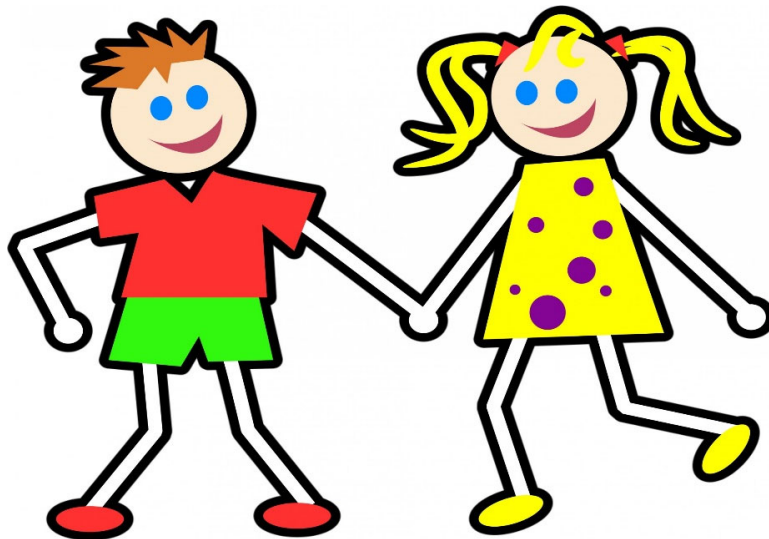


BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
HUMAN RESOURCE DEPARTMENT
SUBSTITUTE TEACHER HANDBOOK
2024 – 2025



BISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities.

BISD no discrimina a base de raza, color, origen nacional, sexo, religión, edad, discapacidad o información genética en el empleo o en la provisión de servicios, programas o actividades.

Brownsville Independent School District

SAMPLE **Substitute's Handbook Receipt Form**
DO NOT PRINT **2024 - 2025**
ALL HANDBOOK FORMS WILL BE SIGNED ON TALENT ED.

Substitute's Legal Name: _____

Employee ID No.: _____

D.O.B. _____

I have received the BISD Substitute's Handbook and understand that I am responsible for complying with the policies and procedures outlined in it.

This handbook contains information on "Employment Policies," including the policy regarding "Sexual Harassment," as well as the sections pertaining to "Professional Ethics" and "Student Discipline."

I understand that all substitutes shall be held accountable upon violating any of the policies and procedures outlined in this substitute's handbook.

As such, I also understand that any substitute who violates the policies and procedures outlined in this substitute's handbook will be subject to disciplinary action as stated in the Brownsville Independent School District's Board Policies, and may also be subject to arrest by law enforcement officials and/or face legal action. This handbook is only a summary of the policies and should not be interpreted as a contract.

SAMPLE
DO NOT PRINT
ALL HANDBOOK FORMS WILL BE SIGNED ON TALENT ED.

Substitute's Signature

Date

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(04/22/24)



Brownsville Independent School District

1900 Price Road Brownsville, Texas 78521-2417 (956) 548-8000 Fax: (956) 548-8010

Dr. Jesus H. Chavez
Superintendent of Schools

April 22, 2024

To Brownsville ISD Substitute Teachers:

On behalf of the Board of Trustees and the Administration for the Brownsville Independent School District, I would like to welcome all of you to our great district. The purpose of this handbook is to familiarize you with our policies and guidelines and to provide you with the information needed to help you carry out your duties and responsibilities.

All substitute teachers will continue to work a maximum of 16 days per month, unless a copy of your current medical insurance is submitted to the HR Dept. Make sure to sign in and out using your fingerprint. If you haven't fingerprinted yet you will need to go to the Payroll Dept. to get fingerprinted.

Your role as a substitute teacher is a vital function in the continuation of our student's education. The professional substitute teacher ensures that the time spent in the classroom is productive and furthers the student's learning.

We are pleased that you have chosen to take on this role and to join us in fulfilling the mission of the Brownsville Independent School District. Have a wonderful year!

Sincerely,

A handwritten signature in blue ink that reads "Maricela Franco".

Maricela Franco
Human Resource Director

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SFE Phone Number

(956) 238-4674

SmartFind Express

www.bisd.us

<http://brownsville-tx.eschoolsolutions.com>

<https://pol.tasb.org>

HELP DESK

(956) 698-1225

PAYROLL DEPARTMENT

(956) 548-8391

EMPLOYEE BENEFITS

(956) 548-8061

Help Desk Schedule: 8:00 a.m. – 10:00
3:00 p.m. – 5:00 p.m. (for questions or concerns)
MONDAY THRU FRIDAY

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A Special Reminder

School Schedule

High School	8:30 a.m. – 4:15 p.m.
Middle School	7:30 a.m. – 2:50 p.m.
Elementary	8:00 a.m. – 3:30 p.m.

Substitute Reporting Time

8:30 a.m. – 4:15 p.m.
7:25 a.m. – 2:50 p.m.
7:50 a.m. – 3:30 p.m.

I. General Information

Introduction

This handbook has been prepared to provide information and clarify established procedures for all Brownsville Independent School District substitute employees. In addition, it will familiarize you with the policies and guidelines that apply to all substitute employees at BISD. ***Please note: One of your first responsibilities is to be familiar with its contents. This handbook is only a summary of our policies and should not be interpreted as a contract between BISD and its substitute employees. Please contact Human Resource Department if you have any questions.***

Change of Policy

The information herein is subject to change. Changes in district policies may supersede, modify, or eliminate the information summarized in this handbook. A copy of the BISD Board Policy Manual is updated and kept current as changes are made. The updated policies are kept in the office of your administrator/campus principal and may be found on-line at <http://www.bisd.us> on the homepage under "Policy On-Line".

Mission Statement

The mission of the Brownsville Independent School District, an international community respected for its rich cultural heritage, is to produce responsible, well-rounded graduates with the ability to pursue a post-secondary education; a capability for independent thinking and possessing a competitive edge in a multicultural, multilingual world by identifying and maximizing physical, financial, and human resources and by unifying community and school commitment to excellence in education and equal educational opportunity.

Vision Statement

The Brownsville Independent School District is a multicultural community in which students are actively engaged in the learning process. Students demonstrate academic excellence in a safe and challenging environment enhanced by technology and the contributions of the total community.

Administrative Authority

Substitute teaching services are administered centrally under the direction of the Human Resource Director.

It is the responsibility of the substitute to keep a personal record of each job number and dates worked at each campus. If there are discrepancies in the amount of pay and the number of days worked, the substitute should contact the office of the school in which he/she worked during that pay period. Any questions pertaining to substitute pay are to be addressed first to the school campuses, then to BISD HR Help Desk at (956) 698-1225 & or Payroll office (956) 548-8391.

II. Employment Policies

Qualifications

1. Must be available to work on designated day, availability not to exceed 16 days per month, unless a copy of your current medical insurance is submitted to the HR Dept.
2. Must have access to a touch-tone telephone and adequate transportation.
3. Must have 48 non-remedial college hours, High school diploma or GED equivalent in English required (recognized by the Texas Education Agency or a regional accrediting agency).

4. Must participate in an online training for substitute teachers. This online training includes basic information about the role of the substitute teacher, District Policies and Procedures and answers to most frequently asked questions.

Credentials and Records Needed for Substitute Teaching

1. Online Application and 2 supervisor references.
2. Copy of High School Diploma, Transcript or G.E.D. Certificate in English. College degree will be accepted in place of High School Diploma/GED.
3. Official College Transcripts showing 48 non-remedial college hours or more. Individuals holding a foreign degree must have degree transcripts evaluated by an accredited international degree equivalency evaluator acceptable to the district and meet the current criteria for substitute teachers.
4. A tuberculosis or chest X-ray report within 120 days prior to the first day of substituting. Doctor's report must be on file at the **Human Resource Department** once the applicant has been hired.
5. Employment Eligibility Verification Form (I-9).
6. Copy of Teaching Certificate (if applicable).

Procedures to Follow to be Placed on the Substitute List

A. New Substitutes

1. Submit a complete online application to the **Human Resource Department**.
2. Do online training for substitute teachers.
3. Participate in an interview with a designated District employee.
4. Finalize any necessary paperwork.
5. Register with *SmartFind Express*.

B. Returning Substitutes

Letter of Assurance forms will be **emailed** to all cleared active substitutes prior to the end of the school year. Substitutes wishing to remain on the cleared list must return the letter of assurance form by the date given on the letter. Returning substitutes are also required to take online training for upcoming school year. (**NOTE:** If you do not work at all or not enough in a school year a Letter of Assurance will not be sent to you and you will be removed from the substitute list. You will need to reapply in order to get back on the substitute list.)

C. Substitute Online Training

Before beginning their duties all substitutes **must** participate in the online training provided by the Human Resources Department. This online training provides information on the *SmartFind Express System*, information regarding the role of the substitute, a review of District Policies including Sexual Harassment Training and most frequently asked questions.

Employment after Retirement

Substitute teachers who have retired from active teaching anywhere in Texas and receive annuity payment income from the Texas Retirement System of Texas should report this to the Brownsville ISD Substitute Office. For TRS retirees, a substitute is a person who serves on a temporary basis in the position of a current employee. If the position is vacant, or a supplemental position, the retiree must seek approval from the district before accepting the position. Individuals are responsible for understanding and adhering to the TRS guidelines. This includes any surcharges that are incurred by the individual or the district. Substitutes will be held responsible for the TRS surcharge(s). If you are unsure of the effect such employment may have upon your status as a retiree, please contact the Teacher Retirement System at 1-800-223-8778.

Criminal Records Check

BISD conducts a criminal history background check on all applicants when they apply to be a substitute teacher; however, as per Texas Senate Bill 9, all certified educators holding an educator certification issued by the State Board for Educator Certification (SBEC), all classroom instructional assistants (aides), and substitute teachers, whether certified or not and all non-certified employed by the District on or after January 1, 2008 are required to submit fingerprint information to the Texas Department of Public Safety. SB 9 requires that fingerprints be obtained in such a way that their national criminal histories can be reported and updated through the DPS Clearinghouse. All substitute teachers will be required to pay for their fingerprints and may schedule them at an L-1 vendor location.

III. Employment Requirements & Guidelines

SmartFind Express System (SFE)

The Brownsville Independent School District uses the *SmartFindExpress* System, which is a voice response, computer-based software used to contact eligible substitute teachers. The system reports the location, the absent teacher's name, the subject and/or assignment, the dates and times of the job and any special instructions. In order to hear or receive an assignment the substitute must be cleared for employment and be registered with *SFE*. To review available jobs, to cancel a job, to select the "do not disturb" option or review or modify your daily availability, please call (956) 238-4674, *Smart Find Express* at www.bisd.us or the Help Desk at (956) 698-1225. The Help Desk is available Monday through Friday from 8:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m.

Change of Status

Notification of change in name, address, telephone number or removal from the list either permanently or temporarily, must be given IN WRITING to the Human Resource Department. Changes made to *SFE* are considered temporary only. Notification must be made in writing on the proper BISD Change of Personal Information form found in the Human Resource site under Employee Records. Failure to notify the District in writing of the substitute's current telephone number will constitute abandonment of duties and will result in removal from the substitute call list. Please be prepared to present a copy of your driver's license and social security card to match the change of personal information.

Unemployment Compensation

According to the Texas Unemployment Compensation Act, Section 3(f) (2), substitute teachers are not eligible for unemployment compensation during the summer months between school terms. Letters of reasonable assurance are provided for substitutes returning to substitute in the following school year.

Duty Hours

SFE has two call-out periods:	<u>Today's Jobs</u>	<u>Future Jobs</u>
	Weekdays	6:00 a.m. 4:30 p.m.-10:00 p.m.
	Saturday	None
	Sunday	None
	Holidays	None

Please note: the substitute teacher should answer the phone personally or by utilizing the SmartFind Mobile App, accept the assignment, and note the following information:

1. Name of the school
1. Name of the absent teacher
2. The grade or subject he/she will teach
3. The time he/she should report to that school
4. Job Order Number

Upon arrival, the substitute teacher will report to the principal's office for the day's assignment, instructions, keys, etc. Only the substitute reporting with a job order number will be paid for their services. **The job order number must be received by utilizing the *SFE* system; not through the teacher** requesting a substitute's service.

Punctuality

- Substitutes are expected to report to their assignments on time and are to remain on duty the same length of time as the employee they are replacing. The exact beginning and ending times may vary so be certain to verify with the *SFE* system. When in doubt, call the school to verify times and dates and to obtain directions to the school, if necessary.

Availability

- A substitute teacher is expected to be available for work on a regular basis. The district recognizes that there may be times when a substitute teacher may need to make themselves unavailable because of medical emergencies, family emergencies, etc. However, **a substitute teacher may not make himself/herself unavailable for more than fifteen (15) consecutive days without prior approval from the Human Resource Director or designee. Failure to secure prior approval may result in removal from the substitute call list.**

General Information

- We anticipate all substitutes to work as frequently as possible and at all locations. However, **substitutes must work a minimum of 10 days / semester to remain on the active Substitute list.** The number of days worked each semester will be evaluated and a substitute may be removed from the substitute list if they have not met the minimum requirement. The requirements can be met by working full days, half days or a combination thereof. Substitutes who do not meet the above requirements will be removed from the BISD substitute system after the completion of a school year and will be required to reapply with no guarantee of continued employment.
- It is difficult to estimate how often a substitute will work. It is dependent on factors such as: substitute preparation, qualifications compared to the district's needs, time of year, and success of each substitute in an assignment. Substitutes are expected to work as frequently as possible and at all locations.

Refusals

- Refusal of three (3) or more jobs in a thirty day period will result in disciplinary action up to and including removal from the substitute call list.

Assignments

- If the *SFE* system has not contacted you during any given five (5) day period, you must contact the Help Desk for an assignment. Failure to contact the Help Desk for a job assignment will constitute refusal of a job assignment. (Three or more refusals in a thirty day period will result in disciplinary action up to and including removal from the substitute call list.)

Release/Change from Assignment

When a substitute is on duty, he/she must continue in the assignment until officially released by the principal. It is the responsibility of the principal or his/her designated representative to release the substitute or to have him/her continue in the assignment.

Before leaving school, the substitute teacher must report to the principal's office for instruction.

A substitute teacher accepting a position through *SFE* will not be authorized to cancel the assignment in order to accept another assignment at a different campus on the same day of the job.

A substitute teacher may be asked to change their assignment after they arrive at the designated campus or at any time during the day as the need arises. The substitute teacher is there at the will of the campus

administrator and may be assigned, reassigned or removed at any time for any reason or for no reason as per the at will doctrine. The at-will employment doctrine applies to both short term and long term assignments. No written recommendation is required by the campus administrator. The principal shall be the instructional and administrative leader of the school. The principal shall: Approve all teacher and staff appointments for the campus and assume administrative responsibility and instructional leadership.

As such, the substitute is expected to demonstrate flexibility and cooperation with the school administration in its attempts to meet the instructional and safety needs of the students under their care. If the substitute refuses to work an alternate assignment made by the administrator, and they choose instead to leave the campus, they will be subject to disciplinary action up to and including removal from the substitute teacher list. Also, if a substitute teacher is asked to work during the teacher's conference period for a teacher other than the one assigned they are expected to accept this assignment at no additional pay.

