2018 – 2019
Employee Handbook
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The Southwest Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, age, or disability in providing education or providing access to the benefits of educational services, activities and programs, including career and technology education programs, in accordance with Titles VI and VII of the Civil Rights Act of 1964, as amended (34 CFR Part 104); Title IX of the Education Amendments of 1972 (34 CFR Part 106); Age Discrimination Act of 1975 (34 CFR Part 110); Section 504 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990; and Local Board Policies. For more information about your rights or grievance procedures, contact the Title IX Coordinator, Jason Migura at (210) 622-4330.
Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to Jason Migura, Executive Director of Human Resources at (210) 622-4330 or jmigura@swisd.net.

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

Mission Statement, Goals, and Objectives
Policy AE

Vision
The Vision of Southwest Independent School District.
Southwest Independent School District will be the leader in education innovation.

Mission
The Mission of Southwest Independent School District.
Southwest Independent School District will identify and develop the potential of all individuals.

Core Values
The Core Values of Southwest Independent School District.
Compassion
Excellence
Integrity
Dedication
Respect
Responsibility

Rise Above ~ Grow Beyond
Board of Trustees  
*Policies BA, BBB series, BBD series, and BE series*

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

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

The board usually meets monthly at 6:00 PM in the central office board room. In the event that large attendance is anticipated, the board may meet at other locations. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website at [www.swisd.net](http://www.swisd.net) at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

**Board Meeting Schedule for 2018 – 2019**

- August 21, 2018
- September 18, 2018
- October 16, 2018
- November 27, 2018

*No Meeting in December*

- January 15, 2019
- February 19, 2019
- March 19, 2019
- April 16, 2019
- May 21, 2019
- June 18, 2019
- July 16, 2019
Southwest Independent School District
2018-2019 School Calendar
11914 Dragon Lane, San Antonio, Texas  78252

BOARD APPROVED  02 / 20 / 18
REVISED 06/19/18

New Teacher Inservice:
Aug. 13 - 16

Student Holiday / Staff Development Day:
Aug. 20-23; Oct. 8; Jan. 7; Feb. 18

Staff Development & Convocation:
Aug. 22

Student / Staff Holiday:
July 4; Sept. 3; Nov. 21-23; Dec. 24-Jan. 4;
Jan. 21; Mar.11-15; Apr. 19, 26; May 27

Student Holiday / Staff Workday:
Aug. 17, 24; June 6

1 Hour Early Release:
Nov. 16; Dec. 21; Mar. 8; June 5

Student Holiday / Teacher Flex Days:
Nov. 19-20

Beginning of Six Weeks:
Aug. 27; Oct.9; Nov.26; Jan.22; Mar.4; Apr.22

End of Six Weeks:
Oct.5; Nov.16; Jan.18; Mar.1; Apr.18; June 5

Beginning of Nine Weeks:
Aug.27; Oct.29; Jan.22; Apr. 1

End of Nine Weeks:
Oct.26; Jan.18; Mar.29; June5

Bad Weather Make-Up Day:
Feb.18 and June 6

**Elementary Schools**
8:10am - 3:40pm (450 minutes)

**Middle Schools**
7:30am - 3:00pm (450 minutes)

**High School**
8:55am - 4:25pm (450 minutes)

**ELEMENTARY**

| 1st Six Weeks Aug. 27-Oct. 5 | 29 days | 13,050 min |
| 2nd Six Weeks Oct. 9-Nov. 16 | 29 days | 12,990 min |
| 3rd Six Weeks Nov. 26-Jan. 18 | 29 days | 12,990 min |
| 1st Semester | 87 days | 39,030 min |
| 4th Six Weeks Jan. 22-Mar. 1 | 28 days | 12,600 min |
| 5th Six Weeks Mar. 4-April 18 | 29 days | 12,990 min |
| 6th Six Weeks April 22-June 5 | 31 days | 13,890 min |
| 2nd Semester | 88 days | 39,480 min |
| Total | 175 days | 78,510 |

**SECONDARY**

| 1st 9 Weeks Aug.27-Oct.26 | 43 days | 19,350 min |
| 2nd 9 Weeks Oct.29-Jan.18 | 44 days | 19,680 min |
| 1st Semester | 87 days | 39,030 min |
| 3rd 9 Weeks Jan.22-Mar.29 | 43 days | 19,290 min |
| 4th 9 Weeks April 1-June5 | 45 days | 20,190 min |
| 2nd Semester | 88 days | 39,480 min |
| Total | 175 days | 78,510 |

175 Student Days
187 Teacher Days
## School Directory

### Southwest ISD Campuses

<table>
<thead>
<tr>
<th>Campus</th>
<th>Phone #</th>
<th>Fax #</th>
<th>Address</th>
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<tbody>
<tr>
<td>Southwest High School</td>
<td>210-622-4500</td>
<td>210-622-4501</td>
<td>11914 Dragon Lane, Bldg. 100</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>San Antonio, Texas 78252</td>
</tr>
<tr>
<td>Legacy High School</td>
<td>210-623-6539</td>
<td>210-623-2716</td>
<td>4495 SW Verano Parkway</td>
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<td></td>
<td></td>
<td></td>
<td>Von Ormy, TX 78073</td>
</tr>
<tr>
<td>CAST STEM</td>
<td>210-623-6539</td>
<td>210-623-2716</td>
<td>4495 SW Verano Parkway</td>
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<td>Von Ormy, TX 78073</td>
</tr>
<tr>
<td>McNair Middle School</td>
<td>210-622-4480</td>
<td>210-622-4481</td>
<td>11553 Pearsall Road</td>
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<td></td>
<td>Atascosa, Texas 78002</td>
</tr>
<tr>
<td>McAuliffe Middle School</td>
<td>210-623-6260</td>
<td>210-623-6261</td>
<td>9093 SW Loop 410</td>
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<td>San Antonio, Texas 78242</td>
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<tr>
<td>Scobee Middle School</td>
<td>210-645-7500</td>
<td>210-645-7501</td>
<td>10675 Marbach Road</td>
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<td>San Antonio, Texas 78245</td>
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<tr>
<td>Resnik Middle School</td>
<td>210-623-6589</td>
<td>210-623-2700</td>
<td>4495 SW Verano Parkway</td>
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<td></td>
<td>Von Ormy, TX 78073</td>
</tr>
<tr>
<td>Southwest Crossroads Center</td>
<td>210-622-4670</td>
<td>210-622-4671</td>
<td>11914 Dragon Lane, Bldg. 203</td>
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<td>San Antonio, Texas 78252</td>
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<tr>
<td>Big Country Elementary</td>
<td>210-645-7560</td>
<td>210-645-7561</td>
<td>2250 Pue Road</td>
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</tr>
<tr>
<td>Bob Hope Elementary</td>
<td>210-927-8180</td>
<td>210-927-8181</td>
<td>3022 Reforma</td>
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<td>San Antonio, Texas 78211</td>
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<tr>
<td>Elm Creek Elementary</td>
<td>210-622-4430</td>
<td>210-622-4431</td>
<td>11535 Pearsall Road</td>
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<tr>
<td>Hidden Cove Elementary</td>
<td>210-623-6220</td>
<td>210-623-6219</td>
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<td>San Antonio, Texas 78242</td>
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<tr>
<td>Indian Creek Elementary</td>
<td>210-623-6520</td>
<td>210-623-6521</td>
<td>5830 Old Pearsall Road</td>
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<td>San Antonio, Texas 78242</td>
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<tr>
<td>Kriewald Road Elementary</td>
<td>210-645-7550</td>
<td>210-645-7551</td>
<td>10355 Kriewald Road</td>
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<td>San Antonio, Texas 78245</td>
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<tr>
<td>Medio Creek Elementary</td>
<td>210-622-4950</td>
<td>210-622-4951</td>
<td>8911 Excellence Drive</td>
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<td>San Antonio, Texas 78252</td>
</tr>
<tr>
<td>Sky Harbour Elementary</td>
<td>210-623-6580</td>
<td>210-623-6584</td>
<td>5902 Fishers Bend</td>
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<td></td>
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<td>San Antonio, Texas 78242</td>
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<tr>
<td>Southwest Elementary</td>
<td>210-622-4420</td>
<td>210-622-4421</td>
<td>11914 Dragon Lane</td>
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<td></td>
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<td>San Antonio, Texas 78252</td>
</tr>
<tr>
<td>Spicewood Elementary</td>
<td>210-622-4999</td>
<td>210-622-4131</td>
<td>11303 Tilson Drive</td>
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<td>San Antonio, Texas 78224</td>
</tr>
<tr>
<td>Sun Valley Elementary</td>
<td>210-645-7570</td>
<td>210-645-7571</td>
<td>6803 S.W. Loop 410</td>
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<td></td>
<td>San Antonio, Texas 78227</td>
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Employment

Equal Employment Opportunity
Policies DAA, DIA

Southwest ISD does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant’s job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination based on sex, including sexual harassment should contact Jason Migura, the District Title IX Coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact Will Baker, the District ADA/Section 504 Coordinator. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

Job Vacancy Announcements
Policy DC

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

Employment after Retirement
Policy DC

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

Contract and Noncontract Employment
Policy DC series

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses or other professional positions under probationary, term, or continuing contracts. The
paragraphs that follow provide a general description of the employment arrangements used by the district.

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

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

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

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

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

Certification and Licenses

Policies DBA, DF

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Office of Administration and Human Resources in a timely manner.

