

# **Longview Independent School District**



**2009 - 2010**

## **EMPLOYEE HANDBOOK**

**“Believe in Excellence in the District of Choice”**

**Dr. James E. Wilcox, Superintendent**

# **LONGVIEW INDEPENDENT SCHOOL DISTRICT EMPLOYEE HANDBOOK**

## **INTRODUCTORY MATERIAL**

A note about this handbook:

This handbook is intended to facilitate communications within the District and to serve as a quick reference on a variety of subjects. The provisions and information set forth in this handbook are intended to provide direction to all employees. Many policies and procedures have been abbreviated and summarized; therefore, this handbook is not to be considered as a substitute for the official district policy manual or administrative regulations. 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. Policy manuals are located at each campus, at central administration offices, and on the district's website. This handbook is not intended and shall not be construed to constitute a contract between the Longview Independent School District and any other employee; prospective employee; agency of the local, state, or federal government; or any other person or legal entity of any and every nature whatsoever. The District hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of the handbook at any time; these changes shall supersede any handbook provisions that are not compatible with the change, and from time to time, without notice in any manner that the administration or the Board of Trustees deem to be in the best interest of the District.

## **STATEMENT OF NON-DISCRIMINATION**

Longview Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, disability, or genetic information, in providing educational 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 Amendment of 1972. The Assistant Superintendent for Administrative and Pupil Services has been designated to coordinate compliance with the nondiscrimination requirements of Title IX of the Education Amendments of 1972, as amended. The Director of Special Education coordinates compliance with the requirements of Section 504 of the Rehabilitation Act of 1972.

Questions or concerns about discrimination against students on the basis of race, color, religion, sex, or national origin should be directed to the superintendent or Dr. Jennifer Scott, the district's Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to the Director of Special Education.

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## APPENDIX

### Chapter 37

# **INTRODUCTION TO HANDBOOK**

## **INTRODUCTION TO HANDBOOK**

The purpose of this handbook is to provide Longview Independent School District employees with a resource document that includes pertinent information on policies and procedures that will pave the way for employees to have a successful year. This is done in the belief that staff morale improves when everyone understands the relationship of his/her work to the total organization and knows of his/her own rights and responsibilities.

The Longview Independent School District is one of the largest and most essential businesses in our city. It is responsible for the proper investment of many millions of dollars of public money and proper use of the talents of more than twelve hundred employees to the end that the best possible education can be provided for the children of the Longview area.

Every employee is part of the team whose goal is to provide a quality education for all children. All employees are trustees of an important public confidence and, as such, must be dedicated to doing the most efficient and effective job in which they are capable.

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. Policy manuals are located in the principal's office, libraries of each respective campus, in departmental supervisor's offices, in the Human Resources Department, in the Superintendent's office, and can be accessed on-line at [www.lisd.org](http://www.lisd.org) under the employment section.

It is essential that all school personnel be thoroughly acquainted with the handbook and refer to it frequently. From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate district administrator. Suggestions for additions and improvements to this handbook are welcome and may be sent to Andrea H. Mayo, Deputy Superintendent, District Services.

# **LONGVIEW ISD LEADERSHIP**

# **LONGVIEW ISD LEADERSHIP**

## **Board of Trustees** **2009-2010**

Dr. Troy Simmons, President  
Ted Beard, Vice President  
Jud Murray, Secretary  
John Preston, Assistant Secretary  
John Harrison, Member  
Dr. Chris Mack, Member  
Sam Satterwhite, Member

The Board of Trustees is elected by the citizens to ensure a strong educational program for the district's children. Trustees are elected and serve three-year terms. Trustees serve without compensation, must be registered voters, and must reside in the district. Texas law grants the Board of Trustees the power to govern and oversee the management of the district's schools. The Board is the policymaking body within the district and has the overall responsibility for the curriculum, school taxes, annual budget, facilities and expansions, and the employment of the superintendent and other professional staff. The Board has complete and final control over school matters within limits established by state and federal regulations.

Regular board meetings are held the second Monday of the month at 7:00 p.m. in the Longview Education Support Center, 1301 East Young Street. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at the central administrative offices 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, personnel issues including conferences with employees and employee complaints, security matters, student discipline, and/or to consult with attorneys regarding pending litigation.

## **Superintendent of Schools**

Dr. James E. Wilcox

**Message from the Superintendent**

**Dr. James E. Wilcox**



Dear Staff:

Our goal continues to be the preparation of our students to be successful 21<sup>st</sup> Century learners and productive citizens in our democracy. To accomplish this during the school year, we must follow the necessary steps in implementing this goal.

Something that everyone likes is respect. Students respect self-confident teachers who set a lively classroom climate. As a classroom teacher, you are the one who is ultimately responsible for providing your students with a classroom atmosphere that encourages them to be creative and learn. Our other employees who drive busses, prepare meals, and maintain our facilities have important roles in establishing a climate of respect.

The following suggestions should help each of us maintain school where students respect you and each other:

- *Control what happens in our classroom while allowing students opportunities to voice their differences.*
- *Do not completely squelch argumentative behavior, which could lead to some interesting discussions. However, do insist that argumentative students save their disagreements for an appropriate time, occasionally write down their notions instead of always voicing them, and learn to listen to others during discussions.*
- *Be direct and honest with students. If some students like to tease or bait you during class, either ask them directly if that is what they are doing or discuss it privately with them later. You resolve differences.*
- *Do not treat anger with anger. Deal with angry students coolly and responsibly, allowing them a time-out period to cool off. Teach students, perhaps through role playing activities, how to deal with anger in acceptable ways.*
- *Deal with stubborn children in ways that will help them see the difference between just being stubborn and standing up for their beliefs. Avoid drawing too much attention to a stubborn child. That may be what he or she seeks.*

We mention things that you all know and utilize in your relationship with our students, but we as educators recognize that it never hurts to review. This handbook will be a guide for your year in the Longview ISD, but always feel free to ask questions regarding our policies and procedures.

On behalf of our board of trustees, I would like to welcome you to another, or your first, year as a member of our Lobo team. Thank you for all you will provide our students this year. ***I hope the 2009 – 2010 school year is your best year ever!***

J.E. Wilcox, Ed.D.



# **DISTRICT GOALS**

# GOALS

## Texas Public Education Goals

- Goal 1: Parents will be full partners with educators in the education of their children.
- Goal 2: Students will be encouraged and challenged to meet their full educational potential.
- Goal 3: Through enhanced dropout prevention efforts, all students will remain in school until they obtain a high school diploma.
- Goal 4: A well-balanced and appropriate curriculum will be provided to all students.
- Goal 5: Qualified and highly effective personnel will be recruited, developed and retained.
- Goal 6: The state's students will demonstrate exemplary performance in comparison to national and international standards.
- Goal 7: School campuses will maintain a safe and disciplined environment conducive to student learning.
- Goal 8: Educators will keep abreast of the development of creative and innovative techniques in instruction and administration using those techniques as appropriate to improve student learning.
- Goal 9: Technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

## Texas Public Education Academic Goals

### State Academic Goal 1:

The students in the public education system will demonstrate exemplary performance in the reading and writing of the English language.

### State Academic Goal 2:

The students in the public education system will demonstrate exemplary performance in the understanding of mathematics.

State Academic Goal 3:

The students in the public education system will demonstrate exemplary performance in the understanding of science.

State Academic Goal 4:

The students in the public education system will demonstrate exemplary performance in the understanding of social studies.

# LONGVIEW ISD STRATEGIC PLAN

## Mission

**Believing in excellence for all, the Longview Independent School District will guarantee the highest level of academic achievement and character development of each learner by providing challenging curriculum and exemplary instruction within a safe environment.**

## Statement of Beliefs

**We believe that...**

1. Every individual has intrinsic worth and is able to contribute to society.
2. Every student has a right to a high-quality, equitable education.
3. Every individual has the ability to learn and an innate desire to succeed.
4. A safe, healthy, and orderly environment is critical for learning.
5. A community holding high academic expectations will reap educational, economic, cultural, and societal benefits.
6. High morals, strong character, and personal integrity are essential for the betterment of society.
7. Honoring diversity and building on individual strengths contribute to growth.
8. School-Community partnerships are vital for success.
9. Change is essential for continuous improvement.
10. Every learner must be prepared to compete globally.
11. Education immeasurably enriches quality of life.
12. Learning is a life-long quest.

## Longview ISD District Goals

- Goal 1      We will implement, with accountability, an aligned rigorous curriculum to meet the needs of all learners.
- Goal 2      We will provide a variety of appropriate intensive, compensatory, and/or accelerated instructional services for students at risk of dropping out of school in order to increase academic performance, reduce the dropout rate, and increase student attendance.
- Goal 3      We will provide a safe, healthy, orderly environment for all, where students develop positive character attributes with emphasis on self-discipline, violence prevention, and the treatment of others with courtesy, dignity, and respect.

- Goal 4. We will provide and maintain facilities in alignment with the District's Mission.
- Goal 5 We will ensure high quality staff committed to excellence.
- Goal 6 We will establish and maintain timely communication with all stakeholders.

# **EMPLOYEE SERVICES**

## **LONGVIEW ISD EMPLOYEE SERVICES**

The Longview ISD does not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin, age, disability, military status, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualification, experience, and abilities.

### **District Hiring Practices**

Vacancy notices will be posted in the principal's office, in the faculty area of the school, on the LISD website, and at the Education Support Center. The notice will include a basic description of the job, essential credentials, a listing of the filing dates, and the name of the contact person. Applications will be retained in the Human Resources Department for one year from the date of application unless the applicant requests in writing that the application remain on file.

### **Job Posting Requirement**

- Applies to ALL positions for which a certificate or license is required as provided by Section 21.003. This therefore includes classroom teachers.
- Prior to filling a vacancy, requires a TEN DAY posting period for all jobs that do not affect the safety of the students
- Requires notice of the position by posting the position on a bulletin board at the district's central administrative office; AND
- Posting of the position at the central administrative office of each campus in the district during any time the office is open; AND  
the district's Internet website, if the district has a website; and  
the district must provide employees a "reasonable opportunity" to apply for the position.

### **Exceptions To The Ten-Day Posting Requirement:**

- A position that affects the safety and security of a student AS DETERMINED BY THE BOARD OF TRUSTEES
- If, DURING THE SCHOOL YEAR, the district must fill a vacant position held by a teacher, as defined by Section 21.201, in less than 10 school days.

Professional personnel seeking employment must file an application with complete college and certification credentials. After the screening process, selected applicants may be invited for an interview by the appropriate administrator. Prior to making a recommendation for employment,

a thorough investigation is made of the applicant. Qualifications considered desirable are academic competence, success, and the personal qualities necessary for working in close association with students, parents, and the community. The superintendent makes the final recommendation to the Board. An official contract is offered after confirmation by the Board.

When a job vacancy occurs among auxiliary or support staff, all current applications are considered and screened. Consideration is given each applicant based on leadership potential, ability to perform the job, attendance record, dependability, past evaluations, experience, and other criteria.

### **Diversity Action Plan: Equal Employment Opportunity**

It has been and continues to be the policy of the Longview Independent School District as an *Equal Opportunity Employer* that all persons will receive equal employment opportunities in accordance with their job-related qualifications, without regard of race, color, religion, sex, national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Equal employment opportunities include, but are not limited to recruitment, selection, placement, training, promotion, transfer, demotion, rate of pay, benefits, layoffs, terminations, social and recreational programs, and other conditions, obligations and benefits of employment. The Board of Trustees, the superintendent and all persons associated with the Longview Independent School District are committed to the spirit and letter of the District policy.

The objective of the Longview Independent School District has always been to base employment decisions solely upon job-related criteria and requirements and an individual's related qualifications and abilities. The Longview Independent School District is expanding its efforts to identify and to develop a broader range of applicant sources in its employment activities.

To achieve its objectives, the Longview Independent School District will continue to emphasize to applicants, employees, students, parents, the community and others, that opportunities in the Longview Independent School District are made available on a nondiscriminatory basis.

Should any employee or other individual have questions concerning the Longview Independent School District's equal employment opportunity policies or practices, that person is encouraged to discuss these matters with the Deputy Superintendent for District Services.

Employees with questions or concerns about discrimination on the basis of race, color, religion, gender, national origin, age, or military status should contact the Superintendent or the district's Title IX coordinator. Employees with questions or concern about discrimination on the basis of a disability should contact the Deputy Superintendent for District Services.



## **Reduction In Force**

A reduction in force (RIF) may take place when the Board determines that financial exigency or program change requires the discharge or nonrenewal of one or more employees. Such a determination constitutes sufficient cause for discharge or non-renewal of an employee's contract and services (DFF LOCAL).

## **Employment Status**

### **Employment Status**

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

### **Probationary Contracts**

A probationary contract will be issued to a person who is employed by the Longview Independent School District for the first time or who has not been employed by the District for two consecutive years subsequent to 8/1/67. 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 at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

### **Term Contract**

A term contract will be issued after a contractual employee has successfully completed his/her probationary period as prescribed under Chapter 21 of the Texas Education Code (DCB LEGAL). A term contract will be in writing and include the terms of employment as prescribed under Chapter 21, Subchapter E; the Board may include other provisions in a term contract that are consistent with this subchapter. Each term contract is subject to the approval of the Board and there is no property interest in a term contract beyond its term. The Board shall provide each employee employed under a term contract with a copy of the employee's contract and upon request a copy of the Board's employment policies (*Contract-Related Policies* available from the Human Resources Department).

### **Noncertified Professional and Administrative Employee Contracts**

Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are employed by one-year or two-year contracts that are not subject to the procedures for non-renewal 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**

All professional personnel shall hold valid Texas Certificates, out-of-state certification, or shall provide evidence of eligibility for certification and/or appropriate license. The State Board of Educator Certification is charged with regulating and overseeing the State's certification of professional employees. Questions concerning certification should be directed to the District's Human Resources Department.

Each person who holds a Texas Standard certificate is responsible for renewing the certificate and paying a fee for late renewal. *Failure to receive notice of the renewal requirement or deadline does not excuse the individual's obligation to renew or pay applicable fees.*

To be eligible for certificate renewal, and individual must:

- A. Successfully complete a criminal history review;
- B. Not be in default on a student loan or in arrears of child support;
- C. Complete the appropriate clock hours of continuing professional education (CPE); **and**
- D. Pay the renewal fee.

Any person who fails to satisfy all of the certificate renewal requirements will be moved to inactive status and will be ineligible for employment in a Texas public school district. For more information, contact SBEC at [www.sbec.state.tx.us](http://www.sbec.state.tx.us) or call 888.863.5880.

## **Employment-related Policies**

The following Board policies may be of interest to our staff and are readily available to district personnel by contacting the Human Resources Department for a copy of "*Contract-Related Policies*":

DAA	Equal Employment Opportunity	DFE	Resignation
DBD	Conflict of Interest	DFE	Reduction in Force
DBF	Nonschool employment	DGBA	Employee Complaints/Grievances
DC	Employment Practices	DH	Standards of Conduct
DCB	Term Contracts	DHE	Searches and Alcohol/Drug Testing
DEA	Salaries, Wages, Stipends	DI	Welfare
DEC	Leaves and Absences	DIA	Freedom from Harassment
DFAC	Return to Probationary Status	DK	Assignment and Schedules
DFBA	Termination During Contract	DN	Performance Appraisal
DFBB	Nonrenewal	DNA	Evaluation of Teachers
DFD	Hearings Before Hearing Examiner	DNB	Evaluation of Other Professional Employees

## **Termination of Employment**

### **Resignations**

**Contract Employees:** Contract employees may resign their position without penalty at the end of the school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Superintendent of Schools. Contract employees may resign at any other time only with the approval of the Superintendent or the Board of Trustees. Resignation without the consent of the Board may result in disciplinary action by the State Board for Educator Certification.

The Superintendent will notify the State Board for Educator Certification when an employee resigns and reasonable evidence exists to indicate the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*.

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

### **Dismissal or Non-renewal of Contract Employees**

Employees on probationary or term contracts can be dismissed during the school year or non-renewed at the end of the year according to the procedures outlined in District policies. Contract employees dismissed during the year, suspended without pay, or subject to 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 time lines and procedures to be followed when a suspension, termination, or non-renewal occurs will be provided when a written notice is given to the employee. Information on the time lines and procedures can be found in the "DF" policies that are provided to employees or in the policy manuals located on each campus and on the District's website.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct.

### **Dismissal of Non-contract Employees**

Non-contract 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, religion, sex, national origin, disability, military status, 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 Complaint Procedure).

### **Reports to the State Board for Educator Certification:**

The dismissal or resignation of a certified employee will be reported to the State Board for Educator Certification when the superintendent first learns about an alleged incident or conduct that involves the following:

- ❖ A reported criminal history;
- ❖ Any form of sexual or physical abuse of a minor or any other illegal conduct with a student without regard to age;
- ❖ Soliciting or engaging in sexual conduct or a romantic relationship with a student or minor;

- ❖ The possession, transfer, sale, or distribution of a controlled substance;
- ❖ The illegal transfer, appropriation, or expenditure of school property or funds;
- ❖ An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position;
- ❖ Committing a crime on school property or at a school-sponsored event; and/or
- ❖ Violating assessment instrument security procedures.

### **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 to the court and the individual receiving the support (Texas Family Code §8.210, 158.211). Notice of the following must be sent to the court and support recipient:

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

### **Continuing Health Coverage**

If you are a participant in the district's health care plan, and submit your resignation from employment with an effective date that is after the end of the instructional year:

- 1) you may be entitled to continue your current health coverage until September 1<sup>st</sup>.
- 2) the district may not diminish or eliminate the amount of premium contributions required by law (House Bill 973) to be paid on your behalf during any coverage continuation period. You will still be responsible for your share of any premiums during the same coverage continuation period.

If you resign employment in order to retire under the TRS pension plan and you are eligible for TRS retiree health coverage under TRS-Care, you may be able to closely coordinate the ending of your current health care coverage with the beginning of your coverage under TRS-Care. You may be entitled to defer the effective date of your TRS-Care coverage for up to three (3) months, while remaining on your employer's current coverage from your employer and later enroll in TRS-Care due to a special enrollment event, as defined in the TRS-Care rules.

Please contact TRS for further details about TRS-ActiveCare and TRS-Care coverages.

### **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 that 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, and equipment must be returned upon separation from employment.

### **Renewal/Nonrenewal**

Term contract employees whose contracts are about to expire shall be notified by the Board not later than the 45th day before the last day of instruction whether the Board intends to renew or not renew the contract. Term contract employees may be terminated at any time for: (1) good cause as determined by the Board; or, (2) a financial exigency that requires a reduction in personnel.

### **Suspension Without Pay**

The District may suspend an employee under term contract without pay pending discharge or in lieu of termination.

### **Employment After Retirement**

Individuals receiving retirement benefits from the Texas Retirement System (TRS) may be employed in limited 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 by calling 800-223-8778 or 512-542-6400. TRS information is also available on the Web at [www.trs.state.tx.us](http://www.trs.state.tx.us).

## **Assignments and Schedules**

### **Assignment**

Teachers shall be assigned in areas or subjects for which they have completed an approved program of teacher education and certification. Campus assignments and reassignments will be made by the principal and shall be consistent with District policy and equal opportunity employment.