Duties & Responsibilities

As a substitute, you should report to the main office upon arriving at the school. You will then receive your assignment information. You are entitled to a lunch period, but you are not entitled to have the teacher's conference period off. The principal has the right to assign you extra duty during that time. After receiving your assignment information, you should report to the assigned classroom. The following guidelines are applicable to all substitute assignments:

1. Introduce yourself to the class; write your name on the board.
2. Establish your authority as their teacher for the day. Let students know your expectations. A positive, but firm attitude will help make your day successful. Your professionalism will have a great deal to do with your acceptance by the faculty and students.
3. Start class promptly; this helps reduce discipline problems.
4. A substitute teacher is expected to be on duty the entire day and to perform the duties, both curricular and extracurricular, of the regular teacher.
5. A substitute teacher must endeavor to preserve the regular routine of the class and to perform duties of the regular teacher. He/she must follow the lesson plans left by the teacher unless otherwise instructed by the principal.
6. A substitute teacher placed in an assignment of long duration may call upon the appropriate persons for assistance.
7. Do not leave the classroom for any reason. If you suddenly feel ill, ask a neighboring teacher to watch your class until you return. Never leave the campus during your lunch period or off period unless you have the permission of the principal. Remember to sign out and in after you return. Substitute teachers must not leave the campus at the end of the day unless they have signed out through the school office. Remember that BISD is a non-smoking/tobacco free district, smoking and other use of tobacco is not allowed anywhere on the BISD grounds.
8. No visitors or guests may come to school with a substitute.
9. A substitute teacher will give the students their undivided attention while on duty.
10. A substitute teacher must not receive money from students unless otherwise instructed. If money is collected, it must be deposited with the secretary before leaving the building.
11. A substitute teacher must not lend money to students for any purpose.
12. Cellular phones and pagers are allowed on the school campus as long as they are turned off and out of sight during the entire school day. No personal calls should be made or received during the instructional day or during school meetings. This applies to texting as well.
13. A substitute teacher must not use the class computer unless it is part of the planned instruction. The computers are not for personal use. A substitute teacher must abide by District policies pertaining to the use of computers if necessary. A substitute teacher using the computer for personal use will be subject to disciplinary action up to and including removal from the District's substitute list.
14. The classroom must never be left unattended.

15. If the occasion arises that an item of value is taken from a student, this item must either be returned to the student or given to the principal before leaving campus.
16. A teacher's materials and supplies should not be used unless the lesson plans authorized their use. Any materials and equipment borrowed should be returned to the proper person before a substitute leaves campus. At the end of the day, the teacher's room and equipment should be left the way it was found. The teacher's desk, files and other storage areas should be regarded with respect.
17. The substitute is to refrain at all times from using corporal punishment.
18. The substitute is expected to report any unusual incidents.
19. A substitute teacher is not entitled to a planning period.
20. At the end of the day, leave the room neat and orderly, closing windows and doors. Return all keys to the front office and check to determine the need for further service.
21. Any suspected child abuse must be reported immediately to Child Protective Services at (800) 252-5400 by the substitute teacher. In any case, the suspected abuse must be reported to Child Protective Services within 48 hours of the time the substitute teacher first becomes aware of the suspected abuse. The responsibility to make the report to Child Protective Service may not be delegated to another person. Additionally, the substitute teacher must notify the principal of the report.

General Instructions

Make notes for the regular classroom teacher about your day. Include information about problems during the day and any other information that you feel the teacher may want to know. If you were unable to follow lesson plans, if an assignment could not be completed or if you had to rearrange schedules, leave a note explaining why and complete the Substitute Report.

The substitute should be familiar with the guidelines and procedures used in each school. This information should be provided to substitutes when they check in at the school office each morning. The school should provide substitutes with the following: a general map of the school; emergency information; the schools general guidelines and procedures; and the school's crisis plan. If questions arise throughout the day, you should contact the school office or the principal.

Class attendance must be checked carefully and accurately at the beginning of the day and sent to the school office. Familiarize yourself with your surroundings so that you know how to evacuate the class in the event of a fire drill or other emergency. Know where the nearest exits are located and have a class roster with you as you evacuate the building.

Dress Code

The substitute teacher, as an employee of the district, must use good taste and dress appropriately to the needs of the assignment. A substitute should refrain from wearing blue jeans to an assignment unless the occasion warrants it. T-shirt, jeans and tennis shoes are not to be worn in the classroom, except in physical education.

On The Job Injuries

If you are injured while on the job as a substitute, you must report the injury to the principal immediately. This report must be completed no matter how small or insignificant your injury may be.

Professional Ethics

Professional substitutes have a responsibility to conduct themselves in an acceptable, appropriate manner for a professional setting at all times.

1. The substitute teacher has a professional obligation even though he/she is not a regular teacher. *The substitute teacher must use extreme caution in expressing personal opinions and reactions about what is seen and heard in the classrooms of various schools in which assigned.*
2. *Under no circumstances should a substitute criticize a regular teacher or the students in the presence of other teachers or students. If deficiencies are found, discuss them with the principal.*
3. The substitute teacher must avoid discussing school matters with outsiders and avoid comparing one school to another.
4. The chain of command must be followed.
5. The substitute teacher must refrain from promoting personal business for monetary or personal gain and must not conduct personal business during working hours.
6. See policy attachments: <https://pol.tasb.org/Home/Index/254> Employee Standards of Conduct DH (Legal), DH (Local), DH (Exhibit), Employee Welfare DIA (Legal), DIA (Local), DI (Legal), Student Welfare FFH (Legal), FFH (Local), Electronic Communications CQ (Legal), CQ (Local).
7. The inclusion of religion in the study of history, culture, literature, music, drama, and art is essential to a full and fair presentation of the curriculum. Other than texts used in an appropriate course of study, the District shall not distribute religious texts or materials to students. (District Policy EMI) Substitute teachers are not to pray, lead prayer, or discuss their religious beliefs with students at any time.

Sexual Harassment

The Brownsville Independent School District takes its commitment to stopping sexual harassment in the workplace very seriously. Engaging in conduct which could be perceived as sexual harassment is strictly prohibited and is grounds for immediate removal for the substitute teacher calling list. Sexual harassment of an employee is defined as unwelcome sexual advances, requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature. Examples of sexual harassment include, but are not limited to sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication or contact.

Harassment of a District employee on the basis of the employee's race, color, gender, national origin, disability, religion, or age includes physical, verbal, or nonverbal conduct when this conduct is so severe, persistent, or pervasive that this conduct has the purpose or effect of unreasonably interfering with the employee's work performance; creates an intimidating, threatening, hostile, or offensive work environment; or otherwise adversely affects the employee's employment opportunities.

If an employee has complaint or concern, the employee should immediately report such behavior to their campus administrator or to the Human Resource Director.

Sexual Harassment of a Student

Sexual harassment of students includes such activities as sexually oriented conversations, telephone students at home or elsewhere to solicit social relationships, and physical contact that would reasonably be construed as sexual in nature. It is imperative that as a substitute teacher you avoid all physical contact that may be construed as sexual in nature. Romantic or inappropriate social relationships between students and substitute teachers or other District employees are prohibited. Any sexual behavior or sexual harassment between a student and District employee is always prohibited, even if consensual.

Classroom Instruction

The successful substitute teacher is actively involved with instruction. This includes moving around the classroom often, checking student work and assisting with assignments. Many discipline problems can be avoided by the substitute's use of proximity to the students. It is a good idea to have some plans and

activities of your own that can be used if there are no lesson plans, or if the class covers the planned material before the end of the period. Always use clear, consistent instructions in directing every activity.

The substitute teacher...

1. Is responsible for pupils, equipment, and materials assigned to his/her care.
2. Must not think that he/she is merely “filling in” or holding things together; rather, the substitute should do the work of the regular classroom teacher for the days assigned.
3. Must arrange for parent conferences only after consultation with the principal and the regular teacher.
4. Must keep in close contact with the regular teacher. If the assignment is to be for more than one day, the substitute should contact the principal concerning the advisability of contacting the regular teacher.
5. Is obligated to complete one classroom assignment before accepting another.
6. Substitutes should not evaluate student’s work, grade or enter grades in the grading system. For assistance contact Campus Administration.
7. In addition to the general information given above, the substitute teacher **must comply** with all instructions given to him/her by the principal. **This includes change of assignment.**

Extra Duties

The substitute teacher is expected to fulfill all extra duties that have been assigned to the regular classroom teacher/instructional aide. These duties may include lunch and hall duty or other special duties assigned by the school principal.

Student Discipline

Substitutes are expected to model and reinforce appropriate behavior in the classroom. Classroom rules are often posted and all students should know what the rules of behavior are and the consequences. Sometimes the most effective classroom management strategies will fail and individuals need to modify their behavior in order to resume effective teaching. Sarcasm is ineffective in the classroom and should not be used with students. Shouting at the students or calling them derogatory names may constitute verbal abuse and is strictly forbidden. In order to be successful in the treatment of students a substitute needs to be firm, fair, and consistent. Fairness and consistency are key issues with students, especially in the middle school.

Discipline problems tend to be minimized in a classroom where the substitute is prepared, organized, adaptable and demonstrates understanding. Encourage students to think of alternative solutions to the conflict. Help the student see the consequences of his/her actions. Do not get into a power struggle with the student. Attempt to give the student(s) options, which will allow him/her to maintain their dignity.

1. Under no circumstances is a substitute teacher to administer corporal punishment to any student. The striking of a student or use of improper language will result in the substitute being taken off of the substitute list until an investigation is conducted. If it is found that the substitute committed such an infraction, then the substitute’s name will be removed indefinitely from the list.
2. The substitute teacher is expected to maintain a level of discipline in the classroom that is favorable to good learning.
3. The substitute teacher is required to leave a written report (see page #32-34) for the regular classroom teacher any time it is necessary to discipline a student or if the student has been a disruptive factor in the classroom during the day.
4. If a student causes behavioral problems that are disruptive to the learning environment and when all efforts to maintain order have failed, the substitute teacher may refer student to the school office with a discipline slip or note explaining the circumstances. However, the substitute should never leave the students in the classroom unattended.
5. If a student runs out of the classroom, the substitute should not chase the student. Seek help from a nearby teacher or contact the office immediately for assistance.

Web-based Support and Information

The Substitute Teacher Handbook and other resources intended to enable substitutes to be more successful in their jobs are located on the District website at www.bisd.us Human Resource Site.

Employee Conduct

This policy establishes a district-wide code of conduct intended to provide a safe educational and work environment where each individual is treated with respect. No person shall engage in any verbal or physical conduct which would tend to cause disruption of the educational setting, school activity, or work environment, or would harass, threaten, attack, injure, or intimidate any other person. All persons on school district property or attending any school district activity shall be treated with respect.

Evaluation of Substitute Teachers

The campus principal or their designee will be responsible for evaluating the performance of the substitute teachers. In the event that a principal has a complaint about a substitute, he/she should contact the **Human Resource Department**, submit the form entitled “Administrator’s Report of Substitute’s Performance,” and conduct an investigation of the complaint, if possible. Once the investigation is concluded, a complete report must be submitted to the **Human Resource Department**.

If an unfavorable report on a substitute teacher is received, the Human Resource Director may further investigate, and the substitute may be asked to report to the **Human Resource Department** for a conference. Following the conference, the substitute may be placed on probation, suspension for the remainder of the school year or removed indefinitely. Any unfavorable report will result in the removal of the substitute from the substitute teacher-calling list. Substitutes have ten (10) days to submit a written response to the campus administrator and Human Resources regarding the report. Written responses do not necessarily result in the report being removed but are attached to the report in the substitute’s file.

Substitute teachers may be removed from service to the District at any time it is deemed necessary and appropriated to do so. Removal from the system or deactivation may also result from not accepting jobs as directed through this Handbook, declining too many jobs, not keeping up with the daily availability/unavailability, not keeping personal information current, or for other reasons deemed necessary and appropriate. Examples of behaviors which may result in immediate removal from the Active Substitute List includes but is not limited to: use of profanity, leaving students unattended, falling asleep in the classroom, making sexually or racially inappropriate oral or written comments or displaying inappropriate graphic or physical conduct, or subjecting students to racial or sexual harassment; using alcohol or unlawful drugs on school premises; insubordination; willful violation of school rules or regulations; refusal to follow instructions and or lesson plans left by the classroom teacher; or any other inappropriate behavior. If circumstances warrant it, the substitute may be restricted immediately from service to the District, pending the outcome of any investigation. Substitutes may also be excluded from working at particular campuses if the school administration and the Human Resources Director conclude it is in the best interest of the District to do so. Each campus maintains its own exclusion list of substitutes it no longer wants to use as substitutes, but should submit the Administrator’s Report of Substitute Performance for review. ***Please note: Substituting is not a contractual position. Therefore, the laws of property rights and due process do not protect substitutes.***

IV. Payroll Issues

Salary Schedule

Description	Daily Rate
Non Degreed	1 \$100.00
Degreed *	2 \$125.00
Certified**	3 \$150.00

*General College Bachelor's/Master's Degree **Teacher Certification

Special Notes

1. Substitutes reporting for 4 hours a day will be paid for half (1/2) day.
2. In order to be paid a full day or half day salary the substitute must report by the Scheduled time as per the SFE system.
3. The number of working days for each substitute is reported to the payroll department and checks will be direct deposited into your account upon completion of the reporting period. Pay for days worked after the close of any payroll reporting period will be included in the following month's payroll.
4. Pay rate change will be effective as of the day **Human Resource Department** receives proper documentation (i.e. Bachelors Degree, Teachers Certification).
5. BISD will not provide extra compensation for substitute teachers who cover classes during the conference/planning periods.

Early Release Days

If a substitute works on an early release day, he/she will be paid according to the following schedule:

A. Elementary and Secondary Schools

The substitute will be paid for a half (1/2) day only. On these days we do not go by the hours worked.

APPENDICES

General Guidelines for Substitute Teachers

Acceptance of a substitute assignment

Once you have accepted a job assignment, you should realize that many **people are counting on you** to keep your assignment. The teacher who requested you as his or her substitute will plan accordingly.

Punctuality

It is important that you **be on time** for your assignment. A bell schedule is provided for your information. You should arrive early enough to allow plenty of time to orient yourself to classroom responsibilities.

Blocked Subs

Any substitute who has been blocked from at least three (3) campuses will not be permitted to remain as a substitute teacher.

A substitute teacher may be blocked and not permitted to substitute at any time due to good cause or if it serves in the best interest of the District. Three (3) blocks will result in a District-wide block for at least the remainder of the current school year. A request by a Campus Principal or their designee to block a substitute teacher will be honored by the Human Resources Dept. Any questions refer back to campus.

