)



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The personal appearance of Pearland Independent School District employees affects the respect those outside the school district have for the organization, as well as respect employees have for themselves and one another. As a representative of the district, employees are expected to dress in a manner that is tasteful and not offensive, suggestive, revealing or insulting to others. ....	62
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# Employee Handbook Receipt

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

I hereby acknowledge receipt of the link to the Pearland Independent School District Employee Handbook, located at <http://www.pearlandisd.org>. I will notify my supervisor or Human Resource Services if I need a printed copy.

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

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

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

\_\_\_\_\_  
Employee Name (Please print)

\_\_\_\_\_  
Employee ID Number

\_\_\_\_\_  
Employee Signature

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

\_\_\_\_\_  
Date

## **Introduction**

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

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

# District Information

## Description of the District

The Pearland Independent School District conducts one of the largest and most essential businesses in our city. The district is responsible for the proper investment of millions of dollars of public money and the proper use of the talents of over two thousand employees to ensure that the best possible education is provided for the children of the Pearland area.

Every employee is an integral part of the team whose goal is to serve the best interests of all children. All employees are trustees of important public confidence and, as such, must be dedicated to performing the most efficient and effective job of which they are capable.

## Mission Statement, Goals, and Objectives

*Policy AE*

### Mission

In partnership with the community, Pearland ISD shall prepare students to perform at their highest potential and produce global citizens of tomorrow.

### Vision

We will graduate students who are. . .

- Responsible and resilient
- Passionate lifelong learners
- Complex thinkers and problem solvers
- Effective communicators
- Respectful of global interdependence and civic accountability

## 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, and annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

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

**Board of Trustees**

**2023-2024**

Sean Murphy, President  
Crystal Carbone, Vice President  
Dr. Kristofer Schoeffler, Secretary  
Toni Carter, Member  
Amanda Kuhn, Member  
Robert Richter, Member  
Nanette Weimer, Member

The board usually meets on the second Tuesday of the month at the Virgil Gant Education Support Center. 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 Virgil Gant Education Support Center 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 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.

**Administration**

Larry Berger - Superintendent  
Jorgannie Garza Carter - Chief Financial Officer  
Jon-Paul Estes-Chief Technology Officer  
Dr. Lisa Nixon-Assistant Superintendent for Educational Services  
Dr. Charles Allen-Executive Director of Curriculum and Instruction  
Dr. Sundie Dahlkamp - Executive Director of Human Resource Services & Communications  
Marlo Keller - Executive Director of Elementary Schools  
Dr. La'Keshia Henson-Vaughn- Executive Director of Intermediate Schools  
Kelly Holt- Executive Director of High Schools  
Tanya Dawson- General Counsel



# Employment

## Equal Employment Opportunity

*Policies DAA, DIA*

In its efforts to promote nondiscrimination and as required by law, Pearland 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 based on 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 discriminating 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.

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment:

**Sundie Dahlkamp, Ed. D., Executive Director of Human Resource Services & Communications**  
1928 North Main Street, Pearland, TX. 77584  
[dahlkamps@pearlandisd.org](mailto:dahlkamps@pearlandisd.org)  
281.485.3203

Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees with concerns regarding discrimination on the basis of a disability:

**Lisa Nixon, Ed. D., Assistant Superintendent of Educational Services**  
1928 North Main Street, Pearland, TX. 77584  
[nixonl@pearlandisd.org](mailto:nixonl@pearlandisd.org)  
281.485.3203

Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## **Job Vacancy Announcements**

### *Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the district's website.

## **Employment after Retirement**

### *Policy DC*

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Website ([www.trs.texas.gov](http://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 (grandfathered personnel only). 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 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 not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

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

## **Certification and Licenses**

*Policies DBA, DF*

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Teacher Certification Officer in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify Sundie Dahlkamp, Ed. D., Executive Director of Human Resource Services & Communications, 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 Teacher Certification Specialist 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 Human Resource Services office 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*

Non-investigatory 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 requiring 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 policies and related educational material should contact the Human Resource Services office.