All personnel are employed subject to assignment and reassignment by the superintendent or an officially designated representative at any time. Assignments and/or additional duties shall be

based on the overall needs of the District. Any employee may request assignment to another position within the District for which he or she is qualified.

### **Employee Involvement**

*Policy BQA, BQB*

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

### **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.

### **Workload and Work Schedules**

Academic administrators and professional employees are exempt from overtime pay and are employed on a 10-, 11-, or 12 month basis, according to the work schedule set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedule including required days of service and scheduled holidays will be distributed by the Human Resources Department.

Classroom teachers will have a planning period 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 of 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.

Support employees are employed "at-will" and will be notified of the required duty days, holidays, and hours of work 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.

The work week and daily time schedules shall be determined by the superintendent or designee and principals, subject to Board approval. Failure to observe the established schedule may constitute neglect of duties.

Working hours for Education Support Center personnel are:

8:00 a.m. - 4:30 p.m. Monday through Thursday  
8:00 a.m. - 4:00 p.m. Friday

Summer working hours are:

7:30 a.m. - 5:30 p.m. Monday through Thursday  
closed Friday

Working hours for campus personnel are:

7:30 a.m. - 3:45 p.m. Monday through Friday - Elementary  
7:45 a.m. - 4:00 p.m. Monday through Friday - Secondary

### **Employee ID Cards and Time Management System**

The Longview ISD Board of Trustees approved a district wide timekeeping system at a regular board meeting on April 11, 2006. The new timekeeping system will be utilized by all classifications of employees in an effort to provide consistent timekeeping and improvements to security management.

All employees are required to wear ID cards and are required to swipe their card through a device called a bar code reader. Employees are not to "swipe in" and/or "swipe out" for co-workers at anytime and under any circumstances. All campuses will have access to a reader to check in and check out as needed. Each ID card will have the employee's picture. Failure to adhere to procedures and policies associated with the timekeeping system will be automatic grounds for being placed on probation, suspension and even termination.

### **Full-time Teachers/Librarians**

1. Each full-time teacher, including a teacher who directs extracurricular activities, must teach an average of four hours a day.
2. Planning and preparation time for teachers is at least 450 minutes each two-week period in increments of not less than 45 minutes.



3. The district must provide full-time teachers and librarians with a duty-free lunch period of at least 30 minutes (Exception: If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, the District may require a classroom teacher or librarian entitled to a duty-free lunch to supervise students during lunch).
4. Itinerant teachers may be assigned duty at the home school, but not at both schools.

### **Half-time Teachers**

1. A half-time teacher may be assigned no more than three class periods, which must be consecutive. At the secondary level, a half-time teacher may be assigned two classes and a homeroom period, but may not have a homeroom period assigned with three classes.
2. Half-time teachers with three classes may not be assigned duty.

### **Duties**

Teachers should become familiar with the provisions of the District and campus handbooks that constitute an expression of the administrative procedures for the guidance of the teacher in the Longview ISD workplace.

### **Faculty Meetings**

Principals may call faculty meetings whenever it would be in the best interest of their campus. These meetings may be held within the working day or beyond the normal working hours, if needed. Faculty meetings may be scheduled or called with reasonable advance notice.

### **Notification to Parents Regarding Certification Status**

In schools receiving Title I funds, the District is required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

Texas law also 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 notification under NCLB is sent. Inappropriately certified or uncertified teachers include individuals serving with an emergency permit (including

individuals waiting to take a certification exam) or 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 Loretta J. Thompson Martin, Director, Human Resources at 903-381-2200.

### **Employee Arrests and Convictions**

An employee must report to the principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plead, or other adjudication of any felony, any offense involving moral turpitude, and any of the 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 of school property or at a school-sponsored activity
- ❖ Crimes involving moral turpitude

Moral turpitude includes, but is not limited to, 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
- ❖ Drug- or alcohol-related offenses
- ❖ Acts constituting abuse or neglect under the Texas Family Code

### **Visitors in the Workplace**

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.

### **Building Use**

The Business Office is responsible for coordinating the scheduling of use of campus facilities after school hours. Athletic facilities are scheduled through the Athletic Department and T. G.

Field Auditorium is scheduled by the Special Education Department. Contact these departments to request the use of school facilities and to obtain information on the fees charged.

### **Exposure Control Plan**

This program includes information that will help employees understand what bloodborne pathogens are and how to reduce the risk to the employee and others to an exposure.

In 1992, Occupational Safety and Health Administration (OSHA) produced the standard: *Occupational Exposure to Bloodborne Pathogens*. The purpose of this standard is to control or minimize occupational exposure to Hepatitis B Virus (HBV), Human Immunodeficiency Virus (HIV) and other bloodborne pathogens for employees who face a health risk from exposure to blood and other potentially infectious materials.

The Longview ISD has developed an Exposure Control Plan for employees who

- ❖ provide services in a public facility providing health care related services
- ❖ otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens.

A copy of the Exposure Control Plan is available in the office of each principal and building supervisor. The plan provides guidelines on:

1. How to handle and dispose of sharps (i.e., needles).
2. How to handle and dispose of possibly contaminated materials
3. Which employees are affected by this OSHA standard.
4. What housekeeping controls should be followed in cases of a possible bloodborne pathogen exposure.

# **EMPLOYEE WELFARE**

# **EMPLOYEE WELFARE**

## **Physical Assaults or Threats to School Employees**

In the event of physical assault, the following procedures shall be implemented:

1. Employees shall report cases of assault to the principal immediately.
2. After discussion with the employee, the principal shall call Dr. Jennifer Scott, Assistant Superintendent for Administrative and Pupil Services to report the incident and to activate the police department investigation.
3. The employee shall complete the workers' compensation form and submit to the office of the Payroll Clerk.
4. In the event of injury, the principal shall see that medical attention is secured. The principal ensures that the workers' compensation form is filed with the business office. The principal shall also assist the police department and the district attorney's office, when and where needed.
5. The superintendent or designee shall secure a detailed statement of the incident and provide whatever assistance is necessary to aid the employee. Such a statement shall be made available to the employee and principal and may be utilized for third party hearings, juvenile department review, court hearings, etc.
6. It is the responsibility of the employee to determine whether or not criminal charges will be filed.

In the event of a threat to do bodily harm, the following procedures shall be implemented:

1. Employees shall report threats to do bodily harm to the principal or supervisor.
2. After discussing the threat with the employee and ascertaining that, in the opinion of the employee, it is of sufficient gravity to cause fear of bodily injury, the principal or supervisor shall call the superintendent or designee.
3. The superintendent or designee shall notify the police department, outline district security measures available and provide a detailed report to the principal and employee.
4. The superintendent or designee shall be available to assist the employee to implement the action deemed necessary for protection.

## **Discrimination, Harassment, and Retaliation**

Employees shall not engage in prohibited harassment, including sexual harassment of other employees 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.

Harassment of a coworker or student motivated by race, color, religion, national origin, disability, or age is a form of discrimination and is prohibited by law. A substantiated charge of harassment against a student or employee will result in disciplinary action. The term harassment includes repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

Employees who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal or supervisor. If the campus principal, supervisor or district official is the subject of a complaint, the employee shall report the complaint directly to the superintendent. An employee who suspects or knows that a student is being harassed by a school employee or by another student shall inform his or her principal or immediate supervisor. A complaint against the superintendent may be made directly to the board.

Any allegation of harassment of students or employees shall be investigated and addressed. An employee may appeal the decision of the principal or supervisor regarding the investigation into the allegations in accordance with the employee complaint and grievance policy and procedures. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. The district will not retaliate against an employee who in good faith reports perceived harassment.

The district's policy that includes definitions and procedures for reporting and investigation discrimination, harassment, and retaliation is found in the DIA (LOCAL) board policy.

## **Harassment of Students**

*Policies DH, FFG, FFH*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate sexual 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 or abuse of a student 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 100 for additional information.

## **Sexual Harassment**

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is found in DF(LEGAL) and FFH (LOCAL).

### **Definition**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, or any conduct or other offensive unequal treatment of an employee or group of employees that would not occur but for the sex of the employee or employees, when:

- ❖ The advances, requests, or conduct has the effect of interfering with performance of duties or creating an intimidating, hostile, or otherwise offensive work environment; or
- ❖ Submission to such advances, requests, or conduct is explicitly or implicitly a term or condition of employment; or
- ❖ Submission to or rejection of such advances, requests, or conduct is used as a basis for employment decisions.
- ❖ Sexual harassment includes same-sex harassment when the harassment constitutes discrimination because of sex.

### **Prohibited Conduct**

Employees shall not engage in conduct constituting sexual harassment. The District shall investigate all allegations of such harassment and shall take appropriate disciplinary action against employees found to engage in such harassment.

### **Complaint Procedure**

An employee who believes he or she has been or is being subjected to any form of sexual harassment as defined above shall bring the matter to the attention of the principal, immediate supervisor, or assistant superintendent in accordance with the District's grievance policy. However, no procedure or step in that policy shall have the effect of requiring the employee alleging such harassment to present the matter to a person who is the subject of the complaint.

### **Notice of Employee Rights**

What is the District policy concerning sexual harassment?

The District forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students.

The District encourages employees to come forward with allegations of sexual harassment or misconduct in the workplace. Employees who report sexual harassment will not be subjected to adverse treatment for reporting the harassment.

#### What laws address sexual harassment?

Title VII is a federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin. The Texas Labor Code, Section 21.051, makes it an unlawful employment practice for an employer to discriminate on the basis of race, color, disability, religion, sex, national origin, or age.

Title VII does not prohibit genuinely but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex. It forbids only behavior so objectively offensive as to alter the "conditions" of the victim's employment.

#### What do I do if I believe I have been the victim of sexual harassment?

Employees are encouraged to report allegations of sexual harassment as soon as possible. Complaints may be brought to your supervisor, your principal, or Dr. Jennifer Scott, the district's Title IX coordinator. You may make your request in writing or verbally, and you are encouraged to file your complaint promptly, so that any problems may be solved at the earliest possible time. Although the District will not reject any such complaint because it is filed too late, employees should understand that the sooner the issue is brought to the District's attention, the sooner it can be resolved.

#### What will happen once I file a complaint?

Whether you report your problem to the principal, supervisor or the Title IX coordinator (Dr. Jennifer Scott, Assistant Superintendent for Administrative and Pupil Services), the process will be the same. If you have made your complaint verbally, the supervisor will reduce it to writing and ask you to verify that it has been transcribed accurately. The supervisor will hold a conference with you as soon as possible, but at the latest, within seven days. Following the conference, the supervisor ordinarily will have seven days to offer a response, unless the investigation takes longer to resolve. You will be informed if there is a delay in the response.

#### What if I'm not happy with my supervisor's response?

The District provides a four-level complaint process. If you are not satisfied with the initial outcome, you may appeal to the appropriate Assistant Superintendent or the Assistant Superintendent's designee. The Superintendent or designee will hold another conference with you and attempt to resolve the situation. If you still feel that the problem has not been solved, you may appeal to the Board of Trustees.



How will the District respond to claims of sexual harassment?

The District will respond promptly to all allegations of sexual harassment. Prompt remedial action, reasonably calculated to end the harassment, will be taken when claims are substantiated.

Will my complaint be confidential?

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

## **DRUG FREE WORKPLACE**

### **Requirements**

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the District's activities. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug statute conviction the employee incurs for a violation in the workplace no later than five days after such conviction. 41 U.S.C. 702(a)(1)(D)

Within 30 calendar days of the Superintendent's receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the Superintendent or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee. 41 U.S.C. 702(a)(1)(D)

### **Standards of Conduct**

Employees are required to follow the Standards of Conduct regarding the unlawful possession of illicit drugs and alcohol. DH (Local) states: Employees shall not unlawfully manufacture,

distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

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

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance. (Exception: This policy does not include prescription drugs when taken as directed by a licensed physician.)

### **Searches and Alcohol and Drug Testing**

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

### **Drug-abuse Prevention**

Longview ISD is committed to maintaining an alcohol and a drug-free environment and will not tolerate the use of 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 found in DH (LOCAL) and DI (EXHIBIT).

## **Tobacco Policy**

State law prohibits smoking 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. The use of tobacco products including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and dip on and within all LISD property is strictly prohibited. This policy applies to all persons on school property.

## **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.

## **Employees Required to Have a Commercial Driver's License**

Any employee who is required to have 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 when their duties include driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when a 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 has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs and 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 policies and related educational material should contact their immediate supervisor and/or the Human Resources Department.

### **Confidentiality of Student Data**

Due to the advance in technology and the district purchase of the ADM (Academic Success through Evaluation Data Management System) software, accessing student data are readily available to LISD employees. These data are confidential and must be treated with the utmost care due to federal laws regarding privacy of student records. Board Policy FL (LEGAL) and Education Code 39.030 (b) specifies employees who have rights regarding the viewing and use of student data. An "Oath of Confidentiality" is required for employees.

### **Disciplinary Sanctions**

Disciplinary sanctions will be imposed on employees who violate the Drug Free Schools requirement. These sanctions (consistent with local, state and federal law) can include termination of employment and referral for prosecution. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

### **Violations**

Employees 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 their status as district employees. Violation of any policies, regulations, and guidelines may result in disciplinary action, including termination.

# **CODE OF ETHICS AND STANDARD PRACTICES FOR TEXAS EDUCATORS**

The Texas educator should strive to create an atmosphere that will nurture and fulfill the potential of each student.

The educator is responsible for standard practices and ethical conduct toward students, professional colleagues, parents and the community.

The Code is intended to govern the profession, and interpretations of the Code shall be determined by the Professional Practices Commission.

The educator who conducts his affairs with conscientious concern will exemplify the highest standards of professional commitment.

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 policy, and ethical standards for professional educators. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the superintendent first learns of the incident.

### **PRINCIPLE I: Professional Ethical Conduct**

The Texas educator should endeavor to maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity, and exemplifying honesty.

- ❖ The educator shall not intentionally misrepresent official policies of the school district or educational institution and shall clearly distinguish those views from personal attitudes and opinions.
- ❖ The educator shall honestly account for all funds committed to his/her charge and shall conduct his/her financial business with integrity.
- ❖ The educator shall not use institutional or professional privileges for personal or partisan advantage.
- ❖ The educator shall accept no gratuities, gifts, or favors that impair or appear to impair professional judgment.
- ❖ The educator shall not offer any favor, service, or thing of value to obtain special advantage.
- ❖ The educator shall not falsify records, or direct or coerce others to do so.

### **PRINCIPLE II: Professional Practices and Performance**

The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional teaching practices and professional performance and shall continually strive to demonstrate competence.

- ❖ The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.
- ❖ The educator shall not deliberately or recklessly impair his or her mental health, physical health or ignore social prudence, thereby affecting his or her ability to perform the duties of his or her professional assignment.
- ❖ The educator shall organize instruction that seeks to accomplish objectives related to learning.
- ❖ The educator shall continue professional growth.
- ❖ The educator shall comply with written local school board policies, state regulations, and other applicable state and federal laws.

### **PRINCIPLE III: Ethical Conduct Toward Professional Colleagues**

The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.

- ❖ The educator shall not reveal confidential information concerning colleagues unless disclosure serves professional purposes or is required by law.
- ❖ The educator shall not willfully make false statements about a colleague or the school system.
- ❖ The educator shall adhere to written local school board policies and state and federal laws regarding dismissal, evaluation, and employment practices.
- ❖ The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- ❖ The educator shall not discriminate against, coerce, or harass a colleague on the basis of race, color, creed, national origin, age, sex, disability, or family status.
- ❖ The educator shall not intentionally deny or impede a colleague in the exercise or enjoyment of any professional right or privilege.
- ❖ The educator shall not use coercive means or promise special treatment in order to influence professional decisions or colleagues.
- ❖ The educator shall have the academic freedom to teach as a professional privilege, and no educator shall interfere with such privilege except as required by state and/or federal laws.

### **PRINCIPLE IV: Ethical Conduct Toward Students**

The Texas educator, in accepting a position of public trust, should measure success by the progress of each student toward realization of his or her potential as an effective citizen.

- ❖ The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.
- ❖ The educator shall not intentionally expose the student to disparagement.
- ❖ The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

- ❖ The educator shall make reasonable effort to protect the student from conditions detrimental to learning, physical health, mental health, or safety.
- ❖ The educator shall not deliberately distort facts.
- ❖ The educator shall not unfairly 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, sex, disability, national origin, religion, or family status.
- ❖ The educator shall not unreasonably restrain the student from independent action in the pursuit of learning or deny the student access to varying points of view.

#### **PRINCIPLE V: Ethical Conduct Toward Parents and Community**

The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.

- ❖ The educator shall make reasonable effort to communicate to parents information that should be revealed in the interest of the student.
- ❖ The educator shall endeavor to understand community cultures and relate the home environment of students to the school.
- ❖ The educator shall manifest a positive role in school public relations.



**EMPLOYEES STANDARDS OF CONDUCT**  
**LOCAL GUIDELINES**

# **EMPLOYEES STANDARD OF CONDUCT LOCAL GUIDELINES**

## **Public Servants**

All District employees are public servants and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (chapter 36), perjury and other falsification (chapter 37), obstructing governmental operation (chapter 39), and abuse of office (chapter 39). All district employees shall perform their duties in conformity with District policy, ethical standards for professional educators, and state and federal law.

## **Conflicts of Interest**

A conflict of interest occurs when an entity engages in business or transactions with the school district and an employee of the school district has an interest, direct or indirect in such entity, which is incompatible with the proper discharge of the employee's duties.

Public employees should consider themselves as persons in positions of trust and conduct themselves accordingly. All District employees must be particularly sensitive to the many situations, on and off the job, where a conflict could originate. Such conflicts could involve present or prospective entities.

"Entity" means a sole proprietorship, an individual, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

"Interest" means a right title or legal share in something having a pecuniary value or subject to conversion to a pecuniary value of more than \$25.00.

### *Policy BBFA, DBD*

Employees are required to disclose 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
- ❖ Nonschool employment

An employee with a substantial interest in a business entity or interest in real property must disclose the interest to the district prior to the award of a contract or authorization of payment.

This is done by filing an affidavit with the district's business office. An employee is also considered to have substantial interest if a close family member (e.g., spouse, parent, child, or spouse's parent or child) has a substantial interest.

### **Goals of Employee Conduct Standards**

It is absolutely essential that the District and its employees abide strictly by the letter and spirit of these policies and procedures to preclude the fact or perception of illegality or impropriety. Goals are:

- ❖ To provide parents, students, and taxpayers access to the highest quality education at the best possible price.
- ❖ To support employees of the District in their daily business conduct. Individual conduct is the basic building block of District performance.
- ❖ To help employees by giving directions and providing ways to get assistance when needed and thus avoid wrongdoing.
- ❖ To enhance the administrative performance of the District in basic business relationships.
- ❖ To help build the bond of trust between the school district and citizens of the community.

### **Outside Interests**

A conflict with the interest of the District can arise when an employee holds an interest in or is an official, director, or employee of another enterprise, particularly if that enterprise is a supplier of products or services to the District. While such circumstances are not automatically prohibited, they are not desirable, and must not be entered into or exist without prior written disclosure to and approval by the school district.