Removal from the substitute system

In an effort to maintain our high standards and provide the best possible instruction for our students, we find it necessary to audit our system and ensure the substitute teachers we have are available on a regular basis. We review and consider the following data: (1) number of jobs accepted and completed, (2) number of jobs declined, and (3) total jobs offered along with other information is considered when time comes to offer our annual Letters of Assurance (LOAs) for employment for the following school year. Based on this information, some of the current substitutes on our list will be removed from our substitute list.

Some examples of removal are:

- A substitute on our current list that has not provided service for this school year.
- A substitute shows a pattern of accepting a job and canceling.
- Excessive number of declined jobs.

Remember, you have the option to limit your work schedule (certain days of the week) and/or selecting locations which can aid in limiting the calls you receive. These restrictions do not affect your employment.

CLASSROOM MANAGEMENT PRACTICE

Tips for Substitute Teachers

1. Always, ALWAYS, follow the classroom teacher's lesson plans (or whatever substitute instructions they have left. The top complaint I have heard from teachers, about substitutes, is that they do not follow the lesson plans.
2. Take time before school to review material that is unfamiliar. If this still does not help, try to find another teacher who will explain it to you. (The second most complaint I have heard from teachers, about substitutes, is that they did not know anything about the subject, and confused the students. Make every attempt to understand the lessons.)
3. Bring some fun extra things the students can do when, and only when, their work is done. At the elementary levels bring "fun sheets" for the students. Fun sheets can be pictures to color, dot-to-dots, word searches, mazes, or something else along that line. At the upper levels bring word puzzles and magazines.
4. Leave a note for the teacher at the end of the day. Let the classroom teacher know how the day went. Did the students struggle with a lesson? If so, let the teacher know. Did the students have fun with an activity? Again, let the teacher know. Remember to include the positives of the day as well as the negatives.
5. Make sure the room is in order before leaving. Another common complaint is that the teacher can never find books and papers when they return. Make an effort to stack handed-in assignments in a neat and organized manner where the teacher can easily find them. Put all books away where they were at the start of the day. Be sure the room in general looks orderly.



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

2024-2025 Instructional Calendar

JULY 2024

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2024

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER 2024

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER 2024

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER 2024

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER 2024

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JANUARY 2025

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY 2025

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH 2025

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL 2025

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY 2025

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE 2025

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

School Schedule:

Middle Schools – 7:40 AM - 2:50 PM
Elementary Schools – 8:00 AM - 3:15 PM
High Schools – 8:45 AM - 4:10 PM

Early Dismissal Schedule

Middle Schools – 11:45 AM
Elementary Schools – 12:15 PM
High Schools – 1:00 PM

Meet the Teacher

August 7 – High Schools
August 8 – Middle Schools
August 9 – Elementary

First Class Day: August 12

Last Class Day: May 29

PEIMS Snapshot: October 25

Board Approved: April 9, 2024

Six Weeks Grading Periods

Period	Total Days	Last Day
1st 6 Wks.	29 Days	September 20
2nd 6 Wks.	29 Days	November 1
3rd 6 Wks.	28 Days	December 19
1st Semester	86 Days	December 19
4th 6 Wks.	34 Days	February 21
5th 6 Wks.	29 Days	April 11
6th 6 Wks.	31 Days	May 29
2nd Semester	94 Days	May 29
TOTAL: 180 Instructional Days		

Holidays and Vacations

Independence Day	July 4
Labor Day	September 2
Columbus Day	October 14
General Election	November 5
Thanksgiving	November 25-29
Christmas (Employees)	Dec. 23-Jan. 3
Christmas (Students)	Dec. 20-Jan. 6
Charro Days	February 28
Spring Break	March 17-21
Easter	April 18, 21
Memorial Day	May 26

Make-Up Days

October 14 • February 28

Additional Days (subject to change)

Oct. 19, 26 • Jan. 18, 25 • Feb. 1, 8, 15, 22
Mar. 8, 29 • Apr. 5, 12, 26 • June 3-25

New Employee Orientation

August 2 • January 18
T-TESS Day (New Teachers)
August 1 • January 25

District Staff Dev. Days

August 8 • January 6

Teacher Preparation Days

August 9 • December 20

Campus Staff Development Days

August 6, 7 • May 30

Early Dismissal Day

February 27

SUBSTITUTE SCHEDULE

2024-25

PAY PERIOD		REPORTING DAYS	PAY DATE
BEGINNING	ENDING		
8/1/2024	8/31/2024	15	9/25/2024
9/1/2024	9/30/2024	20	10/25/2024
10/1/2024	10/31/2024	22	11/22/2024
11/1/2024	11/30/2024	15	12/20/2024
12/1/2024	12/31/2024	14	1/24/2025
1/1/2025	1/31/2025	19	2/25/2025
2/1/2025	2/28/2025	19	3/25/2025
3/1/2025	3/31/2025	16	4/25/2025
4/1/2025	4/30/2025	20	5/23/2025
5/1/2025	5/31/2025	20	6/25/2025
6/1/2025	6/30/2025	0	7/25/2025

Campus Code	Campus	Address	Phone:	Fax:	Principal
Early College High Schools					
008	Brownsville Early College High School	343 Ringgold Road	(956) 698-1476	(956) 831-9726	Dr. Rachel Ayala
001	Hanna Early College High School	2615 Price Road	(956) 548-7600	(956) 548-7602	Blanca Lambarri
007	Lopez Early College High School	3205 S. Dakota Avenue	(956) 982-7400	(956) 986-5099	Aimee Garza-Limon
003	Pace Early College High School	314 W. Los Ebanos Blvd.	(956) 548-7700	(956) 714-6018	Marisol A. Trevino
002	Porter Early College High School	3500 International Blvd.	(956) 548-7800	(956) 548-7988	Mary Solis
004	Rivera Early College High School	6955 FM 802	(956) 831-8700	(956) 831-8761	Obed Leal
009	Veterans Memorial Early College High School	4550 U.S. Military Hwy 281	(956) 574-5600	(956) 714-6201	Norma J. Canales
Alternative Schools					
033	Brownsville Academic Center	3308 Robindale Road	(956) 504-6305	(956) 831-9726	Noe Garcia
006	Brownsville Learning Academy 6-12	1800 Cummings Place	(956) 548-8630	(956) 831-8267	Dr. E. Ude
127	Lincoln Park High School	7 Orange Street	(956) 548-7880	(956) 982-3090	Cynthia Cardenas
Middle Schools					
048	Besteiro Middle School	6280 Southmost Road	(956) 544-3900	(956) 544-3946	Teresa Nuñez
043	Faulk Middle School	2000 Roosevelt Street	(956) 548-8500	(956) 548-8507	Hector Hernandez
053	Garcia Middle	5701 FM 802	(956) 832-6300	(956) 832-6304	Luis G. Segura
051	Lucio Middle School	300 N. Vermillion Road	(956) 831-4550	(956) 838-2298	Chester Arizmendi
055	Manzano Middle School	2580 W. Alton Gloor Blvd	(956) 548-9800	(956) 548-6772	Yolanda Turbeville
045	Oliveira Middle School	444 Land O' Lakes	(956) 548-8530		Martha Medina
046	Perkins Middle School	4750 Austin Road	(956) 831-8770	(956) 831-8789	Esmeralda Longoria
044	Stell Middle School	1105 Los Ebanos Blvd	(956) 548-8560		Gilda Jo Pena
054	Stillman Middle School	2977 West Tandy Road	(956) 698-1000	(956) 350-3235	Sandra Cortez
047	Vela Middle School	4905 Paredes Road	(956) 548-7770	(956) 548-7780	Michelle Garcia
Elementary Schools					
133	Aiken Elementary	6290 Southmost Road	(956) 986-5200	(956) 986-5208	Deyanira Garcia
135	Benavides Elementary	3101 McAllen Road	(956) 350-3250	(956) 350-3273	Anabela Almanza
144	Breeden Elementary	3955 Dana Avenue	(956) 554-4730	(956) 547-4305	Petra Torres
140	Brite Elementary	450 S. Browne Ave	(956) 698-3000	(956) 831-5146	Myrta Castillo
128	Burns Elementary	1974 Alton Gloor Blvd	(956) 548-8490	(956) 548-8489	Maria J. Garcia
101	Canales Elementary	1811 International Blvd	(956) 548-8900	(956) 714-6153	Patricia Chacon
115	Castañeda Elementary	3201 Lima Street	(956) 548-8800	(956) 548-8811	Griselda N. Camargo
136	Champion Elementary	4750 Bowie Road	(956) 832-6200	(956) 832-6225	Ricardo Torres Jr.
102	Cromack Elementary	3200 E. 30th Street	(956) 548-8820	(956) 714-6022	Carla Gonzalez
120	Del Castillo Elementary	105 Morningside Road	(956) 982-2600	(956) 982-2622	Maricela Guerra (Interim)
123	Egly Elementary	445 Land O'Lakes	(956) 548-8850		Ada Fernandez
105	El Jardin Elementary	6911 Boca Chica Blvd.	(956) 831-6000	(956) 831-6002	Leticia Briones
138	Gallegos Elementary	2700 Avenida Rancho Viejo	(956) 547-4230	(956) 547-4232	Theresa Villafuerte
106	Garden Park Elementary	855 Military Highway	(956) 982-2630	(956) 982-2644	Cesar Murillo
124	Garza Elementary	200 Esperanza Road	(956) 982-2660	(956) 982-2682	Lorena Medina
130	Gonzalez Elementary	4350 Jaime Zapata Avenue	(956) 831-6030	(956) 831-6035	Billy J. Cobos
134	Hudson Elementary	2980 FM 802	(956) 574-6400	(956) 714-6191	Dr. Melinda V. Lopez
143	Keller Elementary	2540 W. Alton Gloor Blvd.	(956) 547-4400	(956) 982-2723	Dr. Jessica Todd
104	Martin Elementary	1701 Stanford Avenue	(956) 982-2730	(956) 982-3032	Dr. Sonia Saenz (Temporary)
129	Morningside Elementary	1025 Morningside Road	(956) 982-2760	(956) 714-6168	Yvonne Barnes
139	Ortiz Elementary	2500 West Alton Gloor Blvd	(956) 698-1100	(956) 546-6611	Julie Pena
122	Palm Grove Elementary	7942 Southmost Road	(956) 982-3850	(956) 550-8542	Myrta Garza
137	Paredes Elementary	3700 Heritage Trail	(956) 574-5582	(956) 574-5584	Felipe Barrera
141	Peña Elementary	4975 Salida de la Luna Rd.	(956) 547-7100	(956) 838-6545	Anabel Martinez
121	Perez Elementary	2514 Shidler Drive	(956) 982-2800		Michael D. Moreno
142	Pullam Elementary	3200 Madrid Avenue	(956) 547-3700	(956) 350-2880	Marco Marquez
108	Putegnat Elementary	730 E. 8th Street	(956) 548-8930	(956) 548-8947	Dr. Aidee Vasquez
110	Russell Elementary	800 Lakeside Blvd.	(956) 548-8960	(956) 714-6122	Dr. Susana Zapata-Burquete
111	Sharp Elementary	1439 Palm Blvd.	(956) 982-2930	(956) 982-2948	Dr. Timothy Cuff
112	Skinner Elementary	411 W. St. Charles St.	(956) 982-2830	(956) 982-2849	Mary E. Rodriguez
131	Southmost Elementary	5245 Southmost Road	(956) 548-8870		Diana Gonzalez
126	Vermillion Elementary	6895 FM 802	(956) 831-6060		Maria G. Perez
117	Villa Nueva Elementary	7455 Old Military Road	(956) 542-3957	(956) 544-0720	Melissa B. Gutierrez
132	Yturria Elementary	2955 West Tandy Road	(956) 698-0870	(956) 350-3207	Nicole Clint
118	Regional School for the Deaf	2467 Price Road	(956) 548-8400	(956) 548-8446	Janice Metsker-Galarza

SmartFindExpress

Substitute User Guide

Version 2.5

May 2014



STATEMENT OF CONFIDENTIALITY

This information has been prepared for the express purpose of providing your organization with information about the functions and use of the eSchool Solutions SmartFindExpress system. This material contains proprietary product information and may not be reproduced, used by, or disclosed to persons not in the employ of the recipient without the prior written consent of eSchool Solutions. **Company Confidential/Do Not Distribute – Do Not Post on Unsecured Web Sites (such as your district web site).**

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Before any features are available, you must register with the system and create a PIN. The Access ID and PIN are used for all interactions with the system.

Registering with the System

1. Call the main system number.
2. Enter your Access ID, followed by the star (*) key.
3. When the system asks for your PIN, enter your Access ID again, followed by the star (*) key.
4. Create your PIN. Enter the PIN you want to use followed by the star (*) key. The PIN must be numeric, must meet the minimum length requirements for your system and cannot be more than 9 digits.
5. You will be asked to record your name. Record your name and when you have finished recording, press the star (*) key.
6. Next you will hear your callback number. This is the telephone number the system will use to call you. If this number is incorrect, enter the correct number now.

Logging into SmartFindExpress

1. Open your Internet browser and access the SmartFindExpress site. The system Welcome message and any district-wide announcements are displayed.
2. Two identifiers are required to log in to the system: User ID and Password. Click *Submit* to access the system.
3. If you have forgotten your password, click the **'Trouble signing in?'** link.
4. Follow the instructions on the screen and then click *Submit*. Your password will be sent to the email address on your profile.



You must be registered with the system to use this feature.

District-wide Announcements



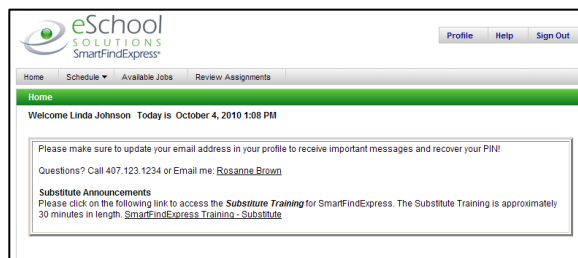
Enter
User ID
and
Password.

1. Enter User ID.
2. Enter Security Code.
3. Click *Submit*.

5. Upon successful login, the Substitute home page is displayed. From the home page, substitutes can manage personal information, review their work schedule, search for available jobs, and review assignments.

From your Home Page you can:

- ✓ **Modify Profile Information**
- ✓ **Get Help While You Work**
- ✓ **Review Announcements**
- ✓ **View/Modify Work Schedule**
- ✓ **Access Available Jobs**
- ✓ **Review Assignments**



Managing Profile Information

The **Profile** menu lets you view profile information, update your email address and passwords, and view/modify callback information.

View Profile Information

The system displays your current status and address. Contact your system administrator with any changes.

Update Your Email Address

You can easily update your email address. The system automatically sends Job Creation and Job Cancellation emails (if your district uses this feature). For more information, contact your System Operator.

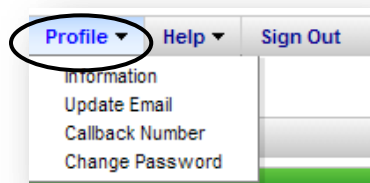
View/Modify Call Back Information

View/update your callback number or specify a temporary 'Do Not Call Until' time.

Change Password

Enter your current password and the new password. You can enter up to 9 digits. Click Save.