## **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 their supervising department.

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

## **Reassignments and Transfers**

### *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus. Except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A request for transfer must be completed electronically and approved by the supervisor. All transfer requests will be coordinated by the Human Resource Services office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

### *Policies DEAB, DK, DL*

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

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30

minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

**Paraprofessional and Auxiliary Employees.** Support employees are employed at-will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See *Overtime Compensation* 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 from other employees and the public where the employee can express breast milk will be provided.

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

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 Dr. Sundie Dahlkamp, Executive Director of Human Resource Services and Communications at 281-485-3203.

## **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 a PWFA accommodation should contact the Benefits Office within Human Resource Services at 281-485-3203 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 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 Teacher Certification Specialist.

## **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 in the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## **Performance Evaluation**

### *Policy DN series*

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

Beginning with the 2017-2018 year, in accordance with board policy DNA (LOCAL) the district will utilize locally developed methods of teacher appraisal, the Pearland T-TESS and Alternate Teacher Appraisal.

**Pearland T-TESS.** The Board of Trustees approved the use of the locally developed Pearland T-TESS as the official teacher appraisal on August 8, 2017. The process below is in accordance

with board policy DNA (LOCAL) and the approved district of innovation plan found at <http://www.pearlandisd.org/Page/13118>.

**Orientation and Annual Review.** The district shall ensure all teachers are provided with an orientation to the Pearland T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. The teacher is new to the district; or
2. The teacher has never been appraised under the state approved T-TESS; or
3. District policy regarding teacher appraisal has changed since the last time the teacher was orientated.

The teacher orientation shall be conducted and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to participate in a discussion of the Pearland T-TESS specifics and have their questions answered.

**Appraisers.** The teacher appraisal process requires at least one certified appraiser. An appraiser must be the teacher's supervisor, or a person approved by the board.

**Appraisal Calendar.** The district shall establish a calendar for teacher appraisals and provide that calendar to teachers within three weeks from the first day of instruction. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The appraisal calendar shall:

1. Exclude observations in the two weeks after the day of completion of the Pearland T-TESS orientation in the school years when an orientation is required; and
2. Indicate a period for end-of-year conferences that ends no later than 15 working days before the last day of instruction for students.

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required.

**Assessment of Teacher Performance.** Each teacher must be appraised each school year, except as provided in the guidelines for Teacher Performance Appraisal- Alternate Appraisal (Less than Annual). Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified.

During the appraisal period, the certified appraiser shall evaluate, and document teacher performance specifically related to the domain criteria as identified in 19 Administrative Code 150.1002(a) and excluding the performance of teachers' students as defined in 19



Administrative Code 150.1001(f)(2).

Domains and Dimensions

Each teacher shall be appraised on the following domains and dimensions of the Pearland T-TESS rubric aligned to the Texas Teacher Standards in 19 Administrative Code Chapter 149 (relating to Commissioner's Rules Concerning Educator Standards):

1. Domain I. Planning, which includes the following dimensions:
  - a. Standards and alignment;
  - b. Data and assessment;
  - c. Knowledge of students; and
  - d. Activities.
2. Domain II. Instruction, which includes the following dimensions:
  - a. Achieving expectations;
  - b. Content knowledge and expertise;
  - c. Communication;
  - d. Differentiation; and
  - e. Monitor and adjust.
3. Domain III. Learning Environment, which includes the following dimensions:
  - a. Classroom environment, routines, and procedures;
  - b. Managing student behavior; and
  - c. Classroom culture.
4. Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:
  - a. Professional demeanor and ethics;
  - b. Goal setting;
  - c. Professional development; and
  - d. School community involvement.

The evaluation of each of the dimensions above shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal setting and

Professional Development Plan process, and other documented sources.

Each teacher shall be evaluated on the 16 dimensions in Domains I–IV identified above using the following categories:

1. Distinguished;
2. Accomplished;
3. Proficient;
4. Developing; and
5. Improvement needed.

### Student Performance

As approved in the District of Innovation Plan, each teacher appraisal shall not include the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f) (2) (relating to student growth measures).