### **Conflict of Interest, Gifts, and Gratuities**

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.

An employee shall not have a personal financial interest, a business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the District.

### **Disclosure of Conflict of Interest**

An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the Superintendent or designee, who shall take whatever action is necessary, if any, to ensure that the District's best interests are protected.

### **Gifts and Gratuities**

It is a serious violation of standards for any employee to use his position with the District to seek a personal or professional advantage through the acceptance of gifts, gratuities, entertainment, or other favors; therefore, an employee is prohibited from accepting such benefits.

"Gift and Gratuity" means a payment, loan, subscription, advance, deposit of money, services, goods, merchandise, tickets, cash, present or promised, unless consideration of substantially equal or greater value is received. Gift and gratuity may include any tangible or intangible benefit in the nature of gifts, favors, entertainment, discounts, passes, transportation, accommodation, hospitality, or offers of employment. An employee shall not receive, under any pretense, or seek, ask, or share in any fee, reward, or other reimbursement to gratuity for the performance of his/her official duties.

Exceptions to these guidelines are as follows:

- ❖ Solicitation or acceptance of anything from a friend or relative unrelated to any employee's duties or District business based upon a personal or family relationship;
- ❖ Participation in the activities of or the acceptance of an award for a meritorious public contribution or achievement from a charitable, religious, professional, social, or fraternal organization, or from a non-profit educational, recreational, public service, or civic organization;
- ❖ Participation in widely attended luncheons, dinners, hospitality rooms, and similar gatherings sponsored by industrial, technical, educational or health associations for the discussion of matters to mutual interest to the District.
- ❖ A gift or gratuity extended to the entire district or an entire department extended through and approved by the superintendent.

Upon an offer of any gift/gratuity to an employee, the responsible employee, through their supervisor, may, in case of question as to application of this policy, submit the gift/gratuity proposal to the superintendent.

### *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 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.

### **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.

### **Fraud and Financial Impropriety**

#### *Policy DG, 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 includes 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 of 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
- ❖ Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- ❖ Failing to provide financial records required by state or local entities
- ❖ Failure to disclose conflicts of interest as required by policy
- ❖ Any other dishonest act regarding the finances of the district

### **Improper Use of District Resources**

Employees shall not make improper use of District resources nor permit others to do so. Improper use may be defined as unauthorized appropriation, possession, or personal use of District assets. Examples of assets include communications systems, copying equipment, and office supplies.

The Business Office may establish and collect a fee for incidental use of District assets.

### **Disclosure or Destruction of District Data**

Also forbidden is the unauthorized possession, use, alteration, destruction or disclosure of district data.

### **School-Owned Vehicles**

School-owned vehicles shall remain on school property when not being used for school business.

Exceptions to this policy shall be limited to commuting travel by a designated school employee authorized by the Superintendent to drive the school-owned vehicle. Any other personal use of such vehicles is prohibited.

### **Internal Information**

In no instance may an employee ever use or share inside information that is not otherwise available to the general public, or take unfair advantage of others using this information.

### **District Funds for Political Purpose**

It is unlawful for an officer or employee of the District to expend or authorize the expenditure of the funds of such district for the purpose of political advertising. This subsection shall not apply to any advertising which describes the factual reasons for a measure and which does not advocate the passage or defeat of such measure.

### **Misrepresentation**

If an employee attempts to harm or slander another employee through false accusations, malicious rumors or other irresponsible actions, these actions, if proven will be subject to discipline.

## **Copyrighted materials**

### *Policy EFE*

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.). Rented video tapes 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.

## **Tampering with a Governmental Record**

Tampering with a governmental record is a third degree felony if the record is a public school record or report, or assessment instrument under Chapter 39, Education Code.

## **Outside Employment and Tutoring**

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. Approval shall be obtained each school year.

Teachers shall not tutor their own students for pay, except during the summer months or as a part of an approved campus tutoring program. Teachers who tutor for pay during the summer months or who tutor students other than their own during the school year, may not use District facilities and materials for these purposes.

The Superintendent reserves the right, at all time, to evaluate any problem or question arising under this policy and make such disposition of these questions and problems as may be deemed proper and necessary.

## **Internet Acceptable Use Policy**

### **Overview:**

The Longview Independent School District Network is now offering access to our electronic communications system to the staff and students in the Longview ISD. Our goal in providing this service to Longview ISD is to promote educational excellence in the Longview schools by facilitating resource sharing, innovation, and communication.

With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. On a global network, it is impossible to control all materials, and an industrious user may discover controversial information. Longview ISD firmly believes that the valuable information and

interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the district.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation for the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical, and legal utilization for the network resources. If a network user violates any of the provisions, his or her account will be terminated and future access could possibly be denied.

### **Computer use and data management**

#### *Policy CQ*

The district's electronic communications systems, including its network access to the Internet, are primarily for administrative and instructional purposes. Limited personal use of the system is permitted if the use:

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

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

Employees who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact Technology Services.

### **LongviewNet Regulations and Guidelines:**

The Superintendent or designee will oversee the District's electronic communication system.

The District's System will be used only for administrative and educational purposes consistent with the District's mission and goals. Commercial use by individuals of the District's system is strictly prohibited.

The District will provide training to employees in proper use of the system and will provide all users with copies of acceptable use guidelines. All training in the use of the District's system will emphasize the ethical use of this resource.

### **Monitoring**

The District monitors its electronic computer system, including email and internet usage.



## **Inappropriate Uses**

- ❖ Sharing the password for your account with others
- ❖ Accessing other users' accounts including files and/or other documents without permission
- ❖ Using the Internet for political or commercial activity
- ❖ Using the system to threaten or harass another person, or engage in personal attacks, including prejudicial or discriminatory attacks
- ❖ Accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal
- ❖ Send/post messages under a false identity
- ❖ Send/post unsolicited junk mail or chain letters
- ❖ Using inappropriate language (no swearing, vulgarity, ethnic or racial slurs, or any inflammatory or threatening language)
- ❖ Harming equipment, materials, data, or gain unauthorized access to restricted information or resources
- ❖ Knowingly disrupt the network including infect a computer or network with a virus, send inappropriate mass mailings or spamming, nor disconnect equipment to disable any computing function
- ❖ Disabling any Internet filtering device
- ❖ Encrypting communications to avoid security review
- ❖ Installing any software program to a district computer without permission
- ❖ Downloading large files unless absolutely necessary
- ❖ Using the system for illegal purposes
- ❖ System users supervising students' use of the District electronic communications system will provide training emphasizing the appropriate use of the resource and will monitor students' use.

### **Consequences for Inappropriate Use**

- ❖ Suspension of access to the system;
- ❖ Revocation of the computer system account; or
- ❖ Other disciplinary or legal action, in accordance with the District policies and applicable laws.

### **System Access**

*Access to the District's electronic communications system will be governed as follows:*

1. All employees assigned to the District's electronic communications system account are required to sign the Employee Agreement for Acceptable Use of the Electronic Communication System. Upon agreeing to the District's Acceptable Use Policy and approval of the Superintendent or designee, District employees will be granted access to the District's system.
2. If class accounts become available, a teacher may apply for a class account and in doing so will be ultimately responsible for use of the account. Teachers with accounts will be required to maintain password confidentiality by not sharing the password with students or others.
3. Students completing required course work on the system will have first priority for use of the District equipment after school hours.
4. Any system user identified as a security risk or having violated District and/or campus computer-use guidelines may be denied access to the District's system.

### **Campus-Level Coordinator Responsibilities**

*As the campus-level coordinator for the electronic communications system, the principal or designee will:*

1. Be responsible for disseminating and enforcing applicable District policies and acceptable use guidelines for the District's system at the campus level.
2. Ensure that all users of the District's system complete and sign an agreement to abide by District policies and administrative regulations regarding such use. All such agreements will be maintain on file in the principal's office.
3. Ensure that employees supervising students who use the District's system provide training emphasizing the appropriate use of this resource.

### **Individual User Responsibilities On-Line Conduct**

*The following standards will apply to all users of the District's electronic information/communication systems.*

1. The individual in whose name a system account is issued will be responsible at all time for its proper use.
2. The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by District policy.
3. Use for commercial, income-generating or "for-profit" activities, produce advertisement, or political lobbying is prohibited by users. Sending unsolicited junk mail or chain letters is prohibited.
4. System users may not use another person's system account without written permission from the District coordinator, as appropriate.
5. System users must purge electronic mail in accordance with established retention guidelines.
6. System users may redistribute copyrighted programs or data only with the written permission of the copyright holder or designee. Such permission must be specified in the document or must be obtained directly from the copyright holder or designee in accordance with applicable copyright laws, District policy, and administrative regulations.
7. System users may upload public domain programs to the system. System users may also download public domain programs for their own use or may non-commercially redistribute a public program. System users are responsible for determining whether a program is in the public domain.

### **Vandalism Prohibited**

Any malicious attempt to harm or destroy District equipment or materials, data of another user of the District's system, or any of the agencies or other networks that are connected to the Internet is prohibited. Deliberate attempts to degrade or disrupt system performance may be viewed as violations of District policy and administrative regulations and possibly, as criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creating of computer viruses.

Vandalism as defined above will result in the cancellation of system use privileges and will require restitution for costs associated with system restoration, hardware, or software costs.

### **Forgery Prohibited**

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

### **Information Content/Third Party Supplied**

System users and parents of students with access to the District's system should be aware that use of the system may provide access to other electronic communications systems in the global electronic network that may contain inaccurate and/or objectionable material.

A student knowingly bringing prohibited materials into the school's electronic environment will be subject to a suspension and/or a revocation of privileges on the District's system and will be subject to disciplinary action in accordance with the Student Code of Conduct.

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

### **Network Etiquette**

*System users are expected to observe the following network etiquette:*

1. Be polite
2. Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and any other inflammatory language are prohibited.
3. Pretending to be someone else when sending or receiving messages is considered inappropriate.
4. Transmitting obscene messages or pictures is prohibited.
5. Revealing personal addresses or phone numbers of the user or others is prohibited.
6. Using the network in such a way that would disrupt the use of the network by other users is prohibited.

### **Termination/Revocation of System User Account**

The District may suspend or revoke a system upon violation of District policy and/or administrative regulations regarding acceptable use.

Termination of an employee's account or of a student's access will be effective on the date the principal or District coordinator receives notice of student withdrawal or of revocation of system privileges, or on a future date if so specified in the notice.

### **Disclaimer**

The District's system is provided on an "as is, as available" basis. The District does not make any warranties, whether expressed or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District does not warrant that the functions or services performed by, or that information or software contained on, the system will meet the system user's requirements, or that the system will be uninterrupted or error-free, or that defects will be corrected.

Opinions, advice, services, and all other information expressed by system users, information providers, service providers or other third party individuals in the system are those of the providers and not the District.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to the misuse of the District's electronic communications system.

# **EMPLOYEE RECORDS**

# **EMPLOYEE RECORDS**

## **Documents**

The District shall maintain documents in support of data submitted to TEA for financial and personal daily/leave purposes. The following documentation shall be readily available for professional and paraprofessional personnel:

- ❖ contract
- ❖ service records and any applicable attachments
- ❖ professional certificate or license (Note: certificates will be processed by the Human Resources Department via SBEC "virtual" certificate system)
- ❖ transcripts
- ❖ sick leave absence reports
- ❖ evaluations
- ❖ teaching schedule or other assignment record

## **Access to Employee Records**

Personnel files should be generally considered confidential, available only to authorized administrative personnel, board members, representatives of government agencies, and the employee or the employee's designated representative (Texas Government Code §552.102(a)). The District must supply information that is requested through a legal subpoena. The Texas Public Information Act, which governs access to personnel records, allows a limited amount of personal information to be made available to the public on written request. Public information includes the following:

- ❖ Name
- ❖ Sex
- ❖ Ethnicity
- ❖ Salary
- ❖ Title
- ❖ Dates of employment
- ❖ Contracts
- ❖ Qualifications (e.g., certification, degree obtained, college courses taken)
- ❖ Home address\*
- ❖ Phone number\*
- ❖ Social security number\*
- ❖ Information that reveals whether they have family members

\* Employees may choose to keep this information confidential (Texas Public Information Act, Government Code §552.024 and §552.117).

The choice to not allow public access to this information may be done at anytime by submitting a written request to the Human Resources Department.

Employees may choose by written request to keep private their address, phone number, social security number\*, and information that reveals whether they have family members. New or terminated employees have 14 days of hire or termination to submit a request. Otherwise, personal information will be released to the public. Employees may choose to open or close access to this information at any time by submitting a written statement to the human resource office.

\* A social security number cannot be released if it is kept due to a law enacted after October 1990.

### **Certification Records**

All teachers who are employed with emergency permits must satisfy TEA requirements for proper certification for the position in which they are employed within the time allotted by TEA.

All professional employees who have earned certificates or degrees of higher rank since the previous school year must file the required documents with the Human Resources Department:

- ❖ An official college transcript showing highest degree earned and date conferred.
- ❖ Valid certificate of higher rank.

The District shall maintain current and complete personnel records of all employees.

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

#### *Policy DEA and DEAA*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. 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. Academic administrators and professional employees are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time for overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 74.)

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule. Employees should contact the Human Resources Department for more information about the district's pay schedule or their own pay.



### **Annualized compensation**

#### *Policy DEA*

The district pays all salaried employees over 12 months regardless of the number of months employed during the school year. Salaried employees will be paid in equal monthly or bimonthly payments, beginning with the first pay period of the school year. An employee, who separates from service before the last day of instruction or retires under TRS, will receive in his or her final paycheck, a lump sum payment for wages actually earned from the beginning of the school year to the date of separation. Employees that separate after the last day of instruction will continue to receive paychecks through the end of the summer.

### **Payroll/Miscellaneous Records**

In addition to records required by law and TEA regulations, professional and paraprofessional personnel of the District shall be required to have on file the following materials:

- ❖ W-4 Form
- ❖ TRS Form
- ❖ Insurance Election Form
- ❖ Section 125 (Cafeteria Plan) Election
- ❖ I-9 Form

### **Maintenance of Records**

All records shall become the permanent property of the District and the State of Texas to be used for the proper maintenance of personnel records for the individual as required by law.

All District records are maintained as required by the Texas Government Records Act and the records control schedules under provisions of the Texas Local Government Code.

### **Name/Address Change**

Employees who have a name change or address change should notify their supervisor or campus secretary and request an **Employee Action Form** from the Human Resources Department. Changes in assignment and other personnel actions should be submitted to the Human Resources Department on the same form.

# **COMPENSATION AND BENEFITS**

# COMPENSATION AND BENEFITS

## Leaves and Absences

**Please refer to the Addendum to DEC (LOCAL) at the end of this section.**

The district offers employees paid and unpaid leaves of absences in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call Human Resources for information about leave options, continuation of benefits, and communicating with the district.

Leave is available for the employee's use as described in Board policy. 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.

Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district as they were when they were working. Otherwise, the district does not make benefit contributions for employees who are on unpaid leave.

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than five days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and-in the case of personal illness-the employee's fitness to return to work.

## **Substitute Management System/Absence Reporting**

Longview ISD began using the Smart Find Express system to automate its absence from duty reporting. All employees are required to utilize the system when absent from work. All teachers and certain approved paraprofessionals are to request substitutes when absent by following the established procedures below:

1. All campus principals and departmental supervisors are responsible for training area employees to use the Smart Find System.

**Please use the following steps to register:**

- a. Call 1-888-686-0016 (toll free number)
- b. The system will request an access code (use your employee ID#)
- c. A prompt will be given for your PIN# (use your employee ID# again)
- d. The system will request you to voice your name
- e. After completion of the above steps, a new PIN# will be requested, which has to be created by you. **Please remember your Employee# and Pin#.**

2. To access and begin using the system via the internet, log on at [www.longview.org](http://www.longview.org), click on LISD Resources and go to Substitute Management System. Enter your employee ID# (which is your Access ID#), then enter your PIN# (which you created).
3. All employees and administrators will be reporting all absences, i.e., illness, workers' comp, personal, death in family, jury duty, non-work days, professional leave, etc. The reporting of absences does not change any of the procedures that are in effect for using the time clock system.
4. For those employees who are required to have a substitute when absent from work, please be aware that absences must be pre-approved by campus principals or departmental supervisors.
5. A reference pamphlet is enclosed and will be disseminated to administrators, employees, and substitutes.
6. Questions regarding use of the system can be addressed by using the SADIE link at [www.eschoolsolutions.com](http://www.eschoolsolutions.com).
7. Staff members in the Human Resources department are also available to answer questions by calling 903-381-2200.
8. Teachers and other employees who are approved to call substitutes must have the approval from their supervisors first before calling the Smart Find System.
9. Failure to enter absences in Smart Find in a timely manner could result in loss of pay and inability to properly complete service records.

### **Personal Leave**

State law entitles all employees to five work days of paid personal leave per year. Personal leave is earned at the rate of one-half day per 18 workdays of employment for all regularly employed personnel of the Longview Independent School District. A day of earned personal leave is equivalent to an assigned workday. State Personal leave is transferable among other Texas school districts with no limit on accumulation and generally transferable to education service centers. There are two types of personal leave: Nondiscretionary and discretionary.

**Nondiscretionary:** Leave that is taken for personal or family illness, emergency, or a death in the family or active military service is considered nondiscretionary leave. Reasons for this type of leave allows very little, if any advanced planning. Nondiscretionary leave will be granted to employees in the same manner as state sick leave.

**Discretionary:** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request three days in advance of the anticipated absence to his or her principal or supervisor. 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 leave shall not be allowed:

1. The day before a school holiday.
2. The day after a school holiday.
3. Days scheduled for end-of-semester or end-of-year exams.
4. Days scheduled for TAKS tests.
5. Professional or staff development days.
6. The first day of instruction in any school year.

The use of this leave is fully defined in Board Policy DEC (LOCAL)

### **Sick Leave**

Previously accumulated state sick leave is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in half day increments except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers' compensation benefits.

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**

Five workdays paid leave per year for local sick leave may be earned at the rate of one-half day per 18 workdays of employment for all regularly employed personnel of the Longview Independent School District. Maximum accumulation of local leave is ten days. Local leave is not transferable among school districts. The use and recording of this leave is defined in Board policy DEC (LOCAL).

### **Catastrophic Sick Leave**

All employees shall be eligible for up to 30 days of catastrophic sick leave at full pay. Catastrophic sick leave for extended illness shall be available to an employee when all state

leave and local leave has been exhausted. Catastrophic sick leave may be approved no more than one time in a 36 month period. If it is necessary to obtain a substitute, the cost will be deducted from the employee's pay.

A "catastrophe" shall be defined as an event involving possible loss of life of the employee or the employee's child, spouse, or parent living in the employee's home. Catastrophic sick leave shall not be viewed simply as an extension of other sick leave provided by the district.

Catastrophic sick leave shall be granted by the superintendent upon written request of the employee. This leave may be used only in catastrophic circumstances involving the employee or the employee's immediate family. The superintendent may require presentation of a physician's statement regarding any condition for which catastrophic leave is requested. The district may also request a second medical opinion from a physician of its choice.