A certified employee’s contract may be voided without due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate,
probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual’s failure to comply with criminal history background checks. Contact the Office of Administration and Human Resources at (210) 622-4330 if you have any questions regarding certification or licensure requirements.

Recertification of Employment Authorization
Policy DC

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

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact Human Resources at (210) 622-4330 if you have any questions regarding re-verification of employment authorization.

Searches and Alcohol and Drug Testing
Policies CQ, DHE

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

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

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

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

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Director of Transportation at (210) 623-6900.

Health Safety Training
Policies DBA, DMA

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

Reassignments and Transfers
Policy DK

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

An employee with the required qualifications for a position may request a transfer to another campus or department. All transfer request must be submitted through the WinOcular System online and must notify current Principal of transfer request. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by April 1st. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Assistant Superintendent of Administration and Human Resources and must be approved by the receiving supervisor.
Workload and Work Schedules
Policies DEAB, DK, DL

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

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

Teacher Start and End Times
A teacher’s daily work schedule will consist of an 8 and a 1/2 hour day. Please see the schedule below for times based on elementary or secondary school assignments.

Elementary Teachers 7:40 to 4:10
Middle School Teachers 7:00 to 3:30
High School Teachers 8:25 to 4:55

Note: When a substitute is needed, it is the teacher’s responsibility to call the absence into AESOP in advance. For half day absences the schedule below will be utilized for substitute coverage time periods:

Elementary Teacher AM Absence 7:40 to 11:55
Elementary Teacher PM Absence 11:56 to 4:10
Middle School Teacher AM Absence 7:00 to 11:15
Middle School Teacher PM Absence 11:16 to 3:30
High School Teacher AM Absence 8:25 to 12:40
High School Teacher PM Absence 12:41 to 4:55

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

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

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

**KRONOS – Time Keeping System**
All employees are expected to use biometrics (finger scanner) to record their clock in and out times according to their work schedule established by the district, campus or department.

**Notification to Parents Regarding Qualifications**
*Policies DK, DBA*

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

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call the Office of Administration and Human Resources at (210) 622-4330.

**Outside Employment and Tutoring**
*Policy DBD*

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

Evaluation of an employee’s job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee’s assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Employee Involvement
Policies BQA, BQB

At both the campus and district levels, SWISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district’s planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from Dalila Garcia-Castro, Assistant Superintendent of Curriculum & Instruction at (210) 622-4335.

Staff Development
Policy DMA

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

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

Salaries, Wages, and Stipends
Policies DEA, DEAA, DEAB

Employees are paid in accordance with administrative guidelines and an established pay structure. The district’s pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as non-exempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See Overtime Compensation, page 23.)

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

Employees should contact Brandon Crisp, Assistant Superintendent for Business & Finance at (210) 622-4731 for more information about the district’s pay schedules or their own pay.

Paychecks

All professional and salaried employees are paid monthly. Full-time hourly employees are paid bi-weekly. All paychecks are processed based on the annual pay date schedule on pages 21 & 22. Paychecks will not be released to any person other than the district employee named on the check without the employee’s written authorization.

An employee’s payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated.
## 2018-2019

### Professional & Para-Professional

#### Pay Dates

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<thead>
<tr>
<th>Pay Dates</th>
<th>Cut Off Dates</th>
<th>Date Range for Payroll</th>
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<tr>
<td>September 21, 2018</td>
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<td>October 19, 2018</td>
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Temporary Work for Summer Programs will be paid on a separate payroll as follows:

Work performed through June 28, 2019 will be paid on July 11, 2019.

Work performed through July 19, 2019 will be paid on August 2, 2019.

Any other work performed after July 20th will be paid on August 23, 2019.
## Biweekly Employee Pay Dates

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Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account. A notification period of one month is necessary to activate this service. Contact the Payroll Department at (210) 622-4300 for more information about the automatic payroll deposit service.

Payroll Deductions

Policy CFEA

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

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

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

Overtime Compensation

Policy DEAB

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

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

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:
• Employees can accumulate up to 60 hours of comp time.
• Comp time must be used in the duty year that it is earned.
• Use of comp time may be at the employee’s request with supervisor approval, as workload permits, or at the supervisor’s direction.
• An employee may be required to use comp time before using available paid leave (e.g., sick, personal, vacation).
• Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

Travel Expense Reimbursement
Policy DEE

Before any travel expenses are incurred by an employee, the employee’s supervisor, Fund Administrator (if different) and the Purchasing Department must give prior approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit original itemized receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage.

Health Insurance
Policy CRD

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

• Employees who are active, contributing TRS members
• Employees who are not contributing TRS members and who are regularly scheduled to work at least 10 hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) and employees who are not contributing TRS members who are regularly scheduled to work less than 10 hours per week are not eligible to participate in TRS-ActiveCare.

The insurance plan year is from September 1 through August 31. New employees must complete insurance enrollment forms within the first (30) days of employment and coverage will begin on the first day of the month following hire date. Current employees can make changes in their insurance coverage during open enrollment each spring and/or fall. Employees who experience a change in family status, i.e., death of spouse or dependent, marriage or divorce, or birth/adoption of a child must complete a TRS Enrollment/Change Form within 30 days of the life changing event. Employees should contact the Benefits Department for more information.
Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees can also access the TRS website at www.trsactivecareaetna.com.

**Termination of Benefits**
All benefits terminate on the last day of the month in which an employee resigns and/or otherwise separates employment with the District. Benefits for monthly paid employees who separate employment at the end of the school year will terminate on the last day of the month in which they receive their final paycheck.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) through TRS will allow employees to continue District health plan(s) coverage for generally up to 18 months following separation of employment. Please contact the Benefits Department for more information.

**Supplemental Insurance Benefits**
*Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs on an annual basis. Premiums for these programs are paid by payroll deductions. For more information on products and services employees should contact the Benefits Department at 210-622-4330.

**Cafeteria Plan Benefits (Section 125)**

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental and additional term life insurance). Premiums are deducted from the employee’s salary before federal income tax is calculated. Additional tax savings may be possible by participating in the cafeteria plan’s Health Care Reimbursement or Dependent Care Accounts. A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first 30 days of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period of annual/open enrollment.

**Workers’ Compensation**
*Policy CRE*

The district, in accordance with laws of the state of Texas, provide workers’ compensation benefits to employees who suffer a work-related illness or are injured on the job. In the event of an accident or injury while on duty, the employee must notify his/her primary
supervisor and the Districts’ Workers’ Compensation office (Benefits Department) immediately.

The district has workers’ compensation coverage from Texas Association of School Boards, Inc. Only injuries occurring in the course and scope of the employee’s job duties are covered. Workers’ Compensation benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

**Program and Benefits**

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

An employee injured during the course and scope of his/her job duties may be eligible to receive temporary income benefits from workers’ compensation. If the employee is taken off work by the treating physician, he/she may choose to use any or all accumulated sick leave, personal leave, or vacation. An employee choosing to use paid leave will not receive workers’ compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers’ compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or injury wage.

An employee taken off work by his/her treating physician for a work-related injury will be placed on Family Medical Leave Act (FMLA), if applicable, to run concurrently with workers’ compensation. After exhausting Family and Medical Leave (FMLA) entitlement and the employee is still unable to return to work he/she will then be placed on Temporary Disability Leave (TDL).

**Work-Related Injuries**

All work related injuries must be reported to the employee’s primary supervisor and the District’s Workers’ Compensation Office at (210) 622-4330 immediately. The injured employee and supervisor are required to complete and submit the following forms within 48 hours of reported injury:

- First Report of Injury
- Employee on the Job Accident Report
- Supervisors Accident Investigation Report
- Witness Statement
- Employee Alliance Acknowledgement
- Employee Choice Salary Continuation
The Employee Accident Report forms are available at all department/campus office(s) or on the District’s website under the Benefits link.

**Note:** Any/all injured employee must seek medical treatment from an approved physician and/or facility under the Political Subdivision Workers’ Compensation Alliance network. Injured employees must be aware that not all providers in the local area and surrounding communities have joined this alliance. Injured employees cannot be treated by a provider who is not a member of this alliance. The injured employee has a personal responsibility to select an alliance provider or facility by visiting the following website at [www.pswca.org](http://www.pswca.org).

_Making a false or fraudulent workers’ compensation claim is a crime that may result in fines and/or imprisonment._

**Payroll Time Reporting**
When an employee is absent from work because of a work related injury or illness, any time lost after seven (7) calendar days (unless instructed otherwise) shall be reported as “WC” (zero hours on Kronos) for workers’ compensation. _If the injured employee finds it necessary to seek medical treatment the same day the injury occurred, that day (only) should be reported as “regular” time._

**Unemployment Compensation Insurance**

*Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Business Office at (210) 622-4300.

**Teacher Retirement**

*Policy DEAB*

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

Employees who plan to retire under TRS should notify TRS and the Office of Human Resources as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street,
Texas School Employees Retirement System Information is also available on the Web (www.trs.texas.gov).

Other Benefit Programs

Policy CRG

**Tax Sheltered Annuities [403(b)], [457]** A tax sheltered annuity such as a 403(b), 403(b)(7), OR 457 is an Internal Revenue Code defined method of allowing employees of public schools and certain charitable, educational, and religious organizations to accumulate funds for retirement on a tax deferred basis. Annuities may be purchased any time during the calendar year. As per the 403(b) regulations from the Internal Revenue Service, all 90-24 rollovers after September 24, 2007 must be approved by the District’s plan administrator. If you choose to participate in the Plan you may contact the Benefits Department at 210-622-4330 for additional information.
Leaves and Absences

Policies DEC, DECA, DECB

The district offers employees paid and/or unpaid leave of absence in times of personal need. This handbook describes the basic types of leave available and the restrictions that apply to a leave of absence.

