

RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT



SUBSTITUTE HANDBOOK 2025-2026 SCHOOL YEAR

FOR AN IN-DEPTH VIEW OF ADDITIONAL OR UPDATED POLICIES YOU MAY
ACCESS THE DISTRICTS WEB PAGE AT:

www.raymondvilleisd.org

Stetson E. Roane, Superintendent of Schools

Table of Contents

	PAGE(S)
Introduction	2-3
Board of Trustees	4
State Goals and Objectives	5
Vision Statement	6
Mission Statement	6
District Directory	7
Procedure For Registration as a Substitute Teacher	8-9
General Guidelines for Substitute Teachers	10-12
Responsibilities	13-18
Techniques For Better Classroom Discipline	19
Positive Reinforcement	20-21
Discipline & Dress Code	21
School Calendar	22
School Responsibilities and Duties	23
What to Expect in RISD Schools	24
Evaluation Performance	25
Responsibilities Of a Substitute Teacher	26-32
Discipline	33-34
Substitute Teacher Hints/Suggestions	35
Daily Substitute Report/Performance	36-40
Ten Things Teachers Can Do for Substitutes in Their Classroom	41
FERPA	42
Fingerprinting	43
Criminal History Information	44
District Policies	45-115
DAA (LEGAL) Equal Employment Opportunity	
DIA (LOCAL) Employee Welfare	
DC (LEGAL) Employment Practices	
DC (LOCAL) Employment Practices	
DCD (LOCAL) At-Will Employment	
DH (EXHIBIT) Educators' Code of Ethics	
EC (LEGAL) School Day	
DI (LEGAL) Employee Welfare	
DI (LOCAL) Employee Welfare	
DL (LEGAL) Workload	
DPB (LEGAL) Personnel Positions Substitute, Temporary and Part-Time Positions	
EHBAB (LEGAL) Individualized Education Program (IEP and ARDS)	
Notes	

Thank you for serving as a substitute teacher with the Raymondville Independent School District (RISD). This handbook will explain our procedures, assist you in becoming a successful substitute, and answer some of the questions you may have about substituting in RISD. We want your time with RISD to be beneficial for the students and rewarding for you.

As a substitute teacher, you share with all educational professionals the task of strengthening our society by preparing children for responsible citizenship. You play a major role in carrying out the activities planned by our teachers when they are absent. Principals and teachers value effective substitute teachers and recognize that your efforts to provide continuity, in the regular teacher's absence, are extremely important and appreciated.

All substitutes are required to familiarize themselves with this handbook. This handbook is neither a contract nor a substitute for official District Policy nor the District Employee Handbook. It is not intended to alter the at-will status of non-contracted employees in any way. Rather, it is a guide and a brief explanation of District Policies and Procedures related to employment as a substitute teacher. References made to District Policies in this Substitute Handbook consist of summaries or partial excerpts from the complete policy text. The official policy adopted by the Board of Trustees remains the authoritative reference. Any policy changes adopted during the life of this handbook will take precedence over any conflicting statement in this handbook. The Human Resources Department has sole authority to modify the contents of this handbook.

We trust your substitute experiences will be professionally fulfilling to you and educationally profitable to our students. We need strong substitutes who will take on the responsibility to ensure the educational process is not interrupted when the regular teacher is absent.

Thank you for your time, creativity, and enthusiasm required to work in a stimulating environment where excellence is an expectation.

Sincerely,

Stetson E. Roane, Superintendent

The purpose of this Substitute Handbook is to provide you with the information needed to ensure continuity in the instructional program when our teachers are absent from their classrooms. This handbook aims to answer questions you may have and help you with the information you need to have a successful experience as a substitute.

A substitute teacher is required to follow the instructions of a teacher and ensure that the established rules and procedures are maintained throughout the classroom in a professional manner. It is important to maintain a positive working relationship between the staff and substitute teachers.

Substitute assignments may change based on the needs of the individual school. A substitute teacher may be asked to accept assignments outside his/her background or educational training. Substitutes may also be asked to cover classes during the regular teacher's planning period. When the substitute arrives for an assignment, the school needs may have changed (i.e., the substitute accepted a math job but the school needs them in an English class). Being flexible with assignments is greatly appreciated by the campus. The staff will assist you with any questions and provide you with additional information needed for the assignment.

Please note that substituting is an on-call employment relationship. Raymondville Independent School District is under no obligation to provide employment, nor is it obligated to provide continued employment. The Human Resources Department and campus principals have the right to exclude substitutes from future jobs or remove substitutes from long-term assignments in the best interest of the staff and students.

IMPORTANT CONTACT INFORMATION THE HUMAN RESOURCES DEPARTMENT

Human Resource Department

Contact Hours: *7:45 a.m. to 5:00 p.m. Monday-Thursday*

8:00 a.m. to 4:00 p.m. Friday

Phone# (956) 689-8175

humanresources@raymondvilleisd.org

Substitute employees should contact Human Resources for answers to the following questions:

Status of their substitute new employee paperwork if it has been over 10 business days since submission

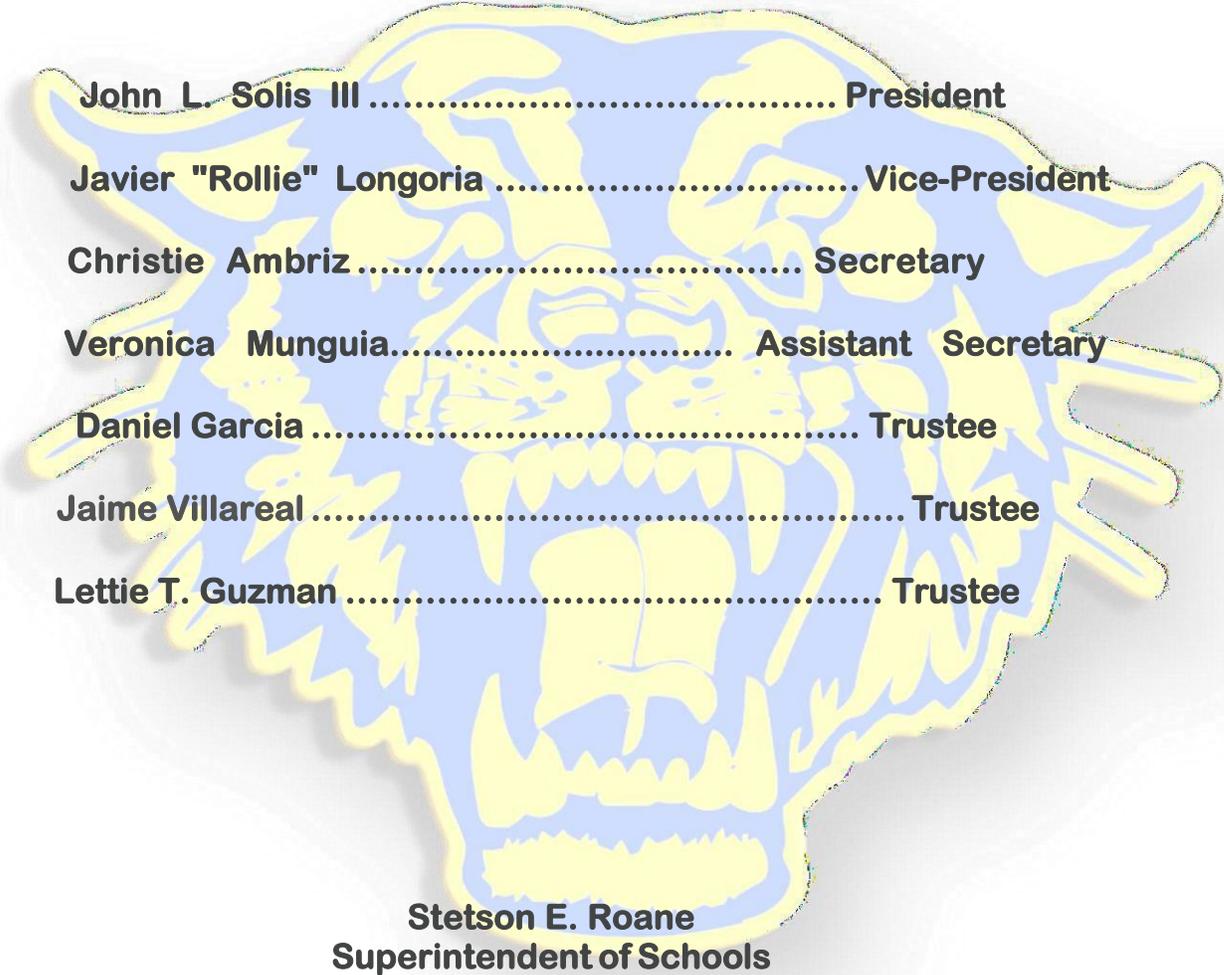
Paycheck discrepancies concerning daily rate of pay

Long-term assignment/discrepancies

Resignation

Substitute teaching concerns and general questions

**Raymondville Independent School District
Raymondville ISD 2025 – 2026 Board of Trustees**



- John L. Solis III President**
- Javier "Rollie" Longoria Vice-President**
- Christie Ambriz Secretary**
- Veronica Munguia..... Assistant Secretary**
- Daniel Garcia Trustee**
- Jaime Villareal Trustee**
- Lettie T. Guzman Trustee**

**Stetson E. Roane
Superintendent of Schools**

Raymondville ISD, it all starts here.

Raymondville Independent School District

State of Texas Goals and Objectives

Public Education Academic Goals [Texas Education Code §4.002]

To serve as a foundation for a well-balanced and appropriate education.

- GOAL 1:** The student in the public education system will demonstrate exemplary Performance in Reading and Writing of the English language.
- GOAL 2:** The students in public education system will demonstrate exemplary performance in the understanding of Mathematics.
- GOAL 3:** The students in the public education system will demonstrate exemplary performance in the understanding of science.
- GOAL 4:** The students in the public education system will demonstrate exemplary performance in the understanding of Social Studies.

Raymondville Independent School District

Vision Statement

Raymondville ISD will empower students to be lifelong learners, successful individuals, and contributing members of the global community.

Mission Statement

Raymondville ISD, in collaboration with the greater Raymondville community, will educate all students to become college and career ready through learning opportunities that promote creativity, critical thinking, and self-directed learning.

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



Raymondville ISD, it all starts here.