**Appraisal Process.** The annual teacher appraisal, or full appraisal, shall include:

1. A completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
  - a. Submitted to the teacher's appraiser within the first six weeks from the day of completion of the Pearland T-TESS orientation for teachers in their first year of appraisal under the Pearland T-TESS or for teachers new to the district; or
  - b. Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
  - c. Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
  - d. Shared with the teacher's appraiser prior to the end-of-year conference; and
  - e. Used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the Pearland T-TESS rubric;
2. For a teacher in the first year of appraisal under the Pearland T-TESS or for teachers new to the district, a Goal-Setting and Professional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;
3. After a teacher's first year of appraisal under the Pearland T-TESS within the district, an observation pre-conference conducted prior to announced observations;
4. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the certified appraiser. Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will affect the teacher's summative appraisal ratings, in which case the written summary shall be shared within ten working days after the completion of the additional observation or walk-through.
5. An observation post-conference that:
  - a. Shall be conducted within ten working days after the completion of an observation;
  - b. Is diagnostic and prescriptive in nature;

- c. Includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and
  - d. Can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;
- 6. Cumulative data from written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
- 7. An end-of-year conference that:
  - a. Reviews the appraisal data collected throughout the current school year and previous school years, if available;
  - b. Examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the Pearland T-TESS rubric; and
  - c. Identifies potential goals and professional development activities for the teacher for the next school year; and
- 8. A written summative annual appraisal report given to the teacher within ten working days of the conclusion of the end-of-year conference.

#### Shorter Observations

With written, mutual consent of the teacher and the certified appraiser, the required 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.

#### Cumulative Data

The certified appraiser is responsible for documentation of cumulative data. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal.

**Summative Report.** A written summative annual appraisal report shall be shared with the teacher no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period.

**End of Year Conference.** An end-of-year conference shall be held within a period specified on the district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV; and the potential goals and professional development plans for the following year. The written

summative annual appraisal report shall be shared with the teacher within ten working days following the conclusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

#### Additional Documentation

Any documentation collected after the end-of-year conference but before the end of the contract term during the school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any dimension, another summative report shall be developed to inform the teacher of the changes, within ten working days.

**Teacher Response and Rebuttal.** A teacher may submit a written response or rebuttal at the following times:

1. For Domains I, II, and III, after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or
2. For Domain IV, after receiving a written summative annual appraisal report.

Any written response or rebuttal must be submitted within ten working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal.

Specifically, a teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.

**Request for Second Appraisal.** A teacher may request a second appraisal by another certified appraiser at the following times for the corresponding Domains:

1. Domains I, II, and III- after receiving a written observation summary with which the teacher disagrees; or
2. Domain IV- after receiving a written summative annual appraisal report with which the teacher disagrees.

The second appraisal must be requested within ten working days of receiving a written observation summary or a written summative annual appraisal report.

Specifically, a teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.

A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.

The second appraiser shall make observations and walk-throughs as necessary to evaluate the dimensions in Domains I–III or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. The second appraiser to evaluate other dimensions may also use cumulative data.

**Alternate Appraisal.** Beginning with the 2019-20 year and continuing until further notice in accordance with local policy, to be eligible for less than annual evaluations under Pearland T-

TESS, in addition to legal requirements, a teacher shall,

- (1) be employed on an educator term or continuing contract; and
- (2) be SBEC certified.

Additionally, the campus-teaching roster will be sorted by:

- (1) Removal of all teachers on a probationary contract; and
- (2) Remaining teachers will be alpha sorted by last name.

During any school year when a complete appraisal is not scheduled for an eligible teacher, either the teacher or the principal may require a full Pearland T-TESS appraisal to be conducted by providing written notice to the other party.

In the years a teacher qualifies for an Alternate Appraisal, the teacher will complete specific Pearland T-TESS components, including submit required professional goals, complete the Teacher Technology Self-Assessment, participate in a minimum of three (3) classroom walkthroughs conducted by campus administration (no less than 10 minutes each); and participate in an End-of-Year Conference to discuss performance on the Alternate Appraisal.

Teachers assigned to the position of Behavior Student Intervention Teacher will be appraised on the approved BSI Alternative Appraisal documents found in Eduphoria.

Teachers assigned to the position of In-School Suspension Teacher, Adaptive PE Teacher, Homebound Teacher, Related Services Teacher, and no other assignment, will be appraised on the Alternate Appraisal.

All forms for approved Alternate Appraisals are accessed through Eduphoria.