Note: If your district is configured to use Web Passwords, the Change Password feature will include an option to change the Web password.



E-mail

Email: bsmith@eschoolsolutions.com

New email:

Re-enter email:

Save

Update
Email
Address

Profile

Call Back #:

Do Not Call Until: (hh:mm am)

Note: Enter a time that is up to 24 hours from now. If a time is not entered, you will be called during regular calling periods.

Save

Change Password

Change Password

Phone Password (PIN)

Current:

New: Numeric up to 9 digits

Confirm New:

Save

Change Phone
Password (PIN)

Help

Getting Help While You Work

Click the Help tab to access Help guides and How-to videos.

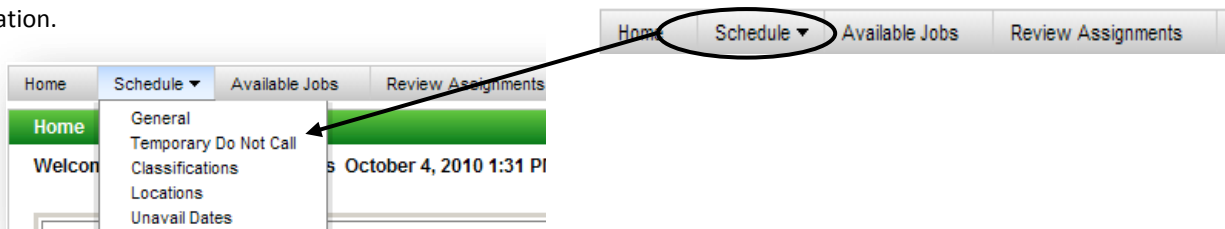
Sign Out

Exiting the System

Click the Sign Out tab to exit the system.

Schedule

Click **Schedule** to review or update work schedule information.

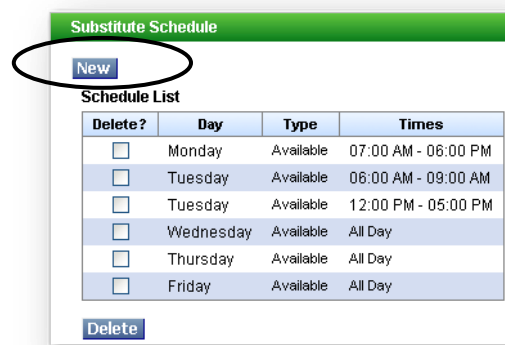


General

1. Click **General** from the Schedule menu to display your daily work schedule.
2. Click **New** to make changes to your schedule.
3. On the New Schedule screen, make any modifications to the days and times that you are available for work. The start and end times of the job are displayed.
4. If desired, set up Temporary Do Not Call times.

You will not receive calls for assignments during the time period you specify.

5. To delete a schedule, click the box next to the day you want to remove from your schedule and then click Delete.



You can receive job offers (for future jobs) during calling periods on days that you have no availability unless the days/times are set up as "Do Not Call."

New Schedule

* Sun Mon Tue Wed Thu Fri Sat

☐ ☒ ☒ ☒ ☒ ☒ ☐

Available for assignments: ☒ All Day - or - * Start Time (HH:MM AM) * End Time (HH:MM AM)

The system will NOT call: ☐ - or - (HH:MM AM) (HH:MM AM)

Save Return To List

Temporary Do Not Call

(This feature is also available from the Profile drop-down menu on your home page.)

1. View/Update your call back number. The number should include the long distance indicator and area code (if required) for the system to call from its location.
2. Specify a temporary 'Do Not Call Until' time if you do not want to be called by the system during the regular calling periods. *T*

The following characters can be used in the **Call Back #** field: (), -, *, #.

Profile

Call Back #:

Do Not Call Until: (hh:mm am)

Note: Enter a time that is up to 24 hours from now. If a time is not entered, you will be called during regular calling periods.

Classifications

Click Classifications to see the Classifications you have indicated you will work. *If enabled by your district, this page will contain a New and Delete button for modifying your Classifications.*

Classifications

Classification List

Select	Code	Name
☐	123	ART

Classifications

Classification List

Code	Name
003	CLASSIFICATION 003
005	CLASSIFICATION 005

Locations

Click Locations to see the Locations you have selected to work. *If enabled by your district, this page will contain a New and Delete button for modifying your Locations.*

Locations

Location List

Delete	Code	Name
☐	101001	EMERSON ELEM

You will not receive job offers from any other locations unless you are specified.

Locations

Location List

Code	Name
101	Adelphi Elementary
102	TEST LOCATION 102
103	TEST LOCATION 103

Unavail Dates

1. To add unavailable periods for when you are not available to work, click New.

Unavailable Dates

- Specify the date(s) and time that you are unavailable. If unavailable all day, click "All Day." Multiple unavailability times can be entered for a single day. All unavailability times are shown on the Calendar.

- To receive calls for future assignments during the date/time specified for unavailability, check the "Call for future assignments" box.

- To modify an unavailable date, display the Unavailable Date List. Click the Start Date link for the date you want to modify.

Delete?	Start Date	End Date	Start/End Time
☐	09/08/2010	09/08/2010	All Day

- Make any updates to the unavailable date on the Modify Unavailable Date screen. Click Save.

Available Jobs

Click the **Available Jobs** Menu.

- Click Search to display all available jobs, or enter a date range for your search.



When the system calls out in the morning, the available jobs presented on the Web and the IVR are jobs for that day. You may be able to review available jobs for future dates if allowed by your district.

The list of available jobs can change at any time as other substitutes are accepting assignments and jobs are being created.

2. The system displays the list of available jobs. Job listings are preceded by a “Details” or “In Callout” link.

Action	Start Date/Time End Date/Time	Location Classification	Employee in for Work Days	Instructions Is Requested
Details	09/15/2010 08:00 AM 09/17/2010 03:00 PM	WASHINGTON ELEMENTARY SCHOOL TEST CLASSIFICATION 101	SMITH, JANE Wed	None No
Details	09/17/2010 08:00 AM 09/17/2010 03:00 PM	WASHINGTON ELEMENTARY SCHOOL TEST CLASSIFICATION 101	SMITH, JANE Fri	None No

3. Click the Details link for a job to display the job details.

4. View the details of the job on the Available Jobs Detail page. You can also accept the job, decline the job, or return to the jobs list.

Available Jobs

Available Jobs Detail

Job Status: Open/Open
Employee in for: SMITH, JANE
Location: WASHINGTON ELEMENTARY SCHOOL
Address: 100 WASHINGTON LANE
ANYTOWN, FL 33333
Telephone: 407-333-3333
Classification: TEST CLASSIFICATION 101
Voice Instructions: None
Text Instructions: None
Date: 09/15/2010 - 09/15/2010
Weekly Schedule: Wednesday 08:00 AM - 03:00 PM

Select a reason for Declining before pressing Decline Job
Decline Reason:

[Accept Job](#) [Decline Job](#) [Return To List](#)

**Review
job
details**

5. To accept a job, click Accept Job. The Available Jobs Confirmation screen displays. **If the system determines that a substitute is in the process of accepting the job on the IVR, the job will not be assigned.** If the job assignment is successful, a job number is displayed.

Available Jobs

Available Jobs Confirmation

Job Number: **225**
Employee in for: SMITH, JANE
Location: WASHINGTON ELEMENTARY SCHOOL
Address: 100 WASHINGTON LANE
ANYTOWN, FL 33333
Telephone: 407-333-3333
Classification: TEST CLASSIFICATION 101
Voice Instructions: None
Text Instructions: None
Date: 09/17/2010 - 09/17/2010
Weekly Schedule: Friday 08:00 AM - 03:00 PM

[Return To List](#)

6. To decline a job, click Decline Job. You may **be required to enter a reason for the decline**. A Decline message displays on the Available Jobs screen.

When you click Return to List, the following changes may be occurred on the jobs list:

- Details links may show as In Callout for those jobs that are now available and in callout.
- In Callout links may show as Details links for those jobs still available, but no longer in callout.
- Additional jobs may have become available and now display on the list.
- Jobs that are no longer available have been removed from the list.

Available Jobs

Assignment declined successfully.

* Search From: 09/05/2010 (MM/DD/YYYY) * To: 09/17/2010 (MM/DD/YYYY)

[Search](#)

7. To review the details of a job currently being called on by the IVR, click the “In Callout” link for the job. The following message is displayed, “*This job is currently being offered to a substitute. You may retry later.*” Click Return to List to return to the jobs list.

Available Jobs

* Search From: 10/06/2010 (MM/dd/yyyy) * To: 10/07/2010 (MM/dd/yyyy)

Search

Action	Start Date/Time End Date/Time	Location Classification	Employee in for Work Days	Instructions Is Requested
Details	10/07/2010 05:30 AM 10/07/2010 02:00 PM	French Prairie - Nutrition Services Agriculture/Biology	Vacancy Thu	None No
Details	10/07/2010 07:30 AM 10/07/2010 03:30 PM	Shared Services - High School Campus - other Agriculture/Biology	Vacancy Thu	None No
In Callout	10/07/2010 07:30 AM 10/07/2010 03:30 PM	Shared Services - High School Campus - other Agriculture/Biology	Vacancy Thu	None No
Details	10/07/2010 07:30 AM 10/07/2010 03:30 PM	Shared Services - High School Campus - other Agriculture/Biology	Vacancy Thu	None No

Available Jobs

This job is currently being offered to a substitute. You may retry later.

Available Jobs Detail

Job Status: Open/Open

Employee in for: Vacancy

Location: Shared Services - High School Campus - other

Address: 1785 N. Front St.
Woodburn, OR 97071

Telephone: 15039812600

Classification: Agriculture/Biology

Voice Instructions: None

Text Instructions: None

Date: 10/07/2010 - 10/07/2010

Weekly Schedule: Thursday 07:30 AM - 03:30 PM

[Return To List](#)

Review Assignments

- Click the **Review Assignments** Menu.
- To review all assignments, click Search, or enter a date range or job number to display specific assignments. Select List or Calendar format.
- The default is to display results in List View. Click the Calendar radial button to display your assignments in Calendar format. The start and end times of the job are displayed.

Home Schedule Available Jobs **Review Assignments**

Review Assignments

Display Format: ☒ List ☐ Calendar

Search From: (MM/DD/YYYY) To: (MM/DD/YYYY)

Job Number: Note: Search by job number will not use the date range

Search

Calendar View

Calendar Assignments

Display Format: ☒ List ☐ Calendar

Search From: 11/01/2013 To: 11/06/2013

Job Number: Note: Search by job number will not use the date range

Search

Day	Mon	Tue	Wed	Thu	Fri	Sat
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

List View

Job #	Start Date/Time End Date/Time	Location Classification	Employee in for Work Days
141	11/21/2013 08:00 AM 11/21/2013 04:00 PM	ZZ Test Location ZZ Test Classification	ZZ Test Employee, Thu

3. Click on the job number link for the assignment you want to review. The Review Assignment Detail screen is displayed.
4. If cancelling an assignment, the cancellation reason must be selected from the drop-down menu. **Once the Cancel Assignment button is pressed, a "cancelled successfully" message is displayed.**

Review Assignments

Review Assignment Detail

Job Number: 225
 Job Status: Active/Web Sub Search
 Employee in for: SMITH, JANE
 Location: WASHINGTON ELEMENTARY SCHOOL
 Address: 100 WASHINGTON LANE
 ANYTOWN, FL 33333
 Telephone: 407-333-3333
 Classification: TEST CLASSIFICATION 101
 Voice Instructions: None
 Text Instructions: None
 File Attachments: None
 Date: 09/17/2010 - 09/17/2010
 Weekly Schedule: Friday 08:00 AM - 03:00 PM

A Cancellation Reason is required to cancel this assignment
 Cancellation Reason:

[Cancel Assignment](#) [Return To List](#)

24350	05/14/2010 07:30 AM	ZZ TEST LOCATION	ZZ Test Employee,
Cancelled	05/14/2010 03:30 PM	ZZ Test Classification	Fri

Finding and Accepting Jobs over the Telephone

Before any features are available, you must register with the system and create a PIN. The Access ID and PIN are used for all interactions with the system.

Call-in

From the main menu, select one of the following options.

1. Review or Cancel Assignments

Job information is played. Current and future jobs are played in job number order. After each job is played, you may be allowed to cancel the job. If this option is not played, contact the system operator. To cancel a job, enter a reason from the list of decline/cancellation reasons. Canceling an assignment on the day of the job may result in being disqualified from being offered other jobs for today.

2. Hear Available Jobs

If feature is enabled, listen to available jobs. During morning callout, only jobs for today are played.

3. Review or Modify Callback number

The number currently in your profile is played. Enter all digits that will be required to call you from the location of the system. Include the long distance code and/or area code.

4. Review or modify Temporary Do not Call Time

If feature is enabled, enter a time that the system can resume calling you.

5. Review or Modify Unavailability dates

Your current and future unavailability dates are played in start date order. You are not offered jobs that occur during this period. The unavailability period does not restrict you from calling the system and hearing jobs for any date.

Call-in (continued)

6. Review or Modify Daily Availability

- Review or delete time periods you are available to work.
- Enter a new time period you are available to work.
- Review or delete a time period you do not want to receive calls.
- Enter a new time period that you do not want to receive calls. When entering a time period, select the days/times.

7. Change PIN or Name Recording

Job Offers

When the system calls you about an open job, the job information will play, including the absent employee's name, the location, classification, and dates and times of the job. Also, if special instructions were recorded for the job, they will be played. You can accept or decline the assignment. If you decline the assignment you will be asked to enter a reason for the decline and you may be disqualified from other job offers for that day during the morning callout.

Assignment Cancellations

Substitute cancelled assignment notification calls are made once an hour during callout periods. The details of the cancelled job are played. You will automatically be made available for other jobs during the time period that was held by the canceled job.

Call-out

Substitutes are called and offered jobs. The system may also call to inform a substitute of an assignment cancellation.

A substitute can:

- **Press the star (*) key for the system to wait up to 2 minutes**

When the system calls, if someone else answers the telephone and has to locate you or you have to locate your login information, the system can be told to wait for approximately two minutes. If, at that time no Access ID is entered, the system will disconnect and record that the result of the call was a no answer.

- **Access the system**

Enter your Access ID and PIN, both followed by the star (*) key.

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
SMARTFIND EXPRESS SUBSTITUTE BROWSER ACCESS

Browser Access Instructions

Web Browser URL www.bisd.us

Help Desk Phone Number 698-1225

Sign In

Open your web browser and access the SmartFindExpress Sign In page. Review the messages above the Sign In. Enter your Access ID and PIN. Review additional announcements on your home page, if any.

Profile Link

Choose the Profile link to view and update your information.