RAYMONDVILLE

INDEPENDENT SCHOOL DISTRICT

2025-2026 DIRECTORY OF EXTENSIONS

Superintendent's Office 689-8176 Stetson E. Roane-Superintendent----- 4100 Neida Quilantan-Supt. Secretary----- 4101		Raymondville Early College High School 689-8170 Jesus Amaya-Principal----- 4130 Elizabeth Arredondo - Assistant Prin.- 4137 Assistant Principal----- 4152 Sandra Zuniga-Secretary/Finance--- 4131 Sabrina Parras-Media Specialist----- 4132 Monica Guerra-Counselor----- 4135 Sandy Andaverde -Counselor----- 4134 Wendy Zamorano-Registrar----- 4138 Maia Chavez-PEIMS----- 4136 Finance Office----- 4133 Joann Posas District Health Coord.--- 4142 Nurse----- 4140 Diana De La Paz-Attendance Clerk- 4147 Richard Garcia-Ag Department----- 4175 DAEP----- 5123 FAX No. 956-899-2011		Raymondville Options Academic Academy 689-8185 Frank L. Garcia-Principal/Special Programs Dir.----- 4501 Anahi Vazquez-Secretary----- 4500 Lorraine Burns-Counselor----- 4502
Deputy Superintendent 689-8181 Jose R. Valdez-Deputy Superintendent--- 4111 Patricia Buse-Secretary----- 4112 Frank L. Garcia-Special Programs----- 4118 Julia Rincon-Human Resources Coord.--- 4115 Rebecca Cortez-PEIMs Coord.----- 4104			Pittman Elementary 689-8173 Sulema Davila-Principal----- 4202 Raul Gonzalez -Asst. Prin.----- 4204 Patricia Zamora-Secretary----- 4200 Finance----- 4201 Alyssa Sanchez-PEIMS----- 4203 Amy Juarez-LVN----- 4208 Christine M. Ximenes-Media Specialist- 4209 5th Grade Workroom----- 5345 Life Skills----- 5338 Cafeteria----- 4213 Diana Gomez-Counselor----- 4214 1st & 2nd Grade Workroom----- 4215 Kinder Workroom----- 4211 3rd & 4th Grade Workroom----- 4218 FAX No. 956-899-1141	
Migrant Office 689-8186 Gloria Ambriz-Migrant Secretary----- 4260 Anna Nieto-Migrant Recruiter----- 4261 Denise Ramos-Migrant NGS Clerk----- 4262		RHS Athletics/P.E. Department 689-8179 William Littleton-Athletic Director--- 4150 Oralia Reyes-Secretary----- 4141 Freshman Football Coach----- 4151 Boys P.E.----- 4148 Girls P.E.----- 4149 James Villegas-Injury Prev./Rehab Spec- 4155 FAX No. 956-899-8159		L.C. Smith Elementary 689-8172 Dr. Camille Cavazos-Principal----- 4402 Ana Richmond-Asst. Prin.----- 4404 Esmer Jalomo-Finance----- 4401 Dina Olvera-Secretary----- 4400 Criselda Nieto-PEIMS----- 4403 Jennifer Zamorano-Counselor----- 4408 5th Grade Workroom----- 4414 Rebecca Lozano-LVN----- 4408 Cafeteria----- 4411 Amanda Rubalcaba-Media Specialist- 4413 3rd & 4th Grade Workroom----- 4417 1st & 2nd Grade Workroom----- 4418 Kinder Workroom----- 4415 Erica Hernandez- Family Engagement- 4700 FAX No. 956-986-2240
Curriculum & Instruction Dr. Sandra Y. Nieto-C&I Director/Data Fellow--- 4123 Dr. Dana Yates-Dir. of Student Learning--- 4127 Crystal Gonzalez- C&I Secretary----- 4103 C&I Coordinator----- 4125 Dara Cepeda-Instructional Tech. Coord. --- 4128 David Flores-Technology Director----- 4121		RECHS/MGMS Band Halls Benjamin Keltner-RECHS Band Dir.-- 4144 Mark A. Rodriguez-MGMS Band Dir.-- 5234		
Business Office 689-8175 David Longoria-CFO----- 4110 Kayla Redding-Budget Coordinator----- 4124 Crystal Gonzalez-Secretary----- 4103 Nicole L. Muniz-Accounts Payable----- 4105 Krystal Romo-Tagle-Payroll/Insurance--- 4106 Joe A. Lopez-Purchasing/Fixed Assets Cord. --- 4129 FAX No. 956-899-8180		RECHS Health Academy Patricia C. Garza-Room 802----- 5130 Labs-Room 803----- 5131 Jessica Garza-Room 800----- 5132		
Tax Office 689-8177 Rosie Tijerina-Assessor/Collector----- 4108 Anissa Sosa-Tax Collector----- 4107		Raymondville ISD Clinic 689-8152 Elizabeth G. Lopez-Office Manager- 4600 Teresa Tamez- MA----- 4601 Irene Ramirez- Nurse Practitioner--- 4602		Food Services Department 689-8184 Maria G. Garcia-Director----- 4172 Cinthia Barrientez-Secretary----- 4173 HS Cafeteria----- 4174 FAX No. 956-899-8153
Maintenance/Transportation Dept. 689-8182 Chief Gutierrez-Director Joe Ambriz Jr. -Supervisor----- 4291 Transportation Department----- 4290 Yolanda Hernandez-Maint./Trans Secretary--- 4298 FAX No. 956-899-8158		Myra Green Middle School 689-8171 Jacinto Sauceda-Principal----- 4302 Jose Sema-Assistant Principal----- 4303 Marisol Herrera-Dean of Instruction- 4305 Rebecca Sema-Secretary----- 4300 Attend. Clerk----- 4301 Cristina Lerma-Counselor----- 4309 Brenda Martinez-PEIMS/Attendance- 4306 Annabelle Pruneda-Finance----- 4307 Rosanna Franco-Media Specialist--- 4310 Celina Romo-LVN----- 4308 Cafeteria----- 4312 Boys Athletics----- 4315 Girls Athletics----- 4316 DAEP----- 4511 Jessica Esparza-CYD/ADSY----- 5202 FAX No. 956-899-2010		ACE (21st CCLC) Connie M. Saenz-Director-ROAA----- 4800 Erica Hernandez-Prog. Specialist-ROAA- 4801 Carlos Ybarra-Coordinator-RECHS- 4802 Araceli Garza-Coordinator-Pittman- 4804 Dr. Virginia Barrera-Coordinator-Smith- 4805
Wil-Cam Pupil Services Coop 689-8174 FAX No. 956-899-8154 Dr. Reynaldo Flores-Special Education Dir.--- 4254 Mary Vallejo-Director's Secretary----- 4251 Martina Quiroga-Secretary----- 4252 Sonia Vasquez-SEMS Clerk----- 4267 Lorraine Burns-VAC/TED----- 4250 Leticia De La Paz- Sp. Ed. Counselor--- 4263 Mary Elisa Pena- Sp. Ed. Counselor --- 4264 Arianna Garza- SLPA----- 4265 Mireida Gutierrez-SLPA----- 4258 SLPA----- 4268 Rosalinda Lara-Ed. Diagnostician----- 4256 Vanessa Gomez Ed. Diagnostician----- 4270 Clarissa Olivarez-Ed. Diagnostician----- 4266 Stephanie Molver-VI Teacher----- 4269 Karina Villarreal SLP----- 4257 Jennifer Ambriz C.O.T.A.----- 4271				Campus Police 689-8183 Oscar Gutierrez-Chief of Police----- 4326 Michelle Martinez-Dispatcher----- 4325 FAX No. 956-899-8855

Procedure for Registration as A Substitute Teacher

1. **APPLICATION:** Complete substitute teacher application
2. **CERTIFICATION:** It is required that substitutes possess either a valid teaching certificate or a Substitute Teacher Certification certificate. No one can substitute without a valid Teaching Certificate or a Substitute Teaching Certificate.
3. **COMPLETE FILE:** In order for your file to be considered complete, it is also necessary for you to provide the following materials:
 - A. If applicable, college teaching credentials and/or letters of evaluation regarding past teaching or substitute teaching experience
 - B. Original college transcripts
 - C. Copy of Substitute Teacher Certification
 - D. Substitute Teacher Application
 - E. Reasonable Assurance Letter (Existing Substitute Teacher)
 - F. Fingerprinting as per Senate Bill 9
 - G. I-9 Form (2 Forms of Identification- *Ex. STATE ID/DL and Social Security*)
4. **ORIENTATION:** All substitute teachers are to participate in a yearly mandatory orientation with Human Resources.
5. **PAYROLL FORMS:** All new hires must complete the necessary payroll/personnel forms, including W4 forms, to indicate exemptions and status so that the correct amount of federal, state and Social Security taxes can be withheld. A copy of your Social Security Card and Driver's License is also required.
6. **HANDBOOK:** Each RISD Substitute is expected to review this handbook.

No assurance can be given regarding the regularity or length of assignments.

It is expected that substitute teachers will accept calls for assignments. We understand that substitute teachers often need to make themselves available to more than one District.

SCHOOL CLOSING: Whenever the schools are closed due to bad weather, an announcement will be issued to the media. Substitutes should not report to the school and will not be paid for the day.

EARLY DISMISSAL: Whenever the schools are dismissed early due to bad weather or an emergency situation, substitutes may be excused as soon as all students and/or buses have left the building. Substitutes will be paid for their assignment as originally scheduled.

SUBSTITUTE HELP DESK HOURS OF OPERATION: If you need more information or have a particular concern, you may contact the Human Resources office between 8:00 a.m. and 5:00 p.m. at 956-689-8175.

MAXIMUM SUB DAYS: The Raymondville Independent School District does limit the number of days that a substitute teacher can work. **(Max 3 days per week)**

TEACHER RETIREMENT SYSTEM:

Retired school personnel who are participating in the Teacher Retirement System (TRS) should contact TRS for guidelines/guidance when contemplating working as a substitute teacher.

The District recommended approval of changes in administrative regulations and the addendum to be added to the employee's contract for those who seek employment under surcharge rules. This rule takes effect now for future employees. *(Board approved May 18, 2017)* You, the employee, acknowledges that, because of your retiree status, the District will incur expenses over and above those associated with hiring a non-retiree in a similar position with similar years of experience. You, the employee, agrees that the District shall reduce your pay to offset these expenses, provided that your salary does not fall below the state minimum, if applicable.

Part-Time Employees

Part-time employees may not start a new or different part-time position until the previous part-time position is complete. The employee's new part-time position cannot begin until the following month. For example: Tutor ends April 7th; cannot begin substituting until May 1st.

General Guidelines for Substitute Teachers

Acceptance of a substitute assignment

Once you have accepted a job, 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.

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. Notification must be made in writing on the proper RISD Change of Personal Information form. 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.

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.

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 to block a substitute teacher will be honored by the Human Resources Dept. Any questions refer back to campus.

Classroom Responsibilities

- Do not leave students alone in the classroom.
- Review fire drill procedures
- Complete reports as requested and on time i.e., attendance reports/lunch reports.
- Review lesson plans prior to the beginning of the school day
- Follow the lesson plans.
- Use teaching materials specified in the lesson plans only.
- Note students who have to leave the classroom to receive instruction elsewhere or who must leave the classroom for any other reason.
- Perform all duties assigned to the regular classroom teacher for which you are assigned.
- Follow the same workday schedule as the teachers on that campus.
- Maintain confidentiality of student information
- Leave a brief note for the teacher describing what you accomplished for the day(s) you substituted.