### **Assault Leave**

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

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

### **Workers' Compensation**

The District, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Benefits help pay for medical treatment and make up for lost income while recovering. Specific benefits are prescribed by law depending on the circumstances of each case. All work-related accidents or injuries should be reported immediately to the Business Office at 903-381-2200. Employees who are unable to work due to a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. All personnel are eligible.

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

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use sick leave or any other paid leave benefits. While an employee is receiving

workers' compensation wage benefits, the district will charge available leave proportionately so that the employee receives an amount equal to the employee's regular salary.

### **Workers' Compensation Reporting Procedures**

The procedures are as follows:

Personnel injured on the job are required by law and local policy to report such injury to the supervisor immediately. The supervisor must complete and submit a "First Report of Injury" form to the business office **within two days**.

Any employee who is unable to report to work after an injury will need a doctor's statement before returning to work. This doctor's statement must state "Full Duty-No Restrictions" or specify restrictions.

If the employee is unable to return to work after seven (7) working days, it will be the responsibility of the employee to call their supervisor each week to report the employee's work status. Each time the employee goes to the doctor the employee will, within one week of the appointment date, bring or mail a copy of the doctor's statement to the supervisor. The supervisor will notify the business office of the employees' work status.

### **Family and Medical Leave**

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 leave are eligible for family and medical leave. Eligible employees can take up to 12 weeks of unpaid job protected leave each year between July 1 and June 30 to eligible employees for the following reasons:

- ❖ The birth, adoption, or foster placement of a child
- ❖ To care for a spouse, parent, or child with a serious health condition
- ❖ An employee's serious health condition
- ❖ A qualifying exigency resulting from active military service of a spouse, child or parent

A husband and wife who are both employed by the district are subject to limits in the amount of leave that they can take to care for a parent with a serious health condition or for the birth, adoption, or foster placement of a child or to care for a covered military service member.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation 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 service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of 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 employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirements may be met by a period of incapacity of more than 3 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 pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.



### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

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

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform 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 certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees 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 employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- ❖ Interfere with, restrain, or deny the exercise of any right protected under FMLA:
- ❖ Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U. S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State Law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **Local FMLA Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period:

- ❖ From July 1 through June 30

### **Use of Paid Leave**

Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The District will designate the leave as 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 both employed by the district are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

### **Intermittent Leave**

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

### **District Contact**

Employees that require FMLA leave or have questions should contact the Human Resources Department for details on eligibility, requirements, and limitations.

### **Certified Employees**

Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

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

When an employee is ready to return to work the superintendent, the Human Resources Department and the campus principal or supervisor should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. 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 school year.

**Other Employees** Local temporary disability leave is available for full-time employees other than those with educator certification. Eligibility requirements, length of leave, and reinstatement to employment shall be in accordance with administrative regulations.

### **Bereavement (Funeral) Leave**

Use of state and/or local sick leave for death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the District.

### **Jury Duty**

Texas public schools are prohibited from penalizing or discriminating against an employee for complying with a jury summons. School districts are required to pay the employees regular salary while the employee is engaged in jury service and may not reduce the employee's personal leave. Subject employees shall advise the principal or department head in order that a substitute can be notified, in plenty of time, prior to the service. **When an employee has been released by the court, the employee is to report to his or her principal or department head immediately.** Employees must present documentation of the service.

### **Other Court Appearances**

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.

### **Military Leave (Short Term)**

Up to 15 days of leave in a federal fiscal year is available to all employees who are members of the United States military or reserve.

### **Military Leave (Long Term)**

**Paid leave for military service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the United States Armed Forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days each federal fiscal year (October 1 – September 30). 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 state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be re-employed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they can be qualified to perform the required duties. To be eligible for re-employment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to the Human Resources Department.

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

### **Unauthorized Absences from Duty**

Payroll deductions for each day of unauthorized absence from duty shall be made based on the employee's current daily rate of pay as determined by dividing the annual salary by number of days employed. An unauthorized absence shall be defined as an absence from the assigned duty not covered by the District's adopted policies for vacation, personal leave, civic duty, local sick leave, maternity leave, military leave, sabbatical leave, or leave authorized by the administrator in charge.

### **Non-Work Days**

Employees who work 226 days will be provided with a set number (usually 10) of non-work days each year. A letter will be sent to all 226 day employees notifying them of the exact number of non-work days for the year. These days are not paid days, but employees may use these days to be off from work without receiving a dock in pay.

Non-work days will not be extended to employees who resign their position prior to the school-year ending. If employees use any non-work days and do not work the full year, these days will be deducted from the final check. Non-work days do not carry-over from year to year.

To schedule the use of a non-work day, the employee must seek permission from the immediate supervisor. Generally, approval will be granted if the day requested does not interfere with completion of departmental duties, assignments, or projects.



## ADDENDUM TO DEC (LOCAL)

TO: All District Employees  
FROM: Andrea H. Mayo  
DATE: October 5, 2009  
RE: Addendum to the Employee Handbook for 2009-2010 Regarding Board Approved Changes to DEC (LOCAL)

This communication serves as notification of the most recent board approved changes in employee benefits. All employees are encouraged to read the actual policy carefully as not every provision is covered in this document. In the event of any unintended conflict between this document and DEC (LOCAL), the board policy shall prevail. Included below are the major changes in the employees' leaves and absence policy.

### ***No changes:***

1. 5 days of state personal leave.
2. Other kinds of leave, such as Family Medical Leave Absence (FMLA, temporary disability leave, and military).

### ***Changes:***

1. Local sick leave for illness of employee or member of immediate family will be 2 days per year, with one day available in the fall and one in the spring. Local sick leave can accumulate from year to year, if unused, to a maximum of 10 days.
2. Discretionary use of state personal leave shall not exceed 3 consecutive workdays during the school year.
3. Bereavement leave of up to 5 days for death in the immediate family. "Immediate family" includes the employee's spouse; son or daughter, including a biological, adopted, foster child, son- or daughter-in-law, step-child, legal ward, or any individual for whom the employee stands in loco parentis; and parent, step-parent, parent-in-law, or other individual who stands *in loco parentis* to the employee, sibling, step-sibling, sibling-in law, grandparent, grandchild, or any person residing in the employee's household at the time of death. Documentation is required.

For deaths outside the immediate family, employees may re-designate up to 2 days of local sick leave or personal leave as bereavement leave. Documentation is required

4. Reimbursement for unused state days upon retirement or resignation if the employee has had 10 years of uninterrupted service in LISD and a minimum of 50 unused state personal leave days. The district will pay \$75 per unused day to professionals and \$50 per unused day to auxiliary and paraprofessional employees for 50 days. Other eligibility requirements apply.
5. Neutral absences policy, which requires the district to terminate the employment of any employee who has exhausted all available leave and accumulates 5 additional absences during the same school year. Any employee so separated will be eligible for rehire and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.

### *Implementation*

1. Effective as of the 2009-2010 school year.
2. The Human Resources Department will track new 2009-2010 local leave by creating a new code inasmuch as these days are available by semester. If the two days are not used during the 2009-2010 school year, those days will roll forward under local leave for 2010-2011 with ten being the maximum number of days that can be accumulated.
3. All previously earned leave balances will remain static and will roll forward under local and old local leave for 2009-2010.
4. Leave balances including the new local leave will be printed on the September 2009 paycheck.
5. In the coming weeks, a FAQ document will be developed to give guidance on the day-to-day implementation of the new leave and absence policy.
6. An administrative regulation will be created to provide specificity on the use of bereavement leave.

For further information, contact the Human Resources Department. For policy questions, contact the Administrative and Pupil Services Department.

**EMPLOYEE RECOGNITION  
AND AWARDS**



## **EMPLOYEE RECOGNITION AND AWARDS**

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 district publications, and through special events and activities.

### **District Communication**

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

### **Service Awards and Retirement Recognition**

Employees are recognized for years of service and for retirement at an annual banquet where they receive awards.

### **Teacher of the Year**

Teachers of the Year are selected by their peers on each campus. The district also recognizes an Elementary Teacher of the Year and a Secondary Teacher of the Year, who are selected from the group of campus honorees. District Teachers of the Year represent LISD as GLOBE (Greater Longview Organization of Business and Education) Teachers of the Year.

### **Extra Mile Club**

The Extra Mile Club recognizes support staff members that have gone the "Extra Mile." A supervisor nominates individuals, and they are honored at a brunch hosted by the Superintendent.

### **Color Us Proud**

Color Us Proud Awards are presented at monthly meetings of the Board of Trustees to recognize individuals who have gone above and beyond the call of duty for the students of Longview ISD. Anyone is eligible to receive the award, but the nomination must come from an LISD employee. Nominations should be made to the Community Relations Department.

For more information about LISD recognition programs, contact the Community Relations Department.

# **PAYROLL PROCEDURES**

# **PAYROLL PROCEDURES**

## **Pay Day**

Generally, all professional and para-professional employees are paid on the 25th of each month. The District's pay calendar is distributed to all campuses by August 15th of each year.

Longview ISD's compensation plan provides that professional and para-professional employees shall be paid their wages for the school year once a month throughout a 12-month cycle. This plan applies to all employees, whether they work 10 months, 11 months or 12 months. The plan ensures that active employees receive regular paychecks throughout the year, and facilitates payroll deductions through the summer months for items such as benefit premiums, child support, credit union deductions and organizational dues.

Hourly employees will be paid on a bi-weekly schedule as provided to their respective transportation, custodial, cafeteria, and manual trades departments.

## **Payroll Changes**

All requests for payroll changes must be made in writing and are due in the business office no later than the 10th of the month to be effective for that month. A request for a change may not be considered by telephone. To change marital status or exemptions for tax purposes, the employee must fill out a new W-4 Form.

## **Payroll Deductions**

### *Policy CFEA*

Automatic payroll deductions for the Texas Retirement System of Texas (TRS) and federal income tax are required for all full-time employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Temporary and part-time employees who are not eligible for TRS membership must have FICA Alternative contributions deducted. Please see below for further information concerning these deductions.

## **Required Deductions**

- ❖ *Federal Withholding* - Figured automatically by the income tax withholding percentage method according to the marital status and number of exemptions claimed on the W-4 Form.
- ❖ *Medicare* - 1.45% of the gross salary will be deducted each pay period for any person hired after March 31, 1986.
- ❖ *Teacher Retirement* - 6.4% of total gross salary deducted each pay period. Deductions are on a pre-tax basis. This deduction could change in January 2008 if dictated by TRS.

- ❖ *Retirement Insurance* - .65% of total gross salary deducted each pay period.
- ❖ *Fica Alternative Plan* – Substitute Employees - Effective 8/1/04, 7.5% of total gross salary deducted each pay period on a pre-tax basis. Applicable only to those employees who are not eligible for Teacher Retirement System (TRS) membership. The employee will contribute into their own personal retirement savings account.
- ❖ *Social Security* – Effective 8/1/04, contributions to social security will cease. Alternatively, employees who are ineligible for TRS membership will contribute into their own personal retirement savings account. This plan is called the “Fica Alternative Plan” mentioned above.

### **Optional Deductions**

- ❖ *Additional Federal Withholding* - An amount decided by the employee to be withheld in addition to the required amount each month. This amount has to be indicated on the employee's W-4 form.
- ❖ *403(b)* – These amounts are deducted each check on a pre-tax basis and serve as an additional retirement savings method for the employee. Contributions are strictly voluntary and the amount is calculated by the employee's agent on the basis of salary.

#### **403(b) Plan Participation**

- All employees are allowed to defer a portion of their salary pursuant to a salary reduction agreement.
  - No minimum amount is required
  - In compliance with IRS requirements, vendors must appear on the TRS Certified List as well as the list available through our third party administrator
  - Longview ISD has formally adopted a 403(b) plan document, please see the Business Office for details.
- ❖ *457 Voluntary Plan* – These amounts are deducted each check on a pre-tax basis and serve as an additional retirement savings method for the employee. The amount is calculated by the employee's agent on the basis of salary.
- ❖ *Health Insurance* - These monthly deductions are based upon the type of plan requested and are available on a pre-tax basis. Premiums are set annually and finalized during August each year.
- ❖ *Life Insurance- Employee & Dependents* - voluntary coverage available to eligible employees. Premiums are set annually and finalized during December each year.
- ❖ *Vision Insurance* - voluntary coverage available on a pre-tax basis to eligible employees. Premiums are set annually and finalized during December each year.

- ❖ *Disability Insurance* – voluntary coverage for eligible employees with a monthly deduction, amount determined by the plan requested. Premiums are set annually and finalized during December each year.
- ❖ *Dental Insurance* – voluntary coverage available on a pre-tax basis to eligible employees. Premiums are set annually and finalized during December each year.
- ❖ *United Fund* - deducted for the number of months the employee selects, not to exceed the number of months in the current school year.
- ❖ *Professional Dues* - deducted for eleven months. Upon written request, the employee can stop this deduction at any time. The remainder of the balance for professional dues will be deducted upon termination, unless requested otherwise.
- ❖ *Credit Union* - Employee must contact the business office to begin, stop, or change deductions.

### **Health, Dental, and Life Insurance**

#### *Policy CRD*

Group health insurance coverage is provided through TRS-Active care, 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. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the employee benefits coordinator for more information.

## **Supplemental Insurance Benefits**

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the employee benefits coordinator for more information.

## **Cafeteria Plan Benefits (Section 125)**

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

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

## **Medical and/or Childcare Reimbursement (Cafeteria Plan)**

Per IRS regulations, participants must file for reimbursement of these expenses by March 31<sup>st</sup> of the following calendar year or forfeit any remaining funds.

## **Workers' Compensation Insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Claims Administrative Services. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the Business Office at 902-381-2200. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' compensation benefits*, page 58 for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

### *Policy CRF*

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

## **Social Security System**

### **Social Security Coverage**

The Social Security Act was enacted in 1935 and did not originally include public employees. In the 1950s, Congress amended the Act to allow states to extend Social Security coverage to employees covered under a public retirement system. Districts had the option to participate in the Social Security system through a Section 218 Agreement. Participation by school districts was determined by a one-time majority vote of any or all groups of employees. The vast majority of school districts in Texas do not pay into Social Security. Those that do are bound by the original Section 218 Agreement and cannot opt in or out of the Social Security system.

### **Positions Not Covered Under Social Security**

By law, district employees that do not participate in Social Security must participate in another qualified plan (e.g., Teacher Retirement System (TRS) or Section 457 plan). Employees, such as substitutes and new hires, that are not eligible to participate in TRS (first 90-days of employment), must participate in an alternative retirement plan.

An alternative plan must meet the IRS requirements for a public retirement system. The alternative can be any plan that provides a retirement benefit that is comparable to the benefit provided under Social Security. A minimum contribution of 7.5 percent of salary must be made to a defined contribution plan (e.g., 401(a), 403(b), or 457 plan). Either the employee, the employer, or both can make this contribution. Additional information can be found in the IRS publication 963, *Federal-State Reference Guide*, available on the IRA Web Site (<http://www.irs.gov/pub/irs-pdf/p963.pdf>).

### **Teacher Retirement**

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and 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 the Business Office as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 79701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)). See page 20 for information on restrictions of employment of retirees in Texas public schools.

### **Rehired Retirees**

Rehired personnel receiving a TRS annuity who return to work will be considered "rehired annuitants" for purposes of the Internal Revenue Service (IRS) and the Social Security Administration (SSA) and are exempt from paying Social Security tax but not the Medicare tax. Even if the district has opted into Social Security, the rehired retiree cannot choose to participate in the Social Security system.

### **Notice to New Hires**

The Social Security Protection Act of 2004 (Section 419 ( c ) of Public Law 108-203) requires state and local government employers (i.e., Texas school districts) to provide a special notice in writing to employees hired on or after January 1, 2005, in jobs not covered by Social Security. The law requires newly hired employees to sign a statement that they are aware of a possible reduction in their future Social Security benefit entitlement through two provisions of the Act known as the Windfall Elimination Provision (WEP) and the Government Pension Offset Provision (GPO).

The required form and notice that must be provided to employees and related instructions are available on the SSA Web (<http://www.socialsecurity.gov/form1945/>). Districts hiring any employee in a position not covered by Social Security must do the following:

- Give the new employee notice before employment begins (Form SSA 1945, Statement Concerning Your Employment in a Job Not Covered by Social Security).
- Have the employee sign the form.
- Submit a hard copy of the signed form that includes the employee's Social Security number to the pension paying entity (TRS).

Districts should provide a copy to the employee and may retain a copy of the employee's personnel, payroll, or benefits file. The original form will be mailed to TRS.



## **Use of Social Security Numbers**

The Social Security number (SSN) was originally devised to keep an accurate record of an individual's earnings and to subsequently monitor benefits paid under the Social Security program. However, use of the SSN as a general identifier has grown to the point where it is the most commonly used and convenient identifier for all types of record-keeping systems in this country.

The Federal Privacy Act regulates the use of SSN's by government agencies. When a district asks an individual to disclose his or her SSN, the Privacy Act requires the district to inform the person of the following:

- The statutory or other authority for requesting the information
- Whether disclosure is mandatory or voluntary
- What uses will be made of the information
- The consequences, if any, of failure to provide the information

Federal law allows districts to require a person to provide his or her SSN for wage and tax reporting purposes. Districts can ask to see the Social Security card, although the employee is not required to show the card unless it is readily available. Additional information on the appropriate use and recording of SSNs can be found on the SSA Web Site (<http://www.ssa.gov/employer/paperq&a.htm>).

## **Change of Name**

Districts are obligated to report wages based on the name and number shown on the Social Security card. Inaccurate reporting of wage and tax information can result in penalties for the district. When an employee has a change of name the district must wait until he or she secures an updated card from the SSA before changing any payroll records. Districts should advise the employee to report the name change to the local Social Security office and secure an updated new card with that name on it.

## **Paycheck Services**

All questions pertaining to the administration of paycheck services should be directed to the Business Office by calling 903.381.2200.

## **Paychecks**

All employees are paid at least once each month. During the school year, paychecks are delivered to each campus. 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.

### **Direct Deposit**

Direct deposit authorization forms can be found in the Business Office and the LISD website. Due dates for these forms can be located on the LISD website under the business office link. Direct deposits are processed on a quarterly basis. Employees who desire direct deposit should attach a voided personalized check, account identification card or other bank validation of the personal account number to the direct deposit form and send to the Business Office. The bank will receive a pre-notification the first pay period after the direct deposit request deadline and the employee's check will be delivered to the employee's assigned location as usual. The employee's check stub will be directly deposited the month requested. If a change of banks occur, the employee will be issued a check for the next pay date while a pre-note is confirmed with the new bank. If the pre-notification is successful, direct deposit will resume the following month. This information must also be received in the Business Department by the designated due dates.

### **Summer Paycheck**

All employees working on a school campus during the summer may pick up their paychecks on the 25<sup>th</sup> of the month at that location or otherwise paychecks will be sent to the employee by mail using the employee's address as listed in the payroll system.

### **Change in Marital Status**

Any change in marital status will require the employee to complete an *Employee Action Form* and submit to the Human Resources Department. The Business Department should be contacted to complete the necessary forms for change in beneficiaries and to update other related forms.