Profile Tab

- **Change your Callback Number**

Enter the telephone number where you can be contacted by the system. Include the '1' (long distance indicator) and area code only if required for the system to call you from the district office

- **Add Temporary Do Not Call setting**

Enter a time in HH:MM am or pm format for the system to resume calling
(The maximum is 24 hours from the current time)

Schedule Tab

- **Create a New Availability Schedule**

- o Select *New* button
- o Select *Save* button
- o Select days of the week for the schedule by leaving boxes checked by that day
- o Select the times you are available to work or do not want to be called. (Choose only one option)
 - Check box for all day or
 - Enter a start and end time range in HH:MM am or pm format
- o Select *Save* button
- o To Exit without saving changes, select the *Return to List* button

- **Modify your Availability Schedule**

- o Choose day or days of the week you want to delete by checking the boxes by that day
- o Select the *Delete* button
- o Select the *New* button to add a new day of week or time. Follow the steps for "Creating a New Availability Schedule" as outlined above.

- **Delete an Availability Schedule**

- o Select day(s) of the week you want to delete by checking the boxes by that day
- o Select the *Delete* button

Classifications and Locations Tab

- Review classifications and locations you have chosen for possible assignments

Unavail Dates Tab

- **Create Unavailability Schedule**

- o Select the *New* button
- o Enter Start and End Date Range (MM/DD/YYYY) or use the calendar icon
- o Select the *All Day* check box or enter the time range in HH:MM am or pm format
- o Select the *Call for Future Assignments* checkbox, if during the unavailable time period entered you would still like to receive calls for future assignments. Leave box unchecked if you do not want any calls during this time
- o Select *Save* button

- **Delete Unavailability Schedule**

- o Place a checkmark in the desired date range box
- o Select the *Delete* button

Available Jobs Link

Choose the Available Jobs link to view and accept assignments.

To view and accept jobs

- You must be available to work all days and times of the job
- You have specified that you will work at the location
- You are specified for the job

Follow these steps

- Select the date range for your search entering in the dates with forward slashes (MM/DD/YYYY) or using the calendar icon. Leaving dates blank will return all data
- Press the *Search* button to display the list of jobs
- Press the *Details* link to view the job details. Review the specifics and choose one of the following
 - o Select the *Accept Job* button. A job number will be assigned to you if the job has been successfully assigned to you. **Please record this Job Number.**
 - o Select the *Decline Job* button. Select a reason for decline from the drop-down list, then select the *Decline Job* button
 - o Select the *Return to List* button to return to the job listing

Review Assignments

Choose the Review Assignments link to review past, present and future assignments or to cancel an assignment

Follow these steps

- Select format for Assignment display. List or Calendar view
- Search for assignments
 - o Enter the date range with forward slashes (MM/DD/YYYY) for your search or use the calendar icon. Leaving dates blank will return all data
 - o Enter a specific job number (date range will not be used)
- Press the *Search* button to display the list of assigned jobs
- Choose the *Job Number* link to view job details
 - o Select the *Return to List* button to review other jobs assigned to you
 - o Select the *Cancel Assignment* button to cancel your assignment. Enter a reason for canceling from the pull-down list. Wait for the "Job was cancelled successfully" notification. You cannot cancel an assignment that has already started.

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department
1900 East Price Road, Suite #106
Brownsville, Texas 78521
(956) 548-8051

Daily Elementary Substitute Report

Directions: Please complete and return to the principal's secretary at the end of your workday.

Substitute's Name: _____ Substitute's Employee ID Number: _____

Campus: _____ Teacher's Name: _____

1) Did the teacher provide adequate lesson plans and clear instructions for you?

☐ Yes ☐ No Comments:

2) Was a current seating chart provided?

☐ Yes ☐ No Comments:

3) Were the staff members helpful to you?

☐ Yes ☐ No Comments:

4) The assignments completed by the student may be found:

5) Comments:

A. Student behavior:

B. What I liked best about the class:

C. What would make my job easier:

D. Suggestions that might improve efforts to assist substitute teachers:

Substitute's Signature: _____ Date: _____

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department
1900 East Price Road, Suite #106
Brownsville, Texas 78521
(956) 548-8051

Daily Secondary Substitute Report

Directions: Please complete and return to the principal's secretary at the end of your workday.

Substitute's Name: _____ Substitute's Employee ID Number: _____

Campus/Subject: _____ Teacher's Name: _____

- 1) Did the teacher provide adequate lesson plans and clear instructions for you?

☐ Yes ☐ No Comments: _____

- 2) Was a current seating chart provided?

☐ Yes ☐ No Comments: _____

- 3) Were the staff members helpful to you?

☐ Yes ☐ No Comments: _____

- 4) For each class period taught, please list general student behavior, a summary of work completed, or an explanation for any deviation from the lesson plans. Please be specific about student behavior and any assignments not completed; attach additional pages if necessary.

Period 1:

E. Student behavior comments: _____

F. Lesson comments: _____

Period 2:

A. Student behavior comments: _____

B. Lesson comments: _____

Period 3:

A. Student behavior comments: _____

B. Lesson comments: _____

Period 4:

A. Student behavior comments: _____

B. Lesson comments: _____

Period 5:

A. Student behavior comments: _____

B. Lesson comments: _____

Period 6:

A. Student behavior comments: _____

B. Lesson comments: _____

Period 7:

A. Student behavior comments: _____

B. Lesson comments: _____

5) What would make my job easier: _____

6) Suggestions that might improve efforts to assist substitute teachers:

Substitute's Signature: _____ Date: _____

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

Classified Personnel Department
1900 East Price Road, Suite #106
Brownsville, Texas 78521
(956) 548-8051

Teacher's Report of Substitute's Performance

Directions: Please complete and return to the principal's secretary at the end of your workday.

Campus: _____ Date(s) of Absence: _____

Teacher's Name: _____ Substitutes Employee ID Number: _____

Subject: _____ Substitute's Name: _____

1) Were the attendance procedures followed?
☐ Yes ☐ No Comments: _____

2) Were your lesson plans followed?
☐ Yes ☐ No Comments: _____

3) Did the substitute provide you with adequate information including a daily report?
☐ Yes ☐ No Comments: _____

4) Was the room left in satisfactory condition upon your return?
☐ Yes ☐ No Comments: _____

5) What type of reaction did the students have toward the substitute teacher?
☐ Negative ☐ Positive Comments: _____

6) Do you wish to have this substitute teacher return to your room for future assignments?
☐ Yes ☐ No Comments: _____

7) Additional comments: _____

Teacher's Signature: _____ Date: _____

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT
Classified Personnel Department
1900 East Price Road, Suite #106
Brownsville, Texas 78521
(956) 548-8051

Administrator's Report of Substitute's Performance

Directions: Please complete and return to the Classified Personnel Department as necessary.

Campus: _____ Date(s) of Assignment: _____

Substitute's Name: _____ Substitutes Employee ID Number: _____

1) Is a Teacher's Report of Substitute's Performance completed and attached?
☐ Yes ☐ No Comments: _____

2) How did you become aware of the incident/situation? _____

3) Has an investigation been conducted? ☐ Yes ☐ No Comments: _____

4) Please describe incident and investigation results? _____

5) Would you call this Substitute in the future?
☐ Yes ☐ No Comments: _____

6) Was a conference with Substitute teacher done? ☐ Yes ☐ No
Comments: _____

a) Date of conference: _____

b) Person's present: _____

c) Outcome: _____

7) Do you wish to have the Substitute removed from your campus priority list?
☐ Yes ☐ No Comments: _____

8) Is it in the best interest of the students and the District to have this substitute removed from the District's Substitute Teacher List?
☐ Yes ☐ No Comments: _____

9) Additional comments: _____

Campus Administrator's Signature: _____ Date: _____

BISD, an equal opportunity employer, does not discriminate on basis of race, color, national origin, gender, religion, age or disability in employment or provision of services, programs or activities.

99 WAYS TO SAY “VERY GOOD”

- You're on the right track know!
 - You've got it made.
 - SUPER!
 - That's right!
 - That's good.
 - You're really working hard today.
 - You are very good at that.
 - That's coming along nicely.
 - GOOD WORK!
 - I'm happy to see you working like that.
 - That's much, much better!
 - Exactly right.
 - I'm proud of the way you worked today.
 - That's how to handle that.
 - You're doing that much better today.
 - You've just got it.
 - That's the best you've ever done.
 - You're doing a good job.
 - THAT'S IT!
 - Now you've figured it out.
 - That's quite an improvement.
 - GREAT!
 - I knew you could do it.
 - Congratulations!
 - Not bad.
 - Keep working on it your improving.
 - Well look at you go.
 - That's it.
 - I'm very proud of you.
 - Marvelous
 - I like that.
 - Way to go!
 - Now you have to hang of it.
 - You're doing fine!
 - Good thinking.
 - You are really learning a lot.
 - Good going.
 - I've never seen anyone do it better.
 - Keep on trying.
 - You outdid yourself today!
 - Good for you!
 - I think you've got it know.
 - That's a good (boy/girl).
 - Good job, (person's name).
 - You figured that out fast.
 - You remembered!
 - That's really nice.
 - That kind of work makes me happy.
 - It's such a pleasure to teach when you work like that!
 - EXCELLENT!
 - You're really going to town.
- That's the best ever.
You've just about mastered it.
PERFECT
That's better than ever.
Much Better!
WONDERFUL!
You must have been practicing.
You did that very well.
FINE!
Nice going.
OUTSTANDING!
FANTASTIC!
TREMENDOUS!
You're really going to town.
Now that's what I call a fine job.
That's great.
Right on!
You're really improving.
You're doing beautifully!
SUPERB!
Good remembering.
You've got that down pat.
You certainly did well today.
Keep it up!
Congratulations. You got it right!
You did a lot of work today.
Now you have it!
You are learning fast.
Good for you!
Couldn't have done it better myself
Aren't you proud of yourself?
One more time and you'll have it.
You really make my job fun.
That's the right way to do it.
You're getting better every day.
You did it that time!
That's not half bad.
Nice going.
You haven't missed a thing!
WOW!
That's the way!
Keep up the good work.
TERRIFIC!
Nothing can stop you now.
That's the way to do it.
SENSATIONAL!
You've got your brain in gear today
That's better
That was first class work.
I think you're doing the right thing.

SPONGE ACTIVITIES FOR ELEMENTARY CLASSROOMS

1. **Storytelling:** Sit in a circle. Using a ball, start a story with one or two sentences. Toss the ball to another student. That student must continue the story with one more sentence. Continue passing the ball and adding a sentence to the story. Record the story on your iPad and have an older student type it up as a funny classroom book. Students can illustrate the sentences.
2. **The Price is Right:** Post a picture of an object and in your head, determine a price for it. Have students guess the price. Keep a record of the guesses and indicate if the guess is too high or too low. Help students adjust their guess based on the chart of guesses.
3. **Add it up:** give students a simple addition problem. If the student can give you the correct answer without fumbling or counting, accept it. Then select another student and have them add another amount to the previous students' sum. If the student says, "um" or counts aloud, start back with a simple addition problem. The goal is to get to 100 without making a mistake, counting aloud, or making other sounds.
4. **"I went to the grocery store and bought..."** each student names an item, the next student repeats the items and adds one more item.
5. Write a word on the board, have students write as many words as they can that **rhyme** with it.
6. **Name an animal that lives in the:** jungle, zoo, farm, mountains, water, etc. List as many as the class can figure out.
7. **List things** you can touch, smell, taste, hear, see
8. **List the colors** you are wearing

SPONGE ACTIVITIES

1. "My favorite fill –in activity is called Who Has it? Who Doesn't?"
This activity helps children develop observational skills and practice categorizing. Choose an observable object, such as hair ribbons, a watch, or a white shirt, and say, 'Juan has it. Belen doesn't. Homero has it. Andres doesn't When students think they know the answer, they raise their hands and ask, "Is it a watch?"(Or a ribbon or whatever objects you chose). The student who guesses first is the first to line up for recess, lunch, or wherever we're going,"
2. Don't Be Greedy!
"Students stand beside their seats and you roll a die, each time you roll the die, students add the number to the previous total, keeping a running score. Students can sit down at any time during the game, accepting the total at that point as their final score. For example if a student sits down after three rolls of the die showing 4, 6, and 1, he or she has a score of 11. The game continues until someone rolls a 2. The students still standing lose ALL their points—because they've been greedy! The seated student(s) with the highest score wins."
3. Play What's in the Box?
In this variation of 20 Questions, students ask questions requiring only yes or no answers and try to identify an object hidden in a box.
4. Ask a student to name a noun that begins with A, Have the next student name a noun beginning with B, and so on.

5. Ask students to name all the “green” words they can think of.

6. Silence

In silence, silence is the name of the game. Students must arrange themselves in order without uttering a peep! For example, challenge students to silently sequence themselves according to height. The game can be adapted with very little preparation to fit almost any curriculum theme. For example, if the class is studying state capitals, count out enough sticky notes for each student, on each note, write the name of a state capital. Each student wears a “capital” tag on his or her shirt. The students must silently sequence themselves in alphabetical order. You might make the game even more challenged by asking them to line up according to the state for each capital.

Options: Students can create their own tags. They might write their birthdays on tags and arrange themselves in order from January 1 to December 31. They might write their seven-digit phone numbers as a seven-digit number and arrange themselves in numerical sequence.

Other categories: The possibilities are endless, but students might include U.S. presidents (arrange in order of the presidencies), fractions (arrange in order of size), clocks (arrange printed a.m. and p.m. clock faces in order of the time shown) or largest U.S. city populations (arrange tags with the largest cities and their populations Galaxy).

7. Dictionary Deception

This game is based on a popular box game. To start the game, the teacher chooses a word for which no student will know the meaning. The teacher writes the word on the chalkboard and writes the definition of the word on a sheet of paper from a small pad. Then the teacher hands a sheet of paper from the same pad to each student. The student must write on that sheet his or her name and a definition of the word; the teacher collects all the definitions. One by one, the teacher reads the definitions. Students consider each definition. Then as the teacher rereads them, the students vote for the definition that they believe is the real meaning of the words. Students earn a point if they guess the definition correctly; they also earn a point each time another student selects their (fake) definition as the true meaning of the word. The person with the most points at the end of the game wins.

Some words to try

Fabulist (FA-beeyuh-list) – a creator or writer of fables

Coppice (KAH-PES)—a thicket, grove, or growth of small trees

Inquiline (IN-kweh-lign)—an animal that lives habitually in the nest or abode of another species

Miliaria (mi-lee-AR-ee-eh) – an inflammatory disorder of the skin characterized by redness, burning, or itching

Baht (bot) – a unit of money in Thailand

8. Chain Reaction

You can easily adapt this game to many areas of the curriculum. The teacher writes a category on the chalkboard—foods, for example. Each student writes the letters A to Z on a sheet of paper. The students have five minutes to create an alphabetical list of as many foods as they can think of. Then the game begins. The first student must tell the name of a food. The second person must give the name of a food that begins with the last letter of the food given by the first person. The third person must name a food that begins with the last letter of the second person’s food and so on. One at a time, students are eliminated.