Nurse's Schedule

Review the nurse's schedule and guidelines related to medication and situations related to medical emergencies. If the nurse is absent, find out who will be the contact person.

Inclement Weather/Emergency Evacuation

Ask for specific instructions related to inclement weather, reports, and duties. Consult the school administrator (exit plans are posted in all rooms).

Parking

Park in designated spaces/areas, if you do not know where to park ask the administrative staff upon your arrival or inquire prior to your assignment.

Sexual Harassment

RISD forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students. (See Board Policy DIA)

POSSESSION OF FIREARMS

Employees, visitors and students are prohibited from bringing firearms, illegal knives, or other weapons onto school premises or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the District's weapons policy should report it to their supervisors or call the RISD Police Department.

TOBACCO FREE WORKPLACE

The use of any form of tobacco by an employee or students inside or on any district-owned property is strictly forbidden. Employees and students who violate this policy will be disciplined appropriately.

DRUG ABUSE PREVENTION

Raymondville ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the workplace. The District has adopted a drug-free awareness program to inform employees about the dangers of drug use and abuse in the workplace. Employees who use or are under the influence of alcohol or illegal drugs, as defined by the Texas Controlled Substance Act, during working hours may be dismissed. The District's policy on drug abuse and drug-free schools is as follows:

Drug-Free Schools and Drug-Free Workplace

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

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

4. Any other intoxicant, or mood-changing, mind-altering, or behavior- altering drugs.

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

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

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the Superintendent's receiving notice from any source of a conviction for any drug violation occurring in the workplace, the Superintendent or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or referral for prosecution or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee.

[This notice complies with notice requirements imposed by the Federal Drug- Free Workplace Act {20 U.S.C. 3471, 1221-3(a)(1) and 34 CFR 85.630}; notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 [20 U.S.C. 3224a and 34 CFR 86.201]; and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2

I. RESPONSIBILITIES

A. RIGHTS AND RESPONSIBILITIES OF STUDENTS

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools shall foster a climate of mutual respect for the rights of others in order to enhance the District's educational purpose and the program designed to achieve that purpose. Students shall exercise their rights responsibly, in compliance with the rules established for the orderly conduct of the district's educational mission. Students who violate the rights of others or who violate District or school rules shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community.

Each student is expected to respect the rights and privileges of other students, teachers, and District staff; all teachers, administrators, and other District personnel are expected to have respect for the rights and privileges of students.

Students' responsibilities for achieving a positive learning environment at school-related activities shall include:

1. Attending all classes daily and on time.
2. Accepting the responsibility to participate appropriately in the learning process.
3. Being prepared for each class with appropriate materials and assignments.
4. Being properly attired.
5. Exhibiting respect toward others.
6. Conducting themselves in a responsible manner.
7. Paying required fees and fines, unless they are waived.
8. Refraining from violations of the Student Code of Conduct.
9. Obeying all school rules, including safety rules and behavior for a variety of conditions, including play and recreation, fire, severe weather, use of bicycle and automobile on school property and use of school-provided transportation.
10. Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.

11. Cooperating with staff in investigation of disciplinary cases and volunteering information when the student has knowledge relating to a serious offense.
12. Assuming total responsibility for making up work due to excused absences.

B. RIGHTS AND RESPONSIBILITIES OF PARENTS

Parents have the right to send their children to schools where students are both valued and expected to learn. Parents have the responsibility to:

1. Make every effort to provide for the physical needs of the child.
2. Impress upon the child the value of respecting his/her school personnel and peers.
3. Teach the child the importance of being responsible for his/her actions and decisions.
4. Strive to prepare the child emotionally and socially to be receptive to learning and discipline.
5. Be sure their child attends school regularly and promptly report and explain absences and tardiness to the school.
6. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
7. Encourage and lead the child to develop proper study habits at home.
8. Obtain current scholastic and behavioral reports on their child and work with school personnel to bring about improvements as necessary.
9. Participate in meaningful parent-teacher conferences to discuss their child's school progress and welfare. One or more conferences shall be held during each school year between a teacher and the parents of a student if the student is not maintaining passing grades or achieving the expected level of performance or presents some problem to teacher or in any other case the teacher considers necessary.
10. Keep informed of school policies and academic requirements of school programs.
11. Participate in school-related organizations.

12. Be sure their child is appropriately dressed for school and school-related activities.
13. Maintain up-to-date home, work and emergency telephone numbers and other pertinent information at the school.
14. Cooperate with school administrators and teachers.
15. Be sure their child attends school tutorials when required or as the need arises.
16. Control their child. Under Family Code 33.01, a student's parent is legally liable for property damage proximately caused by (a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or (b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
17. Submit a signed statement that they understand and consent to the responsibilities outlined in the Student Discipline Handbook.

C. RESPONSIBILITIES OF ADMINISTRATORS

Administrators have the responsibility to:

1. Respond to discipline problems referred to them by teachers.
2. Promote effective training and discipline for all students.
3. Encourage parent communication with the school, including participation in required parent-teacher conferences.
4. Provide appropriate assistance to students in learning mature self-discipline.
5. Assume responsibility and instructional leadership for discipline and for evaluation of the Discipline Management Plan.
6. Serve as appropriate role models for the students on their campus in accordance with the standards of the profession.

D. RESPONSIBILITIES OF THE TEACHERS

Teachers have the responsibility to:

1. Use discipline management techniques developed in the District's Discipline Management Plan found in the teachers' handbook.

2. Ensure good student discipline by being in regular attendance and on time.
3. Be prepared to perform their teaching duties with appropriate preparation, assignments, and resource materials.
4. Comply with District and school policies, rules and regulations, and directives.
5. Maintain an orderly classroom atmosphere conducive to learning.
6. Teach to the standards of performance required by the District.
7. Establish rapport and effective working relationship with parents, students and other staff members.
8. Teach students to strive toward self-discipline.
9. Encourage good work habits that will lead to the accomplishment of personal goals.
10. Serve as appropriate role models for their students, in accordance with the standards of the teaching profession.
11. Treat each child fairly and with respect.
12. File a one-page written report with the school principal or other appropriate administrator if they have knowledge that a student has violated the student code of conduct.

II. STUDENT CODE OF CONDUCT

The district has disciplinary authority over a student:

1. During the regular school day and while going to and from school on district transportation ;
2. While participating in any activity during the school day on school grounds or within 300 ft. of school property, or while attending a school-sponsored or school-related activity on or off school property;
3. For any school-related misconduct, regardless of time or location, including retaliation against a school employee; or
4. Who engages in conduct punishable as a felony, as provided by Education Code 37.006

DISRUPTION OF CLASSES (Texas Education Code 37.124)

No person shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct which disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.
5. Conduct by students, either in or out of class, that for any reason--whether because of time, place, or manner of behavior--materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities.

For purposes of this provision, "school property" shall include the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

SUBSTITUTE JOB RESPONSIBILITIES

As a substitute I understand my responsibilities include, but are not limited to those listed below:

- / I will be punctual and adhere to the classroom schedule.
- / I will maintain order in the classroom.
- / I will follow the teacher's lesson plans in sequence and fulfill all responsibilities of the teacher, including extra duty.
- / I will supervise the students assigned to the regular classroom teacher at all times (i.e., home room, hallways, dismissal, cafeteria, etc.).
- / I understand I cannot leave the campus during work hours.
- / I understand I am not entitled to the teacher's conference period and may be asked by the principal to substitute for another class during that time.
- / I understand the campus may change my assignment once I arrive.
- / I understand that I cannot work as an Assistant Site Coordinator or Intervention Specialist and also be a substitute teacher concurrently during the school year.
- / I understand that I must not use corporal punishment and there must be no inappropriate physical contact at any time with students.
- / I understand that I must never sexually harass a student or employee, whether verbally or physically.
- / I understand that I must wear my Substitute ID Badge at all times on the campus. If I lose my badge, I understand I cannot work until I obtain a replacement badge.
- / I understand that if I fail to work for three consecutive months, I may be removed from the substitute roster unless I make myself unavailable and notify the HR Office.
- / I understand that I must follow all RISD Policies and Procedures. It is my responsibility to familiarize myself with the Substitute Handbook and with all District Policies and Procedures, which can be accessed on the RISD Homepage at www.raymondvilleisd.org.
- / I understand that substituting is part-time and that work hours are not guaranteed as I am contacted based on a need at a campus. I also understand that I am not eligible for unemployment compensation benefits during any scheduled school breaks including, but not limited to: Summer break: June 9, 2025 through August 22, 2025; July 4, 2025; Thanksgiving Holidays- November 24, 2025 through November 28, 2025; Christmas Holidays - December 22, 2025 through January 2, 2026; January 23, 2026; March 16, 2026 through March 20, 2026; April 3, 2026; April 6, 2026; May 25, 2026.
- / I understand that I have no employment contract with RISD, and I may be dismissed at any time for any reason not prohibited by law or without cause, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked. At-will employees are free to resign at any time.

II. Techniques for Better Classroom Discipline

Here are eleven techniques that you can use in your classroom that will help you achieve effective group management and control. They have been adapted from an article called; "A Primer on Classroom Discipline: Principles Old and New." by Thomas R. McDaniel; Phi Delta Kappan, May 1986 and Budd Churchward, creator of The Honor Level System: Discipline by Design.

1. **Focusing.** Be sure you have the attention of everyone in your classroom before you start your lesson.
2. **Direct Instruction.** The technique of direct instruction is to begin each class by telling the students exactly what will be happening.
3. **Monitoring.** The key to this principle is to circulate. Get up and get around the room.
4. **Modeling.** "Values are caught, not taught."
5. **Non-verbal Cuing.** Non-verbal cues can be facial expressions, body posture, hand signals, bell or light tap.
6. **Environmental control.** A classroom can be a warm friendly place.
7. **Low-Profile Intervention.** Most students are sent to the principal's office as a result of confrontational escalation.
8. **Assertive Discipline.** This is traditional limit setting authoritarianism.
9. **Assertive I-Messages.** "I want you to . . ." or "I need you to . . ." or "I Expect you to . . ."
10. **Humanistic I-Messages.** "When you talk while I talk." or "I have to stop my teaching."
11. **Positive Discipline.** Use classroom rules that describe the behaviors you want.

Positive Reinforcement

Students, like adults, respond better to positive reinforcement than to sarcasm and negative comments or discipline. Praising desired behavior is much more effective than punishing undesired behavior (i.e., if a student keeps turning around in his/her seat to talk to a student behind them, praise a neighboring student for working quietly on his/her assignment without talking to others and give them a reward.)