### **Reclassification of Current Positions**

A job reclassification occurs when the same position is moved to a higher or lower pay rate. An upward or downward job reclassification will result in greater or lesser potential for pay advancement over time. Jobs may be reclassified for a number of different reasons. Those reasons include a significant and sustained increase or decrease in job duties and responsibilities assigned by the supervisor, a need to improve internal pay equity with other related jobs, or a significant change in the external job market. Review of job classifications must be initiated by the job supervisor. Additional information concerning job classification review is available from the Assistant Superintendent of Human Resources/Community Relations.

### Electronic Time Keeping

In an effort to automate the time keeping process, employees will use the electronic time keeping system (called "TIME CLOCK PLUS"). The electronic timekeeping system consists of electronic time clocks at work locations that are connected to a central computer. Employees will use their identification badges to "clock-in" and "clock-out," and the system will record the information on an "electronic time sheet."

*Note: The terms "clock-in," "punch-in," and "swipe-in" (or -out) mean the same thing. They all refer to the action whereby an employee slides his/her ID badge through the slot on a time clock or reader that reads the employee's badge number from the ID badge and transmits this information to the electronic timekeeping database.*

The Electronic timekeeping system will benefit both employees and the District. The District anticipates improved efficiency and accuracy, which are two improvements that will also benefit the employees. Additionally, the employees will have a reliable, independent record of their hourly work history.

The electronic time keeping system and associated work records are the basis for accurate recording of days worked and paying all non-exempt LISD paraprofessionals, operations/grounds, transportation and cafeteria department employees. For exempt employees, the time keeping system will provide the basis for accurate recording of days worked. Absence records (e.g. vacation, comp days, personal days) are also recorded by the departmental timekeeper. **IF NOT PREVIOUSLY SCHEDULED, ABSENCE AND AUTHORIZATION FORMS MUST BE FILLED OUT THE DAY YOU RETURN TO WORK.** Actual earned leave time available is still maintained in the Human Resources Department. Therefore, all employees should review their monthly/bi-monthly payroll check for the actual leave time that is available. All questions should be referred to Human Resources.

The time keeping records can be made available to the individual employee to review and discuss as necessary. The Director/Supervisor is asked to print time records on a monthly basis for the purpose of employee review and signature. The supervisor will use his/her discretion in printing time sheet information for the requesting employee during any other time period. Please notify the departmental supervisor or secretary if you are desirous of a printed time sheet.

Every effort has been made to provide employees with alternate procedures to clock-in or out if there are problems with cards or time clocks. These "manual" changes will be documented and approved so that it will be possible at all times to determine how a timesheet was computed.

In order for the electronic time keeping system to function properly, all full-time and part time employees **MUST** "clock-in" at the beginning of their assigned work hours and "clock-out" at the end of the assigned work day at their place of work. (Under certain conditions, such as a training course at a different location, the employee shall clock-in/out at the different location or

via provisions to be determined.) All employees are required to “clock-in” and “clock-out” for lunch. Until a date is determined, exempt campus personnel will not be required to “clock-in” and “clock-out” for lunch.

### Basic Rules for using the Electronic Timekeeping System

The following summary is intended to provide a brief overview of how employees are to utilize the electronic time clocks.

1. Employees shall clock-in when starting work and clock-out at the end of the work day. Moreover, employees must clock-in and clock-out for lunch. An exception for lunch has been made for exempt campus personnel until a date is determined to the contrary.
2. Non-exempt employees shall not clock-in earlier than 5-10 minutes before the scheduled starting time unless authorized in advance by a supervisor.
3. Non-exempt employees shall not clock-in later than the start of their schedule, nor clock-out before the end of their work schedule, unless authorized to do so by a supervisor. Non-exempt employees are subject to having their pay checks docked or be required to deduct personal leave time for time that is not worked during the work period.
4. All non-exempt and exempt employees leaving their assigned work schedule for any reason must clock out when leaving their work schedule, and clock in when returning to their assigned work schedule. All assigned work activities must be accounted for. The exception for lunch has been made for exempt campus personnel until a date is determined to the contrary.

**Note:** ALL EMPLOYEES WHO COME TO THEIR ASSIGNED WORK DAY LATE OR LEAVE EARLY MUST COMPLETE THE LISD TIME CLOCK REPORTING OF MISSED PUNCHES FORM. (ATTACHMENT A)

5. **Clocking-in or clocking-out for another employee is strictly forbidden and will result in disciplinary action, up to and including termination.**
6. In order to ensure fairness and consistency, all disciplinary procedures, including a verbal warning (s) are to be documented in writing and placed in the employee’s file with the employee’s signature and date. This does not include “notes to the file.”
7. Changes and additions to time records will be documented with the LISD TIME CLOCK REPORTING OF MISSED PUNCHES FORM (Attachment A.)
8. Payroll will be calculated based upon the time recorded in the electronic timekeeping system. If missed punches are not resolved by the end of the pay period, the erroneous days will not be paid until the next regularly scheduled payroll issuance.

9. Non-exempt employees are responsible for getting missed punches resolved. Missed punches will negatively affect the employee's pay check or leave time balance until these matters have been cleared and approved by the departmental supervisor. Any missed punched adjustments must be brought to the attention of the departmental supervisor and resolved prior to the date when the next payroll is due to the business office. If missed punches are not resolved, an employee's paycheck will not be adjusted.
10. Any time and attendance reports edited by the timekeeper must be reviewed and approved by the approval manager in charge of the time and attendance system at the campus/departmental level. Any changes and/or corrections must be signed by the employee and approval manager for timecard editing with comments entered by the timecard supervisor. Copies must be kept at the campus or the department.

### Detailed Rules

#### ➤ **Proper use of Electronic Time Clocks**

It is a job requirement to clock-in and clock-out using the Employee ID Badge and the electronic time clocks or badge "readers." Failure to comply with these requirements such as blatant disregard/failure to clock-in and clock-out, clocking in too early, clocking out too early, and clocking out late without permission for overtime shall be grounds for disciplinary action, up to and including possible termination of employment.

#### ➤ **Falsification or Tampering**

11. The following are considered serious offenses that will result in disciplinary action, up to and including termination:

- Interference with the operation of the time clocks or related computing equipment;
- Interference with another employee's use of a time clock;
- Unauthorized alteration of electronic data;
- Clocking in or out for someone else;
- Falsification of an authorization form and of records regarding time worked, lunch time and/or overtime;
- Using a non-LISD badge

Due to the severity of these infractions, all employees involved in such infractions will result in disciplinary action, up to and including termination and possible legal action.

#### ➤ **Identification Badge**

- All employees will be issued a district photo identification badge from the Human Resources Department.
- Employees are required to wear their badges AT OR ABOVE THE WAIST POSITION **at all times while on duty**. Any lost badges must be immediately reported to the responsible supervisor or designate, who will report the loss to the Human Resources Department. The employee will obtain a new badge as soon as possible at his/her expense.
- Employees who have lost or forgotten their badges may be clocked-in and clocked-out using the missed punch authorization form. Employees shall also obtain a temporary badge from the departmental secretary for each day they do not have a LISD ID badge.
- Employees will be allowed one lost badge per year. All others will be replaced at a charge of \$10.00 for each lost badge. Damaged badges will be replaced free of charge when they are turned in. (Payment for lost badges will be by payroll deduction.)
- If an employee fails to bring his/her badge to work for two successive workdays, the badge shall be deemed lost and a new badge ordered at the employee's expense.
- Frequent forgetting or losing of badges will be cause for disciplinary action.

➤ **Damaged Identification Badge**

If your badge becomes damaged and cannot be read by the electronic time clock or reader, you must immediately inform your supervisor and turn in your damaged badge to your supervisor in order to obtain a replacement badge. Until the new badge arrives, the employee will be given a temporary badge for usage by their supervisor.

Damaged badges will be replaced free of charge to the employee. As noted above, badges cannot be replaced until the damaged badge has been turned in.

➤ **Clock Problems**

If any employee is unable to swipe in or out because of a time clock malfunction, it is the employee's responsibility to immediately inform his/her supervisor. If a supervisor cannot be contacted, it is permissible to inform the timekeeper directly. To substantiate this "manual" swipe, the employee shall submit a Reporting of Missed Punches Authorization Form to the supervisor. The Authorization form must be signed by the employee and the supervisor. The timekeeper will "manually" clock the employee in or out in the electronic timekeeping system.

## **Documentation Procedures**

Employees will receipt and sign documentation denoting receipt of the time clocks protocols. These protocols provide full description of how employees are to use the time clock system. Questions should be directed to the departmental supervisor or the Human Resources Department.

## **Overtime Compensation**

The District compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt (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.

Overtime is legally defined as all hours worked in excess of 40 hours weekly and is not measured by the day or by the employee's regular work schedule. Employees who must work beyond their normal schedule but less than 40 hours will be compensated in straight-time or equivalent time off in the same workweek. Employees must work more than 40 total hours in a week to earn overtime compensation. For the purposes of calculating overtime, a workweek begins at 12:01 a.m. Sunday and ends at midnight Saturday.

Employees may be compensated for overtime at time-and-a-half rates with compensatory time off (comp time) or direct pay. The following applies to nonexempt employees:

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

## **Authorization for Overtime**

All overtime worked must be approved by the supervisor in advance. Supervisors are responsible for preventing unauthorized overtime and for obtaining conclusive permission for the requested overtime from the Assistant Superintendent for Business and Finance or designee. Employees who work unauthorized overtime may be subject to disciplinary action.

## Expense Reimbursement

Each district employee who is authorized to travel assumes, with the acceptance of that authorization, a direct responsibility to limit travel claims to those actually incurred. All expenses should be clearly for the purpose of discharging essential official business of the District. Planning of day-to-day travel should take into consideration the most economical means of accomplishing the authorized mission. This planning should include consideration of the use of personal car or common carrier, sharing rides with other employees, and similar alternatives. The District will reimburse an employee or organization for reasonable expenses incurred during travel for school business or instructional purposes as long as funds for the trip are budgeted or in an organization's activity fund and the travel is approved in advance.

## Out of District Travel Procedures

### Generally:

1. Individuals should complete this form for requesting PERMISSION to attend professional meetings at least 30 calendar days in advance of the meeting.
2. Advance funds will not be issued for anticipated expenses of less than \$50.00; however, permission must be obtained prior to travel.
3. Be sure to include an accurate estimate of your expenses (excluding Texas sales tax). The approved mileage, which the district will pay, will be based on Texas Comptroller's calculation, see website: <http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp> The approved amount of reimbursement will be listed on the form when it is returned to you indicating approval or disapproval. (Refer to the back of the white copy of the form for limits on round trip Comptroller allowances.)
4. After the approved travel has been completed, please resubmit your request for reimbursement using the white copy of the form. Forward immediately to the Business Office with receipts and "proof of attendance" (certificate, etc.) attached.
5. If the travel form and receipts are not accurately and timely submitted upon return from the trip, the employee may be unable to receive advanced funds for any additional travel for the remainder of the year.

### Limits on Reimbursement:

6. **TRAVEL:** Individuals will make their own travel arrangements using the most economical travel available. Round trips in excess of 500 miles will be reimbursed at the cost of air coach travel or mileage, whichever is less. There are limits on round trip mileage allowances. (Refer to #3 above) Reimbursement for automobile usage will be at the mileage rate of fifty cents (\$0.50) per mile. This reimbursement will only apply to the number of vehicles required to meet a **four person per car ratio**.



7. **MEALS:** Maximum meal and gratuity expense will be \$33.00 per day. Allowable reimbursement rates are as follows: breakfast: \$8, lunch: \$10.00, dinner: \$15.00. You must be required to leave for your destination before 7:00 a.m. to receive breakfast allowance. You must leave prior to 12:00 noon to receive lunch allowance. You must be required to arrive home after 7:00 p.m. to receive dinner allowance. No person shall claim another person's meal expense on his or her expense reimbursement report.
  
8. **LODGING:** Maximum lodging is \$85.00 per night or actual cost, whichever is less, excluding Texas Hotel Sales Tax. Employees should attempt to stay at the conference hotel since their rates are generally lower. When making hotel reservations; be sure to ask for 'The State Rate' as this should allow for a discount. Staff members staying at hotels should complete a Hotel Occupancy Tax Exemption form (attached to travel advance check) at the time of check-in in order to qualify for tax exempt status. The two- person-per-room rule will be in effect, unless prior approval has been obtained. If an employee chooses to room by him/her self and a higher room rate is determined, that employee will have to personally pay the added cost of the room as well as the other employee's room.
  
9. **MISCELLANEOUS:** Original itemized receipts are required for miscellaneous expenses. Miscellaneous expenses include the following: toll booth fees, parking, business related telephone calls, and cabs. These expenses will not be advanced.

**Original itemized receipts are required on the following:**

<b>Registration Fees</b>	<b>Rental Cars</b>
<b>Hotel</b>	<b>Cab Fare</b>
<b>A single expenditure over twenty dollars</b>	<b>Airline Tickets</b>
<b>Parking</b>	

**Purchasing Procedures**

*Policy CH*

All requests for purchases must be submitted to the Business Office on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the District's Business Office. Contact the Business Office for additional information on purchasing procedures.

# **COMPLAINTS POLICY**

# EMPLOYEE COMPLAINTS POLICY

## Employee Complaints

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 employee complaints procedure will generally follow a four-step process, beginning with the employee's immediate supervisor at Level One, moving to the appropriate assistant superintendent (or designee) at Level Two, moving to the superintendent at Level Three, and continuing to the Board at Level Four. Generally, the employee will be given the opportunity to present his or her complaint in a verbal presentation at each level but is also required to file a written complaint on the form provided by the District. Additionally, the employee has the opportunity to present documentation in support of his or her complaint.

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.

## Notice of Employees

The principal of each campus and other supervisory personnel shall be responsible for informing all employees under their supervision of the district's policy on employee complaints and grievances. Employees requesting such shall be provided with a copy of the policy and instructed in proper procedures for filing complaints and grievances. This information shall be included in the orientation process for all new employees.

## Definitions

*Complaint* A complaint under this policy shall include:

- ❖ Grievances involving an employee's wages, hours, or conditions of work.
- ❖ Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
- ❖ Specific allegations of unlawful discrimination or retaliation on the basis of an employee's constitutional rights.

- ❖ "Whistleblower" complaints.
- ❖ "Days" shall mean working days unless otherwise designated at law.

### **Other Review Processes**

Procedures and information regarding sexual harassment by other employees are found in Board Policy DHC and information regarding federal nondiscrimination is found in Board Policy DAA.

### **Representation**

The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, or other person or organization that does not claim the right to strike. The district may be assisted in processing complaints as it deems appropriate.

### **General Requirements**

A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.

### **Complaint Process Level One**

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on the form provided by the District. The form must be filed within fifteen days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining.

The principal or supervisor shall hold the conference within ten days after receipt of the written request. The principal or supervisor shall have ten days following the conference within which to respond.

### **Complaint Process Level Two**

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the appropriate assistant superintendent or designee to discuss the grievance. The request shall be in writing on the form provided by the District and must be filed within ten days following receipt of the written response or, if no written response is received, within ten days of the response deadline. If any relief has been granted at Level One, the employee shall state on the form why such relief is inadequate.

The appropriate assistant superintendent or designee shall hold the conference within ten days after receipt of the written request. The appropriate assistant superintendent or designee shall have ten days following the conference within which to respond.

### **Complaint Process Level Three**

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent to discuss the grievance. The request shall be in writing on the form provided by the District and must be filed within ten days following receipt of the written response or, if no written response is received, within ten days of the response deadline. If any relief has been granted at Level Two, the employee shall state on the form why such relief is inadequate.

### **Complaint Process Level Four**

If the outcome of the complaint conference at Level Three is not to the employee's satisfaction or if the time for a response has expired, the employee may request to place the matter on the agenda of a future Board meeting. The request shall be in writing on the form provided by the District and must be filed within ten days following receipt of a written response or, if no written response is received, within ten days of the response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented. The presiding officer may set reasonable time limits. The Board shall consider the grievance and may request a response from the administration. The District shall make an audiotape record of the Level Four proceeding before the Board.

The Board shall then make and communicate its decision verbally or in writing at any time up to and including the next regularly scheduled Board meeting.

### **Hearing Officer**

The grievance may be presented to the Board, or at its election, to a designated hearing officer who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be district employees who were not involved in the subject matter of the grievance or the grievance process, or they may be persons not employed by the district.

If the Board designates a hearing officer to hear the grievance, it shall review the hearing officer's written recommendations at its first regular meeting following receipt of same. The

employee and administration shall be provided a copy of the recommendation before such meeting and shall be given an opportunity at the meeting to respond to the recommendation either verbally or in writing, at the Board's election. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

The form of presentation of the grievance shall be determined by the Board or its designated hearing officer. Generally, no witnesses shall be presented and no cross examination of witnesses shall occur unless procedures so requires. In each case, the grievant shall be permitted to make a presentation to the Board or its designated hearing officer within the time allocated and shall be able to offer such written evidence as the Board or its designated hearing officer may deem relevant. The administration shall, in turn, be entitled to respond to the grievant with its own presentation and written evidence.

### **Closed Meeting**

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests it to be heard in public. However, if the grievance involves a complaint or charge against another District employee or Board member, it shall be heard in closed meeting unless an open hearing is requested by the employee or Board member against whom the complaint or charge is brought.

# **PROFESSIONAL GROWTH**

# **PROFESSIONAL GROWTH**

## **Professional Growth**

Professional staff members shall complete at least 200 clock hours of CPE (continuing professional education) during each five year period, maintaining a list of such activities on the district CPE Worksheet for professional staff. Verification of completion (such as a certificate) should be included in the individual's file as documentation.

Instructional aides shall complete at least 150 CPE clock hours during each five-year period and maintain a list of such activities on the district CPE Worksheet for instructional aides.

All other staff, such as central office department staff, campus and district level secretaries, bus drivers, cafeteria staff, skilled craftsmen, and custodial staff shall complete training as required by their departments or supervisors.

Each staff member is responsible for documenting his/her workshop attendance by signature on the sign-in sheet and for maintaining his/her own professional growth file.

## **Appraisals**

LISD will provide Professional Development and Appraisal System (PDAS) orientation to employees as required by state guidelines. For detailed information concerning appraisal guidelines, contact your supervisor or the Human Resources Department.

## **Performance Evaluations**

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

## **Promotion/Transfer/Reassignment**

### **Promotion**

The superintendent and other designated staff shall determine the professional requirements for a given position. This information and a notice of vacancy shall be posted for those positions above entry level.



Any LISD employee may apply for advancement to a position of higher level (salary, days of employment, etc.) if he or she meets the qualifications for the position. The LISD employee may be given consideration over applicants from outside the district in accordance with the selection procedures determined at the time of posting. Positions that would be a promotion for any employee are posted. In most cases, posted positions are filled through the application process, not through the transfer process.

### **Reassignment/Transfer**

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 the 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 may be assigned to a different location in a position of the same salary level/pay grade. This is referred to as a transfer. If the request is made by the employee, it is a voluntary transfer, if the transfer is caused by the teacher's being surplus in the present location or by other administrative need, it is an involuntary transfer.

All teacher transfer requests must be submitted to the Human Resources Department. Transfer request must be signed by the teacher and principal. Transfer forms and due dates will be sent to each campus by the Human Resources Department.