## **Staff Development**

*Policy DMA*

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

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

## **Compensation and Benefits**

### **Salaries, Wages, and Stipends**

*Policies DEA, DEAA, DEAB*

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

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

Employees should contact the Human Resource Services office for more information about the district's pay schedules or their own pay.

### **Paychecks**

All employees are paid semi-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 schedule of pay dates may be found on the Business Office page of the district website.

## **Automatic Payroll Deposit**

Employees must have their paychecks electronically deposited into a designated account. Contact the Payroll Office 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)
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance, and annuities. Salary deductions are automatically made for unauthorized or unpaid leave.

**Underpayments and Overpayments:** Through the course of the employment year, if a salary discrepancy is discovered, the district is obligated to make adjustments to correct both underpayments and overpayments related to an employee's pay. If there is an underpayment, the district will issue the amount of the underpayment to the employee as soon as possible. If there is overpayment, the district must recover the full amount that was inadvertently overpaid. The recovery schedule will include consideration for both the district and the employee; ideally recovery should be made within the current fiscal year. Underpayments and overpayments are not subject to the accumulations of earned interest.

It is the responsibility of the employee to review his/her payroll statement information and to contact the Payroll Department immediately if there is a discrepancy. Your *online* payroll statement includes salary and stipend data, deduction data, leave balances, and is available through the Employee Self Service system (please note that the leave balances on this system are as of the PAY PERIOD end date, not the paycheck date).

## **Overtime Compensation**

*Policies DEAB, DEC*

The Fair Labor Standards Act (FLSA) requires that all employees be identified as either "Exempt" or "Non-Exempt" from overtime pay requirements.

**FLSA Exempt Employees:** Professional employees are considered FLSA Exempt. Exempt employees do not earn overtime pay or compensatory time.

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

Overtime is legally defined as all hours worked in excess of 40 hours in a standard 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 the hours set by the normal work schedule. Hours worked beyond the normal schedule up to 40 hours will be paid at a regular rate of pay.

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

- Employees can accumulate up to 24 hours of comp time.
- Comp time must be used within the fiscal year in which it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel Expense Reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage. Out-of-state travel requires permission from the superintendent or designee.

## **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

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

#### **TRS retirees who are enrolled in TRS-Care not Eligible for Medicare**

Return-to-work retirees who are not eligible for Medicare may have enrolled in TRS-Care Standard. If a retiree returns to work for 10 or more hours per week for a Texas public education employer who participates in TRS-ActiveCare, that retiree is eligible to enroll in TRS-ActiveCare. However, they are not required to do so and can stay in TRS-Care Standard. State law prohibits them from being enrolled in both. The return-to-work retiree should review plan options in TRS-ActiveCare to see if they want to enroll. If they do nothing, they will stay with TRS-Care Standard.

*\*When the return-to-work employee leaves employment with their district, they are eligible to reenroll in TRS-Care because this loss of coverage is a Special Enrollment Event (SEE). TRS must receive their application to reenroll within 31 days of leaving employment.*

#### **Return-to-Work Retirees Who are Eligible for Medicare:**

Return-to-work retirees who are eligible for Medicare may have enrolled in the TRS-Care Medicare Advantage plan. If the retiree returns to work for 10 or more hours per week for a Texas public education employer who participates in TRS-ActiveCare, that retiree is eligible to enroll in TRS-ActiveCare.

Under the Medicare Secondary Payer (MSP) law, the retiree can keep their current TRS-Care Medicare Advantage coverage and sign up for TRS-ActiveCare as well. However, the return-to-work retiree is not required to do so. The return-to-work retiree should review the plan options in TRS-ActiveCare to see if they want to enroll. If they do nothing, they will stay in TRS-Care Medicare Advantage plan.

*\*When the return-to-work employee leaves employment with their employer, they are eligible to reenroll in TRS-Care because this loss of coverage is a Special Enrollment Event (SEE). TRS must receive their application within 31 days of leaving employment.*

1. TRS-ActiveCare through their employer,

2. TRS-Care Medicare Advantage, to TRS, **and**
3. Medicare Part B to the Social Security Administration (TRS recommends the retiree contact Medicare to inform them of their return-to-work status)

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

## **Supplemental Insurance Benefits**

*Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the Benefits Office 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 critical illness, dental, vision, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

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

## **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 who are injured on the job. The district has workers' compensation coverage from TASB Risk Management Fund, effective July 1, 2022.