Pick Your Battles: Most behavior problems are inconsequential, meaning it does not harm another student or disrupt the whole class. Spending a great deal of time on inconsequential behavior is what disrupts the whole class. Minor unacceptable student behaviors are often best dealt with by using a technique known as extinction (ignoring minor negative behavior so it is not reinforced by providing desired attention). This technique usually results in minor unacceptable student behavior disappearing.

In some cases it may be appropriate to isolate a student from other students, due to a pattern of consistent disruptive behavior. Remember that the teacher needs to maintain visual contact and the ability to directly supervise all students.

Arguing With Students: Students should not be allowed to argue with the substitute in front of other students or to publicly challenge the substitute's authority. Remember that it takes two people to argue.

Dignifying Students: Students will generally accept fair and reasonable rules and consequences when they know that the substitute is genuinely concerned about their well-being. Students must not be singled out or used as an example. When a substitute has had to repeatedly or strongly correct a student, it is important that before the student leaves for the day, that the substitute reinforces with the student that he/she cares about them, believes in them, and sincerely wants what is best for them. Substitutes need to use role model terms such as please, thank you, excuse me, I'm sorry, etc.

Listen Before You Discipline: It is important to listen carefully to students and to consider their point of view before taking disciplinary action. Listening to students is particularly important when there is a situation where the teacher may not have all the information. The process of listening will not only assist the teacher in making proper decisions but will often result in a teachable moment for that student.

Seating Charts: The ability to call students by name is a very powerful tool in classroom management. The use of a seating chart can be invaluable in helping the substitute teacher to call students by their names.

Communicate The Significance of Learning: Minimize the time spent on procedural matters. The substitute teacher must always require students' attention and participation. Students must be allowed, when appropriate, to provide feedback about their work. Remember to always provide closure at the end of class.

Ignore behaviors at first: Students may just be asking a neighbor a simple question. If problems persist, then start with a positive reminder. Making eye contact can sometimes be a reminder to students that you have an idea they are causing a problem. Making eye contact or moving close to the student can stop problems very quickly.

Proximity is a strategy that is effective for good classroom management. Moving around the room will help keep all students involved in the lesson. Often moving to students who are causing problems will get them to stop acting inappropriately. When you are close to the students, you can also see if they are struggling with the assignment and may need some help from you.

Relocating students may be done but should only be done if other requests to stop the undesired action fail. Asking students to change seat locations may be disruptive and challenging.

Private conferences or talking one-on-one to students is a good option for disruptive students. Never degrade or intimidate students when disciplining. Always follow the teacher's rules and consequences.

Common sense should be used anytime you are working with students. Make all consequences fit the infraction and remember to be fair and consistent with all students.

Exercise self-control by always being in control. As the adult in the classroom, the substitute is expected to be the authority figure. Treat all students with respect. Avoid discussions that contain controversial topics, personal qualities, decisions, opinions or judgments. Remember that most often the behavior you have to control is your own.

Discipline

- Be fair, firm, and consistent when working with students. Review the seating charts (if any) and identify the student helpers.
- Refer all severe disciplinary problems to the principal or person in charge. Review the teacher's notes regarding specific students (e.g., special education, individual health problems, and behavior problems).
- Aim to make eight positive comments to one negative comment when dealing with the students.
- Try to refrain from sitting at the teacher's desk when students are present. Moving around the classroom is one of the most effective means of maintaining classroom control.
- Begin instruction immediately.
- Make the problem student your helper.
- Stand at the back of the line when taking your students to recess, lunch, etc.
- Stand in the back of the room when showing a film.

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 discouraged in the classroom, except in physical education.

School Responsibilities and Duties

REPORTING

Upon arrival at the school building for a substitute teaching assignment, please report to the office. There you will be given:

1. Keys, if needed/available
2. Substitute folder
3. Explanation of any special activities for the day
4. Explanation of collection projects if any, i.e., food, clothing, lunch money, etc.
5. Explanation of fire drill procedure

MATERIALS

The following materials/folder should have been left by the regular teacher for you:

1. Lesson plan, showing the day's work to be accomplished
2. Seating chart
3. Absence report sheets or pads
4. Text and teaching manuals and answer books
5. Room schedule for the days' time allotment
6. Special room rules, if any

CONFERENCE/LUNCH PERIODS

Each Principal shall make every effort to ensure one conference period and one duty-free lunch period. You may be required to give up one conference period to assist at the campus.

SPECIFIC DUTIES

Substitute teachers should assume the same responsibilities as the regular teacher for supervision of students in the building, on the playground, or on a field trip. The duty list should be consulted to see if the teacher for whom you are substituting is assigned to the cafeteria, hall or other duty. Consult the office for any change from normal procedure for that particular day. You should make certain that the following necessary tasks are accomplished during the day:

1. Attendance should be taken following the school's procedure.
2. Check the room's fire drill upon arrival.
3. Follow the lesson plans carefully. Deviations should be noted for the regular teacher.
4. A substitute should not eat in front of a class or do personal work such as reading, letter writing, bill paying, crafts, or hobbies.
5. Never leave your class unattended.
6. Correct the students' papers and tests unless the classroom teacher has indicated otherwise.
7. Leave a written summary of work for the teacher.
8. Control the light and temperature of the room. It is your duty, not the students.
9. Report incidents of abnormal happenings to the principal or assistant principal.
10. Return keys and any confidential information to the main office when you check out.
11. Leave the room orderly neat and locked.

What To Expect In Raymondville ISD Schools

FROM THE OFFICE

1. A warm and friendly welcome upon arrival in the building.
2. Help in locating the room or rooms.
3. Assistance in providing materials needed during the day.
4. Help in solving any problems which you do not feel able to handle.
5. Interest in your work as a substitute teacher.
6. Suggestions to make work easier and more pleasant.
7. Parking information.

FROM THE TEACHER

1. Clear and specific lesson plans and explanations of classroom routines.
2. An accurate list of students for attendance and identification.

FROM THE STAFF

1. Substitute teachers may expect a warm, cordial greeting from the staff. They will accept you as a part of the "family" while you are in the building.
2. The neighboring teachers in the building will assist you with your incidental questions and problems. They are prepared to help and are willing and able. Please use them.

SUBSTITUTE TEACHER PAY RATES

1. Substitute teacher pay rates for day-to-day teaching shall be based on education/degree(s) and/or certification.
2. The district may re-assign a substitute to another assignment.
3. Please note: Substituting is not a contractual position. Therefore, the laws of property rights and due process do not protect substitutes.

Description, Daily Rate:

Non-Degreed - \$85.00

Degreed - \$105.00

Certified - \$130.00

PAY PERIODS

Raymondville Independent School District employees are paid every 25th of the month with the exception of some early pay dates. Pay checks are automatically deposited with the banking institution of your choice.

WORK/PAY RECORDS

It is important for you to keep your own accurate calendar and record of the dates, job numbers and time periods that you have worked or are scheduled to work. Upon checking out at the building, after completing your assignment, you should plan to always verify your hours worked with the school secretary. The school secretary will be responsible for verifying the accuracy of each day's work/pay records before the information is submitted to payroll.

EVALUATION OF PERFORMANCE

A substitute teacher report form is provided for each substitute teacher to complete regarding his/her specific assignment. Please submit this form to the building principal or his/her designee at the close of the school day. Classroom teachers are requested to comment upon the performance of the substitute teacher by way of the Substitute Teacher Information Form. The building principal or his/her designee may periodically evaluate the performance of the substitute teacher through a classroom observation. All evaluations regarding the performance of a substitute teacher will be filed with the Human Resources Office.

Responsibilities of a Substitute Teacher District Expectations

ETHICS

A substitute teacher is expected to observe the code of ethics of the regular faculty. The records and information to which the substitute teacher has access should be handled with utmost discretion. Professionalism is expected. Guard against making unfavorable and unprofessional comparisons about schools, classes, students, or educational personnel. If differences in opinion as to methods and aims do exist and could prove beneficial to our system, please inform the principal of the building. However, carrying stories from school to school or school to community is neither advisable nor condoned.

INFORMATION

Any outsider seeking information should be directed to the office. Do not give anyone permission to take a child from the room without the principal's permission.

ARRIVAL

Elementary substitutes are to report twenty (20) minutes before classes begin and secondary substitutes are to report fifteen (15) minutes before classes begin. This also includes half day assignments. Half day assignments by the employee may have specific starting and ending times. However, in order to establish guidelines, the schedule includes standard starting times for a p.m. assignment. Half day assignments will be for a minimum of four hours and forty-five minutes.

School Schedule

High School/ROAA	7:55 am – 4:17 pm
Middle School	7:45 am – 3:56 pm
Elementary	7:30 am – 3:35 pm

Substitute Reporting Time

7:45am – 4:17 pm
7:30am – 4:00 pm
7:30am – 3:45 pm

Substitute teachers at the secondary level are expected to report for the first hour and to remain in the building for the last hour, even if the absent teacher has a prep period at the beginning or end of the day. Generally, there is the preparation of materials, written reports, and other tasks to be accomplished during that time. Also, in the case of a last minute or emergency absence, you may be asked to substitute during the conference period. Departure time depends on the Teacher/Aide schedule for that day.

UNIVERSAL PRECAUTIONS

Substitute teachers are asked to practice universal precautions to prevent the transmission of blood borne diseases in the workplace. If you have blood-to-blood contact with another person's blood or other bodily fluid containing blood during the course of your workday, please file a post-exposure report with the school nurse by the end of the day.

TERMINATION OF EMPLOYMENT

If you wish to terminate your availability at any time, please contact the Human Resource Office. The district reserves the right to terminate a substitute teacher at any time for reasons deemed appropriate by the district.

REPORTING CASES OF CHILD ABUSE/NEGLECT

All substitute teachers are reminded that we are obligated to report any and all suspected cases of child abuse/neglect. If, during the course of your substitute teaching, you identify any student that you suspect, either through your visual observance, through comments you may hear by fellow students or if the student him - or herself advises you that he/she has been abused or neglected, we must report that information to child protective services. Substitute teachers should also notify the principal's office of any suspected abuse/neglect. It is not the responsibility of the school district to prove abuse or neglect. That responsibility lies with the child protective services following their investigation of any and all complaints. We are obligated however, to report our suspicion of abuse/neglect to protective services. They then are obligated to follow up with an immediate investigation within twenty-four hours. The contact number for Child Protective Services is 1-800-252-5400.

ASSIGNMENT EXTENSION

Substitutes must check with the office at the close of the school day to see whether they are to report the following day. It is best for all concerned that the substitute continues with the assignment until the return of the regular classroom teacher.

SUGGESTIONS FOR WHEN LESSON PLANS ARE NOT AVAILABLE

There will be times when you will be faced with very sketchy lesson plans or with no plans at all. Similarly there may be occasions when the proposed materials may be too difficult to cover adequately without preparation. Following are some suggestions for handling this situation.