9. Pass the Chicken

In this game, nobody wants to hold the rubber chicken—the games only prop! To begin the game, all students sit in a circle. Select one person to be it. That person holds the rubber chicken. The teacher or a “caller” says to the person holding the chicken, “Name five presidents of the United States. Pass the chicken! As soon as the caller says “Pass the chicken” the person holding the chicken passes it to the right. Students quickly pass the chicken around the circle. If it returns to the original holder before he or she can name five presidents of the United States, the holder is still it. Otherwise, the person holding the chicken when it finishes listing five presidents is the new it. You should prepare the topic cards for this game in advance. Topics can relate to your curriculum or be general information topics. The students who is it must name five items in the called-out category in order to get rid of the dreaded chicken!

Some Suggested Topics

Fast-food restaurants	Vegetables	Candy bars made with chocolate
Authors of children’s books	Carton characters	Large bodies of water
Countries in South America	Musical groups	Animals found in salt marshes
Sports teams	Cereals	Cities in (your state)
Things that grow in the desert		Rivers in the United States

10. Take a number. Write it. Now make a face out of it.
11. List as many states as you can.
12. Write down as many cartoon characters as you can.
13. List all the things in your living room.
14. Write what you would do if you saw an elephant in your backyard.
15. List 5 parts of the body above the neck that have 3 letters.
16. List 1 proper noun for each letter of the alphabet.
17. How many animals can you list that begin with vowels?
18. List all the musical instruments that begin with “T”.

A to Z

While waiting in line, each student in turn names something from a specified category. First student in line begins with A, and the other follow in turn. Allow 3 seconds for each answer. Categories could include:

- Cities in their home state
- Countries
- Characters from stories and books
- Proper nouns
- Musical instruments
- Action verbs
- Feeling verbs
- Animals
- Foods
- Famous people in a given category

Description Exercise

Display an object or picture to the class and have them come up with as many words as they can to describe it.

Standing in Line

As quickly as you can, name:

- Kinds of flowers
- Gems
- Teachers at this school
- Things made of cloth
- Uses for a brick
- Things you can do with your feet
- Characters in a given book, story or fairy tale
- Brainstorm lists of words for themes---ex: spring, space, inventors, holidays, characteristics of a hero, adjectives for a good athlete.

Who has it? Who Doesn't?

Teacher chooses an observable object such as hair ribbons, watch, white shirt, and says, "Ann has it, James doesn't." When someone thinks they know, they raise their hand and guess. Each student may make only one guess per object until everyone has had a chance, or until a given time limit has passed.

With younger students, the students who "have it" line up on one wall and the ones who don't "have it" line up on the other wall, so they can have visual clues to the criteria or concept.

UPPER GRADE SPONGES

1. Make up three names for rock groups.
2. Take a number. Write it. Now make a face out of it.
3. Name as many gems or precious stones as you can.
4. Write the names of all the girls in the class.
5. Name as many teachers at this school as you can.
6. List as many states as you can.
7. How many baseball teams can you name?
8. Write down as many cartoon characters as you can.
9. Write what you would do if you saw an elephant in your backyard.
10. List as many nouns in the room as you can.
11. List one proper noun for each letter of the alphabet.
12. Write one kind of food beginning with each letter of the alphabet.

13. List as many kinds of transportation as you can.
14. Name as many things as you can that you can wear on your head.
15. Name as many television game shows as you can.

SECONDARY SPONGES

1. List as many states as you can. Name their capitals. List the states in alphabetical order. List the states in rank order by size (largest population, number of Representatives in Congress, by regions, etc.)
2. Write: (a) an abbreviation, (b) a Roman numeral, (c) a trademark, (d) a proper name (biographical), (e) a proper name (geographical).
3. How many countries and their capitals can you name?
4. How many baseball teams can you name?
5. Turn to your neighbor. One of you tell the other about an interesting experience you have had. The listener must be prepared to retell the story to the class.
6. List all the things in your living room.
7. Name as many kinds of ice cream as you can.
8. List five parts of the body above the neck that have three letters.
9. List one manufactured item for each letter of the alphabet.
10. List one proper noun for each letter of the alphabet.
11. Write one kind of food beginning with each letter of the alphabet.
12. Name as many holidays as you can.
13. List as many U.S. Presidents as you can.
14. List as many models of cars as you can.
15. How many parts of an auto can you list?
16. Name as many countries of the world as you can.
17. List as many personal pronouns as you can.
18. List as many kinds of transportation as you can.
19. Write as many homonyms as you can. Example: past-passed.
20. Name as many movie stars (singers, cartoon characters, action figures, famous sports figures) as you can. Name the movies are they in?
21. Name as many politicians as you can. Name an idea they believe in. Tell what office they hold. Name the political party they represent.
22. List all the places you find sand.

23. List as many breakfast cereals as you can.
24. Make a list of the 10 largest things you know.
25. Name as many planets as you can.
26. List all the sports you can think of in X minutes.
27. List all the foods you can that have sugar in them.
28. List all the foods you can that have milk in them.
29. Name as many rock groups as you can that begin with the letters A-F.
30. Name as many teachers at this school as you can.
31. Name all the models of Ford (Toyota, Chevrolet, or other name brand) cars you can think of.
32. Name all of the parts of speech and give an example of each.
33. Why were these dates important: 1492, 1606, 1776, 1812?
34. Find these rivers on your map: Mississippi, Rio Grande, Colorado, Hudson.
35. Which television series can you name that have high school-aged characters as regulars?
36. Name as many airlines as you can.
37. Name the different sections of the newspaper.
38. Name as many islands as you can.
39. Name all the types of musical instruments you can think of.
40. Name all the foods you can think of that contain protein.
41. Name as many kinds of fish as you can.
42. Name all the words you can that begin with the prefix in
43. Name as many of the album titles of records by Ricky Martin, Madonna, Selena, the Beatles (update according to current interests of students).
44. Name all the countries that have the letter "E" in them.
45. Name as many animals as you can which cause harm to man, either directly or indirectly.
46. Name five books you've read recently that you really enjoyed.
47. Name a movie you saw recently that you did not enjoy and tell why.
48. Name as many places as you can remember where you and your family have spent vacations.
49. List things you would buy if someone gave you a \$100.00 gift certificate from Target (Toys-R-us, Nordstrom's, Staples, Home Depot, etc).

<http://coe.sdsu.edu/people/jmora/MoraModules/vocabularydev.htm>

MORE SECONDARY SPONGES

1. How many baseball teams can you name?
2. List all the things in your living room.
3. Name as many kinds of ice cream as you can.
4. List one manufactured item for each letter of the alphabet.
5. List one proper noun for each letter of the alphabet.
6. Write one kind of food beginning with each letter of the alphabet.
7. List as many breakfast cereals as you can.
8. Make a list of the 10 largest things you know.
9. Name as many planets as you can.
10. Name as many rock groups as you can that begin with the letters A-F.
11. Name as many teachers at this school as you can.
12. Name all the types of musical instruments you can think of.
13. Name all the countries that have the letter "E" in them.
14. List things you would buy if someone gave you a \$100.00 gift certificate from Target (Toys-R-us, Nordstrom's, Staples, Home Depot, etc).

Guess the Shape

Make twelve (12) to fifteen (15) shapes using tag board. Using the overhead projector, cover one shape with paper and slowly uncover it, stopping it at different points to have your students guess the shape.

Plan the Voyage

Have your kids think about what the Pilgrims may have taken with them on their trip, being limited to only one trunk per family. They should realize that some families had children and servants with them, and yet they were still only allowed one trunk.

Shortest to Tallest

Have your class arrange themselves from shortest to tallest. Work with them to come up with a game plan and then have them see how fast they can accomplish this feat. You may want them to just do this by sight or you may encourage them to be precise by using measurements.

Reading a Clock

This activity uses the large cardboard clocks that most younger grade classes have. You will need to make a clock or use a real one if you do not have these clocks. Simply make different times on the clock and have students tell you the time. You can also name a time and have different students come up and show the class the time on the clock face. They will enjoy this!

Quick Math

Have your class figure out some of the following problems: 1. How many hands are there in the classroom?

2. How many fingers are there? 3. How many noses? Encourage the students to find answers without counting one-by-one.

Find the Shapes

Have your kids look around the room, finding shapes. Have them try to find as many different kinds of shapes as possible. You may want to specify a shape for which to have them look. You may want to make a simple chart of shapes out of butcher paper that you can keep adding to as you have extra time.

Hidden Sentence

Adverbs

Find and circle all of the adverbs that are hidden in the grid.
The remaining letters spell a secret message.

Free Printable Word Search Puzzles

S O O N O W H E R E A D V D H G I H A E
R B W I S E L Y S Y L T N E G N O L L D
T H E R E M N I A G A I E A S I L Y M R
O E Y Y L K C I U Q H Y L W O L S D O A
I R L F Y Y O N C E D F Y V G F E R S W
F O L D O A B N B A H E A D R A R B T E
O F A R E R D R E S Y L T N E S E R P M
R E E A A A E R A T N D S R A T V A D O
W B R W R J L V E E F S R E T O E E S H
A C A P L A T I E T N O I V L D N L S V
R Y M U Y K C A B R S M F E Y A A O E R
D Y T O M O R R O W B E E W S Y M R L A
W A L T N A T Y O R N W Y O D E E I N T
H E H T R T L R I S T H B H T H T W O H
E E E E E T H S O R S E T I W T O H E E
N R L K F I K L A H L R M Y L D U O L R
C Y A O L L U P Y O S E N E Q U I T E D
E V S E Y Y A Q W R S A S Y A W L A B S

ACROSS	BEHIND	HENCE	ONCE	SOMETIMES
AGAIN	BELOW	HIGH	PRESENTLY	SOMEWHERE
AHEAD	BRISKLY	HOMEWARD	QUICKLY	SOON
ALMOST	DOWN	HOWEVER	QUIETLY	THEN
ALREADY	EARLY	LITTLE	QUITE	THERE
ALSO	EASILY	LONG	RARELY	TODAY
ALWAYS	FAST	LOUDLY	RATHER	TOMORROW
ANYWHERE	FIRST	MONTHLY	REALLY	UPWARD
APART	FOREVER	NEARBY	SHORT	WEEKLY
AWAY	FORWARD	NEVER	SLOWLY	WISELY
BACK	GENTLY	NOWHERE	SOFTLY	YESTERDAY
BEFORE	GREATLY	OFTEN		

[Did you enjoy this puzzle? Visit:](#)

<http://www.puzzles.ca/wordsearch.html>

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USA Presidents Word Search

Find and circle all of the United States Presidents that are hidden in the grid.
The remaining letters spell an Abraham Lincoln quotation.

```
M J B N A G A E R E J Q A D A M S W
A A U O T N A R G R G E N S H W O N
D D C S U R L D E A D D B E A E O T
I A H N M O O T N N R V I S D T O L
S M A H B O R O A O A F H L N I I G
O S N O S A N L S N S I I I O N B N
N R A J C U E R B E N I L E C O T I
I U N B G V B U O G V C R O L Y C D
T H O L E H R W T E E E L R L D T R
H T T L A E A O G K I N L E A R E A
S R C O N F N Y Y K S F R T U H M H
U A F D R O O S E V E L T M E A W N
B N O S K C A J L S N N A S B T P E
W A N W I L S O N N H N N O D A I T
H P M U R T O O I N O S R E F F E J
G N T A Y L O R K O W X B L D T R F
N O S N H O J A C E E T I O G Y C O
K L O P F I L L M O R E I N V E E R
R E V O O H I T B H A R R I S O N D
```

WASHINGTON
J ADAMS
JEFFERSON
MADISON
MONROE
J Q ADAMS
JACKSON
VAN BUREN
W HARRISON
TYLER
POLK

TAYLOR
FILLMORE
PIERCE
BUCHANAN
LINCOLN
A JOHNSON
GRANT
HAYES
GARFIELD
ARTHUR
CLEVELAND

B HARRISON
MCKINLEY
T ROOSEVELT
TAFT
WILSON
HARDING
COOLIDGE
HOOVER
F D ROOSEVELT
TRUMAN
EISENHOWER

KENNEDY
L JOHNSON
NIXON
FORD
CARTER
REAGAN
G H W BUSH
CLINTON
G W BUSH
OBAMA

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<http://www.puzzles.ca/wordsearch.html>

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Word Unscramble

1. garlab e _____
2. rat _____
3. nbda _____
4. ogboyil _____
5. ulucsac l _____
6. etircyhms _____
7. hnziicietps _____
8. eutosrcmp _____
9. raadm _____
10. omsiccneo _____
11. gpgayohre _____
12. ogygleo _____
13. mtreygoe _____
14. margram _____
15. ymg _____
16. ryoshti _____
17. oehm omccisneo _____
18. aueanlgg rsat _____
19. iuatreertl _____
22. tmha _____



Grammar Hunt

Activity Sheet

Name _____

How many grammar elements can you find in the newspaper? Here are the rules:

- Select one section of the newspaper.
- When your teacher says "go," begin looking for an example of each element in the chart.
- Write each example in its appropriate box. If you finish early, find additional examples.

Each section of the chart that has at least one example is worth 10 points

Each section of the chart that has two or three examples is worth 15 points

Each section of the chart that has more than three examples is worth 25 points

Common Noun	
Proper Noun	
Linking Verb	
Action Verb	
Irregular Verb	
Adjective	
Adverb	
Article	
Appositive	
Compound Sentence	

Pronoun	
Adverb Phrase	
Adjective Phrase	
Participial Phrase	
Conjunction	
Interjection	

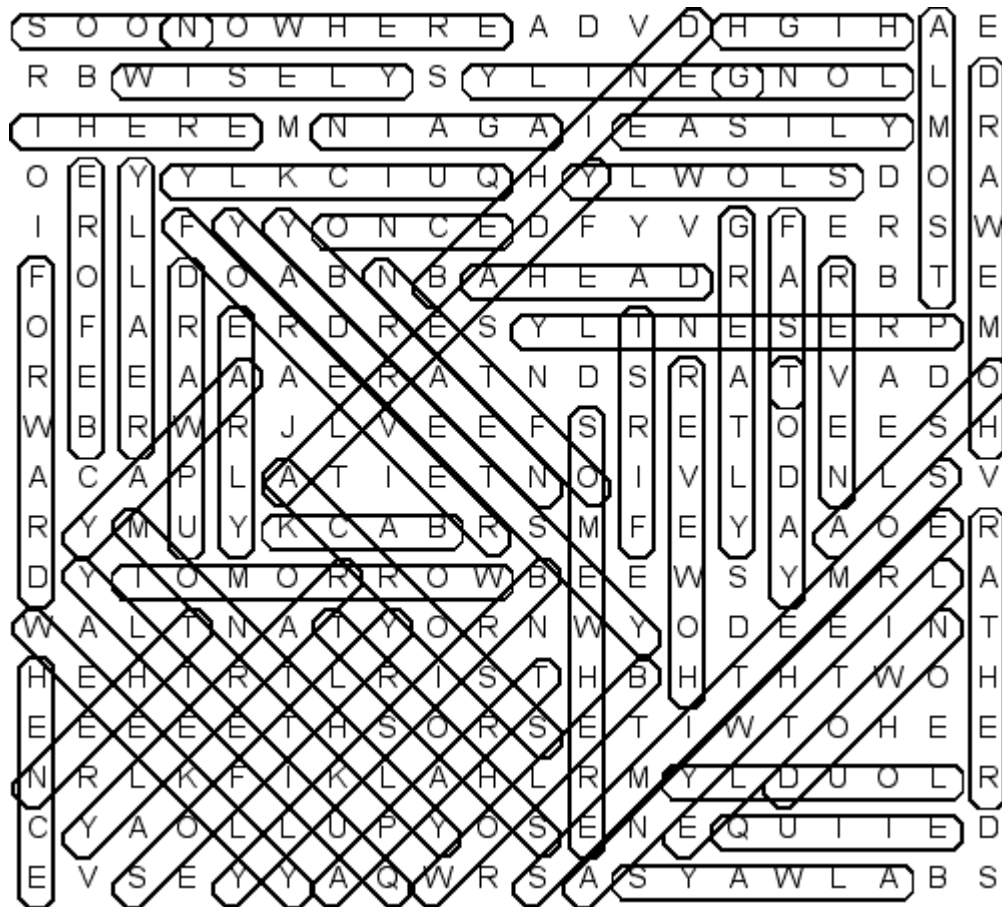
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Original URL: <http://www.teachervision.fen.com/grammar/curriculum-planning/6216.html>