An employee absent from duty shall be required to immediately make personal phone contact with his/her supervising administrator. An employee absent for three or more consecutive days without such notification may be subject to dismissal. If the absence was due to a medical condition, the employee will be required to bring a note from the attending physician authorizing his/her return to work with/without restrictions. Employees who expect to be absent for an extended period of more than five consecutive days should call the Benefits Department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

**Reporting Absences:** Short absences for situations such as employee illness, illness of an immediate family member, jury duty, or personal business are coordinated through the campus or department. An employee who is on a shift work schedule must call their immediate supervisor before the start of the work day to report all absences. Any employee working in a position that requires use of the District’s automated online and/or telephonic absence reporting system (AESOP) shall use the system to report all absences and must also notify their immediate supervisor of the absence. It is the employees’ responsibility to call AESOP at (800) 942-3767 or go online at [www.aesoponline.com](http://www.aesoponline.com) to report the need for a substitute and/or to cancel an absence before the campus/department cut-off time(s).

Failure to report an absence as described above may result in disciplinary action up to and including separation from employment due to job abandonment.

**Use of Leave:** Leave is available for the employee’s use at the beginning of the school year. Personal and local sick leave is earned on a scheduled basis. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee’s final paycheck.

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

- Comp Time
- Local
- State sick leave accumulated before 1995-96 school year
- State personal leave
• Vacation

Employees must follow district and department/campus procedures to report or request a leave of absence and must also complete all the appropriate forms.

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

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

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

**Medical Certification:** Any employee who is requesting a leave of absence for intermittent absences or a continuous absence of five (5) consecutive days or more due to a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employees fitness to return to work.

The Genetic Information Nondiscrimination Act of 2008 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 ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as identified by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic test, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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

**Personal Leave**

State law entitles all employees to five days of paid personal leave per year. A day of earned personal leave is equivalent to an assigned workday. There is no limit on the accumulation of state personal leave, and it can be transferred to other Texas school districts and is generally transferable to education service centers.

**Nondiscretionary:** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. This type of leave allows very little or no advance planning and will be granted to employees in the same manner as state sick leave.

**Discretionary:** Leave taken at an employee’s discretion that can be scheduled in advance is considered discretionary leave.

- An employee wishing to take discretionary personal leave must submit a written notice of the request fourteen (3) days in advance of the anticipated absence to his or her principal or supervisor for approval. Leave will be granted based on the needs of the district.
- Discretionary personal leave will be granted on a first-come, first-served basis. The effect of the employee’s absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.
- Discretionary personal leave may not be taken for more than five (5) consecutive days.
- Discretionary personal leave may not be taken the week prior to state-mandated assessments; the week during state-mandated assessments;

**State Sick Leave**

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in approved increments except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis.

State sick leave may be used for the following reasons only:
• Employee illness
• Illness in the employee’s immediate family
• Family emergency (i.e., natural disasters or life-threatening situations)
• Death in the immediate family
• Active military service

Local Leave

The district shall operate a local leave program to supplement the state personal leave program for all regular employees who are employed full-time. Eligible employees shall earn local leave according to the following schedule:

• Five workdays for employees on contracts of 190 or fewer days, paraprofessionals, and auxiliary employees.
• Six workdays for employees on contracts 191-209 days.
• Seven workdays for employees on contracts of 210 or more workdays.
• Local leave shall accumulate to a maximum of 30 workdays and shall be taken with no loss of pay. Leave is available for the employee’s use under the terms and conditions applicable to state sick leave accumulated prior to the 1995-96 school year.

FAMILY AND MEDICAL LEAVE ACT [FMLA]

Basic Leave Entitlement

FMLA is a federal law that provides eligible employees up to 12 workweeks of unpaid, job protected leave within a 12 month period. The District uses a “rolling” 12-month period. Available leave will be measured backwards from the date an employee last used and/or requested any FMLA leave. Eligible employees may take FMLA leave for the following reasons:

• The birth of a child or placement of a child for adoption or foster care;
• To bond with a child (leave must be taken within 1 year of the child’s birth or placement);
• To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
• For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
• For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent.

Military Family Leave Entitlements
An eligible employee whose spouse, son, daughter, or parent on active military duty and deployed to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered member during a single 12-month period. An eligible employee under this provision is the spouse, son, daughter, or parent of the covered servicemember.

A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans is distinct from the FMLA definition of “serious health condition.”

**Benefits and Protections**

During any period that an eligible employee takes FML, the district will maintain the employee’s coverage under any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in active duty with the district.

Except for certain conditions, the district may recover its share of health care premiums during a period of FMLA leave if an employee fails to return to work after his/ her FMLA leave entitlement has been exhausted or expires.

When an employee fails to return to work, health premiums paid by the district during a period of FMLA leave are a debt owed the district by the non-returning employee, and may be recovered by the district through deduction of any sums due the employee or through legal action.

An employer may not interfere with an individual’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.
Eligibility Requirements

Employees who have been employed by the district for at least 12 months and have worked at least 1,250 hours in the 12 months immediately preceding the need for the leave are eligible for family and medical leave. An employee who works only 187 days a year must work about seven hours a day to meet the federal eligibility requirement. This excludes many part-time employees and support personnel who work less than 40 hours a week. Full-time teachers do meet the 1,250 hours eligibility requirement. The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as a rolling 12-month period measured backward from the date the employee uses any FMLA leave.

Definition of a Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employer's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Paid Leave

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

Combined Leave for Spouses

A husband and wife who are eligible for FMLA leave and are both employed in the district may be permitted to take only a combined total of 12 weeks of leave during any 12-month period if the leave is taken:

- For the birth of a son or daughter or to care for the child after birth;
- For the placement of a son or daughter for adoption or foster care, or to care for the child after placement; or
- To care for a parent with a serious health condition.
- To care for a covered military service member (military caregiver leave for spouses is limited to a combined total of 26 weeks).
**Intermittent Leave**

When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.

Intermittent leave may be taken under the following circumstances:

- An employee is needed to care for a seriously ill spouse, child, or parent
- An employee requires medical treatment for a serious illness
- An employee is seriously ill and unable to work

Leave due to qualifying exigencies may also be taken on an intermittent basis.

The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty**

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

**Reinstatement**

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

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

The district may deny restoration rights to employees specified as "key employees", and to any employee who fails to provide a fitness-for-duty certificate to return to work.

**Failure to Report for Duty after Expiration of FMLA Leave**

If an employee is unable to report for duty because of the inability to perform the essential functions of his or her job, the employee's job protections rights under FMLA shall expire
however, the employee may be eligible to remain on assault leave or temporary disability leave if applicable. If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district’s share of insurance premiums paid during any portion of FML when the employee was on unpaid leave.

An employee who does not report for duty upon expiration of his or her FMLA leave and who fails to notify the Benefits Department about his or her return-to-work status may be subject to termination.

**Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When a 30 day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the District's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection, the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform his/her job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a medical certification and periodic recertification supporting the need for leave.

**Employer Responsibilities**

The District will inform the employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the District will provide a reason for the ineligibility. Employees will be informed if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employee will be notified.

**Requests for FMLA**

When the need for family and medical leave is foreseeable, employees must provide 30 days advance notice to the district. If 30 days' notice is not practicable, because of not knowing approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. When the need for leave, or its approximate timing, is not foreseeable, employees must provide notice to the district as soon as practicable under the facts and circumstances of the particular case or
other electronic means. Employees must contact the Benefits Department at 210-622-4330 as soon as it is known that family and medical leave will be needed. Employees may be required to provide the following:

- Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member
- Periodic recertification of the need for leave
- Periodic reports during the leave regarding the employee’s status and intent to return to work
- Medical certification from a qualified health care provider at the conclusion of leave of an employee’s ability to return to work
- Certification of the need for family military leave

The district may require a medical certification issued by the health care provider of the spouse, child, parent, or employee that the employee is needed to care for or, in case of leave for the employee's condition, that the employee is unable to perform the functions of his/her position. The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the provider's knowledge regarding the condition. The employee shall in a timely manner provide a copy of the certification to the district.

For pregnancy, chronic, or permanent/long-term conditions under the continuing supervision of a health care provider, the district may request re-certification no more often than every 30 days unless more frequent re-certification is warranted. The employee must provide the requested re-certification to the district within the time frame requested by the district. Any re-certification requested by the district shall be at the employee's expense, unless the district provides otherwise. No second or third opinion on re-certification may be required. All employees who take medical leave must obtain medical certification from their health care providers of their ability to resume work before they are reinstated to their jobs.

A notice that summarizes the provisions of the Act is posted at each campus or work site.

**District Contact**

Employees that require FMLA leave or have questions should contact the Benefits Department at 210-622-4330 for details on eligibility, requirements, and limitations.

**Substitutes**

Employees shall be charged leave as used even if a substitute is not employed.

**Availability**
The District shall make paid leave for the current year available for use at the beginning of the school year. If an employee, begins employment after the first duty day, local and state personal leave will be prorated based on the actual time employed.

The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee’s pay.

**Leave Proration**

If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee’s final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

**Temporary Disability Leave**

All full-time employees are eligible for temporary disability leave.

The purpose of temporary disability leave is to provide job protection to full-time employees who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. The leave request must be accompanied by a physician’s statement confirming the employee’s inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

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

When an employee is ready to return to work, he/she must notify the Benefits Department at least 30 days in advance. The return-to-work notice must be accompanied by a physician’s statement confirming the employee’s ability to resume the regular duties of the position. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following year.