1. Check with the office to see if the regular teacher has left instructions there. At the secondary schools, check with the department head if there are no plans left in the room.
2. Try to maintain continuity of lessons by referring back to the last completed day in the Lesson plan book if one is available. Try to provide a reasonable follow-up to the previous lesson.
3. Younger students are sometimes upset by a departure from regular routines. Try to maintain their regular schedule as much as possible but let them know that some things will be done differently that day. Ask for their cooperation and help them to understand that you need to organize your work lessons in your own way.
4. Accumulate your own materials (a "survival kit") including materials such as educational games, word puzzles, creative writing exercises, additional reading, math worksheets and other general assignments.

LOCK DOWNS

Check with the office as to the procedure and code.

FIRE DRILLS/BOMB THREATS

Check with the office as to exit routes and procedures.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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]

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]

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 the CKE series];
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

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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.

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 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.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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 Nicotine Products and E-Cigarettes An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

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

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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
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:

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

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; 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 and approved by the Superintendent.

Discipline

Substitute teachers are responsible for the control of classes. The building principal or assistant principal will assist with problems when necessary. It is normal for the students to "test" new substitute teachers. Do not let students get out of control. The District expects you to be in charge of the room. The Raymondville Independent School District **FORBIDS** corporal punishment of any form.

SUGGESTIONS FOR SUCCESSFUL STUDENT DISCIPLINE

1. Be fair, firm, and consistent
2. Praise in public; criticize in private
3. Do not use sarcasm or other embarrassing methods
4. Do not use "group" punishment
5. Use the positive approach
6. Call attention to a student's good behavior rather than misbehavior
7. Identify standards and stick to them
8. Know and adhere to the policy that corporal punishment is NEVER administered

IDEAS FOR EFFECTIVE CLASSROOM MANAGEMENT

Classroom management encompasses all of the things that teachers do to obtain and maintain student cooperation and involvement in classroom learning. Studies indicate that successful management includes both responding effectively when problems arise and in preventing problems from happening. Effective classroom teachers are skilled at giving clear directions and information. These teachers express desired attitudes and behavior; prepare levels of student success; provide clear expectations for work standards; offer consistent responses to appropriate and inappropriate student behavior; and generally, use classroom procedures and rules to handle discipline problems.

The following are some suggestions that will help ensure a successful substitute experience for both the substitute teacher and for the students:

1. Arrive in plenty of time to acquaint yourself with the school's procedure, the teacher's lesson plans, and the room layout and to obtain any additional materials or equipment that may be needed.
2. When the students arrive, introduce yourself and put your name on the board, so that all students will be able to see it. The initial impression of the substitute teacher is a significant factor in successful classroom management. Self-confidence, patience, resourcefulness, flexibility and enthusiasm are important pre-requisites for achieving your goal.
3. Take attendance yourself. Quickly learn the students' names and try to call the students by their names. To help remember names, use a seating chart or name tags and jot down notes relating to specific students. A student is more likely to behave if the substitute knows his or her name. In addition, verify that the number of students in the room corresponds with the attendance list.

4. Classroom control is essential. Remember that discipline is based on understanding and open communication. Deal with it early and your day will be much more pleasant and rewarding.
5. Fill out a student discipline/referral when a discipline problem arises that you are unable to handle. Here are five methods/tracks for referring a student.
 - A. Send the student with the referral form to the office.
 - B. Send the referral to the office by way of another student.
 - C. During an off period, such as a conference period, deliver the referral to the office.
 - D. Deliver the referral to the office at the end of the day.
 - E. Leave the referral for the regular teacher to review and/or handle.
6. Strive to maintain the established classroom routine. Present the material the teacher asked you to cover and keep the student busy with that work for the time scheduled. If you are unsure of directions from the notes left by the teacher, ask another teacher of the same grade level or subject areas for some additional information, as it is important for the students to feel that you understand the material. They also need to realize that this is the work their regular teacher would be asking from them if he/she were present. If you are questioned by the students about changes you need to make, simply explain that while you are the teacher, things may be done a bit differently. Help the students to understand your need to organize your work.
7. Be prepared with some alternative plans of your own - a general assignment, an academically related game, additional reading or a word puzzle which you bring with you to use if the absent teacher's assignment is completed early. If the students have a meaningful activity to do, maintaining classroom order will be easier. Consider investing in several transparencies and erasable markers to assist you in reviewing and/or summarizing, quizzing.
8. Do not excuse a student from class or school without direct authorization from the office.
9. Report any classroom accidents or child injury to the office immediately.

Substitute Teacher Hints/Suggestions **(From, To and For Substitutes)**

1. Maintain substitute packets/materials.
2. If there is no seating chart, make one.
3. Do your best to follow the lesson plans.
4. Be enthusiastic.
5. Be respectful.
6. Be professional.
7. Never leave your class unattended.
8. Know/meet the teacher next door.
9. Send only one student to the restroom at a time.
10. Call students by name.
11. Do not let students start any name calling.
12. Stand in the hall/doorway between classes.
13. Have a couple of extra pens/pencils for those students who have "forgotten".
14. Ask a student for his ID or something of value when he or she wants to borrow a pen/pencil.
15. Identify several "trustworthy" students to help you.
16. Never let a class go early to lunch or to the next class unless instructed to do so.
17. Never let a student have a pen without an ink cartridge.
18. Don't make statements lightly -students will remember.
19. Make your expectations and rules very clear.
20. Make sure students return items which should remain in the classroom.
21. Don't let any student have a knife or weapon. Have them give it to you and/or contact the office for help.
22. Do not grab a student.
23. Don't let students wear hats in the classroom.
24. Walk around the room.
25. Don't let students manipulate you by protesting or saying, "we never do that".
26. Be assertive.
27. Use common sense.
28. Ask another teacher for help.
29. It is better not to argue. Instead say, "I know this may not be the way Ms. Sanchez does it, but this is the procedure for today".
30. Give feedback to the teacher -positive and negative.
31. Correct the student's work for the day, if possible.
32. Be neat in your appearance. Look professional.
33. Find out who you can go to with a problem.
34. Do not discuss the teacher's class with other people.
35. Do not let students use a phone in the classroom.
36. If a student shows up to class on time, with pen, pencil, paper, folder, books, notebook, etc., sits in their assigned seat and appears to be keen on being ready for class to start, you probably have identified a student that you might go to for help.
37. All substitutes are required to stay for after school dismissal duties.

RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department

419 FM 3168

Raymondville, Texas 78580

Office: (956) 689-8175 Fax:(956) 689-8189



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 more effective: _____

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

Substitute's Signature: _____ Date: _____



RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department

419 FM 3168

Raymondville, Texas 78580

Office: (956) 689-8175 Fax: (956) 689-8189

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 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 more effective: _____

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

Substitute's Signature: _____ Date: _____

RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department

419 FM 3168

Raymondville, Texas 78580

Office: (956) 689-8175 Fax: (956) 689-8189



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: _____ Substitute's 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: _____

Was the room left in satisfactory condition upon your return?

Yes No Comments: _____

4) What type of reaction did the students have toward the substitute teacher? Negative Positive

Comments: _____

5) Do you wish to have this substitute teacher return to your room for future assignments?

Yes No Comments: _____

6) Additional comments: _____

Teacher's Signature: _____

Date: _____



RAYMONDVILLE INDEPENDENT SCHOOL DISTRICT

Human Resource Department

419 FM 3168

Raymondville, Texas 78580

Office: (956) 689-8175 Fax: (956) 689-8189

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 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: _____

10 Things Teachers Can Do For Substitutes in Their Classroom

Teachers play an important role in the success and/or stress of a substitute teaching assignment. Listed below are 10 suggestions that can simplify the task of substitute teaching and foster meaningful instruction.

1. Provide a seating chart.
2. Provide a list of trustworthy students the substitute can count on for assistance.
3. Clearly display class rules/expectations and consequences.
4. Make class aware of what is expected of them when a substitute is called to substitute.
5. Provide a map of the school.
6. Provide the names of neighboring teachers, department and/or grade level chairs and assistant principals.
7. Provide a general class schedule outlining daily routine. At the middle school and high school level, indicate the beginning and ending time of each class period, your prep time, and assembly schedule.
8. Inform substitute teachers about instructional aides who work in your room and leave specific instructions for them.
9. Address common issues with which the substitute teacher might be confronted:
 - a. Are students allowed to leave class to go to the restroom?
 - b. Are students ever allowed to leave class early for lunch, recess, or sporting events?
 - c. Is more than one student allowed out of the room at a time?
 - d. Do students leaving the room need a hall pass?
 - e. Do students usually work in groups or independently?
 - f. Do you help supervise the cafeteria or have any other extra duties outside the classroom that the substitute needs to fulfill?
 - g. Should students' hand in their work to the substitute or keep it until you return?
10. Leave real lessons and engaging activities for substitute teachers to teach, rather than videos and busy work.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent of eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate education interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Fingerprinting Information

Senate Bill 9 requires all employees and substitute teachers, both certified and non-certified to be fingerprinted. Substitutes must go to an off-site location to be fingerprinted. The fingerprinting fee for all applicants will be \$49.55. Scheduling information and L-1 fingerprinting locations are given to substitutes during their substitute orientation session.

Criminal History Information

Criminal History Background Checks

Policy DBAA

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

Employee Arrests and Convictions

A District employee shall report in writing to General Counsel within three calendar days 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;
4. Acts constituting abuse or neglect under the Texas Family Code;
5. Acts constituting public intoxication, operating a motor vehicle under the influence of alcohol, or disorderly conduct; or
6. Crimes involving moral turpitude, which include but is not limited to:
 - Dishonesty; fraud; deceit; theft; misrepresentation;
 - Deliberate violence;
 - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - 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; or
 - Felony driving while intoxicated (DWI).

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses.

Being convicted of or receiving adjudication for a crime shall not be an automatic basis for termination. The District shall consider the following factors in determining what action, if any, should be taken against an employee who receives deferred adjudication for or is convicted of a crime during employment with the District:

1. The nature of the offense
2. The date of the offense
3. The relationship between the offense and the position to which the employee is assigned

Raymondville
Independent School
District
Board Policies

www.raymondvilleisd.org

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation in hiring and discharging employees and with respect to compensation, terms, conditions, or privileges of employment. For provisions related to complaints of discrimination, harassment, and retaliation based on a protected characteristic, see DIA.