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

All work-related accidents or injuries should be reported immediately to your supervisor or the Human Resource Services office. Employees who are unable to work because of a work-related

injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits*, for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

*Policy CRF*

Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Human Resource Services office.

## **Teacher Retirement**

*Policy DEG*

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

Employees who plan to retire under TRS should notify the Human Resource Services office as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **Leaves and Absences**

*Policies DEC, DECA, DECB*

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

Paid leave must be used in the following increments:

- For exempt positions, leave shall be recorded in half-day increments, even if a substitute is not employed.
- For nonexempt positions, leave shall be recorded on an hourly basis.
- If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

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

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

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in a deduction from the employee's pay.

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 5 consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

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

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

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

**Medical Certification.** Any employee, who is absent more than five consecutive days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee's fitness to return to work.

The district may require medical certification due to an employer'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.

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 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 FMLA. If an employee's unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

## Personal Leave

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

**Nondiscretionary.** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Nondiscretionary may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

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

reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

**Excessive/Chronic Absenteeism.** When an employee exhausts or abuses all current year personal leave (5 state/5 local) during the school year, the supervisor reserves the right to conference and document the employee. Excessive use or abuse of leave is determined by the supervisor and reviewed on a case-by-case basis.

## **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 emergencies (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

## **Local Leave**

All employees shall earn five paid local leave days per school year in accordance with administrative regulations. Local leave shall accumulate without limit. Local leave shall be used according to the terms and conditions of state personal leave. [See PERSONAL LEAVE, above]

If an employee separates from employment with the district before his or her last duty day of the school year, is a part-time employee, or begins employment after the first duty day of the school year, state personal and local leave days will be pro-rated based on the actual time employed.

If an employee separates from employment before the last duty day of their work calendar or the employee used more paid leave time than the employee earned, the employee's final paycheck(s) will be reduced for state personal leave and local leave the employee used beyond his or her pro-rated entitlement for the year.

## **Vacation Leave**

*Policy DED*

Any employee who works at least six hours per day in a position normally requiring at least 240 workdays per year shall be eligible for paid vacation. All vacation calculations shall be made

using an employment year from July 1 through June 30 each year. Vacation for a fiscal year shall be calculated on employment through June 30 of each year.

Eligible employees shall begin accruing vacation upon their hire date and are entitled to ten paid vacation days per year, to be earned at the rate of five-sixths of one vacation day for each full month of employment within the fiscal year. Accrued vacation is granted to employee leave banks one time per year on July 1. An eligible employee who was not eligible to earn vacation days prior to August 10, 2004, shall earn a maximum of ten paid vacation days per year.

Each employee who earned paid vacation as of August 10, 2004, in accordance with previous Board policy, shall continue until retirement to earn annually the number of paid vacation days he or she earned as of August 10, 2004, in accordance with the following:

1. An eligible employee having ten or fewer creditable years of service in the district shall be credited with vacation days at the rate of five-sixths of one vacation day for each full month of employment within the fiscal year which is equivalent to 10 days.
2. An eligible employee having 11–19 creditable years of service in the district shall be credited with vacation days at the rate of one and one-fourth vacation days for each full month of employment within the fiscal year which is equivalent to 15 days.
3. An eligible employee having 20 creditable years of service in the district shall be credited with vacation days at the rate of one and two-thirds vacation days for each full month of employment within the fiscal year which is equivalent to 20 days.

All earned vacation days shall be used prior to November 1, which is 16 months after the end of the fiscal year in which the vacation days were earned. Any exception to carry over vacation days after the November 1 deadline shall require the written approval of the Superintendent or designee. Vacation for a fiscal year shall be calculated on employment through June 30 of each year.

## **Non-Duty Days**

Employees with assigned duty days of 230 are expected to work their days within the designated official school calendar. Non-duty days are granted July 1. Non-duty days are advanced at the start of the fiscal year and employees may use non-duty days throughout the year; however, if an employee does not complete the required number of workdays and does not have any other available leave days before the end of the school year, the employee will be docked for the days used and the deductions will reflect on the final paycheck.

Employees that begin their 230-day assignment after July 1 will not receive non-duty days until the following July 1.