**Extended Leave**
After exhausting all earned sick and personal leave, including paid vacation, a professional or paraprofessional employee who has been employed by the District on a full-time basis for the previous 12 months may be eligible to request up to 20 workdays of extended sick leave during a school year for the catastrophic illness or injury of the employee or a member of the employee’s immediate family. During such leave, the substitute’s daily rate of pay shall be deducted from the employees pay for each day of extended leave used.

During such leave, the district will deduct the substitute’s daily rate per day from the employee’s pay during the period in which extended leave days are used. The amounts described above will be deducted from an employee’s pay whether or not a substitute employee is required during the absence. In order to receive extended sick leave benefits under the policy, an eligible employee must meet the following conditions:

- The employee must submit a written request for extended leave to the Office of Human Resources, Benefits Department describing the reason for the request and stating the number of days the employee has already been absent due to the extended personal illness or disability.
- The request for leave must be accompanied by a statement from the employee’s personal physician that describes the nature of the illness or disability, confirms that the employee is medically unable to return to work, and states the probable date that the employee may return to work.
- Extended leave will not be granted for occasional days on which the employee is absent even though the employee has exhausted all accrued paid leave. An employee who has exhausted extended leave benefits but still is unable to return to work must request an additional leave of absence under the appropriate leave policy. If no other leave of absence is available, employment may be terminated.

Employees must submit their request to the immediate supervisor or designee in advance in accordance with administrative regulations.

Employees receiving any other source of income such as: long or short term disability and/or workers compensation benefits shall not meet the eligibility criteria to request extended leave.

**Bereavement Leave**

Employees may use available leave for absences due to the death of an immediate family member. If no leave is available to an employee, the District shall provide two workdays of bereavement leave (per school year) to a full time employee requesting such leave. Appropriate supporting documentation must be provided.

Bereavement leave shall be noncumulative.

The average daily rate of pay of a substitute for the employee’s position shall be deducted for each day of bereavement leave taken, whether or not a substitute is employed.
**Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury, and should be immediately reported to a supervisor and/or the Benefits Department.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person’s age or mental capacity renders the person non-responsible for purposes of criminal liability.

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

**Neutral Absences Control**

Upon the use of all leave for which an employee has applied and is eligible, if the employee has not already returned to work, the District shall notify the employee in writing that his or her available leave has been exhausted.

The employee shall have ten calendar days to notify the District in writing that he or she is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her position is required to return to work. Additionally, some jobs shall require the employee to submit to a fitness-for-duty examination, to be paid by the District, wherein the employee must demonstrate the ability to meet all the essential physical requirements of his or her position.

A contract employee’s failure to report and document his or her availability and fitness to return to work within the required ten-day period shall be considered good cause for termination. A contract employee’s failure to return to work after 180 calendar days of leave, regardless of the type of leave, shall be considered good cause for termination. [See DCE and DF]

An at-will employee who does not report and document his or her availability and fitness to return to work within the required ten-day period shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the designated ten-day period, and shall be offered health benefits according to COBRA. [See CRD]
Abuse of Leave

An employee who abuses the District’s leave policies and administrative regulations, misrepresents the need to use leave, or falsifies documentation related to the use of leave shall be subject to appropriate disciplinary action, up to and including termination, in accordance with District policies and applicable law.

Excessive Absences

“Excessive absence” shall mean failure to appear for work when no leave applies to the absence and the absence is not excused on any other basis provided in law or District policy.

The supervisor of an employee who has established a questionable pattern of absences shall have a discussion with the employee regarding the reason for such absences and may ask the employee to provide verification or appropriate documentation. [Medical Certification]

The employee may be subject to appropriate disciplinary action, up to and including termination, in accordance with District policies and applicable law.

Job Abandonment

An employee who is absent from work for three or more consecutive workdays without notifying his or her supervisor shall be deemed to have voluntarily resigned from the District and may be separated from employment with the District due to job abandonment in accordance with District policies and applicable law.  [See DCD and DF series of policies]

Jury Duty

The district provides paid leave to employees who are summoned to jury duty. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

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

Compliance with a Subpoena

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Absences for court appearances related
to an employee’s personal business must be taken as personal leave or leave without pay (if no personal leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

Truancy Court Appearances

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

Religious Observance

The district will reasonably accommodate an employee’s request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

Reimbursement for Unused Leave upon Retirement

An employee, who concurrently retires from active service under the criteria established by the Teacher Retirement System of Texas (TRS), may be eligible to be reimbursed for any accumulated state and local leave days. This benefit is available only to those employees who have worked in the district for 5 consecutive TRS credible years of service or more. [See DEC LOCAL]

At the employees’ advance written request (90 days for contract employees and two weeks for non-contract employees), an eligible employee shall be reimbursed for each day of state and local leave at the daily rate of a substitute for the employee’s position. This benefit shall be calculated upon retirement for each employee who submits a Notice of Final Deposit before Retirement (form TRS 7) certifying that he or she is retiring under TRS. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

This retirement benefit shall not be available to an employee under investigation, or whose employment is terminated by the District, or who resigns or retires in lieu of termination or non-renewal, unless otherwise approved by the Board.
Military Leave

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

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

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

The Uniformed Services Employment and Reemployment Rights Act (USERRA) may be reviewed at http://www.dol.gov/vest/programs/userra/poster.htm.
Employee Relations and Communications

Employee Recognition and Appreciation

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

District Communications

Throughout the school year, the Public Relations Office hosts events and produces newsletters, posters, brochures, fliers, news releases, social media posts, videos, and other communication materials that celebrate and highlight SWISD success stories. These publications offer employees and the community information pertaining to school activities and accomplishments and create a sense of pride for the community.
Complaints and Grievances

Policy DGBA

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

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, please see the district’s online policy for the formal process located at www.swisd.net.
Standards of Conduct

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

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

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to TEA no later than the seventh day after the Superintendent first learns of the incident. See Reports to the Texas Education Agency, page 69 for additional information.

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

Educators’ Code of Ethics

Statement of Purpose

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

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 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 knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

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

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

Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents 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 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 District employees, 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 or knowingly 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 or distribution of controlled substances and/or abuse of 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.

Standard 1.14 The educator shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

2. Ethical Conduct toward Professional Colleagues

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

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

Standard 2.3 The educator shall adhere to written local 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.

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

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

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

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

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

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

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

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

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

a. The nature, purpose, timing, and amount of the communication;

b. The subject matter of the communication;

c. Whether the communication was made openly or the educator attempted to conceal the communication;

d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

e. Whether the communication was sexually explicit; and
f. 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

**Discrimination, Harassment, and Retaliation**

*Policies DH, DIA*

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

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

The district’s policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation can be found at [www.swisd.net](http://www.swisd.net).

**Harassment of Students**

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

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment of a student by an employee or adult will be reported to the student’s parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, page 50 and *Bullying*, page 74 for additional information.

The district’s policy that includes definitions and procedures for reporting and investigating harassment of students may be found online at [www.swisd.net](http://www.swisd.net) in *DF (Legal)* and *FFH (Local)*.

**Reporting Suspected Child Abuse**

*Policies DG, DH, FFG, GRA*

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §26.001, to a law enforcement agency, Child Protective Services, or to the Department of Family and Protective Services.
Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion.

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

Reports to Child Protective Services can be made to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

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

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

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

**Sexual Abuse and Maltreatment of Children**

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

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

**Reporting Crime**  
*Policy DG*

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

**Technology Resources - Guidelines for Acceptable Use of Southwest Independent School District Technology Resources**  
*Policy CQ*

The Southwest Independent School District provides technology resources to its students and staff for educational and administrative purposes. District resources include the computer network, email accounts, devices connected to the network, and all district-owned devices used on or off school property. The use of these technology resources is a privilege, not a right. Personal use of district devices is permitted, but limited to the following:

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

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

Southwest ISD will always give due diligence to efforts towards protecting its student from inappropriate material that can be found on the Internet. However, Southwest ISD firmly believes that the value of information, interaction, and research capabilities available for student use greatly outweighs the possibility that users may willingly search for and obtain material that is not consistent with the educational goals of the district.

All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. This document is intended to clarify those expectations as they apply to computer and network usage and with District Policy.
Employees are required to abide by the provisions of the acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can the office of Technology Operations at (210) 622-4395.

**District Technology Resources**

Technology resources include all of the computer hardware, operating system software, application software, stored text, data files, electronic mail, local databases, externally accessed databases (such as the Internet), digital images, telecommunications devices, and all new technologies as they become available. The District reserves the right to monitor all activity from any technology resource.

**Acceptable Use**

As an employee of SWISD, you may be assigned more than one technology resource and are given access to the use the network and any district applications. Inappropriate use can result in the loss of the privilege to technology resource and/or termination of employment. Please note that the Internet is a network of many types of communication and information network. It is possible that you may run across some material that you find inappropriate or objectionable. While SWISD will give due diligence to keeping the material or data from reaching its network, it is impossible to guarantee 100% filtering of it. As an employee it is your responsibility to report any objectionable data or images that you find on any computer or technology resource.