Table of Contents

Unlawful Employment Discrimination	3
Federal Law	3
State Law	4
Discriminatory Practices	4
Disparate Treatment	4
Disparate Impact.....	4
Limited Exception—Bona Fide Job Qualification	4
Racial Discrimination	4
Religious Discrimination	4
Burden on Free Exercise	5
Unlawful Inquiry into Religious Affiliation	5
Sex Discrimination	5
Pregnancy.....	5
Gay and Transgender	5
Gender Stereotypes	5
Equal Pay.....	5
Age Discrimination.....	5
Bona Fide Employee Benefit Plan	5
Disability Discrimination.....	6
Discrimination Based on Lack of Disability	6
Definition of Disability.....	6
Other Definitions	7
Reasonable Accommodations	8
Discrimination Based on Relationship	8
Illegal Drugs and Alcohol	8
Qualification Standards.....	9
Service Animals	9
Genetic Information Nondiscrimination Act	10

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Definitions	10
Prohibited Practices	10
Manifested Condition	11
Inadvertent Acquisition.....	11
Exceptions	11
Requests for Medical Information	12
Confidentiality	13
Pregnant Workers Fairness Act-.....	15
Interactive Process	15
Denial of Employment Opportunities	15
Required Leave.....	15
Adverse Action.....	15
Definitions	15
Other Forms of Discrimination.....	19
Military Service.....	19
Bankruptcy Discrimination	19
Student Loan Repayment	19
Harassment-Free Workplace	19
Sexual Harassment.....	19
National Origin Harassment.....	21
Severe and Pervasive.....	21
Prevention.....	21
Responsibility for Harassment by Third Parties	21
Prohibition on Retaliation.....	22
Notices.....	22
Section 504 Notice.....	22
Employment Postings	22

**Unlawful
Employment
Discrimination**

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge or to discriminate against any individual with respect to 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; 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.*

Title IX of the Education Amendments of 1972 (Title IX) — sex. *20 U.S.C. 1681*

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

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)*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

State Law	Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. <i>Labor Code 21.051, .402</i> State policy on employment of persons with disabilities. <i>Human Resources Code 121.003(f)</i>
Discriminatory Practices	Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). <u><i>Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)</i></u>
Disparate Treatment	Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. 29 C.F.R. 1607.11
Disparate Impact	Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. 42 U.S.C. 2000e-2(k)(1)(A); <i>Labor Code 21.115, .122</i>
Limited Exception — Bona Fide Job Qualification	A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. 42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); <i>Labor Code 21.119</i>
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. <i>Labor Code 21.1095</i>
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 <i>de</i>

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

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*

Unlawful Inquiry into
Religious Affiliation

A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

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)

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*)

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; 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 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 de-

vices, 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

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

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

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 accommodation 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 ADA]

"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.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

<i>Drug Testing</i>	<p>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.</p> <p><i>42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]</i></p>
<i>Alcohol Use</i>	<p>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.</p> <p><i>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)</i></p>
Qualification Standards	<p>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. <i>29 C.F.R. 1630.10(a)</i></p>
<i>Direct Threat to Health or Safety</i>	<p>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. <i>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</i></p>
<i>Vision Standards and Tests</i>	<p>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. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</i></p>
<i>Communicable Diseases</i>	<p>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. <i>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)</i></p>
Service Animals	<p>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]</p> <p>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</p>

	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]. <i>28 C.F.R. 35.140</i>
Genetic Information Nondiscrimination Act	For the purpose of compliance with the Genetic Information Nondiscrimination Act (GINA), see 29 C.F.R. 1635.3(c) for the definition of “genetic information.”
Definitions	“Genetic information” does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test. <i>29 C.F.R. 1635.3(c)</i> [For the definition of “genetic tests” under GINA, see 29 C.F.R. 1635.3(f).] A test for the presence of alcohol or illegal drugs is not a genetic test. However, a test to determine whether an individual has a genetic predisposition for alcoholism or drug use is a genetic test. <i>29 C.F.R. 1635.3(f)</i>
Prohibited Practices <i>Discrimination</i>	A district shall not discriminate against an individual on the basis of genetic information in regard to hiring, discharge, compensation, or terms, conditions, or privileges of employment. Notwithstanding the foregoing, a cause of action for disparate impact is not available under GINA. <i>42 U.S.C. 2000ff-1(a); 29 C.F.R. 1635.4</i>
<i>Acquisition</i>	Except as set forth below or otherwise provided in the GINA regulations, a district shall not request, require, or purchase genetic information of an individual or family member of the individual. <i>42 U.S.C. 2000ff-1(b); 29 C.F.R. 1635.8(a)</i> “Request” includes: <ol style="list-style-type: none">1. Conducting an internet search on an individual in a way that is likely to result in a district’s obtaining genetic information;2. Actively listening to third-party conversations or searching an individual’s personal effects for the purpose of obtaining genetic information; and3. Making requests for information about an individual’s current health status in a way that is likely to result in a district’s obtaining genetic information. <i>29 C.F.R. 1635.8(a)</i>
<i>Disclosure</i>	A district that possesses genetic information, regardless of how the district obtained the information, shall not disclose the information

	<p>except as set forth in the GINA regulations. <i>29 C.F.R. 1635.9(b)</i> [See Confidentiality, below]</p>
Manifested Condition	<p>A district shall not be considered to be in violation of the GINA regulations based on the use, acquisition, or disclosure of medical information about a manifested disease, disorder, or pathological condition of an employee or member, even if the disease, disorder, or pathological condition has or may have a genetic basis or component. However, genetic information about a manifested disease, disorder, or pathological condition is subject to the requirements and prohibitions of GINA. <i>29 C.F.R. 1635.12.</i></p> <p>[For additional information about manifested disease, see <i>29 C.F.R. 1653.3(g).</i>]</p>
Inadvertent Acquisition	<p>The general prohibition against requesting, requiring, or purchasing genetic information does not apply where a district inadvertently requests or requires genetic information of the individual or family member of the individual. This exception applies in situations where a manager or supervisor learns genetic information about an individual by:</p> <ol style="list-style-type: none">1. Overhearing a conversation between the individual and others;2. Receiving the information during a casual conversation, including in response to an ordinary expression of concern that is the subject of the conversation. This exception does not apply where a manager or supervisor follows up with questions that are probing in nature, such as whether other family members have the condition or whether the individual has been tested for the condition, because the supervisor or official should know that these questions are likely to result in the acquisition of genetic information;3. Receiving unsolicited information (e.g., where a manager or supervisor receives an unsolicited email about the health of an employee's family member from a co-worker); or4. Accessing a social media platform that the manager or supervisor was given permission to access by the creator of the profile at issue (e.g., a supervisor and employee are connected on a social networking site and the employee provides family medical history on their page). <p><i>29 C.F.R. 1635.8(b)(1)(ii)</i></p>
Exceptions <i>Leave Requests</i>	<p>The general prohibition against requesting, requiring, or purchasing genetic information does not apply where the district requests family medical history to comply with the certification provisions or the</p>

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Family and Medical Leave Act (FMLA) or state or local family and medical leave laws, or pursuant to a policy (even in the absence of requirements of federal, state, or local leave laws) that permits the use of leave to care for a sick family member and that requires all employees to provide information about the health condition of the family member to substantiate the need for leave. *29 C.F.R. 1635.8(b)(3)*

[For additional exceptions to the general prohibition against requesting, requiring, or purchasing genetic information, see *29 C.F.R. 1635.8(b)(2)-(5)*.]

Requests for
Medical Information

If a district acquires genetic information in response to a lawful request for medical information, the acquisition of genetic information will not generally be considered inadvertent unless the district directs the individual and/or health-care provider from whom it requested medical information not to provide genetic information [see Safe Harbor, below]. *29 C.F.R. 1635.8(b)(1)(i)(A)*

Situations involving lawful requests for medical information include, for example:

1. Requests for documentation to support a request for reasonable accommodation under federal, state, or local law;
2. Requests for medical information as required, authorized, or permitted by federal, state, or local law, such as where an employee requests leave under the FMLA to attend to the employee's own serious health condition or where an employee complies with the FMLA's employee return to work certification requirements; or
3. Requests for documentation to support leave that is not governed by federal, state, or local laws requiring leave, as long as the documentation required to support the request otherwise complies with the requirements of the ADA and other laws limiting a district's access to medical information.

29 C.F.R. 1635.8(b)(1)(i)(D)

Safe Harbor

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as the following:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for

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

A district’s failure to give such a notice or to use this or similar language will not prevent the district from establishing that a particular receipt of genetic information was inadvertent if the request for medical information was not likely to result in a district’s obtaining genetic information (for example, where an overly broad response is received in response to a tailored request for medical information).

29 C.F.R. 1635.8(b)(1)(i)(B), (C)

*Employment
Examinations*

The prohibition on acquisition of genetic information applies to medical examinations related to employment. A district shall tell health-care providers not to collect genetic information, including family medical history, as part of a medical examination intended to determine the ability to perform a job.

*Remedial
Measures*

A district shall take additional reasonable measures within its control if it learns that genetic information is being requested or required in medical examinations related to employment. Such reasonable measures may depend on the facts and circumstances under which a request for genetic information was made, and may include no longer using the services of a health-care professional who continues to request or require genetic information during medical examinations after being informed not to do so.

29 C.F.R. 1635.8(d)

Confidentiality

A district that possesses genetic information in writing about an employee must maintain such information on forms and in medical files (including where the information exists in electronic forms and files) that are separate from personnel files. A district must treat such information as a confidential medical record. A district may maintain genetic information about an employee in the same file in which it maintains confidential medical information under the ADA.

Genetic information placed in personnel files before November 21, 2009, need not be removed. A district will not be liable under the GINA regulations for the mere existence of the information in the file. However, the prohibitions on use and disclosure of genetic information apply to all genetic information that meets the statutory

definition, including genetic information requested, required, or purchased before November 21, 2009.

Genetic information that a district receives orally need not be reduced to writing but may not be disclosed, except as permitted by 29 C.F.R. part 1635.

Genetic information that a district acquires through sources that are commercially and publicly available, as provided by 29 C.F.R. 1635.8(b)(4), is not considered confidential genetic information but may not be used to discriminate against an individual.

29 C.F.R. 1635.9(a)

*Disclosure
Permitted*

A district that possesses any genetic information, regardless of how the district obtained the information (except for genetic information acquired through commercially and publicly available sources), may disclose the information:

1. To the employee (or family member if the family member is receiving genetic services) about whom the information pertains upon receipt of the employee's written request;
2. To an occupational or other health researcher if the research is conducted in compliance with the regulations and protections at 45 C.F.R. part 46;
3. In response to an order of a court. The district may disclose only the genetic information expressly authorized by the order. If the order was secured without the knowledge of the employee to whom the information refers, the district shall inform the employee of the order and any genetic information that was disclosed pursuant to the order;
4. To government officials investigating compliance with Title II of GINA if the information is relevant to the investigation;
5. To the extent the information is disclosed in support of an employee's compliance with the certification provisions of the FMLA or certification requirements under state family and medical leave laws; or
6. To a federal, state, or local public health agency, only with regard to information about the manifestation of a disease or disorder that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, provided that the individual whose family member is the subject of the disclosure is notified of such disclosure.