- ❖ ***Transfer Requests*** All personnel may request reassignment to other employment positions within the district at the time specified for application for transfer. Requests for specific assignments or reassignments shall be granted only if the assignment will not lessen the effectiveness of the overall system. Generally, requests for reassignment shall be discussed with the principal or immediate supervisor, and then submitted to the Assistant Superintendent of Human Resources/Community Relations.
- ❖ ***Voluntary Transfers*** The Human Resources Department will distribute Transfer Request forms to the schools and offices prior to May 15.
- ❖ ***Involuntary Reassignment*** If the request for reassignment is initiated by the principal, immediate supervisor, or superintendent, the employee and other directly affected personnel shall be informed of the reasons for the request.

# **MISCELLANEOUS POLICIES**

## MISCELLANEOUS POLICIES

### Activity Funds

Employees should refer to the Director of Finance for activity fund procedures.

### Dietary Supplements

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

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

Teachers and other District employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate. In addition, a District employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate.

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 Attendance

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

## **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 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 (if 18 or older or emancipated by a court)
- ❖ School officials with legitimate educational interests

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

## **Bullying**

### *Policy FFI*

All employees are required to report student complaints of bullying.

## **Hazing**

### *Policy FMCC*

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

## **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 teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved 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.

### **Freedom from Discrimination**

#### *Policy FFH*

Sexual harassment and harassment based on a person's race, gender, color, national origin, disability, or religion is prohibited. Examples of harassment include sexual advances, inappropriate touching, jokes or conversations of a sexual nature, offensive or derogatory language directed at another person, threatening or intimidating conduct, offensive jokes, name calling, racial slurs, physical aggression or assault, and bullying.

Employees shall not tolerate harassment of students. Any student who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to a teacher, counselor, principal, or other district employee. Any district employee who receives notice that a student has or may have experienced prohibited harassment is required to immediately report the alleged acts to the campus principal or other appropriate administrator. Reports should be made as soon as possible.

### **Administering Medication**

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements with the following exceptions:

- ❖ Authorized employees (the principal or designee), in accordance with policy FFAC, may administer:
- ❖ Prescription medication provided by the parent, along with a written request, and in the original properly labeled container.
- ❖ Medication from a properly labeled unit dosage container filled by a registered nurse or another qualified District employee from the original, properly labeled container.
- ❖ Nonprescription medication provided by the parent along with a written request, and in the original, properly labeled container. Non-prescription medications will require a doctor's order if given for longer than 10 days.
- ❖ Herbal or dietary supplements provided by the parent if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

A student who has asthma, severe allergic reaction (anaphylaxis), or diabetes may self-administer medication at school and at school-related events provided he or she has written

authorization from the parent or health care provider and has demonstrated the ability to appropriately use the medication and any device to the school nurse. The student may keep the medication in his or her possession. See policy FFAC for more information.

### Adult Meals

High Quality Meals are available for the staff of the Longview ISD in the each school cafeteria. Cost of an adult meal is:

Breakfast	\$ 1.50
Lunch	\$ 3.00

### Check Acceptance Policy

Our school district has established the following policy for accepting checks and collecting bad checks: For a check to be an acceptable form of payment, it must include your current full and accurate name, address, telephone number, driver's license number and state. **When paying by check authorization to recover unpaid checks and recover state allowed fee by means of electronic representment or by paper draft is required.**

### Advertisements

Announcements, bulletins, and posters advertising any activity that is neither sponsored by the school, nor closely related to the work thereof, shall be approved by the building principal.

### Asbestos Management Plan

The District is committed to providing a safe environment for students and employees. An accredited management planner has developed an asbestos management plan for each piece of district property. A copy of the Management Plan for *AHERA (Asbestos Hazard Emergency Response Act)* can be found in your principal's office (or building office) and at the Longview ISD Plant Services Office located at 1111 East Young Street for inspection during normal working hours. The report gives location of any ACM/ACBM (Asbestos Containing Materials/Building Materials) and the response taken by Longview ISD in accordance with existing rules and regulation.

### Associations and Political Activities

The District will not directly or indirectly discourage employees from participating in political affairs or require employees 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.

### **Bad Weather Closing**

The District may close schools and/or offices for a full day or part of a day because of bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of district facilities. When it becomes necessary to open late or to release students early, the following radio and television stations will be notified by school officials:

Radio: KYKX - 105.7 FM    KFRO-1370 AM    KFRO-95.3 FM  
          KZEY- 690 AM      KZEY-1060 AM    KEES 1430 AM

Television: KTAL channel 6, KLTV channel 7, KETK channel 56

### **Criminal History Record Information Authorization**

The District may obtain criminal history record information that relates to a person the District intends to employ or a person who has indicated, in writing, an intention to serve as a volunteer with the District, Education Code 22.083 (a).

The District may obtain criminal history record information that relates to:

1. A district volunteer or employee; or
2. An employee or applicant for employment by a person that contracts with the District to provide services if:
  - a. The employee or applicant has or will have continuing duties related to the contracted services; and
  - b. The duties are or will be performed on school property or at another location where students are regularly present.

The Superintendent shall promptly notify the State Board for Educator Certification (SBEC) in writing if an applicant for or holder of a certificate issued under Chapter 21, Subchapter B of the Education Code has a reported criminal history. Education Code 22.083(c)

### **Additional Background Checks**

#### **Bus Drivers**

Additional background checks must be conducted on any person whose position requires a commercial drivers license. The required checks include a review of driving records and alcohol and drug testing records from previous employers.

### **Driving Records**

The district must request a list of convictions for traffic violations, endorsements, DUI offenses and valid license registration from the Texas Department of Public Safety (DPS) before employing a person whose job requirements include driving a motor vehicle used to transport students. The district also must request the same information for current employees before making such an assignment. Contact DPS for specific guidelines and forms that must be used to obtain and evaluate driving records. Driving record checks must be conducted annually on all bus drivers.

### **Alcohol and Drug Tests**

Districts are required by Federal Department of Transportation rules to obtain previous employers' alcohol- and drug-screening test results for the two years prior to an individual's application for employment. New employees are required to sign a release allowing the district to obtain this information. This release is included in the *Addendum for School Bus Driver Applicants*.

### **Distribution of Samples and Other Advertising Matter to Students**

The school may accept samples or other advertising materials such as book covers, rulers, pencils, etc., when it is of value to the school program. Fliers and other advertising materials should be approved through the Community Relations Department prior to distribution.

### **Dress and Grooming**

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

### **Professional Dress Code:**

The mission of Longview ISD is to create a positive learning environment for all students. The expectation of LISD staff members is to dignify their profession by serving as appropriate role models for students through professional dress that is consistent across the district, thereby generating respect from students, parents, and the community.

The following situations are specifically addressed:

1. Jeans of any color, overalls and school T-Shirts are to be worn only on spirit days or as designated by campus principals or building supervisors.
2. Slacks, not jeans, are required of men.



3. Wind suits and sweat suits are unacceptable except for coaches and physical education teachers. Coaches must wear long pants over gym shorts while in the classroom or academic buildings.
4. Leggings, form fitting Capri pants or tights worn as pants, are unacceptable at any time. Cropped pants (shorter length dress pants) are allowed.
5. City dress shorts may be worn with hose and as part of a suit; the length must, at a minimum, meet the guidelines of student shorts. (No shorter than 3" above the knee.)
6. Length of skirts and dresses must be no shorter than 3" above the knee.
7. Denim dresses and skirts are allowed.
8. Modesty should govern decisions for professional attire. Plunging necklines, exposed midriffs, enlarged armholes, and extremely tight attire are unacceptable.
9. Beachwear, shower shoes and flip-flops are unacceptable.

These guidelines are to be followed on any student attendance day. If you are unsure whether your attire will violate guidelines, please inquire first. Staff should adhere at a minimum to the student dress code. Staff will be held accountable for complying with the dress code as written. Exceptions to this policy may be requested in writing and approved by the superintendent or her designee.

#### **Employee Responsibility for Lost or Damaged Textbooks**

SB 370, and its identical companion HB 974, which address a school district employee's immunity from liability and responsibility for certain materials was introduced to the Texas State Senate on January 30, 2007. This bill passed unanimously on May 17, 2007 and therefore, became effective immediately.

Specifically, this bill changes Section 22.0511 of the Texas Education Code to include a subsection (d). This subsection reads as follows:

- (d) A school district may not by policy, contract, or administrative directive:
  - (1) require a district employee to waive immunity from liability for an act which the employee is immune from liability under this section; or
  - (2) require a district employee who acts in good faith to pay for or replace property belonging to a student or other person that is or was in the possession of the employee because of an act that is incident to or within the scope of the duties of the employee's position of employment.

In addition, Section 31.104 subsection (e) of the Texas Education Code is amended by SB 370 to read as follows:

- (e) The board of trustees of a school district may not require an employee of the district who acts in good faith to pay for a textbook, electronic textbook, or technological equipment that is damaged, stolen, misplaced, or not returned by a student. A school district employee may not waive this provision by contract or any other means, except that a district may enter into a written agreement with a school employee whereby the employee assumes financial responsibility for electronic textbook or technological equipment usage off school property or outside of a school sponsored event in consideration for the ability of the school employee to use the electronic textbook or technological equipment for personal business. Such a written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee of the amount of financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to agree to such an agreement as a condition of employment.

### **Guidelines for Facility Use, Furnishings and / or Modification**

#### **Purpose**

The purpose of the Facilities Department is to provide a safe environment that is conducive to learning for our students. Therefore, these guidelines are provided for teachers and campus administrators to follow to assist in accomplishment of that goal.

#### **Modification to Building**

Any modification to a facility shall be submitted to the Director for Operations for approval. Modifications to the building typically require a budget for Capital Improvement. Remodeling of the building design will be discouraged without strong justification and/or budget approval.

#### **Modification to Facility Site**

Any modification to a facility site shall be submitted to the Director for Operations for approval. This is to include any landscaping, the addition of signage or site furnishings.

#### **PTA and Other Volunteer Groups**

Proposed capital improvement projects to be sponsored by the PTA or other volunteer groups are to be submitted and approved to the Director for Operations prior to any fundraising or approval of the project by the volunteer group.

## **Volunteer Labor**

Volunteer labor for building modifications or the installation of any system, equipment or material to any of our facilities is discouraged. Exceptions may be made for adequately qualified and/or properly insured entities.

## **Key Control Procedures**

### *Policy CLA (LOCAL)*

The following procedures will be adhered to by all school district personnel in an effort to maintain safe schools, reduce costly theft and vandalism, and demonstrate good stewardship with regard to the public tax dollar.

1. Keys are and remain at all times the property of the Longview ISD.
2. The Facilities Department is responsible for developing and maintaining the key control system.
3. All lock and key work, including but not limited to, making and issuing keys, re-keying locks, replacing and/or repairing locks and related equipment, shall be done by or through the Facilities Department.
4. The initial installation of the key system will be installed at the expense of the Facilities Department.
5. After the initial installation of the key system, the various campuses or other departments are financially responsible for the costs of replacement key issuance as well as any re-keying or other work necessary to maintain security.
6. As of the effective date of this policy, some lock systems will not be on the grand master system established by the Facilities Department. Over time, campuses and departments will all be placed on the master system at the expense of the Facilities Department.
7. Keys will be issued by the Facilities Department based upon demonstrated need for access and input from the district, campus or department administrator. A form will be provided for the required authorization. The lowest level of key will be issued that provides the level of access needed. Persons issued keys are responsible for their safekeeping and must sign an agreement acknowledging this responsibility.
8. Keys may not be duplicated under any circumstances, except by the Facilities Department. Tampering with or duplicating keys may result in loss of privilege, termination from employment, and/or criminal charges.

9. Lost or stolen keys must be reported immediately to the Facilities Department. Charges for replacement of keys, re-keying and emergency call-outs will be assessed, based upon the fee chart established by the Facilities Department and attached to this policy memorandum.
10. Keys must be returned to the Facilities Department upon leaving employment or at the end of the individual's need for a key. A key charge will be assessed to the campus or department for keys not returned to the Facilities Department. Campuses or departments may, in turn, request that the Payroll Office deduct this charge from the employee's final paycheck if key(s) are not returned by the end of the employee's employment.

### **Addition of Computers**

The addition of computers or other electrical devices to a classroom can overload the electrical circuits and alter the capability to keep the room temperature under control. Consult with the Director of Operations when the addition of computers is contemplated to determine feasibility.

### **Outside Services**

Prior to contracting with any outside service that involves wiring (such as Channel 1 TV, PA Systems, etc.), consult with the Executive Director for Operations for wire routing and wiring systems.

### **Wall Finishes and Colors**

All painting in the district is done by district painters. Painting supplies will not be left in our building for the custodial staff or teachers to do touch-up. No painting is to be done by district personnel other than district painters, nor by volunteers. Color schemes will be designed by the Facilities Department with approval by the principal. No residential wallpaper or wallpaper borders are to be used in school campuses including offices.

### **Building Graphics**

Building graphics, murals, signage, etc. will be designed and installed by professional graphic artists and arranged for through the Facilities Department.

### **Furnishings and Equipment**

It is the intent of the Facilities Department to furnish and equip all campuses equally. When requests are made for items that exceed standard issue, they are usually denied for that reason, unless the Principal approves the request because of extenuating circumstances.

It is the desire of the district to strive for a professional teaching environment. Personal residential furniture (couches, shelving, kitchen appliances, etc.) are not allowed in classrooms.

Exceptions: Rocking chairs used for reading groups, and other items that are needed to teach the curriculum, especially in the younger grades, are allowed with approval by the Principal on an individual basis. The Principal will also rule on the use of items such as personal shelving as to the need, appearance and structural integrity.

### **Open Flames**

The use of candles on our campuses is not permitted by law.

### **Mounting to Walls, Doors, or Floors**

When mounting student work to walls or doors, use approved adhesive (like sticky-tack). The use of masking tape on walls or doors is prohibited. Thumbtacks or staples are not permitted on a surface not designed for that. Do not staple into wood doors or sheetrock. Do not stick masking tape or any other tape on carpet in classrooms or corridors. Material used to drape walls, and attachment technique, must be approved. (Fire-retardant issues involved!)

### **Window Covering**

Do not install personal window covering (like residential drapes) on windows. Do not hang blackout paper or exhibits on exterior windows or door lite to hall.

### **Rearrangement of Amenities**

Minimize requests for relocation of projection screens, flags, and/or maps in classrooms just for personal preference. Relocation of these items will be done only with approval.

### **Storage of Food**

Candy or other food products stored in the classroom (including food items being used in student projects) shall be stored in a sealed container.

### **Extermination**

It is unlawful for unauthorized persons to do any type of extermination in school facilities. The district has an Integrated Pest Management Program. Contact the Director of Maintenance, through your principal, with any extermination needs.

### **Use of Storage Cabinets**

Be careful not to overload shelving and wall-hung cabinets. Overloaded wall-hung units can fall to the floor possibly injuring a child.

### **Marker Boards**

Most classrooms in older school are equipped with conventional chalkboards. Conversion of these boards to marker board is only to be done by the district maintenance department. This will be done now only in dust control situations with special health need or in an effort to upgrade an entire wing or campus.

### **Parking**

It is not permissible to drive on or park on the grass, sidewalks, and/or pedestrians plazas. Please instruct security personnel at your campus to enforce this policy. (Especially during athletic events.) Much damage is being done to our turf and lawn sprinkler systems.

### **Extension Cords/Plug Strips**

The use of extension cords and/or plug strips is a fire hazard and should not be used. In the event the use of either is a consideration, the maintenance department should be contacted to investigate the electrical circuit for capacity and to look at electric appliance to determine the size extension cord required.

### **Electric Strip Heaters**

Electric strip heaters are a fire hazard and should not be used. In the event someone has an uncomfortable workstation, contact the maintenance department for help with a solution.

### **Use of Cellular Phones**

During instructional periods, cellular phones should not be used unless it is deemed an emergency. Cellular phone use during meetings is also discouraged.

### **Firearms and Weapons Possession**

Employees, visitors and students are prohibited from bringing firearms, illegal knives, clubs, and weapons onto school premises or any grounds or building or portion of a building where a school-sponsored event takes place. Such weapons include an explosive device, machine gun, short barrel firearm, firearm silencer, switchblade knife, knuckles, armor-piercing ammunition, chemical dispensing device, and zip gun. To ensure the safety of all persons, employees who observe or suspect a violation of the District's weapons policy should report it to their supervisor or call Dr. Jennifer Scott, Assistant Superintendent for Administrative and Pupil Services immediately at 903-381-2200. For a detailed list of illegal weapons, see policy FNCG (Legal) and Penal Code 46.01.

## **Health and 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), and the use of an automated external defibrillator (AED), 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 and the Human Resources Department by the beginning of the school year.

## **Loan of Equipment and Furniture**

No equipment or furniture shall be loaned to individuals and outside organizations when the loan requires the removal from the premises without the permission of the superintendent or designee.

## **Health Insurance Portability and Accountability Act**

Longview Independent School District is committed to protecting the privacy and security of all private health information created or received in relation to our employees and their families under our group health plans. As such, the following group health plans sponsored by Longview Independent School District are covered under the Notice of Privacy Practices that became effective April 14, 2004:

- Longview Independent School District Medical and Dental Plan
- Health Care Reimbursement Plan under the Longview Independent School District Flexible Benefits Plan

The Longview Independent School District Medical and Dental Plan was terminated in 2003 and replaced with the Longview Independent School District TRS-ActiveCare Group Medical Plan insured by BlueCross BlueShield. This terminated self-insured plan will continue to process outstanding claims throughout 2004. Thus, this plan shall be subject to this notice for the duration of the plan's wind-up activities and as long as the District maintains protected health information in relation to this plan. The Longview Independent School District TRS-ActiveCare Group Medical Plan is a fully-insured plan and will not be subject to the terms of this notice.

This Notice of Privacy Practices describes how protected health information may be used or disclosed by the District's self-insured group health plans to carry out payment, health care operations, and for other purposes that are permitted or required by law. This Notice also sets out our legal obligations concerning your protected health information, and describes your rights to access and control your protected health information.

This Notice of Privacy Practices has been drafted to be consistent with what is known as the “HIPAA Privacy Rule,” and any of the terms not defined in this Notice should have the same meaning as they have in the HIPAA Privacy Rule.

*If you have any questions or want additional information about the Notice or the policies and procedures described in the Notice, please contact: Longview Independent School District, 1301 East Young Street, Longview, Texas 75602, 903-381-2200.*

All workforce members shall report possible violations of privacy practices and procedures to the Privacy Officer, the Assistant Superintendent for Business and Finance.

Upon being notified of a potential violation of the privacy rules, the Privacy Officer will:

- Review any documentation that has been prepared;
- Meet with the individual who reported the possible violation;
- Meet with the individual who may have violated the policies and procedures;
- Determine what, if any, protected health information was used or disclosed and if so, whether such use or disclosure violated the policies and procedures;
- Determine whether the violation was accidental or intentional;
- Determine the disciplinary action, if any, that should be taken; and
- Document the findings of the investigation and the action taken.