A 230-day employee has ten non-duty days to schedule with his/her supervisor. Nonduty days are unpaid and do not accumulate. Non-duty days should be taken prior to September 1 (two

months after the end of the preceding fiscal year). Upon separation of employment, a 230-day employee is not compensated for any unused non-duty days.

Any exception to carry over unused days after the September 1 deadline shall require the written approval of the Superintendent or designee.

## **Paid Holidays**

261-day employees are eligible for 13 paid holidays per year.

Employees who are eligible for paid holidays shall earn one (1) paid holiday for every ten (10) days they are on the payroll prior to a holiday.

### **2023-2024 Paid Holidays:**

September 4, 2023

November 23-24, 2023

December 25-29, 2023

January 1-2, 2024

January 15, 2024

March 29, 2024

May 27, 2024

Commented [GU1]: What about Juneteenth, 4th of July and Spring Break week?

## **Catastrophic Leave**

The district began the Catastrophic Leave Program on April 9, 2014, and it remains in effect for each school year thereafter as provided in board policy DEC (LOCAL). The program is designed to aid employees who experience a catastrophic medical condition for themselves or for an immediate family member and who have insufficient leave to meet those circumstances.

The creation of the catastrophic leave program does not create a right or an entitlement to leave days by an applicant (employee) from the district or its employees. The number of days, if any, is solely dependent upon the goodwill of employee donors and will be limited to the number of days, if any, that are donated in accordance with the program process and procedures.

The existence and operation of the leave program is subject to suspension or termination at any time if it is determined by the Superintendent that the financial condition of the district so dictates. The program may also be suspended or terminated by the Superintendent if it is determined that the program is not operating as originally intended or is being abused by District employees. Any such termination or suspension shall not affect any employee that is already receiving donated leave at the time the termination or suspension takes effect. All pending applications that have not been approved at the time of the termination or



suspension will be automatically rejected. The full process and entitlements are outlined in district policy DEC (LOCAL).

## Family and Medical Leave Act (FMLA)—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. Read Fact Sheet #28M(c) for more information.

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

Airline flight crew employees have different “hours of service” requirements.

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.

Your **employer *may* request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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.**



## Local Procedures for Implementing Family and Medical Leave Provisions

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

**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 the 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. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. 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 Benefits office 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 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 the 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.

**Non-Certified Employees.** After all available paid leave has been exhausted, an employee in a position for which educator certification is not required shall be eligible for unpaid local temporary disability leave. The maximum length of a local temporary disability leave shall be 60 calendar days.

When an employee is ready to return to work, the Benefits office 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 temporary income benefits (TIBs) if the absence exceeds seven calendar days.

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

## **Assault Leave**

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

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

An employee may be required to report 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 documentation of time spent at the court may be required.

## **Compliance with a Subpoena**

Absences due to compliance with a valid subpoena related to District business 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 shall be taken as leave without pay if no applicable leave is available. 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.

## 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 the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment within the time specified by law to the Human Resource Services office. 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 Benefits office for details on eligibility, requirements, and limitations.

## Payment for Accumulated Leave Upon Separation

State Leave balances will be listed on the employee's Service Record and are available for use with any other district in the State of Texas.

Local Leave balances will be available to employees who return to work with Pearland ISD, according to the district's board policy:

Upon termination of employment, any unused local leave shall be reduced to zero. For an employee who was previously employed by the district for at least two consecutive years, however, the district shall restore the balance of local leave if the employee returns to

District employment within three calendar years following termination. The district shall not reinstate local leave for which an employee has been reimbursed upon retirement.

**Payment of Leave at Retirement**

Full-time employees who retire under the Teacher Retirement System (TRS) guidelines shall be paid for unused local leave in accordance with Board Policy. An example spreadsheet of the Local Leave Pay calculation is available on the district's intranet, under Business Office Internal Documents.



# 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 found online at:

[Board Policy DGBA \(LOCAL\)](#)

# 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 false claims, 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 no later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency*, for additional information.

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

### ***Texas Educators' Code of Ethics***

#### **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 against 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 Employment Opportunity section of this handbook.