Solution to PUZZLES:

Adverbs

This is the solution to the puzzle



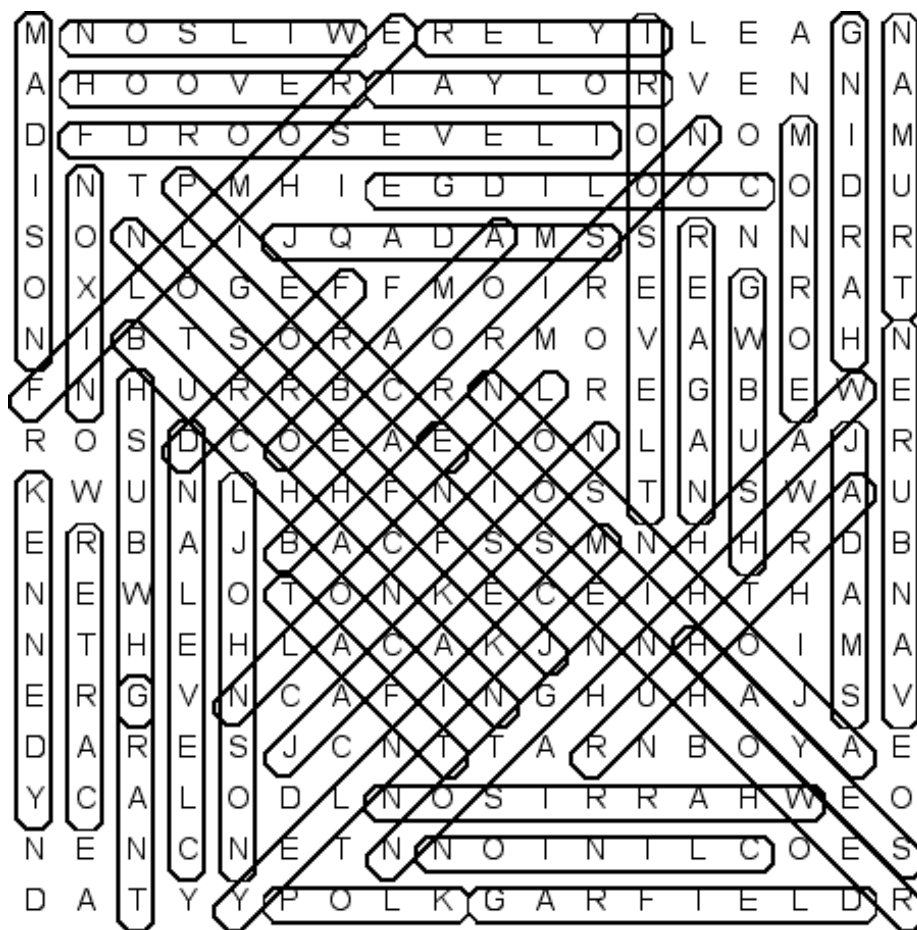
ACROSS	BEHIND	HENCE	ONCE	SOMETIMES
AGAIN	BELOW	HIGH	PRESENTLY	SOMEWHERE
AHEAD	BRISKLY	HOMEWARD	QUICKLY	SOON
ALMOST	DOWN	HOWEVER	QUIETLY	THEN
ALREADY	EARLY	LITTLE	QUITE	THERE
ALSO	EASILY	LONG	RARELY	TODAY
ALWAYS	FAST	LOUDLY	RATHER	TOMORROW
ANYWHERE	FIRST	MONTHLY	REALLY	UPWARD
APART	FOREVER	NEARBY	SHORT	WEEKLY
AWAY	FORWARD	NEVER	SLOWLY	WISELY
BACK	GENTLY	NOWHERE	SOFTLY	YESTERDAY
BEFORE	GREATLY	OFTEN		

The hidden message is: ADVERBS MODIFY VERBS AND ADJECTIVES AND OTHER ADVERBS

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USA Presidents Word Search

This is the solution to the puzzle



WASHINGTON
J ADAMS
JEFFERSON
MADISON
MONROE
J Q ADAMS
JACKSON
VAN BUREN
W HARRISON
TYLER
POLK

TAYLOR
FILLMORE
PIERCE
BUCHANAN
LINCOLN
A JOHNSON
GRANT
HAYES
GARFIELD
ARTHUR
CLEVELAND

B HARRISON
MCKINLEY
T ROOSEVELT
TAFT
WILSON
HARDING
COOLIDGE
HOOVER
F D ROOSEVELT
TRUMAN
EISENHOWER

KENNEDY
L JOHNSON
NIXON
FORD
CARTER
REAGAN
G H W BUSH
CLINTON
G W BUSH
OBAMA

The hidden sentence is:

LEAVE NOTHING FOR TOMORROW WHICH CAN BE DONE TODAY

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Word Unscramble Solution

1. algebra
2. art
3. band
4. biology
5. calculus
6. chemistry
7. citizenship
8. computers
9. drama
10. economics
11. geography
12. geology
13. geometry
14. grammar
15. gym
16. history
17. home economics
18. language arts
19. literature
20. math

Helpful Sites for Teachers

80 Sponge Activities

www.whatihavelearnedteaching.com/80-sponge-activities/

A+ Teacher Place

This site offers a link for everyone.

<http://www.teacherplace.net/>

A to Z Stuff

This site was developed for teachers by teachers. It is designed to help teachers find lesson plans and activities easily. It has a seasonal index, tips, and thematic link.

<http://www.atozteacherstuff.com/>

ABC Teach

Follow links to thematic units, puzzles, bookmarks, maps, center signs, certificates and fun activities.

<http://abcteach.com>

Beginning of School Year Activities

<https://www.superteacherworksheets.com/beginning-of-year.html>

Color Pencil Art

<https://www.art-is-fun.com/colored-pencil-art/>

Crayola.com

The Crayola site is complete with activities, ideas, card creator, color corner and more.

<http://crayola.com/>

Cyberbee

This great teacher site is complete with resource links by subject, how-to links, treasure hunt links, and more. <http://www.cyberbee.com/>

Dr. Jean

This site provides an abundance of information for teaching young children. The activities of the month link will be helpful to teachers.

<http://drjean.org>

Education World

This is a terrific site for all educators.

<http://www.educationworld.com/>

e-Pals

<http://www.epals.com/>

FunBrain.com

FunBrain.com is a fun site complete with games such as Grammar Gorrillas, Paint by Idioms,

Math Baseball, Fresh Baked Fractions, Place Value Puzzler, and much more.

<http://funbrain.com/>

Funschool.com

<https://www.common sense media.org/website-reviews/funschoolcom>

Integrating Technology in the Classroom

https://www.internet4classrooms.com/integ_tech_lessons.htm

<https://lesson-plans.theteacherscorner.net/technology/>

K-12 Lesson Plans Online

<https://www.teachervision.com/lesson-planning/lesson>

Kindergarten Resources

<https://www.education.com/lesson-plans/kindergarten/>

<http://www.jumpstart.com/teachers/lesson-plans/grade-based-lesson-plans/kindergarten-lesson-plans>

Lesson Plans.com

Follow links to various lesson plan sites.

<http://lessonplans.com>

The Mailbox

Like The Mailbox magazine? Then checkout this site.

<https://www.themailbox.com/>

Perpetual Preschool

<http://www.perpetualpreschool.com/>

ProTeacher.com

This site is the place to stop for all teachers. It has great subject links as well as classroom management and suggested teaching practices.

<http://proteacher.com/>

PuzzleMaker.com ****

PuzzleMaker.com is a site that teachers can use to generate their own puzzles. Teachers can create printable word search and crossword puzzles easily at this site.

<http://www.discoveryeducation.com/free-puzzlemaker/?CFID=355277&CFTOKEN=12766806>

RubiStar ****

This is an excellent site for creating your own printable rubrics for grading project-based-learning activities. You can choose a numeric or descriptive rating scale. You may choose the type of project and preset grading categories. If you do not like the categories, simply highlight it and type in your own description. It's very easy to use.

<http://rubistar.4teachers.org/>

Scholastic.com

The Scholastic company brings teachers a great web site.

<http://www.scholastic.com/index.asp>

School Express

This site aids teachers in making their own award certificate, worksheets, fun activities, online math problems, and more.

<http://www.schoolexpress.com/>

TEKS Review

<https://newpathworksheets.com/math/grade-2/texas-teks-standards>

Teacher Tool Box

The Teacher Toolbox provides immediate access to all grade levels of Ready® instructional resources (grades K-8 in Reading/Math and grades 2-5 in Writing).

<https://teacher-toolbox.com/>

MONTH _____

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
 JOB# _____ CAMPUS _____ TEACHER'S NAME	 JOB# _____ CAMPUS _____ TEACHER'S NAME	 JOB# _____ CAMPUS _____ TEACHER'S NAME	 JOB# _____ CAMPUS _____ TEACHER'S NAME	 JOB# _____ CAMPUS _____ TEACHER'S NAME
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MONTH _____

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NOTES: _____

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

Educator Ethics

Educators 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 State Board for Educator Certification (SBEC) shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(b), (c)

Public Servants

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

**Electronic
Communication
Policy**

"Electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes emails, text messages, instant messages, and any communications made through a website, including a social media website or a social networking website.

A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;
2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or email address; and
3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Education Code 38.027

**Public Information
on Private Device**

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under 552.004(a).

Gov't Code 552.004(b) [See GB]

**Loss of Retirement
Annuity for
Conviction of Certain
Felonies**

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);
2. Section 21.12 (improper relationship between educator and student);
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or
4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

**Transportation or
Storage of Firearm in
School Parking Area**

A district may not prohibit a school employee who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

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This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law. [See GKA]

Education Code 37.0815

**Tobacco and
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

Enforcement

A board shall ensure that district personnel enforce the policies on school property.

Education Code 38.006(b) [See also FNCD and GKA]

**Drug and Alcohol
Abuse Program**

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

Federal Drug-Free
Workplace Act

A district that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The district's policy of maintaining a drug-free workplace;
 - c. Available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed on employees for drug abuse violations;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement;
4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

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5. Notifying the granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. section 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Dietary Supplements

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

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Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

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

**Employee
Responsibilities**

Every employee shall be responsible for:

1. Arriving at work on time every day and following attendance procedures;
2. Satisfactorily completing the duties as specified by the job description and/or contract, if any;
3. Relating to colleagues and supervisors with respect, courtesy, and in a professional manner;
4. Spending the workday on work-related activities to the exclusion of personal business;
5. Dressing in a manner that is appropriate for the job assignment, that reflects positively on the District, and that includes the use of all issued safety equipment;
6. Recognizing that employment with the District is not guaranteed, but is dependent on employee performance, budget, and need;
7. Following the established rules of behavior for the District and society in general as defined by local, state, and federal laws;
8. Conducting their duties in a safe manner, following the District's general safety policies and department rules regarding proper use of approved safety equipment and apparel; and
9. Following the directives of the supervisor.

**Violations of
Standards of
Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

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Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action; [See CKE]
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic
Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

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

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

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects

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the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

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

Personal Use	All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
Reporting Improper Communication	In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.
Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
Outside Activities	An employee shall conduct his or her outside activities and affairs in a manner that does not adversely affect the employee's professional status or daily performance of instructional duties.
Profanity	When dealing with staff and students, an employee shall not use profane language nor engage in obscene conversations on the job.
Reports of Misconduct	The Board encourages employees and others connected with the District to bring forward reports in the form of complaints, comments, and suggestions in order to maintain effective and efficient operations, free from disruptions that detract from the District's main objective of educating children.
Workplace Bullying	The District considers workplace bullying to be unacceptable and shall not tolerate it under any circumstances. Workplace bullying shall be defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs in the workplace that: 1. Has the effect or will have the effect of physically harming another employee, damaging the employee's property, or placing the employee in reasonable fear of harm to the employee's person or of damage to the employee's property;

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2. Is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive work environment for the employee;
3. Exploits an imbalance of power between the employee perpetrator and the employee victim through written or verbal expression or physical conduct; or
4. Interferes with the victim's employment or substantially disrupts the operation of the work location.

Workplace bullying shall not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.

Disruptive Activity A staff member who instigates or otherwise incites disruptive activity involving staff or students on school property or at a school event shall be subject to disciplinary action by the Superintendent and the Board.

Safety Requirements Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and E-Cigarettes An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

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**Alcohol and Drugs /
Notice of Drug-Free
Workplace**

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

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

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

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

Exceptions

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

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

Sanctions

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

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and

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4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

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

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
 - Dishonesty, fraud, deceit, theft, or misrepresentation;
 - Deliberate violence;
 - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - Felony driving while intoxicated (DWI); or
 - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor, approved by the Superintendent, and addressed in the employee handbook.

Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty 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. *19 TAC 247.1*

Professional Ethical Conduct, Practices, and Performance

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

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

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

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

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

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

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

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

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

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

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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.

Ethical Conduct Toward Professional Colleagues

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

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

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

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

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

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

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

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

Ethical Conduct Toward Students

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

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

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

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

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

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

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

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

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

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment. For legally referenced material relating to the prohibition against discrimination in hiring and discharging employees, see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

**Unlawful
Employment
Discrimination**

It is an unlawful employment practice for a district to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability;
6. Genetic information [see DAB]; or
7. Pregnancy.