29 C.F.R. 1635.9(b)

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

<i>Relationship to HIPAA Privacy Regulations</i>	The GINA regulations do not apply to the use or disclosure of genetic information that is protected health information subject to regulation under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). 29 C.F.R. 1635.9(c) [See CRD(LEGAL)]
Pregnant Workers Fairness Act	It is an unlawful employment practice for a district not to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity. 42 U.S.C. 2000gg-1(1); 29 C.F.R. 1636.3(a)
Interactive Process	It is an unlawful employment practice for a district to 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 referred to in 42 U.S.C. 2000gg(7) and described in 29 C.F.R. 1636.3(k). 42 U.S.C. 2000gg-1(2); 29 C.F.R. 1636.4(b)
Denial of Employment Opportunities	It is an unlawful employment practice for a district to deny employment opportunities to a qualified employee if such denial is based on the need, or potential need, of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee. 42 U.S.C. 2000gg-1(3); 29 C.F.R. 1636.4(c)
Required Leave	It is an unlawful employment practice for a district to 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 that does not result in an undue hardship for the covered entity; but nothing in this provision prohibits leave as a reasonable accommodation if that is the reasonable accommodation requested or selected by the employee, or if it is the only reasonable accommodation that does not cause an undue hardship. 42 U.S.C. 2000gg-1(4); 29 C.F.R. 1636.4(d)
Adverse Action	It is an unlawful employment practice for a district to 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(5); 29 C.F.R. 1636.4(e)
Definitions <i>Known Limitation</i>	“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).

“Known,” in terms of limitation, means the employee or the employee’s representative has communicated the limitation to the employer.

“Limitation” means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, of the specific employee in question.

42 U.S.C. 2000gg(4); 29 C.F.R 1636.3(a)

Communicated to the Employer

“Communicated to the employer,” with respect to a known limitation, means an employee or the employee’s representative has made the employer aware of the limitation by communicating with a supervisor, a manager, someone who has supervisory authority for the employee or who regularly directs the employee’s tasks (or the equivalent for an applicant), human resources personnel, or another appropriate official, or by following the steps in the district’s policy to request an accommodation. The communication may be made orally, in writing, or by another effective means. The communication need not be in writing, be in a specific format, use specific words, or be on a specific form in order for it to be considered “communicated to the employer.” *29 C.F.R. 1636.3(d)*

Consideration of Mitigating Measures

The determination of whether an employee has a limitation shall be made without regard to the ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an employee has a limitation. *29 C.F.R. 1636.3(e)*

Qualified Employee

The term ‘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, where “temporary” means lasting for a limited time, not permanent, and may extend beyond “in the near future.”
2. The essential function(s) could be performed in the near future. This determination is made on a case-by-case basis. If the employee is pregnant, it is presumed that the employee could perform the essential function(s) in the near future because they could perform the essential function(s) within generally 40 weeks of its suspension.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

3. The inability to perform the essential function(s) can be reasonably accommodated. This may be accomplished by temporary suspension of the essential function(s) and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

42 U.S.C. 2000gg(6); 29 C.F.R. 1636.3(f)

Exception

An employee with known limitations related to pregnancy, childbirth, or related medical conditions is not required to accept an accommodation. However, if such employee rejects a reasonable accommodation that is necessary to enable the employee to perform an essential function of the position held or desired or to apply for the position, or rejects temporary suspension of an essential function if the employee is qualified under 29 C.F.R. 1636.3(f)(2), and, as a result of that rejection, cannot perform an essential function of the position, or cannot apply, the employee will not be considered "qualified." *29 C.F.R. 1636.3(a)(2)*

*Reasonable
Accommodation*

With respect to an employee or applicant with a known limitation under the PWFA, reasonable accommodation includes:

1. Modifications or adjustments to a job application process that enable a qualified application with a known limitation under the PWFA to be considered for the position such qualified applicant desires;
2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified employee with a known limitation under the PWFA to perform the essential functions of the position;
3. Modifications or adjustments that enable a district's employee with a known limitation under the PWFA to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without known limitations; or
4. Temporary suspension of essential functions and/or modifications or adjustments that permit the temporary suspension of essential functions.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(h)

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Unnecessary
Delay

An unnecessary delay in providing a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee may result in a violation of the PWFA even if the covered entity eventually provides the reasonable accommodation. In determining whether there has been an unnecessary delay, factors to be considered are described in 29 C.F.R. 1636.4(a)(1)(i)-(vii). 29 C.F.R. 1636.4(a)(1)

Undue Hardship

Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed under the PWFA;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
3. The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(j)

Temporary
Suspension of
an Essential
Function

If an employee with a known limitation under the PWFA meets the definition of "qualified employee" under this provision and needs one or more essential functions of the relevant position to be temporarily suspended, the covered entity must provide the accommodation unless doing so would impose an undue hardship on the covered entity when considered in light of the factors provided in 29 C.F.R. 1636.3(j)(2)(i) through (v) of this provision as well as the factors described in 29 C.F.R. 1636.3(j)(3)(i)-(vi). 29 C.F.R. 1636.3(j)(3)

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Predictable
Assessments

The individualized assessment of whether a modification listed in 29 C.F.R. 1636.3(j)(4)(i) through (iv) of this provision is a reasonable accommodation that would cause undue hardship will, in virtually all cases, result in a determination that the four modifications are reasonable accommodations that will not impose an undue hardship under the PWFA when they are requested as workplace accommodations by an employee who is pregnant. Therefore, with respect to these modifications, the individualized assessment should be particularly simple and straightforward:

1. Allowing an employee to carry or keep water near and drink, as needed;
2. Allowing an employee to take additional restroom breaks, as needed;
3. Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed; and
4. Allowing an employee to take breaks to eat and drink, as needed.

29 C.F.R. 1636.3(j)(4)

**Other Forms of
Discrimination**

Military Service

A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). *38 U.S.C. 4311* [See also DECB]

Bankruptcy
Discrimination

A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

Student Loan
Repayment

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

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

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. *Labor Code 21.142; 40 TAC 819.12(k)*

Same-Sex Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Criminal Offense — Official Oppression

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.

Penal Code 39.03(a)(3), (b), (c)

Unpaid Interns

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. *Labor Code 21.1065*

Prohibition on Use of Public Funds

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. *Local Gov't Code 180.009*

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.

29 C.F.R. 1606.8(b)

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 is-

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

sue 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)

**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); 42 U.S.C. 2000ff-6(f) (GINA); 42 U.S.C. 2000gg-2(f) (PWFA); Labor Code 21.055; 40 TAC 819.12(e)*

Notices

A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

Section 504 Notice

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the district does not discriminate in employment in its programs and activities; and
2. The identity of the district's 504 coordinator.

Methods of notification may include:

1. Posting of notices;

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

2. Publication in newspapers and magazines;
3. Placing notices in district publications; and
4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 C.F.R. 104.8

Employment
Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

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	<p>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.</p> <p>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.</p>
Prohibited Conduct	<p>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.</p> <p>Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]</p>
Prohibited Harassment	<p>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:</p> <ol style="list-style-type: none">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; or3. 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

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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)]

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

<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	<p>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.</p> <p>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.</p>
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	<p>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.</p> <p>Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.</p>
Investigation of Reports Other Than Title IX	<p>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.</p> <p>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.</p>
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.

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LOCAL)

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:

- 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(LLEGAL)] 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 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.]

**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.

- Employment Policies** A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
1. A board employs and evaluates the superintendent;
 2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
 3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
 4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
 5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513

- Tax Identifier** A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]
- Contract Positions** A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]
- Delegation of Authority** A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]
- Availability** A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.
- A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

Education Code 11.1513(k)

Internal Auditor	If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. <i>Education Code 11.170</i> [See CFC]
Superintendent Recommendation	A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. <i>Education Code 11.1513(b)</i>
Posting of Vacancies	<p>A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:</p> <ol style="list-style-type: none">1. Notice of the position by posting the position on:<ol style="list-style-type: none">a. A bulletin board at:<ol style="list-style-type: none">(1) A place convenient to the public in the district's central administrative office, and(2) The central administrative office of each campus during any time the office is open; orb. The district's internet website, if the district has a website; and2. A reasonable opportunity to apply for the position. <p><i>Education Code 11.1513(d)</i></p>
Exception	If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. <i>Education Code 11.1513(e)</i>
Grievances	A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Contract Employees

A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

Classroom Teacher

"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract

A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

Proportionate Reduction

If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

Commissioner Waiver

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

**Employment of
Retirees**

Monthly Certified
Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

Deadline

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

Late Submissions

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

*Required
Information*

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
 - a. Substitute employment;
 - b. One-half time or less employment;
 - c. Employment as a tutor under Education Code 33.913;
 - d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);
 - e. Full-time employment;

- f. Trial employment of a disability retiree for up to three months; or
 - g. Any combination of these types;
3. The amount of gross compensation paid to the retiree during the report month;
 4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and
 5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

**Former Board
Member Employment**

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires
I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.
2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

Deadline

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Donations for Supplemental Educational Staff

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions

The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

**Employment
Assistance
Prohibited**

Federal Law

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

EMPLOYMENT PRACTICES

DC
(LOCAL)

Personnel Duties The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Applications All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Employment of All Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent the final authority for employment of contractual personnel, as well as the final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCA, DCB, DCC, DCD and DCE as appropriate]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of
Employment
Actions

A dismissed employee may appeal the dismissal in accordance with DGBA(LOCAL).

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.

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.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

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

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

[See FNA for more information regarding patriotic observances.]

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

**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.

A notice complies with Labor Code Chapter 104A, if, at a minimum, the information contained in the graphic at 40 Administrative Code 800.600(d) is conveyed:

The Texas Workforce Commission will make an electronic copy of the [Reporting Workplace Violence poster](#)¹ available on its website, which will be free of charge and allow employers to print a copy of the poster.

40 TAC 800.600(b)(2), (c)-(e); 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)*

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]

¹ Reporting Workplace Violence poster:
<https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf>

Planning and Preparation

Each classroom teacher is entitled to at least 450 minutes in each two-week period for instructional preparation including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404* [See DC(LEGAL) for definition of classroom teacher]

Planning and preparation time must occur during the time that students at the school where the teacher is located are receiving instruction. *Canutillo Educators Ass'n v. Canutillo Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 042-R10-203 (April 30, 2010)*

Supplemental Agreement

A district may enter into a supplemental agreement with a classroom teacher under which the teacher agrees to perform a duty relating to initial lesson plan design or instructional material selection that is not a duty generally anticipated to be performed during the instructional day and assigned to all classroom teachers of the same subject and grade level under those teachers' employment contracts.

A district may not require a classroom teacher for a foundation curriculum course to spend planning and preparation time creating or selecting instructional materials to initially cover the applicable essential knowledge and skills for the course unless the teacher has entered into a supplemental agreement. A classroom teacher may choose to spend the teacher's planning and preparation time creating or selecting instructional materials.