Commercial use of any district owned technology resource or system is strictly prohibited. The District will make training available to all users in the proper and ethical use of technology resources. Technology resource acceptable use guidelines are as follows:

- All users are expected to follow current copyright laws.
- Attempting to log on or logging on to a computer or email system by using credentials other than your own is prohibited.
- Submitting, publishing or displaying any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages either public or private is prohibited
- Using technology resources for financial gain, political, commercial activity, and any inappropriate websites, data, or documents is prohibited
- Attempting to damage equipment, materials, or data is prohibited
- Attempting to or sending anonymous messages of any kind is prohibited
- Knowingly installing a computer virus on a computer or network
- Using any technology resource for the purpose of providing addresses or personal information that others may use inappropriately
- The use of social media tools as defined by Policy DH are allowed as long
  - The information or data shared is student or teacher created and is in support of district goals and/or supports the SWISD approved curriculum
The information or data is loaded on a district server
The social media tools used are district approved

**System Access**

Teachers and staff will have system accounts generated upon registering with the Human Resources department. A Human Resources representative will provide employees the default password for all system accounts. Employees are required to change the default password after initially logging in.

**Campus Level Technology**

The campus principal will:

- Be responsible for disseminating information found in this document and help promote the Acceptable Use guidelines.
- Ensure that teachers and staff are emphasizing the appropriate and ethical use of technology resources to all student users.
- Ensure that established purchasing procedures are followed when acquiring hardware or software.
- Ensure that any transfer of computer hardware within the campus should be noted and communicated to the campus technician.

**User Responsibilities**

- In order to prevent unauthorized access, usernames and passwords should be protected and not shared with anyone in any manner or format.
- Users are responsible for the security and confidentiality of any information that is accessible via access to any district technology resource.
- Users are solely responsible for updating their account passwords on a regular basis; no longer than 90 days.
- Technology resources may not be used for or in support of any type of illegal activity.
- At no time is a user authorized to use another user’s credentials to gain access to any technology resource.
- Users are responsible for the care and maintenance of any resource that has been assigned to them.
- Maintenance issues are reported through the online helpdesk or via the campus Technology Facilitator.
- System users will be responsible for following all copyright laws.
Vandalism

Any attempt to make inoperable or destroy any technology resource is prohibited and is a violation of district guidelines. It is also criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, chapter 33. This includes, but is not limited to, the uploading or creating of computer viruses, system break-in utilities, or other system hacking programs.

Vandalism as defined above will result in the cancellation of system use privileges and possible prosecution. The accused will be responsible for restitution costs.

Forgery

Forgery or attempted forgery of electronic messages is prohibited. Attempts to read, delete, or copy, or modify the electronic mail of other system users or deliberate interference with the ability of other system users to send/receive electronic mail is prohibited.

Internet Filtering

SWISD will monitor and filter all Internet access in order to protect its students and staff from inappropriate websites. Any attempt to bypass the filtering software is prohibited.

Network Use

System users are expected to observe the following network etiquette.
- Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and any other inflammatory language is prohibited.
- Pretending to be someone else when sending or receiving messages is prohibited.
- Submitting, publishing or displaying any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages either public or private is prohibited.
- Revealing personal information other than your own is prohibited.
- Be polite. Messages typed in capital letters are generally accepted as the equivalent of shouting.

Improper Use

- The District can suspend or revoke a user’s access, if it determines that the user is or has used a technology resource inappropriately.
- The suspending of an employee’s system account will be effective immediately.
- Improper or unethical use may result in disciplinary actions consistent with the existing Acceptable Use guidelines and district Acceptable Use Policy (CQ Legal, CQ Local) and, if appropriate, the Texas Penal Code, Computer Crimes, Chapter 33, or other state and federal laws. This may also require restitution for costs associated with the system restoration, hardware, or software costs.
**Technology Availability**

Technology resources are provided on an “as is, as available” basis. The District does not make any warranties, whether expressed or implied, including, without limitation, those of fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. SWISD does not guarantee that the functions or services performed by, or that the information and software contained on the system will meet the user’s requirements. SWISD does not guarantee that the network or any technology resource will be uninterrupted or error-free.

If necessary, SWISD will cooperate fully with local, state, or federal officials with any investigation concerning or relating the misuse of any District technology resource.

**Term**

This policy is binding for the duration of the current school year.

**Email Use Guidelines**

- Electronic mail is a privilege not a right. All electronic communication is governed by the CQ Legal and Local Policy. All terms that are covered in the CQ Legal and Local Policy, including user responsibilities and consequences for policy violations, apply to Email.
- The software and hardware that provides email capabilities has been publicly funded. For that reason, it should not be considered a private, personal form of communication. The contents of any communication of this type are governed by the Acceptable Use Guidelines.
- Blanket emails (those to all users in the district), must have authorization from the Technology Division. All blanket emails must include the first line “DO NOT FORWARD THIS EMAIL”.
- Incoming email that is misaddressed will remain “undeliverable”. Please be certain that you give out your correct email address.
- Requests for personal information on students or staff members should not be honored via email. It is critical for a personal contact to be made with any individual requesting personal information.
- During class time teachers should not use email unless necessary to support instructional objectives in the classroom.
- Staff members should check and/or respond to district email on a daily basis.
- Emails sent with the intent of advertising or selling any item, product or service (whether personal or for a business) is considered commercial use and is prohibited.
- Programs should not be sent as attachments be attached
- Do not click on any program that you may have received as an attachment.
Maintenance of Technology Resources

- All technology resources will be scheduled for re-imaging at least once per year.
- Make and keep backup copies of your files. Re-imaging will delete all documents and files.
- The technology department is not responsible for the loss of programs, data or files that result from the re-imaging of a technology resource, such as a computer.
- All classroom technology resources need to be powered down at the end of each day.

Software

- The current configuration on district computers is setup to allow only authorized users to install software.
- Unauthorized software installation onto any technology resource is prohibited.
- Any requests for purchasing software, requires quotes and a review for compatibility by Technology Operations.
- For installation of software, a service request needs to be generated via the district helpdesk system.

Computer Hardware

- Absolutely no one except approved vendors or district technicians are authorized to install computer hardware.
- Campus computer systems may not be modified, upgraded, or replaced without the prior approval of the Technology Operations department.
- Campus technology resources may not be moved to a different location without notifying the Technology Operations department.
- District employees are prohibited from connecting personal computers or networking equipment onto the district’s network.

Employee Agreement

I understand that any activity from any technology resource can be monitored by authorized personnel. I have read the Acceptable Use Guidelines and agree to abide by its provisions. In consideration for the privilege of using the District’s electronic communications system and in consideration for having access to the public networks, I hereby release the District, its operators, and any institutions with which they are affiliated with from any claims of damages arising from my use of any technology resource, including, without limitation, the type of damages identified in the District’s policy and administrative regulations.

I realize that I am responsible for monitoring students’ use of any technology resource while they are under my supervision. I will immediately report any violations of the Acceptable Use Guidelines to the campus principal or appropriate district officials.
I understand that access to systems and applications that contain and provide confidential or sensitive information such as student information, student forms, e-mails, and employee records is governed by State and Federal laws and that I am responsible for the security and confidentiality for all data and information available to me as a result of having access to a system, application or technology resource.

Social Media

Policy DH

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

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

- The employee may not set up or update a social media page(s) using a district technology resource.
- The employee shall not use the district’s logo or other copyrighted material of the district without express, written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus.

These restrictions include:

- Confidentiality of student records. [See Policy FL]
- Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (EXHIBIT)]
- Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]
- Copyright law. [See Policy CY]
- Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]
Use of Electronic Media with Students

Policy DH

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

An employee is not subject to these provisions to the extent the employee has a family relationship with a student. For example, an employee may have a relationship with a niece or nephew.

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

• Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
• Communicate means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee’s personal social network page or a blog) is not a communication: however, the employee may be subject to district regulations on personal electronic communications. See Personal Use of Electronic Media, above. Unsolicited contact from a student through electronic means is not a communication.
• Certified or licensed employee means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

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

• The employee may use any form of electronic media except direct text messaging. All text messaging shall be done through a Remind© account that is affiliated with the employee’s campus and SWISD. Using personal phone numbers to text message students is not allowed.
• The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
• Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility.
• The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
• The employee shall not communicate directly with any student between the hours of 6:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, learning management system or similar application at any time.
• The employee does not have a right to privacy with respect to communications with students and parents.
• The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
  o Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  o Copyright law. [Policy CY]
  o Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
• Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
• Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.

An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.

**Criminal History Background Checks**

*Policy DBAA*

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

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

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

Moral turpitude includes the following:

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

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

**Alcohol and Drug-Abuse Prevention**  
*Policy DH*

SWISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district’s policy regarding employee drug use is available online at [www.swisd.net](http://www.swisd.net). See *DH (Local)*
Tobacco Products and E-Cigarette Use

*Policies DH, FNCD, GKA*

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

Fraud and Financial Impropriety

*Policy CAA*

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

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

Conflict of Interest

*Policy CBB, DBD*

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

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

**Gifts and Favors**  
*Policy DBD*

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

**Copyrighted Materials**  
*Policy CY*

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

**Charitable Contributions**  
*Policy DG*

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

**Associations and Political Activities**  
*Policy DGA*
The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual’s employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Use of district resources including work time for political activities is prohibited.

**Safety**

*Policy CK series*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

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

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

Employees with questions or concerns relating to safety programs and issues can contact the Safety Department at (210)-792-5061 or the Benefits Department at (210) 622-4330.

**Possession of Firearms and Weapons**

*Policies DH, FNCG, GKA*

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

**Visitors in the Workplace**  
*Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building’s main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge. All Non-Employee visitors to campuses must provide a valid Drivers License or Identification Card in order to be scanned into the Raptor Background System.