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981) — race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII) — race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA) — age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504) — disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA) — disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) — genetic information. *42 U.S.C. 2000ff et seq.*

Pregnant Workers Fairness Act (PWFA) — pregnancy. *42 U.S.C. 2000gg et seq.*

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

Note: Title VII, the ADA, GINA, and PWFA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. 42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B); 42 U.S.C. 2000gg(2)(B)

State Law

Texas Commission on Human Rights Act (TCHRA) — race, color, disability, religion, sex, national origin, age, and genetic information. *Labor Code 21.051, .402; 40 TAC 819.12(a)*

State policy on employment of persons with disabilities. *Human Resources Code 121.003(f)*

Prohibition on Retaliation

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. 29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); *Labor Code 21.055; 40 TAC 819.12(e)*

Harassment-Free Workplace

Harassment on the basis of a protected characteristic is a violation of Title VII. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. 42 U.S.C. 2000e, *et seq.*; 29 C.F.R. 1604.11(a), 1606.8(a)

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

29 C.F.R. 1604.11(a), (g); *Labor Code 21.141*

EMPLOYEE WELFARE
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	An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring; and fail to take immediate and appropriate corrective action. <i>Labor Code 21.142; 40 TAC 819.12(k)</i>
<i>Same-Sex Harassment</i>	Same-sex sexual harassment constitutes sexual harassment. <u><i>Oncale v. Sundowner Offshore Services, Inc.</i></u>, 523 U.S. 75 (1998)
<i>Criminal Offense — Official Oppression</i>	A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment. A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. <i>Penal Code 39.03(a)(3), (b), (c)</i>
<i>Unpaid Interns</i>	A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring, and fail to take immediate and appropriate corrective action. <i>Labor Code 21.1065</i>
<i>Prohibition on Use of Public Funds</i>	A district may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is an elected or appointed member of the board or an officer or employee of the district. <i>Local Gov't Code 180.009</i>
National Origin Harassment	Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct: 1. Has the purpose or effect of creating an intimidating, hostile or offensive working environment; 2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or 3. Otherwise adversely affects an individual's employment opportunities. <i>29 C.F.R. 1606.8(b)</i>

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

Severe and
Pervasive

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. Oncale v. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)

Prevention

A district should take all steps necessary to prevent unlawful harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

Responsibility for
Harassment by
Third Parties

A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. 29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)

When no tangible employment action is taken, a district may raise the following affirmative defense:

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

**Racial
Discrimination**

The prohibition against discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race.

A district commits an unlawful employment practice if the district adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

"Protective hairstyle" includes braids, locks, and twists.

Labor Code 21.1095

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

**Religious
Discrimination**

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de minimus* (minimal) cost. 42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108

Burden on Free
Exercise

A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Sex Discrimination

Pregnancy

The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. 42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106

Gay and
Transgender

The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 (2020)

Gender Stereotypes

A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989)

Age Discrimination

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. 29 U.S.C. 631; Labor Code 21.101

Bona Fide
Employee Benefit
Plan

A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. 29 U.S.C. 623(f); Labor Code 21.102

**Disability
Discrimination**

A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. 42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals

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with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)*

Discrimination
Based on Lack of
Disability

The ADA and the TCHRA do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)*

Definition of
Disability

"Disability" means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

*"Regarded as"
Having an
Impairment*

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Transitory and
Minor

The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.

*Mitigating
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

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Other Definitions

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

*Major Life
Activities*

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Major life activities” also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002

*Qualified
Individual*

“Qualified individual” means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and
2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district’s judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job’s essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable
Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” or “record of disability” prongs. A district is not required to provide a reasonable ac-

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commodation to an individual who meets the definition of disability solely under the “regarded as” prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

“Reasonable accommodation” includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

“Undue hardship” means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination
Based on
Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and
Alcohol

The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

Drug Testing

A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]

Alcohol Use

The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*

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Qualification Standards	It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. 29 C.F.R. 1630.10(a)
<i>Direct Threat to Health or Safety</i>	As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. 42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)
<i>Vision Standards and Tests</i>	A district shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. 42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)
<i>Communicable Diseases</i>	A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. 42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)
Service Animals	A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to Section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above] A district that is not subject to either Title I or Section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. Part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA]. 28 C.F.R. 35.140
Pregnant Workers Fairness	It is an unlawful employment practice for a district to: 1. Not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless the district can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the district;

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2. Require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process in the Americans with Disabilities Act (ADA);
3. Deny employment opportunities to a qualified employee if the denial is based on the need of the district to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee;
4. Require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
5. Take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

42 U.S.C. 2000gg-1

Definitions

“Known limitation” means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee’s representative has communicated to the district whether or not such condition meets the definition of disability specified in the ADA (42 U.S.C. 12102).

“Qualified employee” means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period;
2. The essential function could be performed in the near future; and
3. The inability to perform the essential function can be reasonably accommodated.

“Reasonable accommodation” and “undue hardship” have the meanings given in the ADA and are construed as those terms are construed under the ADA and regulations, including with regard to

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the interactive process that will be used to determine an appropriate reasonable accommodation.

42 U.S.C. 2000gg

Title IX

No person, on the basis of sex, shall be excluded from participation in, denied the benefits of, or be subjected to discrimination by a district receiving federal financial assistance. *20 U.S.C. 1681* [See FB, FFH]

Equal Pay

A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)*

**Grievance
Procedures**

Section 504

A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*

ADA

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA. *28 C.F.R. 35.107, .140*

Title IX

A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]

**Compliance
Coordinators**

Section 504

A district that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see DAA] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*

ADA

A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the

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ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*

ADEA

A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*

Title IX

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*

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

Definitions

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

**Statement of
Nondiscrimination**

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

Discrimination

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

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

Prohibited Conduct

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

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

**Prohibited
Harassment**

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

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

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or

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practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Sex-Based
Harassment**

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

Sexual Harassment

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

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

Examples

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

**Reporting
Procedures**

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

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

**Definition of District
Officials**

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

*Title IX
Coordinator*

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

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<i>ADA / Section 504 Coordinator</i>	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]
<i>Superintendent</i>	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.
Alternative Reporting Procedures	An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent. A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.
Timely Reporting	To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.
Notice of Report	Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy. Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.
Investigation of Reports Other Than Title IX	The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX. The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.
Interim Action	If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

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District Investigation	The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal or supervisor shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.
District Action	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level. The complainant may have a right to file a complaint with appropriate state or federal agencies.
Response to Sexual Harassment—Title IX	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

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

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

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

Title IX Formal
Complaint Process

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

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

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;

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6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of
Evidence

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

Retaliation

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

Examples

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

Records Retention

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

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

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**Access to Policy and
Procedures**

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

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**Reporting Workplace
Violence**

A district shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety (DPS). The notice must be posted in a conspicuous place, in sufficient locations to be convenient to all employees, and in English and Spanish, as appropriate.

The Texas Workforce Commission, in consultation with DPS, shall prescribe the form and content of the notice, which must contain the contact information for reporting instances of workplace violence or suspicious activity to DPS and inform employees of the right to make a report to DPS anonymously.

Labor Code 104A.002, .003

**Hazard
Communication Act**

A district shall perform the following duties in compliance with the Hazard Communication Act:

Notice

A district shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under the Hazard Communication Act. *Health and Safety Code 502.017(a)*

Education and
Training

A district shall provide an education and training program for employees who use or handle hazardous chemicals. "Employee" means a person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), .009(a)*

A district shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*

Workplace
Chemical List

A district shall compile and maintain a workplace chemical list that contains required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the executive commissioner of the Health and Human Services Commission for certain highly toxic or dangerous hazardous chemicals. The list must be readily available to employees and their representatives. All employees shall be made aware of the list before working with or in a work area containing hazardous chemicals. *Health and Safety Code 502.005(a), (c)*

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The district shall update the list as necessary but at least by December 31 of each year, and shall maintain the list for at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*

Safety Data Sheets

A district shall maintain a legible copy of a current manufacturer's safety data sheets (SDS) for each hazardous chemical. If the district does not have a current SDS for a hazardous chemical when the chemical is received, the district shall request an SDS in writing from the manufacturer or distributor in a timely manner or otherwise obtain a current SDS. Safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace. *Health and Safety Code 502.006*

Protective
Equipment

Employees shall be provided with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

Labeling

A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary and secondary containers must be relabeled in accordance with Health and Safety Code 502.007(a). An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. *Health and Safety Code 502.007*

**Pest Control
Treatment Notice**

The chief administrator or building manager shall notify persons who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and
2. Providing the pest control information sheet made available by the certified applicator or technician to a person working in the building on request.

Occupations Code 1951.455; 4 TAC 7.146, .147 [See CLB]

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

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

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

Statement of Nondiscrimination The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. One type of harassment this policy prohibits is dating violence, as defined below. Retaliation against anyone exercising their rights under this policy is a violation of District policy and is prohibited.

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

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

Harassment includes dating violence as defined by law and this policy.

Examples Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name call-

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

Title IX Sexual Harassment

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

Other Sexual Harassment

By an Employee

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

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

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

By Others

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

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

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3. Otherwise adversely affects the student's educational opportunities.

Examples

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

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

Gender-Based Harassment

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

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

Examples

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

Dating Violence

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

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

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

Examples

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

**Reporting
Procedures**

Student Report

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

Employee Report

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

**Definition of District
Officials**

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

*Title IX
Coordinator*

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

*ADA /
Section 504
Coordinator*

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

Superintendent

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

**Alternative
Reporting
Procedures**

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX

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coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

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

Timely Reporting

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

Notice to Parents

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

When the District receives a report of prohibited conduct that includes dating violence, the appropriate District official shall immediately notify the parent or guardian of the student who has been identified in the report as the alleged victim or perpetrator.

**Investigation of
Reports Other Than
Title IX**

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

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

Initial Assessment

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

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

Interim Action

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

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District Investigation	The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.
Criminal Investigation	If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.
Concluding the Investigation	Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.
<i>Notification of Outcome</i>	Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.
District Action <i>Prohibited Conduct</i>	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
Corrective Action	Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of

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	areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent has the right to file a complaint with the United States Department of Education Office for Civil Rights.
Response to Title IX Sexual Harassment	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to: • Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint; • Consider the complainant's wishes with respect to supportive measures; and • Explain to the complainant the option and process for filing a formal complaint. The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

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If a formal complaint is not filed or dismissed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct. The Title IX coordinator also reserves the right to sign a formal complaint, initiating the Title IX grievance process, if it would be deliberately indifferent not to investigate and respond to the prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal
Complaint Process

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

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

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a

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	dismissal of a Title IX formal complaint or any allegations therein;
	9. A description of the supportive measures available to the complainant and respondent;
	10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
	11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
	12. Other local procedures as determined by the Superintendent.
Standard of Evidence	The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.
Retaliation	The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX. In the absence of a formal complaint, allegations of retaliation shall be investigated under Investigation of Reports Other Than Title IX, above.
Examples	Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
False Claim	A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.
Records Retention	The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC] [For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

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**Access to Policy and
Procedures**

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

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

Policy
Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

The U.S. Department of Education's Office for Civil Rights has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

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Sexual Harassment	A district may develop and implement a sexual harassment policy to be included in the district improvement plan. <i>Education Code 37.083</i> [See BQ] Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. <i>U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)</i> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. <i>20 U.S.C. 1681 (Title IX)</i> A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. <i>34 C.F.R. 106.45; 20 U.S.C. 1681</i> [See also FB regarding Title IX]
Designation of Title IX Coordinator	A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."
Parties Entitled to Notice	The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator. <i>34 C.F.R. 106.8(a)</i>
Reporting	Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
Notification of Policy	A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state

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that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.2(d), .8(b)(1)

Publication
Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

Note: To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

Adopting and
Publishing
Complaint
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

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Response to Sexual
Harassment

Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to a district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Consent” is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

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1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

*Deliberate
Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

*Education
Program or
Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over

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both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

**Title IX Coordinator
Response**

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

*Supportive
Measures
Required*

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

*Constitutional
Restrictions*

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

*Response to a
Formal Complaint*

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

*Emergency
Removal*

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

*Administrative
Leave*

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX
Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;
2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training

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on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints

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against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

*Notice of
Allegations*

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;
 - b. The conduct allegedly constituting sexual harassment; and
 - c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not

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included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

*Dismissal of a
Formal Complaint*

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

*Consolidation of
Formal
Complaints*

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

*Investigation of a
Formal Complaint*

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or

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paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The

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district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

*Determination
Regarding
Responsibility*

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any

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notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)–(ii)

*Implementation
of Remedies*

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

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1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

*Informal
Resolution*

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

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2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation
Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated

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or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

**Next Generation
Technology**

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, robotic process automation, and artificial intelligence. *Gov't Code 2054.601*

**Children's Internet
Protection Act**

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

Definitions

Harmful to Minors

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

*Technology
Protection
Measure*

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. *47 U.S.C. 254(h)(7)(I)*

Universal Service
Discounts (E-Rate)

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

*Certifications to
the FCC*

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to
Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a tech-

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nology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and
3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

With Respect to
Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and
2. Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

*Disabling for
Adults*

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

*Internet Safety
Policy*

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including "hacking," and other unlawful activities by minors online;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

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5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)

Public Hearing A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. *47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)*

Inappropriate for Minors A determination regarding what matter is inappropriate for minors shall be made by the board or designee. *47 U.S.C. 254(l)(2)*

Noncompliance A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)

ESEA Funding No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and
2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

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<i>Certification to U.S. Department of Education</i>	A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA. <i>20 U.S.C. 7131</i>
Uniform Electronic Transactions Act (UETA)	The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. <i>Business and Commerce Code 322.003(a)</i> The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. <i>Business and Commerce Code 322.005(a)–(c)</i> Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. <i>Business and Commerce Code 322.017(c)</i>
Records Retention	If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which: 1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and 2. Remains accessible for later reference. A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose. <i>Business and Commerce Code 322.012(a), (f)</i> [For more information on records management, see CPC.]
Definitions	"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060(b)* [See 1 Administrative Code Chapter 203 for DIR rules related to management of electronic transactions and signed records.]

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

Interception of Communications

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

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Note: For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.

Availability of Access

For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.

Access to the District's technology resources, including the internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

Limited Personal Use

Limited personal use of the District's technology resources shall be permitted if the use:

1. Imposes no tangible cost on the District;
2. Does not unduly burden the District's technology resources; and
3. Has no adverse effect on an employee's job performance or on a student's academic performance.

Use by Members of the Public

Access to the District's technology resources, including the internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and
2. Does not unduly burden the District's technology resources.

Acceptable Use

The Superintendent shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

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

Internet Safety

The Superintendent shall develop and implement an internet safety plan to:

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1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;
2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access, including hacking and other unlawful activities;
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms.

Filtering

Each District computer with internet access and the District's network systems shall have filtering devices or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent.

The Superintendent shall enforce the use of such filtering devices. Upon approval from the Superintendent, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.

Monitored Use

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

Disclaimer of Liability

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

Record Retention

A District employee shall retain electronic records, whether created or maintained using the District's technology resources or using personal technology resources, in accordance with the District's record management program. [See CPC]

Electronically Signed Documents

At the District's discretion, the District may make certain transactions available online, including student admissions documents,

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student grade and performance information, contracts for goods and services, and employment documents.

To the extent the District offers transactions electronically, the District may accept electronic signatures in accordance with this policy.

When accepting electronically signed documents or digital signatures, the District shall comply with rules adopted by the Department of Information Resources, to the extent practicable, to:

- Authenticate a digital signature for a written electronic communication sent to the District;
- Maintain all records as required by law;
- Ensure that records are created and maintained in a secure environment;
- Maintain appropriate internal controls on the use of electronic signatures;
- Implement means of confirming transactions; and
- Train staff on related procedures as necessary.