A supplemental agreement between a district and a classroom teacher described above under which a teacher is assigned responsibility for a greater number of duties unrelated to providing instruction than other full-time teachers of the same grade level in the district must explicitly state each of the teacher's duties unrelated to providing instruction.

Education Code 21.4045

Duty-Free Lunch

Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. The implementation of this requirement may not result in a lengthened school day. *Education Code 21.405* [See DC(LEGAL) for definition of classroom teacher and DEA(LEGAL) for definition of librarian]

Teachers may not be required to spend their 30-minute duty-free lunch break on school property. *Tex. Atty. Gen. Op. JM-481 (1986)*

Exception

If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, a district

may require a classroom teacher or librarian to supervise students during lunch. A classroom teacher or librarian may not be required to supervise students under this exception more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, a district shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.
2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the district in jeopardy with respect to a potential roll-back election.
3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the district is unable to find individuals to supervise students during lunch.

19 TAC 153.1001

PERSONNEL POSITIONS
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(LEGAL)

**Uncertified
Substitutes**

State Board for Educator Certification requirements regarding assignment of certified employees apply to substitute teachers. If a district must employ a substitute teacher who is not certified, a list of the substitute teachers shall be retained in the district files. *19 TAC 231.1(e)*

Parent Notification

If a district assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA(LEGAL)]

Education Code 21.057

**Criminal History
Review**

A district shall obtain all criminal history record information that relates to a substitute teacher for a district or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

Table of Contents	Admission, Review, and Dismissal Committee	2
	Committee Members.....	3
	Meetings	6
	Written Notice	7
	Students New to a District	7
	In-State Transfers	7
	Transfers from Another State.....	7
	Transfer During the Summer	7
	Students Who Are Homeless or in Substitute Care	8
	Military Dependents	9
	Individualized Education Program.....	9
	Content of the IEP.....	11
	Supplemental Special Education Services	12
	Behavioral Intervention Plan	13
	Translation of IEP into Native Language	13
	Written Copy	14
	Dyslexia or a Related Disorder	14
	Autism/Pervasive Developmental Disorder.....	14
	Visual Impairment or Hard of Hearing.....	16
	Collaborative Process	16
	Modification of Existing IEP	18
	Eligibility Folder.....	18
	Teacher Access to IEP	18
	Teacher Request to Review IEP	18

**Admission, Review,
and Dismissal
Committee**

A district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation [see EHBAA] is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following:

1. 34 C.F.R. 300.320-300.325, and Education Code 29.005 (individualized education programs, below);
2. 34 C.F.R. 300.145-300.147 (relating to placement of eligible students in private schools by a school district [see EHBAC]);
3. 34 C.F.R. 300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services [see EHBAC]);
4. 34 C.F.R. 300.530 and 300.531, and Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
5. 34 C.F.R. 300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility [see EHBAA]);
6. 34 C.F.R. 300.114-300.117 (relating to least restrictive environment [see EHBA]);
7. Education Code 28.006 (reading diagnosis [see EKC]);
8. Education Code 28.0211 (satisfactory performance on assessments; accelerated instruction [see EHBCA]);
9. Education Code 28.0212 (junior high or middle school personal graduation plan [see EIF]);
10. Education Code 28.0213 (intensive program of instruction [see EHBC]);
11. Education Code Chapter 29, Subchapter I (programs for students who are deaf or hard of hearing [see EHBH]);
12. Education Code 30.002 (education for children with visual impairments [see EHBAA]);

SPECIAL EDUCATION
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB
(LEGAL)

13. Education Code 30.003 (support of students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf [see EHBAC]);
 14. Education Code 33.081 (extracurricular activities [see FM]);
 15. Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
 16. Education Code 37.307 (placement and review of a registered sex offender who is a student with a disability [see FOE]);
 17. Education Code Chapter 39, Subchapter B (state assessment [see EKB]); and
 18. Education Code 48.102 (special education funding).
- 19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

Committee
Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents, as defined by 34 C.F.R. 300.30, of a student with a disability;
2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;

7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;
9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;
10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
12. For a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, a professional who meets the requirements of Education Code 29.0031(b), and 19 Administrative Code 74.28, including any handbook adopted in the rule. [See EHB]
13. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
14. When considering initial or continued placement of a student in a career and technical education (CTE) program, a representative from CTE, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the

district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)(1)-(2); 19 TAC 89.1050(c)(4)

*Regular
Education
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent
Participation*

A district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.

Parent Notice

The district must provide the parents with written notice of the ARD committee meeting at least five school days before the meeting unless the parents agree to a shorter timeframe.

The notice must:

1. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
2. Inform the parents of the provisions in 34 C.F.R. 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child), and 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting for a child previously served under Part C).
3. For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team:
 - a. Indicate:
 - (1) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with 34 C.F.R. 300.320(b); and
 - (2) That the district will invite the student; and

- b. Identify any other agency that will be invited to send a representative.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)

*Alternative
Means of
Meeting
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *19 TAC 89.1050(d); 20 U.S.C. 1414(f); 34 C.F.R. 300.322(c)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

*Meeting at
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures above at Parent Participation and Parent Notice or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

A district must provide the parent with a written notice regarding the ARD committee meeting required above at Parent Participation and Parent Notice or notice explaining why the district refuses to

convene a meeting in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Students New to a District

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must meet the requirements of 34 C.F.R. 300.323(e) by either adopting the student's IEP from the previous district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation) [see EHBAA]. If the district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1055(s)(1)-(2); 20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g)

Transfer During the Summer

The above provisions regarding transfer apply to students who register in a new district in the state during the summer when students are not in attendance for instructional purposes, based on whether the students are coming from an in-state or out-of-state district.

Records

In accordance with 34 C.F.R. 300.323(g), the new district must take reasonable steps to promptly obtain the student's records from the previous district, and the previous district must furnish the new district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous district.

Verification

For the purposes of these provisions, "verify" means that the new district has received a copy of the student's IEP that was in effect

in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with 19 Administrative Code 89.1055(s)(1)-(2), above.

If a parent hasn't already provided verification of eligibility and the new district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new district must seek verification from the student's parent. If the parent provides verification, the new district must comply with all these provisions. The new district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

*Services Before
Verification*

While the new district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous district of the student's special education and related services and placement.

*Comparable
Services*

Once the new district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under 19 Administrative Code 89.1055(s)(1)-(2), above.

Comparable services include provision of extended school year (ESY) services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

19 TAC 89.1055(s)(3)-(8)

**Students Who Are
Homeless or in
Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

**Individualized
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of ESY services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

<p>Content of the IEP <i>Goals</i></p>	<p>To be considered a measurable annual goal under 34 C.F.R. 300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need.</p> <p>Annual goals are also required in the following circumstances:</p> <ol style="list-style-type: none">1. When the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and2. When a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).
<p><i>Benchmarks</i></p>	<p>Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks:</p> <ol style="list-style-type: none">1. Must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and2. Regardless of whether the objectives/benchmarks are related to a student not participating in the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.
<p><i>Assessments</i></p>	<p>The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of state assessment instruments [see EKB], or districtwide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments.</p> <p>If the ARD committee determines that the student will not participate in a general statewide or districtwide assessment of student achievement (or part of an assessment), the following requirements must be met.</p> <ol style="list-style-type: none">1. The IEP must include a statement explaining:<ol style="list-style-type: none">a. Why the student cannot participate in the general assessment; and

- b. Why the particular alternate assessment selected is appropriate for the student, and
2. TEA's alternate assessment participation requirements form, if one is made available to districts, must be included in the student's IEP to document the statement required under this provision.

*Extended School
Year*

If the ARD committee determines that the student is in need of ESY services, as described in 19 Administrative Code 89.1065 [see EHBA], then the IEP must identify which of the goals and objectives in the IEP will be addressed during ESY services.

19 TAC 89.1055(b)-(e)

Supplemental
Special Education
Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and
2. Instructions regarding accessing the account.

Education Code 29.048

A district shall notify families of their eligibility for the program and, unless the district has verified that a parent has already received or applied for a program grant, shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts, including the application window established by TEA, and information about the types of goods and services that are available through the program grant.

A student's ARD committee may not consider a student's current or anticipated eligibility for any materials or services that may be provided under these provisions when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(j)-(k)

Behavioral
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall re-view the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:
 - a. The placement of the student in a different educational setting;
 - b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
 - c. A pattern of unexcused absences; or
 - d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(j); Education Code 29.005(h)

Translation of IEP
into Native
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language.

Education Code 29.005(d)

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral

translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Written Copy

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1055(r)

Dyslexia or a
Related Disorder

For students identified with the specific learning disability of dyslexia or a related disorder eligible under 19 Administrative Code 89.1040(c)(9), the IEP must also be developed and implemented in accordance with the requirements under 19 Administrative Code 74.28 [see EHB]. *19 TAC 89.1055(i)*

Autism/Pervasive
Developmental
Disorder

For students with autism eligible under 19 Administrative Code 89.1040(c)(1) (relating to Eligibility Criteria), the strategies described in this provision must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:

1. Extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social, behavioral, communication, and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);

4. Positive behavior support strategies based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed);
5. Beginning at any age, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments, including self determination and self-advocacy skills;
6. Parent/family training and support, provided by qualified personnel with experience in autism, that, for example:
 - a. Provides a family with skills necessary for a student to succeed in the home/community setting;
 - b. Includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the student's curriculum); and
 - c. Facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:
 - a. Adaptive behavior evaluation results;
 - b. Behavioral accommodation needs across settings; and
 - c. Transitions within the school day;
8. Communication interventions, including language forms and functions that enhance effective communication across set-

tings (for example: augmentative, incidental, and naturalistic teaching);

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);
10. Professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and
11. Teaching strategies based on peer-reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

If the ARD committee determines that services are not needed in one or more of the areas in 1-11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(g)-(h)

Visual Impairment
or Hard of Hearing

For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of Education Code 30.002(e). *19 TAC 89.1055(f)*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(c)*

For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan meeting must be held in place of an ARD committee meeting in accordance with the memorandum of understanding between TEA and the Texas Health and Human Services Commission. For students three years of age and older, a district must develop an IEP. *19 TAC 89.1050(b)*

Collaborative
Process

All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language

other than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, the district must implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

1. The date of the meeting;
2. The name, position, and signature of each member participating in the meeting; and

3. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee

19 TAC 89.1055(p)-(q)

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. *Education Code 29.005(c)*

**Modification of
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)

Eligibility Folder

A district must maintain an eligibility folder for each student receiving special education and related services, in addition to the student's cumulative record. The eligibility folder must include, but will not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; ARD committee reports; and the student's IEPs and supporting data. *19 TAC 89.1075(a)*

**Teacher Access to
IEP**

A district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(d)*

**Teacher Request to
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a general education classroom setting:

1. To request a review of the student's IEP;

2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(e)

NOTES