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

[\*Board Policy DIA \(LOCAL\)\*](#)

## **Harassment of Students**

*Policies DH, DHB, FFG, FFH, FFI*

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

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. 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 sexual 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*, below, and *Bullying*, page 71 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” 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. Excerpt from Board Policy DHB (Legal)*

*Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy. Excerpt from Board Policy FFH (Local)*

## **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, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

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 Child Protective Services can be made online at <https://www.txabusehotline.org/Login/> 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 Educators’ Code of Ethics.

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

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

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

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at [www.pearlandisd.org](http://www.pearlandisd.org). As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who 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 networks, 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 acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Technology Department. A complete copy of the Pearland ISD Acceptable Use Policy can be found on the Technology department page of the district website.

## **Personal Use of Electronic Communications**

### *Policy DH*

Electronic communications include all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram, TikTok). Electronic communications also include 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, mealtimes, 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.
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

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

- *Electronic communications* mean any communication facilitated using 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 Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee

to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who 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 and his or her immediate supervisor as recipients on each text message to the student so that the student, parent and supervisor receive the same message.
- 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 does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]

- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use 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 supervisor in writing within one business day if a student engages in improper electronic communication with the employee. The employee should describe the form and content of 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 make 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 all new 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 attempts 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 educator's 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 employee 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**

*Policies DH, DI*

Pearland 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 policies regarding employee drug use are as follows:

[Board Policy DH \(LOCAL\)](#)

[Board Policy DI \(EXHIBIT\)](#)

## **Tobacco Products and E-Cigarette Use**

*Policies DH, FNCD, GKA*

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

## **Fraud and Financial Impropriety**

### *Policy CAA*

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

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

## **Conflict of Interest**

### *Policy CB, DBD*

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

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

Employees should contact their supervisor for additional information.



## **Gifts and Favors**

### *Policy DBD*

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

## **Copyrighted Materials**

### *Policy CY*

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

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 judgment 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 Safety and Security Department.

## **Possession of Firearms and Weapons**

### *Policies DH, FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a

handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor 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 at the Maintenance and Operations office and is available for inspection during normal business hours. Contact the Director of Maintenance and Operations for further information.

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

# General Procedures

## 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 notify parents, post a notice on the district's website and social media and notify the following radio and television stations:

- KTRK-TV Channel 13
- KHOU-TV Channel 11
- KPRC-TV Channel 2
- KXLN-TV Channel 45
- KRIV-TV Channel 26

## Emergencies

*Policies CKC, CKD*

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

## Purchasing Procedures

*Policy CH*

All requests for purchases must be submitted to the Purchasing department through the district's financial system and follow district procurement policy and procedures. No purchases, charges, or commitments to buy goods or services for the district can be made without an authorized purchase order. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact your campus or department administrative assistant for additional information on purchasing procedures.

## **Employee Badges**

Employees must wear a District issued badge at all times during the workday or while performing job duties outside of the workday. An employee badge should be handled with the utmost care as it allows access to Pearland ISD buildings.

Should your badge stop working or lose functionality, first contact your building Administrator. If they are unavailable, please contact the Technology Department.

If you lose your badge or it physically breaks, please contact your building Administrator as soon as possible. If they are unavailable, contact Human Resource Services at [esc-hr@pearlandisd.org](mailto:esc-hr@pearlandisd.org). Replacement badges are available in the HRS office for \$20.00 during normal business hours.

## **Name and Address Changes**

It is important that employment records be kept up to date. Employees must notify the Human Resource Services office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from the Human Resources Services page of the district website or by accessing Employee Self-Service.

## **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

The choice to not allow public access to this information or change an existing choice may be made at any time by logging into Employee Self-Serve. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under 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. Your campus or department secretary is responsible for communicating the use of facilities after school hours to the Facilities and Planning office. Contact the Facilities and Planning office to request to use the school facilities and to obtain information on the fees charged.

## **Employee Dress Code**

*Policies DGA, GKD*

The personal appearance of Pearland Independent School District employees affects the respect those outside the school district have for the organization, as well as respect employees have for themselves and one another. As a representative of the district, employees are expected to dress in a manner that is tasteful and not offensive, suggestive, revealing or insulting to others.

All employees should follow a minimum daily dress code best described as “business casual.” For campus and office assignments, please project a professional image. Auxiliary assignments may have variations based on assigned duties and responsibilities communicated by each Auxiliary Director.