**Asbestos Management Plan**  
*Policy CKA*

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

**Pest Control Treatment**  
*Policies CLB, DI*

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

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

Bad Weather Closing

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district’s facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district’s website and notify the local radio and television stations:

Emergencies

*Policies CKC, CKD*

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

Purchasing Procedures

*Policy CH*

All requests for purchases must be submitted online to the Purchasing Department. Official district paper PO’s require the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district’s business office. Contact the Purchasing Department for additional information on purchasing procedures.

Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained on the district website at [www.swisd.net](http://www.swisd.net).
Personnel Records

*Policies DBA, GBA*

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

Employees may choose to have the following personal information withheld:

- Address
- Phone number
- Personal cell phone number
- Information that reveals whether they have family members
- Personal e-mail address

The choice to not allow public access to this information may be made at any time by submitting a written request to the office of Human Resources. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public until a request to withhold the information is submitted.

Building Use

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. District Facility usage can be requested from the SWISD Website, [www.swisd.net](http://www.swisd.net), under the Facilities & Maintenance tab and under Quick Links. Requestors can request the forms needed and find information on fees involved. However, prior approval must be given by the campus administration prior to completing the facility request. The Facilities & Maintenance Department is responsible for scheduling the use of facilities after school hours.
Termination of Employment

Resignations
Policy DFE

Contract Employees
Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Superintendent or Assistant Superintendent for Administration & Human Resources. Contract employees may resign at any other time only with the approval of the Superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator’s resignation following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page 69. The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the same acts.

The Superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in Reports to the Texas Education Agency on page 69.

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

Dismissal or Nonrenewal of Contract Employees
Policies DF Series

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee’s certification is revoked for misconduct. Information
on the timelines and procedures can be found in the DF series policies that are provided to employees or are available online.

**Dismissal of Noncontract Employees**  
*Policy DCD*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*, page 45.)

**Exit Interviews and Procedures**

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

**Reports to Texas Education Agency**  
*Policies DF, DHB*

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

- Any form of sexual or physical abuse of a minor or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
• An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation

• Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The reporting requirements above are in addition to the superintendent’s ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history. “Reported criminal history” means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

**Reports Concerning Court-Ordered Withholding**

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

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

Equal Educational Opportunities
*Policies FB, FFH*

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

Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to Dr. Patty Escobedo, the district Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to Will Baker, the district ADA/Section 504 coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

Student Records
*Policy FL*

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

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

The Student/Parent Handbook provides parents and students with detailed information on student records. Parents or students who request to review student records will be directed to the campus principal for assistance.

Parent and Student Complaints
*Policy FNG*

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

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

**Administering Medication to Students**

*Policy FFAC*

All medication to be administered to students shall be kept locked in the campus nurse’s office. District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

- Prescription medication in accordance with legal requirements, for a period of up to ten days. [See FFAC (LEGAL)] A written request by a physician or other healthcare professional with authority to write prescriptions shall be required when the medication must be administered for a longer period.
- Nonprescription medication, upon a parent’s written request for relief from menstrual cramps and dental or orthodontic procedures, or with a doctor’s note for other reasons. All medication shall be properly labeled and in the original container. All consent for medication administration expires at the end of the school year. New consent forms must be submitted at the beginning of each school year.
- Herbal or dietary supplements provided by the parent only if required by the student’s individualized education program (IEP) or Section 504 plan for a student with disabilities.
- In certain emergency situations, the district will maintain and administer to a student non-prescription medication, but only:
  - In accordance with the guidelines developed with the district’s medical advisor; and
  - When the parent has previously provided written consent to emergency treatment on the District’s form.

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse. In accordance with a student’s individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and
equipment while at school or at a school-related activity. See the school nurse and/or principal for information. [See policy FFAF (LEGAL).]

**Dietary Supplements**  
*Policies DH, FFAC*

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

**Psychotropic Drugs**  
*Policy FFAC*

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

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

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

**Student Conduct and Discipline**  
*Policies in the FN series and FO series*

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

**Student Attendance**  
*Policy FEB*

Teachers and staff should be familiar with the district’s policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon
returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the Student/Parent Handbook. Contact the campus principal for additional information.

**Bullying**
*Policy FFI*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyber bullying, to the campus principal or designee. The district’s policy includes definitions and procedures for reporting and investigating bullying of students and may be found at [www.swisd.net](http://www.swisd.net). See: *FFI (Local)* for more information.

All employees are required to immediately report student complaints of bullying to the campus principal or designee. The district’s policy includes definitions and procedures for reporting and investigating bullying of students and may be found at [www.swisd.net](http://www.swisd.net). See: *FFI (Local)* for more information.

**Hazing**
*Policy FNCC*

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

**Dress Code**

Southwest ISD prides itself in providing an atmosphere which projects a positive and professional image. As such, we should extend to our stakeholders, the community and the students we serve the courtesy of a professional demeanor at all times, including in our attire. The dress and grooming of District Employees should be clean, neat, and depicted in a manner appropriate to carry out daily work duties in accordance with any additional standards established by their supervisors as approved by the Superintendent. Although the final determination of acceptable dress and grooming rests with the campus Principal or immediate supervisor, the following guidelines generally apply to all professional and classified employees. Dress and grooming regulations may vary somewhat for Auxiliary Staff (Custodians, Bus Drivers, Maintenance workers, etc.) but the final approval remains with the immediate supervisor.

1. Pants are to be full length except for Capri/crop pants, which should be no less than four inches below the bottom of the kneecap. They should be worn at the waist (no “sagging” or “bagging”). Tight-fitting pants (e.g., tights, Spandex, bicycle pants, or
leggings except if worn under an appropriate length dress) are also prohibited. Cutoffs and intentionally frayed pants are not permitted.

2. Shorts and skorts are prohibited (except in P.E./Athletic classes) for professional and classified staff.

3. Skirts and dresses must be no more than 4-inches above the top of the kneecap. There should not be a cut or slit in the clothing that extends beyond the 4-inch limit.

4. Collarless men’s t-shirts are generally not acceptable, except when worn as part of gym attire, to display school spirit on spirit day, or worn with jeans or shorts on occasions approved by the campus principal or immediate supervisor.

5. Hair must be kept neat and clean. Unconventionally cut, colored, spiked or Mohawk hair styles are not permitted.

6. Visible tattoos, as deemed offensive or inappropriate by campus administrator or immediate supervisor must be appropriately covered.

7. Any clothes that are suggestive or indecent or which cause distraction are not acceptable. Specifically, oversized clothing, tank tops, muscle shirts, halter tops, spaghetti straps, exposed backs or midriffs, and see-through garments are not permitted.

8. Indecent/inappropriate patches, logos, phrases, sayings, writings, or drawings on clothing are prohibited.

9. Appropriate footwear of substantial construction and proper fit to guard against slip and fall incidents must be worn at all times. Tennis shoes are generally not acceptable for professional attire unless the job requires it, or with shorts (when they are permitted).

10. Body piercing jewelry is prohibited except for rings, studs or other traditional jewelry worn in the ear. Excessive body piercings and unconventional piercings are strongly discouraged.

Applicability to other adults on school campuses:

Adult volunteers, substitutes, student teachers and interns are also required to abide by the dress code for professional employees.
BOARD POLICIES
Educator Ethics

Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom.

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

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

Public Servants

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

Electronic Communication Policy

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

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

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;

2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or e-mail address; and

3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

*Education Code* 38.027

Ineligible for Retirement Annuity

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.
"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or children);
2. Section 21.12 (improper relationship between educator and student); or
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault).

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

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

Gov’t Code 824.009

Transportation or Storage of Firearm in School Parking Area

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

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125 or Penal Code 46.03 or 46.035, or other law. [See GKA]

Education Code 37.0815

Tobacco and E-Cigarettes

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

Enforcement

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

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

Drug and Alcohol Abuse Program

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property.

Education Code 38.007(a)

Federal Drug-Free Workplace Act

A district that receives a direct federal grant must agree to provide a drug-free workplace by:
1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement;

2. Establishing a drug-free awareness program for employees pursuant to the DFWA;

3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;

4. Imposing a sanction on an employee who is convicted of such a violation, or requiring the employee's satisfactory participation in a drug abuse or rehabilitation program; and

5. Making a good faith effort to continue to maintain a drug-free workplace.

41 U.S.C. 702(a)(1)

**Dietary Supplements**

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

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

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

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

*Education Code 38.011*

**Low-THC Cannabis**

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

2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not loaded and not in plain view; or

3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic Communication**

**Use with Students**

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

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.
Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;

2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;

3. Hours of the day during which electronic communication is discouraged or prohibited; and

4. Other matters deemed appropriate by the Superintendent or designee.

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

**Safety Requirements**

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

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

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

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

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

Relationships with Students

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

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

Tobacco and E-Cigarettes

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

Alcohol and Drugs / Notice of Drug-Free Workplace

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

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

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

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

Exceptions

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

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;

2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

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

1. Referral to drug and alcohol counseling or rehabilitation programs;

2. Referral to employee assistance programs;

3. Termination from employment with the District; and

4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

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

1. Crimes involving school property or funds;

2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or

4. Crimes involving moral turpitude, which include:
   - Dishonesty; fraud; deceit; theft; 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.
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. 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

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 knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

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

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

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents 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 or knowingly 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 or distribution of controlled substances and/or abuse of 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.