If a workforce member is found to have *intentionally* violated the privacy policies and procedures, such violation may result in the immediate suspension pending further investigation and termination in the discretion of the Privacy Officer based upon all relevant facts and circumstances and as appropriate to the particular situation. Documentation of the investigation of the violation must show clear evidence that the disclosure was intentional and deliberate and such workforce member knew that the action violated the policies and procedures. After the investigation has been completed, sanctions may be imposed as spelled out on pages 129 and 130 of the HIPAA Compliance Manual.

### **Complaints**

Complaints regarding violations of privacy rights may be submitted to:

Longview Independent School District Benefits Office  
1301 East Young Street  
Longview, Texas 75602  
903-381-2200

Or a complaint may be filed with the Secretary of the U.S. Department of Health and Human Services. Complaints filed directly with the Secretary must: (1) be in writing; (2) contain the name of the entity against which the complaint is lodged; (3) describe the relevant problems; and



(4) be filed within 180 days of the time you became or should have become aware of the problem. Complaints to the Secretary of Health and Human Services should be filed in writing to:

U.S. Department of Health and Human Services  
Office of Civil Rights  
1301 Young Street, Suite 1169  
Dallas, Texas 75202  
214-767-4056

Persons who file complaints will not be penalized or in any other way retaliated against.

### **Pest Control Treatment**

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located in the administrative areas of the building. Pest control information sheets are available from campus principals or facility managers upon request. Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator.

### **Release of Student Directory Information**

No directory information relating to parents and/or students shall be released before the requirements of Section 438(5)(A&B) of the *Family Rights and Privacy Act of 1974*, 20 U.S.C., have been met.

### **Release of Students from School**

No child may be released from school at times other than regular dismissal hours except with the permission of the principal of the school. The teacher may release the student to the principal's office and it shall be the responsibility of the principal to release the student.

### **Child Abuse Reporting**

All employees are required by state law to immediately report any suspected child abuse or neglect to a law enforcement agency, Texas Department of Family and Protective Services (TDFPS), or the 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. Abuse is defined by Texas Family Code and includes any sexual conduct involving an educator and a student or minor. Reports to TDFPS can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate or rely on another person to make the report.

- ❖ The hotline is staffed 24 hours a day, seven days a week. All emergencies should be called in to the hotline or the LOCAL LAW ENFORCEMENT AGENCY as directed by

the TDFPS caseworker. When a report is made by telephone, the employee should describe the situation and express concerns about the urgency of the situation. The individual should be prepared to give known family information, e.g., names of other family members, where siblings attend school, and the like.

- ❖ The internet may be used to report instances of abuse or neglect that do not require an emergency response. An emergency is a situation in which a child appears to face an immediate risk of abuse or neglect that could result in death or serious harm. Internet reports should be made to:

Website: <https://reportabuse.ws/>

User name: educator

Password: report1

The Internet mailbox is monitored daily. You will receive an e-mail confirmation of your 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. Please note: a certified employee's failure to report child abuse may result in disciplinary procedures by the State Board for Educator Certification for a violation of the Educators Code of Ethics and prosecution for the commission of a Class B misdemeanor.

Employees who suspect that a student has been or may have been abused or neglected may also report their concerns to the campus principal. Employees are not required to report their concerns to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the proper state agency. Interference with a child abuse investigation by denying an investigator's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the investigator is prohibited.

### **Safekeeping of Funds**

No teacher, administrator, or other employee, shall leave any funds in any building overnight. When absolutely essential and approved by the supervisor, petty cash should be kept in tightly secured locations; i.e. in vaults, locked drawers, etc.

### **Safety**

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

### **Salesmen or Agents**

No salesmen or agents shall be allowed to interview students or teachers except with prior approval of the superintendent and campus principal.

### **Student Discipline**

Policies in FN and FO Series, (LEGAL) and (LOCAL)

The following general overview of discipline, adapted from information provided by the Texas Association of School Boards, is designed to inform teachers of issues that arise in disciplinary situations. It is supplementary information that complements the District's Student Code of Conduct. The Student Code of Conduct is posted on each campus and/or is available in the principal's office. Employees may request a hard copy of the code from the principal or from the Department of Administrative and Pupil Services. In addition, the Student Code of Conduct can be accessed on the district's website at [www.lisd.org](http://www.lisd.org). When in doubt, consult with appropriate administrators regarding disciplinary decisions.

### **Student Code of Conduct**

#### **What is a Student Code of Conduct?**

Chapter 37 of the Texas Education Code requires all districts to have a Student Code of Conduct (SCOC), which includes the following:

- Standards for student conduct;
- Circumstances under which a student **may** be removed from a classroom, campus, or Disciplinary Alternative Education Program (DAEP);
- Conditions that **authorize or require** a principal to place a student in a DAEP; and
- Conditions under which a student may be suspended or expelled from school.

The scope of the SCOC should be limited to establishing the behaviors that are acceptable and unacceptable to the district and the resulting consequences for unacceptable behavior.

### **Does the Student Code of Conduct change from year to year?**

The Texas Legislature meets every other year and may enact legislation that requires changes in the SCOC. Other changes include revisions based upon relevant federal legislation, federal and state regulations, and federal and state court decisions. District administrators, with the approval of the Board of Trustees, might make changes that affect the local SCOC at any time. Generally, however, changes are made in order to start the school year with a new Student Code of Conduct.

### **How does the district go about revising the Student Code of Conduct?**

Revisions to the district's SCOC are usually initiated by district and campus administrators. The SCOC must be adopted by the Board and has the same weight as any policy in the district's Local Policy Manual. All changes to the SCOC must be presented to the Board for adoption.

### **What happened to the discipline management plan some districts had?**

The legislature amended the Education Code in 1995 mandating a shift from the discipline management plan to a discipline management program anchored by the Student Code of Conduct. The district-level planning and decision-making committee is now tasked to include a discipline management program in the district improvement plan and the Board is required to adopt an SCOC.

### **Is it a good idea to categorize disciplinary offenses and punishments by "levels"?**

In the past, some plans and codes were organized into categories of offenses, such as "level 1" offenses, "level 2" offenses, and so on. The use of "levels" is no longer workable for an SCOC due to the structure and complexity of the Education Code's provisions related to discipline. Now, particular disciplinary measures, including expulsion or placement in a DAEP, are prescribed for a series of specific offenses. As a result, TASB Legal Services recommends that districts eliminate the use of, or reference to, levels in their SCOC. The Longview ISD Student Code of Conduct does not categorize disciplinary actions by levels of offenses.

### **Besides the Student Code of Conduct, what else is relevant in disciplinary situations?**

There may be campus and classroom rules in addition to expectations and requirements found in the SCOC. The rules may be posted in the classroom and/or given to students and may overlap with some behaviors listed in the SCOC. For instance, the dress code is referred to in the SCOC, but it should be disseminated in the Student Handbook.

Additionally, each campus has a discipline management plan based upon the needs and priorities of the campus. Effective classroom management strategies are provided in staff development throughout the year. For violations of campus and classroom rules or SCOC behaviors that do not have mandatory consequences, the district has designated discipline management techniques for teachers to employ, such as the following:

- Verbal correction
- Seating changes within the classroom
- Temporary confiscation of items that disrupt the educational process
- “Cooling off” time
- Rewards or demerits
- Behavioral contracts
- Detention
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences

### **Student Removal by Teacher**

#### **When can I remove a student from the classroom?**

Teachers may use discipline management techniques such as a "time out" either in or out of the classroom when a student misbehaves or is disruptive. There are also three categories of teacher removals to the principal's office.

#### **Informal Removal**

An informal removal occurs when a student exhibits problem behavior and the teacher sends the student to the principal's office for a short period of time. Typically, the teacher documents the misbehavior on a discipline referral form. The principal uses an appropriate discipline management technique consistent with the district's SCOC, such as detention, parent/teacher conference, assignment of tasks, or withdrawal of privileges. Generally, the student returns to the classroom later the same day or the next school day.

#### **Formal Removal (Discretionary reasons)**

In some instances, a teacher has the discretion to remove a student from the classroom. Such discretionary formal removals may result in a longer student absence from the classroom. A teacher may initiate a discretionary formal removal from the classroom in one of two circumstances:

1. The student’s behavior has been documented by the teacher as repeatedly interfering with the teacher’s ability to teach the class; or
2. The student’s behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

When a teacher initiates a formal removal, the principal may place the student into another appropriate classroom, into in-school suspension, or into a Disciplinary Alternative Education Program, depending on the nature of the behavior. The principal may also use other discipline management techniques.

A teacher removing a student for discretionary reasons must have written documentation of the misconduct. The Texas Education Code requires that the principal or designee schedule a conference with the teacher, the student, and the student's parent within three school days of the removal. At the conference, the administrator will inform the student of the misconduct for which he or she is charged and the consequences. The administrator will give the student an opportunity to give his or her version of the incident.

Based upon the information presented at the conference, the principal or designee will assign appropriate disciplinary consequences to the student.

### **Formal Removal (Mandatory reasons)**

If the student's behavior requires mandatory placement in a Disciplinary Alternative Education Program or expulsion, the teacher must remove the student from class and send the student to the principal's office. The SCOC lists the offenses that receive mandatory consequences, some of which are identified by law and some of which have been designated by the district.

After removal for mandatory reasons, the principal will schedule a conference with the student and the student's parent within three school days. If the student is found to have engaged in the misconduct, he or she will be assigned to a DAEP in accordance with guidelines in the Student Code of Conduct or, in the event of an expellable offense, referred to the Assistant Superintendent for Administrative and Pupil Services for a formal due process hearing. Students may be expelled to a DAEP or expelled without placement ("to the street") depending upon prior discipline history and the nature of the offense.

### **What can I do if I object to a student being returned to my classroom after he or she has been removed for disciplinary reasons?**

After a formal teacher removal, if the teacher objects to the return of the student to the classroom, a placement review committee will review the situation. The placement review committee consists of three members: two teachers who are chosen by campus faculty and one professional staff member appointed by the campus principal. If the placement review committee determines that returning the student to the teacher's class is the best or only alternative available, then the student shall be returned to the class.

### **What is an emergency removal?**

The Education Code includes a provision that allows administrators to place a student in a Disciplinary Alternative Education Program or to expel the student from the regular classroom in an emergency situation. To order an emergency removal to a DAEP, the principal or his or her designee must reasonably believe that the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with one or more of the following: 1) a teacher's ability to communicate effectively with the students in a class; 2) the ability of the student's classmates to learn; or 3) with the operation of school or a school-sponsored activity.

To order an emergency expulsion, the principal or his or her designee must reasonably believe that the action is necessary to protect persons or property from imminent harm. At the time of an emergency placement or expulsion, the student must be given oral notice of the reason for the action. It must be a reason for which placement in a DAEP or expulsion could also be made on a non-emergency basis. The district must conduct further due process proceedings as set out in the SCOC. The appropriate administrator should be contacted for direction.

### **Do I have a choice whether to report a student who violates the Student Code of Conduct?**

Many violations of the SCOC are handled through discipline management techniques in the classroom. Violations that carry a mandated consequence through law or district choice, however, must be reported.

### **What can I do if I disagree with how a disciplinary situation has been handled?**

A teacher should first attempt to resolve the differences informally with the administrators responsible for the disciplinary decision. If the teacher is not satisfied after attempts at informal resolution, he or she may file a grievance by following the process described at DGBA(LOCAL) in the district's Local Policy Manual.

### **How is the educational process continued when a student is placed in a Disciplinary Alternative Education Program (DAEP) or in-school suspension?**

The Education Code obligates districts to provide students in a DAEP and in-school suspension with the opportunity to complete coursework before the beginning of the next school year through some method, which may include correspondence courses, distance learning, or summer school.

### **How does discipline in extracurricular activities relate to the Student Code of Conduct?**

The SCOC applies to students in extracurricular activities outside of the instructional day and away from district facilities. With the principal's approval, sponsors and coaches may also establish higher standards of discipline and dress for participating students. These standards should be distributed to students upon joining an activity. In addition, when a student's behavior requires placement in a DAEP according to state law, the law also prohibits that student from participating in school-sponsored or school-related extracurricular activities. Local policy may also prohibit a student from participating in these activities if the student is placed in a DAEP for discretionary reasons.

### **How can I learn more about the law and policy governing student discipline?**

TEA requires districts to provide each teacher and administrator with a copy of Education Code Chapter 37 and any local policies relating to this subchapter. The Student Code of Conduct is adopted by the Board and constitutes local policy regarding discipline in the District. The Texas

Association of School Boards (TASB) has information concerning discipline on its website ([www.tasb.org](http://www.tasb.org)).

**In the appendix section of this LISD Employee Handbook, the Chapter 37 Education Code is provided in compliance with the TEA requirement.**



# **APPENDIX**

EDUCATION CODE  
SUBTITLE G. SAFE SCHOOLS  
CHAPTER 37. DISCIPLINE; LAW AND ORDER

SUBCHAPTER A. ALTERNATIVE SETTINGS FOR BEHAVIOR MANAGEMENT

Sec. 37.001. STUDENT CODE OF CONDUCT. (a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify whether consideration is given, as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

(b) In this section:

(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously

taking any action that substantially harms another student's physical or emotional health or safety.

- (2) "Hit list" means a list of people targeted to be harmed, using:
  - (A) a firearm, as defined by Section 46.01(3), Penal Code;
  - (B) a knife, as defined by Section 46.01(7), Penal Code; or
  - (C) any other object to be used with intent to cause bodily harm.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 2, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 4, 30, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 504, Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 920, Sec. 3, eff. June 18, 2005.

Sec. 37.002. REMOVAL BY TEACHER. (a) A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

(b) A teacher may remove from class a student:

(1) who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or

(2) whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned

to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 5, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 504, Sec. 2, eff. June 17, 2005.

Sec. 37.0021. USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT. (a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

(1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

(2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

(A) is designed solely to seclude a person; and

(B) contains less than 50 square feet of space.

(3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

(A) that is not locked; and

(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(c) A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which the following law, rules, or regulations apply:

(1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;

(2) 40 T.A.C. Sections 720.1001-720.1013; or

(3) 25 T.A.C. Section 412.308(e).

(d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards; and

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique.

(e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

(f) For purposes of this subsection, "weapon" includes any weapon described under Section 37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

(1) the student possesses a weapon; and

(2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

(g) This section and any rules or procedures adopted under this section do not apply to:

(1) a peace officer while performing law enforcement duties;

(2) juvenile probation, detention, or corrections personnel; or

(3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Added by Acts 2001, 77th Leg., ch. 212, Sec. 1, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 6, eff. June 20, 2003.

Sec. 37.003. PLACEMENT REVIEW COMMITTEE. (a) Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

(1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

(2) the principal shall choose one member from the professional staff of a campus.

(b) The teacher refusing to readmit the student may not serve on the committee.

(c) The committee's placement determination regarding a student with a disability who receives special education services under Subchapter A, Chapter 29, is subject to the requirements of the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and federal regulations, state statutes, and agency requirements necessary to carry out federal law or regulations or state law relating to special education.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 7, eff. June 20, 2003.

Sec. 37.004. PLACEMENT OF STUDENTS WITH DISABILITIES. (a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.

(b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation

determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) the manifestation determination review.

(c) A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

(d) A teacher in an alternative education program under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment. Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 767, Sec. 6, eff. June 13, 2001; Acts 2001, 77th Leg., ch. 1225, Sec. 1, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 435, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 6.006, eff. Sept. 1, 2003.

Sec. 37.005. **SUSPENSION.** (a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.

(b) A suspension under this section may not exceed three school days. Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 8, eff. June 20, 2003.

Sec. 37.0051. **PLACEMENT OF STUDENTS COMMITTING SEXUAL ASSAULT AGAINST ANOTHER STUDENT.** (a) As provided by Section 25.0341(b)(2), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011.

(b) A limitation imposed by this subchapter on the length of a placement in a disciplinary alternative education program or a juvenile justice alternative education program does not apply to a placement under this section. Added by Acts 2005, 79th Leg., Ch. 997, Sec. 2, eff. June 18, 2005.

Sec. 37.006. **REMOVAL FOR CERTAIN CONDUCT.** (a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

- (1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or
- (2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:
  - (A) engages in conduct punishable as a felony;
  - (B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code;

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code; or

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.

(b) Except as provided by Section 37.007(d), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct on or off of school property that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

(c) In addition to Subsections (a) and (b), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and

(2) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. An elementary school

student may not be placed in a disciplinary alternative education program with any other student who is not an elementary school student.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(i) The student or the student's parent or guardian may appeal the superintendent's decision under Subsection (h) to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee and confirm or reverse the decision under Subsection (h). The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (j).

(j) Notwithstanding Section 7.057(e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057(b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).

(l) Notwithstanding any other provision of this code, other than Section 37.007(e)(2), a student who is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.

(m) Removal to a disciplinary alternative education program under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.

(n) A principal or other appropriate administrator may but is not required to remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the



information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 3, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.15, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 486, Sec. 1, eff. June 11, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 9, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 504, Sec. 3, eff. June 17, 2005.

Sec. 37.0061. FUNDING FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES. A school district that provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board is entitled to count such students in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. If the district has a wealth per student greater than the guaranteed wealth level but less than the equalized wealth level, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between the average Foundation School Program costs per student of the district providing education services and the sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

Added by Acts 1997, 75th Leg., ch. 1015, Sec. 4, eff. June 19, 1997.

Sec. 37.0062. INSTRUCTIONAL REQUIREMENTS FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES. (a) The commissioner shall determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board or a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission, including requirements relating to:

- (1) the length of the school day;
- (2) the number of days of instruction provided to students each school year; and
- (3) the curriculum of the educational program.

(b) The commissioner shall coordinate with:

(1) the Texas Juvenile Probation Commission in determining the instructional requirements for education services provided under Subsection (a) in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board; and

(2) the Texas Youth Commission in determining the instructional requirements for education services provided under Subsection (a) in a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission.

(c) The commissioner shall adopt rules necessary to administer this section. The rules must ensure that:

(1) a student who receives education services in a pre-adjudication secure detention facility described by this section is offered courses that enable the student to maintain progress toward completing high school graduation requirements; and

(2) a student who receives education services in a post-adjudication secure correctional facility described by this section is offered, at a minimum, the courses necessary to enable the student to complete high school graduation requirements.

(d) The Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable, shall coordinate with the commissioner in establishing standards for:

(1) ensuring security in the provision of education services in the facilities; and

(2) providing children in the custody of the facilities access to education services.

Added by Acts 2007, 80th Leg., R.S., Ch. 615, Sec. 1, eff. September 1, 2007.

Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES. (a) A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) uses, exhibits, or possesses:

(A) a firearm as defined by Section 46.01(3), Penal Code;

(B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;

(C) a club as defined by Section 46.01(1), Penal Code; or

(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or

(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or

(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;

(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:

(A) engages in conduct specified by Subsection (a); or

(B) possesses a firearm, as defined by 18 U.S.C. Section 921; or

(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.

(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.

(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:

(1) on school property of another district in this state; or

(2) while attending a school-sponsored or school-related activity of a school in another district in this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 5, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 542, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 486, Sec. 2, eff. June 11, 2001; Acts 2003, 78th Leg., ch. 225, Sec. 1, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 443, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1055, Sec. 10, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 504, Sec. 4, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 728, Sec. 5.004, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 593, Sec. 3.26, eff. September 1, 2007.