1. Employee ID badges must be worn while on duty.
2. Slacks with a professional fit are appropriate. Capri and cropped pants should be no shorter than mid-calf.
3. Blue jeans may be worn only on Fridays with a school spirit shirt or a professional style shirt. Jeans should not be unduly faded or contain holes. Colored jeans may be worn if they meet the professional dress code. Additional jeans days may be communicated by the principal or supervisor.
4. Staff should not wear shorts or gym attire (sweatpants, leggings, jeggings, or tights) while serving in a classroom or office. Hats, caps, or other head apparel are not permitted. Exceptions are themed spirit days, CTE teachers, or coaching assignments. Appropriate gear may be worn when performing assigned activities.
5. Spirit t-shirts may be worn on Fridays if professional in appearance. Excessively worn T-shirts, halter tops, exposed midriffs, strapless tops, low-cut tops, exposed backs, spaghetti straps, see-through clothing, and tanks with oversized armholes are not permitted.
6. Skirts and dresses should be of a respectable, modest length (at minimum, fingertips). Leggings may be worn under a dress if the length requirement is met.
7. Undergarments shall not be visible or exposed but are required.
8. No shower type flip-flops, or rubber clogs (Crocs) may be worn.

9. Visible tattoos and similar body paintings that promote violence, drugs, alcohol or reflect gang activity are prohibited. Visible tattoos and similar paintings considered offensive, inflammatory, or disruptive are prohibited.
10. In keeping with professional decorum, hair must be a natural color, clean and neatly groomed.
11. Ears and small nose stud piercing are the only exposed areas of the body on which pierced jewelry may be worn. With a limit of two pieces per ear.

Supervisors may authorize slight variations in the dress code for days such as themes, perfect attendance incentive, workday, etc. Professional dress is expected for in and out of district workshops and staff development. All employees are role models and should dress accordingly. Questionable attire will be addressed on an individual basis by the principal or supervisor.

# 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 or other persons designated by the board of trustees, which includes your supervisor or Human Resource Services. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent, or other person designated by the board action.

Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency* on page 68. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

**Noncontract Employees.** Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to your supervisor or Human Resource Services at least two weeks prior to the effective date. Employees are asked to include the reasons for leaving in the letter of resignation.

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, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed 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 62. 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 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. (See *Complaints and Grievances*, page 38.)

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 knowing 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 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 are required for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references are provided in the Employee Exit Guide found on the district website. Separating employees are asked to provide the district with a forwarding address and phone number. 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 contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history 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 support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address

# Student Issues

## Equal Educational Opportunities

*Policies FB, FFH*

In an effort to promote nondiscrimination and as required by law, Pearland 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 Sundie Dahlkamp, Ed. D., Executive Director of Human Resource Services & Communications, 1928 North Main Street, Pearland, TX. 77584, [dahlkamps@pearlandisd.org](mailto:dahlkamps@pearlandisd.org), 281.485.3203, the district Title IX coordinator for students.

Questions or concerns about discrimination on the basis of a disability should be directed to Lisa Nixon, Ed. D., Assistant Superintendent of Educational Services, 1928 North Main Street, Pearland, TX. 77584, [nixonl@pearlandisd.org](mailto:nixonl@pearlandisd.org), 281.485.3203, 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 campus principal for assistance.

## **Parent and Student Complaints**

*Policy FNG*

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

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

## **Administering Medication to Students**

*Policy FFAC*

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen<sup>®</sup>), 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 parents and the medicine in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

## **Dietary Supplements**

*Policies DH, FFAC*

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

## **Psychotropic Drugs**

*Policy FFAC*

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

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

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

## **Student Conduct and Discipline**

*Policies in the FN series and FO series*

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

## **Student Attendance**

*Policy FEB*

Teachers and staff should be familiar with the state compulsory attendance law and the district's policies and procedures for attendance accounting. These procedures prompt classroom attendance-taking associated with state funding, as well as parental consent before a minor student can leave campus. Attendance requirements and student engagement techniques 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 or designee. A link to the district's policy includes definitions and procedures for reporting and investigating bullying of students is below:

[Board Policy FFI \(LOCAL\)](#)

## **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.

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