Standard 1.14. The educator shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

2. Ethical Conduct Toward Professional Colleagues

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

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

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

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

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

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

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

3. Ethical Conduct Toward Students

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

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

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

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

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

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

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

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, e-mail, 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:

a. The nature, purpose, timing, and amount of the communication;
b. The subject matter of the communication;
c. Whether the communication was made openly or the educator attempted to conceal the communication;
d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
e. Whether the communication was sexually explicit; and
f. 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
United States Constitution

The District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. U.S. Const. Amend. I, XIV

The Board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the Board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. Rosenberg v. Rector & Visitors of Univ. of Virginia, 515 U.S. 819, 828 (1995); City of Madison v. Wis. Emp. Rel. Comm'n, 429 U.S. 167, 174 (1976); Pickering v. Bd. of Educ., 391 U.S. 563, 568 (1968) [See DG]

Texas Constitution

Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. Tex. Const. Art. I, Sec. 27

There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. Prof'l Ass'n of College Educators v. El Paso County Cnty. [College] District, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

Federal Laws

Section 504

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. 34 C.F.R. 104.7(b), .11

Americans with Disabilities Act

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). 28 C.F.R. 35.107, .140

Title IX

A district that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. 34 C.F.R. 106.8(b); North Haven Bd. of Educ. v. Bell, 456 U.S. 512 (1982)

State Laws

Wages, Hours, Conditions of Work

The prohibition against collective bargaining and strikes [see DGA] does not impair the right of employees to present grievances concerning their wages, hours of employment, or conditions of work,
either individually or through a representative that does not claim the right to strike. Gov't Code 617.005

The term "conditions of work" should be construed broadly to include any area of wages, hours or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. Atty. Gen. Op. JM-177 (1984); Corpus Christi Fed. of Teachers v. Corpus Christi Indep. Sch. Dist., 572 S.W.2d 663 (Tex. 1978)

The statute protects grievances presented individually or individual grievances presented collectively. Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.)

Representative

The District cannot deny an employee's representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)

The District should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. Atty. Gen. Op. H-422 (1974); Corpus Christi Indep. Sch. Dist. v. Padilla, 709 S.W.2d 700 (Tex. App.—Corpus Christi, 1986, no writ)

Employment Policy

The 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 the 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*
Grievance Policy

The District's grievance policy must permit an employee to report a grievance against a supervisor to a different supervisor if the employee alleges that the supervisor:

1. Violated the law in the workplace; or
2. Unlawfully harassed the employee.

Telephone Representation

If the District's grievance policy provides for representation, the policy must permit an employee's representative to represent the employee through a telephone conference call at any formal grievance proceeding, hearing, or conference at which the employee is entitled to representation according to the policy. This provision applies to grievances under Education Code 11.171(a) and only if the District has the equipment necessary for a telephone conference call.

_Education Code 11.171(a), (c)_

Audio Recording

The District's grievance policy must permit an employee who reports a grievance to make an audio recording of any meeting or proceeding at which the substance of a grievance that complies with the policy is investigated or discussed. The implementation of an employee's authorization to make an audio recording may not result in a delay of any time line provided by the grievance policy. The District is not required to provide equipment for the employee to make the recording. _Education Code 11.171(b)_

Finality of Grades

An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the District's grading policy applicable to the grade, as determined by the Board.

The Board's determination is not subject to appeal.

_Education Code 28.0214_

Open Meetings Act

The Board is not required to conduct an open meeting to hear a complaint or charge against an employee. However, the Board may not conduct a closed meeting if the employee who is the subject of the hearing requests a public hearing. _Govt Code 551.074_ [See BEC]

Closed Meeting

The Board may conduct a closed meeting on an employee complaint to the extent required or provided by law. _Govt Code 551.082_ [See BEC]

Record of Proceedings

An appeal of the Board's decision to the Commissioner shall be decided based on a review of the record developed at the District level. "Record" includes, at a minimum, an audible electronic
recording or written transcript of all oral testimony or argument. 

_Education Code 7.057(c), (f)_

It is the District's responsibility to make and preserve the records of the proceedings before the Board. If the District fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the District. The record shall include:

1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used:
   a. The tape recording must be complete, audible, and clear; and
   b. Each speaker must be clearly identified.

2. All evidence admitted;

3. All offers of proof;

4. All written pleadings, motions, and intermediate rulings;

5. A description of matters officially noticed;

6. If applicable, the decision of the hearing examiner;

7. A tape recording or transcript of the oral argument before the Board; and

8. The decision of the Board.

19 TAC 157.1073(d)

**Whistleblower Complaints**

Before bringing suit, an employee who seeks relief under Government Code Chapter 554 (whistleblowers) must initiate action under the District's grievance or appeal procedures relating to suspension or termination of employment or adverse personnel action.  

_Govt Code 554.006_  [See DG]
Complaints

In this policy, the terms "complaint" and "grievance" shall have the same meaning.

Other Complaint Processes

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

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.

2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.

3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.

4. Complaints concerning instructional resources shall be submitted in accordance with EF.

5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.

7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

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

Formal Process

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

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

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

Freedom from Retaliation

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

Whistleblower Complaints

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

Complaints Against Supervisors

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

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

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

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

Days

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

Representative

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

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

Consolidating Complaints

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

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

Untimely Filings

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

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

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms

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

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

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

Audio Recording

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

Level One

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

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

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

**Level Two**

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

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

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

The Level One record shall include:

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

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

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

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

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

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

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

The Level Two record shall include:

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

The Level Three administrator shall schedule a conference within ten days after the appeal notice is filed. The Level Three administrator shall conduct the conference or appoint a three-member administrative panel to conduct the conference and recommend a response. The panel shall include senior staff members who are in a direct line relationship between the complainant and the Superintendent. If no panel is appointed, an opportunity shall be provided to such senior staff to have direct input to the Level Three administrator on the matter.

The conference shall be limited to the issues and documents considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator or administrative panel may set reasonable time limits for the conference.

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

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

Level Four

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

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

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

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

The Level Three record shall include:

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

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

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

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

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

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.
A district shall participate in the Public Education Information Management System (PEIMS) and through that system shall provide information required for the administration of the Foundation School Program and of other appropriate provisions of the Education Code. The PEIMS data standards, established by the commissioner of education, shall be used by a district to submit information. Education Code 42.006; 19 TAC 61.1025

Under the Children's Internet Protection Act (CIPA), a district must, as a prerequisite to receiving universal service discount rates, implement certain Internet safety measures and submit certification to the Federal Communications Commission (FCC). 47 U.S.C. 254 [See UNIVERSAL SERVICE DISCOUNTS, below, for details]

Districts that do not receive universal service discounts but do receive certain federal funds under the Elementary and Secondary Education Act (ESEA) must, as a prerequisite to receiving these funds, implement certain Internet safety measures and submit certification to the Department of Education (DOE). 20 U.S.C. 7131 [See ESEA FUNDING, below, for details]

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

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.


“Technology protection measure” means a specific technology that blocks or filters Internet access. 47 U.S.C. 254(h)(7)(I)

An elementary or secondary school having computers with Internet access may not receive universal service discount rates unless a district submits to the FCC the certifications described below at CERTIFICATIONS TO THE FCC and a certification that an Internet safety policy has been adopted and implemented as described at INTERNET SAFETY POLICY below, and ensures the use of computers with Internet access in accordance with the certifications. 47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520
Certifications to the FCC
A district that receives discounts for Internet access and internal connections services under the federal universal support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. 47 C.F.R. 54.520(b)

With Respect to Minors
A district must submit certification that the district:

1. Is enforcing a policy of Internet safety for minors that includes monitoring their online activities and the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Is enforcing the operation of such technology protection measure during any use of such computers by minors; and

3. Is educating minors, as part of its Internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B)

With Respect to Adults
A district must submit certification that the district:

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

2. Is enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C)

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

Internet Safety Policy
A district shall adopt and implement an Internet safety policy that addresses:

1. Access by minors to inappropriate matter on the Internet and the World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including "hacking," and other unlawful activities by minors online;

4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

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

47 U.S.C. 254(l)

Public Hearing

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

"Inappropriate for Minors"

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

ESEA Funding

Federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may not be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet unless a district:

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

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

A district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Certification to DOE

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131
A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, a state eleemosynary institution, or a state agency under Government Code 2175.905;

2. Any equipment purchased by the district; and

3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;

2. Determine that the transfer serves a public purpose and benefits the district; and

3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district.

Education Code 32.104

A district may accept:

1. Donations of data processing equipment for transfer to students; and

2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

A district shall not pay a fee or other reimbursement to a state eleemosynary institution or institution or agency of higher education or other state agency for surplus or salvage data processing equipment it transfers to the district. Government Code 2175.905(c)

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and

2. Store, transport, or transfer data processing equipment under this policy.

Education Code 32.105
Eligibility

A student is eligible to receive data processing equipment under this policy only if the student does not otherwise have home access to data processing equipment, as determined by a district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of Equipment

Except as provided below, a student who receives data processing equipment from a district under this policy shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;
2. The date the student graduates;
3. The date the student transfers to another district; or
4. The date the student withdraws from school.

If, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value, the student is not required to return the equipment.

*Education Code 32.106*

Uniform Electronic Transactions Act

A district may agree with other parties to conduct transactions by electronic means. Any such agreement or transaction must be done in accordance with the Uniform Electronic Transactions Act. *Business and Commerce Code Chapter 322; 1 TAC 203*

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board’s rules consistent with DIR rules. *Govt Code 2054.060; 1 TAC 203*

Security Breach Notification

To Individuals

A district that owns or licenses computerized data that includes sensitive personal information shall disclose, in accordance with the notice provisions at Business and Commerce Code 521.053(e), any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made as quickly as possible, except as provided at CRIMINAL INVESTIGATION EXCEPTION below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

To the Owner or License Holder

A district that maintains computerized data that includes sensitive personal information not owned by the district shall notify the owner or license holder of the information, in accordance with Business and Commerce Code 521.053(e), of any breach of system
security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

To a Consumer Reporting Agency

If a district is required to notify at one time more than 10,000 persons of a breach of system security, the district shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The district shall provide the notice without unreasonable delay.

Criminal Investigation Exception

A district may delay providing the required notice to state residents or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation.

Information Security Policy

A district that maintains its own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice described above complies with Business and Commerce Code 521.053 if the district notifies affected persons in accordance with that policy.

Business and Commerce Code 521.053; Local Gov't Code 205.010

Definitions

"Breach of System Security"

"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. Business and Commerce Code 521.053(a)

"Sensitive Personal Information"

"Sensitive personal information" means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:
   a. Social security number;
   b. Driver's license number or government-issued identification number; or
c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual’s financial account; or

2. Information that identifies an individual and relates to:
   a. The physical or mental health or condition of the individual;
   b. The provision of health care to the individual; or
   c. Payment for the provision of health care to the individual.

"Sensitive personal information" does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

*Business and Commerce Code 521.002(a)(2), (b)*

Except as otherwise provided in the Electronic Communication Privacy Act, 18 U.S.C. 2510–22, a person commits an offense if the person:

1. Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication;

2. Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:
   a. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or
   b. Such device transmits communications by radio, or interferes with the transmission of such communication; or
   c. Such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or
   d. Such use or endeavor to use takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or
e. Such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

3. Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the prohibited interception of a wire, oral, or electronic communication;

4. Intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the prohibited interception of a wire, oral, or electronic communication; or

5. Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by 18 U.S.C. 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e), 2516, and 2518; knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation; having obtained or received the information in connection with a criminal investigation; and with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.

It shall not be unlawful for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any state.

18 U.S.C. 2511(1), (2)(d)

Stored Wire and Electronic Communications and Transactional Records Access Act

A district must comply with the Stored Wire and Electronic Communications and Transactional Records Access Act, 18 U.S.C. 2701–12.

Whoever intentionally accesses without authorization a facility through which an electronic communication service is provided or intentionally exceeds an authorization to access that facility and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system commits an offense. 18 U.S.C. 2701(a)

Exceptions

This section does not apply with respect to conduct authorized:
1. By the person or entity providing a wire or electronic communications service;

2. By a user of that service with respect to a communication of or intended for that user; or


**18 U.S.C. 2701(c)**

Definitions

**"Electronic Communication"**

"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce. *18 U.S.C. 2510(12), 2711(1)*

**"Electronic Storage"**

"Electronic storage" means:

1. Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

2. Any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

*18 U.S.C. 2510(17), 2711(1)*

The term encompasses only the information that has been stored by an electronic communication service provider. Information that an individual stores to the individual's hard drive or cell phone is not in electronic storage under the statute. *Garcia v. City of Laredo*, 702 F.3d 788 (5th Cir. 2012)

**"Electronic Communications System"**

"Electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related equipment for the electronic storage of such communications. *18 U.S.C. 2510(14), 2711(1)*

**"Electronic Communication Service"**

"Electronic communication service" means any service which provides to users thereof the ability to send or receive wire or electronic communications. *18 U.S.C. 2510(15), 2711(1)*

**"Facility"**

"Facility" includes servers operated by electronic communication service providers for the purpose of storing and maintaining electronic storage. The term does not include technology, such as cell phones and computers, that enables the use of an electronic communication service. *Garcia v. City of Laredo*, 702 F.3d 788 (5th Cir. 2012)
"Person" means any employee, or agent of the United States or any state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation. 18 U.S.C. 2510(6), 2711(1)

Cybersecurity Information Sharing Act

A district may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-federal entity or the federal government a cyber threat indicator or defensive measure. A district receiving a cyber threat indicator or defensive measure from another entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing entity. 6 U.S.C. 1503(c)

Protection and Use of Information Security

A district monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under 6 U.S.C. 1503 shall implement and utilize a security control to protect against unauthorized access to or acquisition of such indicator or measure. 6 U.S.C. 1503(d)(1)

Removal of Personal Information

A district sharing a cyber threat indicator pursuant to these provisions shall, prior to sharing:

1. Review such indicator to assess whether it contains any information not directly related to a cybersecurity threat that the district knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or

2. Implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the district knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.

6 U.S.C. 1503(d)(2)

Use of Information

A cyber threat indicator or defensive measure shared or received may, for cybersecurity purposes:

1. Be used by a district to monitor or operate a defensive measure that is applied to an information system of the district, or an information system of another non-federal entity or a federal entity upon written consent of that other entity; and

2. Be otherwise used, retained, and further shared by a district subject to an otherwise lawful restriction placed by the sharing entity on such indicator or measure, or an otherwise applicable provision of law.

6 U.S.C. 1503(d)(3)
Exception

A cyber threat indicator or defensive measure shared with a state, tribal, or local government under Title 6, United States Code, may not be used by any such government to regulate, including an enforcement action, the lawful activity of any non-federal entity or any activity taken by a non-federal entity pursuant to mandatory standards, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator. A cyber threat indicator or defensive measure shared as described in this provision may, consistent with a state, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems. 6 U.S.C. 1503(d)(4)(C)

Law Enforcement Use

A district that receives a cyber threat indicator or defensive measure under Title 6, United States Code, may use such indicator or measure for the purposes described in 6 U.S.C. 1504(d)(5)(A). 6 U.S.C. 1503(d)(4)(B) [See CKE]

Exemption from Public Disclosure

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under federal public information law and any state or local provision of law requiring disclosure of information or records; and

2. Withheld, without discretion, from the public under federal public information law and any state or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See GBA]

No Duty

Nothing in these provisions creates a duty to share a cyber threat indicator or defensive measure or to warn or act based on receipt of a cyber threat indicator or defensive measure; or undermines or limits the availability of otherwise applicable common law or statutory defenses. 6 U.S.C. 1505(c)

Definitions

“Non-Federal Entity” means any private entity, non-federal government agency or department, or state, tribal, or local government
"Cybersecurity Purpose" "Cybersecurity purpose" means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability. The term does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement. 6 U.S.C. 1501(4)

"Cybersecurity Threat" "Cybersecurity threat" means an action, not protected by the First Amendment to the United States Constitution, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that it stored on, processed by, or transiting an information system. 6 U.S.C. 1501(5)

"Cyber Threat Indicator" "Cyber threat indicator" means information that is necessary to describe or identify:

1. Malicious reconnaissance, as defined in 6 U.S.C. 1501(12), including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

2. A method of defeating a security control or exploitation of a security vulnerability;

3. A security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

4. A method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

5. Malicious cyber command and control, as defined in 6 U.S.C. 1501(11);

6. The actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

7. Any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

8. Any combination thereof.

6 U.S.C. 1501(6)
| **“Defensive Measure”** | “Defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by the private entity operating the measure or another entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure. 6 U.S.C. 1501(7) |
| **“Information System”** | “Information system” has the meaning given the term in 44 U.S.C. 3502 and includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers. 6 U.S.C. 1501(9) |
| **“Security Control”** | “Security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information. 6 U.S.C. 1501(16) |
| **“Security Vulnerability”** | “Security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. 6 U.S.C. 1501(17) |
TECHNOLOGY RESOURCES

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

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

Availability of Access

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

Limited Personal Use

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

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

Use by Members of the Public

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

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

Acceptable Use

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

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

Internet Safety

The Superintendent or designee shall develop and implement an Internet safety plan to:
1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;

2. Ensure student safety and security when using electronic communications;

3. Prevent unauthorized access, including hacking and other unlawful activities;

4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and

5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms.

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

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

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

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

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

Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law.

The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Electronic mail, if the District has electronic mail addresses for the affected persons.
4. Publication through broadcast media.
AESOP
INSTRUCTIONS
Absence Management

SIGNING IN

To log in to the absence management application, type [aesoponline.com](http://aesoponline.com) in your web browser’s address bar.

The Sign In page will appear. Enter your ID/username and PIN/password and click Sign In.

RECOVERING CREDENTIALS

If you cannot recall your credentials, use the recovery options or click the “Having trouble signing in?” link for more details.

CREATING AN ABSENCE

You can enter a new absence from your absence management home page under the Create Absence tab.

Enter the absence details including the date of the absence, the absence reason, notes to the administrator or substitute, etc. and attach any files, if needed. You can then click Create Absence.
MANAGING YOUR PIN AND PERSONAL INFORMATION

Using the “Account” option, you can manage your personal information, change your PIN number, upload shared attachments (lesson plans, classroom rules, etc.), manage your preferred substitutes, and more.

GETTING HELP AND TRAINING

If you have questions, want to learn more about a certain feature, or need more information about a specific topic, click Help Resources and select Frontline Support. This opens a knowledge base of help of training materials.

ACCESSING ABSENCE MANAGEMENT ON THE PHONE

In addition to web-based, system accessibility, you can also create absences, manage personal information, check absence reason balances, and more, all over the phone.

To call the absence management system, dial 1-800-942-3767. You’ll be prompted to enter your ID number (followed by the # sign), then your PIN number (followed by the # sign).

Over the phone you can:
- Create an absence (within the next 30 days) – Press 1
- Review upcoming absences – Press 3
- Review a specific absence – Press 4
- Review or change your personal information – Press 5

If you create an absence over the phone, please note the confirmation number that the system assigns the new absence, for future reference.

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