For expiration of Subsections (a-2) and (a-3), see Subsection (a-3).

Sec. 37.008. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS. (a) Each school district shall provide a disciplinary alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

- (5) provides for students' educational and behavioral needs;
- (6) provides supervision and counseling;
- (7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and
- (8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

(a-1) The agency shall adopt minimum standards for the operation of disciplinary alternative education programs, including standards relating to:

- (1) student/teacher ratios;
- (2) student health and safety;
- (3) reporting of abuse, neglect, or exploitation of students;
- (4) training for teachers in behavior management and safety procedures; and
- (5) planning for a student's transition from a disciplinary alternative education program to a regular campus.

(a-2) Not later than December 15, 2008, the agency shall deliver a report to the legislature that provides the estimated costs to the agency of enforcing the standards adopted under Subsection (a-1), including the estimated cost of:

- (1) on-site monitoring to enforce the standards; and
- (2) alternative methods of monitoring compliance with the standards.

(a-3) Subsection (a-2) and this subsection expire January 15, 2009.

(b) A disciplinary alternative education program may provide for a student's transfer to:

- (1) a different campus;
- (2) a school-community guidance center; or
- (3) a community-based alternative school.

(c) An off-campus disciplinary alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39.

(d) A school district may provide a disciplinary alternative education program jointly with one or more other districts.

(e) Each school district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a disciplinary alternative education program.

(f) A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program.

(g) A school district shall allocate to a disciplinary alternative education program the same expenditure per student attending the disciplinary alternative education program, including federal, state, and local funds, that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program.

(h) A school district may not place a student, other than a student suspended as provided under Section 37.005 or expelled as provided under Section 37.007, in an unsupervised setting as a result of conduct for which a student may be placed in a disciplinary alternative education program.

(i) On request of a school district, a regional education service center may provide to the district information on developing a disciplinary alternative education program that takes into consideration the district's size, wealth, and existing facilities in determining the program best suited to the district.

(j) If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. A district may take any action permitted by this subsection if:

(1) the student was placed in a disciplinary alternative education program by an open-enrollment charter school under Section 12.131 and the charter school provides to the district a copy of the placement order; or

(2) the student was placed in a disciplinary alternative education program by a school district in another state and:

(A) the out-of-state district provides to the district a copy of the placement order; and

(B) the grounds for the placement by the out-of-state district are grounds for placement in the district in which the student is enrolling.

(j-1) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and a school district in this state in which the student enrolls continues the placement under Subsection (j), the district shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees;  
or

(2) extended placement is in the best interest of the student.

(k) A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Section 37.006 or 37.007. A disciplinary alternative education program that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

(l) A school district is required to provide in the district's disciplinary alternative education program a course necessary to fulfill a student's high school graduation requirements only as provided by this subsection. A school district shall offer a student removed to a disciplinary alternative education program an opportunity to complete coursework before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance

learning, or summer school. The district may not charge the student for a course provided under this subsection.

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district's disciplinary alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on assessment instruments required under Sections 39.023(a) and (c). Academically, the mission of disciplinary alternative education programs shall be to enable students to perform at grade level.

(m-1) The commissioner shall develop a process for evaluating a school district disciplinary alternative education program electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available at the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary alternative education program data or of failing to comply with disciplinary alternative education program requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district's disciplinary alternative education program data or of a violation of a law or rule revealed by the data, including any violation of disciplinary alternative education program requirements, or of any recommendation by the commissioner concerning the data. If the data reflect that a penal law has been violated, the commissioner shall notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. The commissioner is entitled to access to all district records the commissioner considers necessary or appropriate for the review, analysis, or approval of disciplinary alternative education program data.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 6, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.16, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1112, Sec. 1, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 631, Sec. 2, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1055, Sec. 11, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 504, Sec. 5, eff. June 17, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1171, Sec. 1, eff. June 15, 2007.

Sec. 37.0081. EXPULSION AND PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE SETTINGS. (a) Subject to Subsection (h), but notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and elect to place the student in an alternative setting as provided by Subsection (a-1) if:

(1) the student:

(A) has received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(B) has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(C) is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code;

(D) has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(E) has received probation or deferred adjudication for a felony offense under Title 5, Penal Code;

(F) has been convicted of a felony offense under Title 5, Penal Code; or

(G) has been arrested for or charged with a felony offense under Title 5, Penal Code; and

(2) the board or the board's designee determines that the student's presence in the regular classroom:

(A) threatens the safety of other students or teachers;

(B) will be detrimental to the educational process; or

(C) is not in the best interests of the district's students.

(a-1) The student must be placed in:

(1) a juvenile justice alternative education program, if the school district is located in a county that operates a juvenile justice alternative education program or the school district contracts with the juvenile board of another county for the provision of a juvenile justice alternative education program; or

(2) a disciplinary alternative education program.

(b) Any decision of the board of trustees or the board's designee under this section is final and may not be appealed.

(c) The board of trustees or the board's designee may expel the student and order placement in accordance with this section regardless of:

(1) the date on which the student's conduct occurred;

(2) the location at which the conduct occurred;

(3) whether the conduct occurred while the student was enrolled in the district;

or

(4) whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

(d) Notwithstanding Section 37.009(c) or (d) or any other provision of this subchapter, a student expelled and ordered placed in an alternative setting by the board of trustees or the board's designee is subject to that placement until:

(1) the student graduates from high school;

(2) the charges described by Subsection (a)(1) are dismissed or reduced to a misdemeanor offense; or

(3) the student completes the term of the placement or is assigned to another program.

(e) A student placed in an alternative setting in accordance with this section is entitled to the periodic review prescribed by Section 37.009(e).

(f) Subsection (d) continues to apply to the student if the student transfers to another school district in the state.

(g) The board of trustees shall reimburse a juvenile justice alternative education program in which a student is placed under this section for the actual cost incurred each day for the student while the student is enrolled in the program. For purposes of this subsection:



(1) the actual cost incurred each day for the student is determined by the juvenile board of the county operating the program; and

(2) the juvenile board shall determine the actual cost each day of the program based on the board's annual audit.

(h) To the extent of a conflict between this section and Section 37.007, Section 37.007 prevails.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 12, eff. June 20, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 1, eff. June 15, 2007.

Sec. 37.0082. ASSESSMENT OF ACADEMIC GROWTH OF STUDENTS IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS. (a) To assess a student's academic growth during placement in a disciplinary alternative education program, a school district shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose. The instrument shall be administered:

(1) initially on placement of the student in the program; and

(2) subsequently on the date of the student's departure from the program, or as near that date as possible.

(b) The assessment instrument required by this section:

(1) must be designed to assess at least a student's basic skills in reading and mathematics;

(2) may be:

(A) comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or

(B) based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and

(3) is in addition to the assessment instruments required to be administered under Chapter 39.

(c) The commissioner shall adopt rules necessary to implement this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 2, eff. June 15, 2007.

Sec. 37.009. CONFERENCE; HEARING; REVIEW. (a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2) or 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the student code of conduct. If school district policy allows a student to appeal to the board of trustees or the board's designee a decision of the principal or other appropriate

administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees;

or

(2) extended placement is in the best interest of the student.

(b) If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

(c) Before it may place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

(d) The board or the board's designee shall set a term for a student's placement in a disciplinary alternative education program. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees;

or

(2) extended placement is in the best interest of the student.

(e) A student placed in a disciplinary alternative education program shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide a course in the district's disciplinary alternative education program except as required by Section 37.008(1). At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

(f) Before a student may be expelled under Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is

not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

(g) The board or the board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program under Section 37.001, 37.002, or 37.006 or expelling the student under Section 37.007.

(h) If the period of an expulsion is inconsistent with the guidelines included in the student code of conduct under Section 37.001 (a)(5), the order must give notice of the inconsistency. The period of an expulsion may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees;

or

(2) extended placement is in the best interest of the student. After a school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

(i) If a student withdraws from the district before an order for placement in a disciplinary alternative education program or expulsion is entered under this section, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time except for any period of the placement or expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

(j) If, during the term of a placement or expulsion ordered under this section, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted under this section regarding that conduct and the principal or board, as appropriate, may enter an additional order as a result of those proceedings.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 7, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 13, eff. June 20, 2003.

Sec. 37.0091. NOTICE TO NONCUSTODIAL PARENT. (a) A noncustodial parent may request in writing that a school district or school, for the remainder of the school year in which the request is received, provide that parent with a copy of any written notification relating to student misconduct under Section 37.006 or 37.007 that is generally provided by the district or school to a student's parent or guardian.

(b) A school district or school may not unreasonably deny a request authorized by Subsection (a).

(c) Notwithstanding any other provision of this section, a school district or school shall comply with any applicable court order of which the district or school has knowledge.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 14, eff. June 20, 2003.

Sec. 37.010. COURT INVOLVEMENT. (a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 125,000, every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

(b) If a student is expelled under Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Family Code.

(c) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding with the district's board of trustees concerning the juvenile probation department's role in supervising and providing other support services for students in disciplinary alternative education programs, a court may not order a student expelled under Section 37.007 to attend a regular classroom, a regular campus, or a school district disciplinary alternative education program as a condition of probation.

(d) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding as described by Subsection (c), if a court orders a student to attend a disciplinary alternative education program as a condition of probation once during a school year and the student is referred to juvenile court again during that school year, the juvenile court may not order the student to attend a disciplinary alternative education program in a district without the district's consent until the student has successfully completed any sentencing requirements the court imposes.

(e) Any placement in a disciplinary alternative education program by a court under this section must prohibit the student from attending or participating in school-sponsored or school-related activities.

(f) If a student is expelled under Section 37.007, on the recommendation of the committee established under Section 37.003 or on its own initiative, a district may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department, if the student meets the requirements for admission into the public schools established by this title, a district may not refuse to admit the student, but the district may place the student in the disciplinary alternative education program. Notwithstanding Section 37.002(d), the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

(g) If an expelled student enrolls in another school district, the board of trustees of the district that expelled the student shall provide to the district in which the student enrolls, at the

same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a disciplinary alternative education program for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion. A district may take any action permitted by this subsection if the student was expelled by a school district in another state if:

(1) the out-of-state district provides to the district a copy of the expulsion order;

and

(2) the grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.

(g-1) If a student was expelled by a school district in another state for a period that exceeds one year and a school district in this state continues the expulsion or places the student in a disciplinary alternative education program under Subsection (g), the district shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees;

or

(2) extended placement is in the best interest of the student.

(h) A person is not liable in civil damages for a referral to juvenile court as required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 8, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 15, eff. June 20, 2003.

Sec. 37.011. JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program. For the purposes of this subchapter, only a disciplinary alternative education program operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 125,000 or less:

(1) is not required to be approved by the Texas Juvenile Probation Commission;

and

(2) is not subject to Subsection (c), (d), (f), or (g).

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a), (d), or (e), the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

(1) if the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

(2) if the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

(3) in determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student; and

(4) provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student.

(b-1) Subsection (b)(4) does not require that educational services be provided to a student who is not entitled to admission into the public schools of a school district under Section 25.001(b).

(c) A juvenile justice alternative education program shall adopt a student code of conduct in accordance with Section 37.001.

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under Subchapter B, Chapter 39, and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(e) A juvenile justice alternative education program may be provided in a facility owned by a school district. A school district may provide personnel and services for a juvenile justice alternative education program under a contract with the juvenile board.

(f) A juvenile justice alternative education program must operate at least seven hours per day and 180 days per year, except that a program may apply to the Texas Juvenile Probation Commission for a waiver of the 180-day requirement. The commission may not grant a waiver to a program under this subsection for a number of days that exceeds the highest number of instructional days waived by the commissioner during the same school year for a school district served by the program.

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Probation Commission for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Probation Commission, with the agreement of the commissioner, shall develop and implement a system of

accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The Texas Juvenile Probation Commission shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31 if the juvenile justice alternative education program receives funding from the Texas Juvenile Probation Commission under this subchapter.

(i) A student transferred to a juvenile justice alternative education program must participate in the program for the full period ordered by the juvenile court unless the student's school district agrees to accept the student before the date ordered by the juvenile court. The juvenile court may not order a period of transfer under this section that exceeds the term of any probation ordered by the juvenile court.

(j) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's professional employees and volunteers are immune from liability to the same extent as a school district's professional employees and volunteers.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of an expulsion required under Section 37.007(a), (d), or (e);

(3) identifies those categories of conduct that the school district has defined in its student code of conduct as constituting serious or persistent misbehavior for which a student may be placed in the juvenile justice alternative education program;

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041(d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

(l) The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion under Section 37.007(b), (c),

and (f) but who are not eligible for admission into the juvenile justice alternative education program in accordance with the memorandum of understanding required under this section. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. The memorandum of understanding shall address the circumstances under which such students who continue to engage in serious or persistent misbehavior shall be admitted into the juvenile justice alternative education program.

(m) Each school district in a county with a population greater than 125,000 and the county juvenile board shall adopt a joint memorandum of understanding as required by this section not later than September 1 of each school year.

(n) If a student who is ordered to attend a juvenile justice alternative education program moves from one county to another, the juvenile court may request the juvenile justice alternative education program in the county to which the student moves to provide educational services to the student in accordance with the local memorandum of understanding between the school district and juvenile board in the receiving county.

(o) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's employees and volunteers are immune from liability to the same extent as a school district's employees and volunteers.

(p) If a district elects to contract with the juvenile board for placement in the juvenile justice alternative education program of students expelled under Section 37.007(b), (c), and (f) and the juvenile board and district are unable to reach an agreement in the memorandum of understanding, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator in which each party will pay its pro rata share of the arbitration costs. Each party must submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the school districts shall select an arbitrator, and those two arbitrators shall select an arbitrator who will decide the issues in dispute. An arbitration decision issued under this subsection is enforceable in a court in the county in which the juvenile justice alternative education program is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a juvenile justice alternative education program must provide an amount sufficient based on operation of the juvenile justice alternative education program in accordance with this chapter. In determining the amount to be paid by a school district for an expelled student enrolled in a juvenile justice alternative education program, the arbitrator shall consider the relevant factors, including evidence of:

(1) the actual average total per student expenditure in the district's alternative education setting;

(2) the expected per student cost in the juvenile justice alternative education program as described and agreed on in the memorandum of understanding and in compliance with this chapter; and

(3) the costs necessary to achieve the accountability goals under this chapter.

(q) In accordance with rules adopted by the board of trustees for the Teacher Retirement System of Texas, a certified educator employed by a juvenile board in a juvenile justice alternative education program shall be eligible for membership and participation in the system to



the same extent that an employee of a public school district is eligible. The juvenile board shall make any contribution that otherwise would be the responsibility of the school district if the person were employed by the school district, and the state shall make any contribution to the same extent as if the person were employed by a school district.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 9, eff. June 19, 1997; Acts 1997, 75th Leg., ch. 1282, Sec. 1, eff. June 20, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.17, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1225, Sec. 2, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 16, eff. June 20, 2003.

**Sec. 37.012. FUNDING OF JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS.** (a) Subject to Section 37.011(n), the school district in which a student is enrolled on the date the student is expelled for conduct for which expulsion is permitted but not required under Section 37.007 shall, if the student is served by the juvenile justice alternative education program, provide funding to the juvenile board for the portion of the school year for which the juvenile justice alternative education program provides educational services in an amount determined by the memorandum of understanding under Section 37.011(k)(2).

(b) Funds received under this section must be expended on juvenile justice alternative education programs.

(c) The Office of State-Federal Relations shall assist a local juvenile probation department in identifying additional state or federal funds to assist local juvenile probation departments conducting educational or job training programs within juvenile justice alternative education programs.

(d) A school district is not required to provide funding to a juvenile board for a student who is assigned by a court to a juvenile justice alternative education program but who has not been expelled.

(e) Except as otherwise authorized by law, a juvenile justice alternative education program may not require a student or the parent or guardian of a student to pay any fee, including an entrance fee or supply fee, for participating in the program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 10, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 17, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 964, Sec. 1, eff. June 18, 2005.

**Sec. 37.013. COORDINATION BETWEEN SCHOOL DISTRICTS AND JUVENILE BOARDS.** The board of trustees of the school district or the board's designee shall at the call of the president of the board of trustees regularly meet with the juvenile board for the county in which the district's central administrative office is located or the juvenile board's designee concerning supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs. Matters for discussion shall include service by probation officers at the disciplinary alternative education program site, recruitment of volunteers to serve as mentors and provide tutoring services, and coordination with other social service agencies.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 18, eff. June 20, 2003.

Sec. 37.014. COURT-RELATED CHILDREN--LIAISON OFFICERS. Each school district shall appoint at least one educator to act as liaison officer for court-related children who are enrolled in the district. The liaison officer shall provide counselling and services for each court-related child and the child's parents to establish or reestablish normal attendance and progress of the child in the school.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.015. REPORTS TO LOCAL LAW ENFORCEMENT; LIABILITY. (a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

(1) conduct that may constitute an offense listed under Section 508.149, Government Code;

(2) deadly conduct under Section 22.05, Penal Code;

(3) a terroristic threat under Section 22.07, Penal Code;

(4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;

(5) the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code;

(6) conduct that may constitute a criminal offense under Section 71.02, Penal Code; or

(7) conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d), or (e).

(b) A person who makes a notification under this section shall include the name and address of each student the person believes may have participated in the activity.

(c) A notification is not required under Subsection (a) if the person reasonably believes that the activity does not constitute a criminal offense.

(d) The principal of a public or private primary or secondary school may designate a school employee who is under the supervision of the principal to make the reports required by this section.

(e) The person who makes the notification required under Subsection (a) shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

(f) A person is not liable in civil damages for reporting in good faith as required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 12.05, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 19, eff. June 20, 2003.

Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property:

(1) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;

(2) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(3) an abusable glue or aerosol paint, as defined by Chapter 485, Health and Safety Code, or a volatile chemical, as listed in Chapter 484, Health and Safety Code, if the substance is used or sold for the purpose of inhaling its fumes or vapors; or

(4) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.017. DESTRUCTION OF CERTAIN RECORDS. Information received by a school district under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.018. INFORMATION FOR EDUCATORS. Each school district shall provide each teacher and administrator with a copy of this subchapter and with a copy of the local policy relating to this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.019. EMERGENCY PLACEMENT OR EXPULSION. (a) This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in a disciplinary alternative education program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

(b) This subchapter does not prevent the principal or the principal's designee from ordering the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10th day after the date of the placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the emergency placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply under this subchapter to a student without a disability.

(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 767, Sec. 7, eff. June 13, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 20, eff. June 20, 2003.

Sec. 37.020. REPORTS RELATING TO EXPULSIONS AND DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM PLACEMENTS. (a) In the manner required by the commissioner, each school district shall annually report to the commissioner the information required by this section.

(b) For each placement in a disciplinary alternative education program established under Section 37.008, the district shall report:

(1) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) information indicating whether the placement was based on:

(A) conduct violating the student code of conduct adopted under Section 37.001;

(B) conduct for which a student may be removed from class under Section 37.002(b);

(C) conduct for which placement in a disciplinary alternative education program is required by Section 37.006; or

(D) conduct occurring while a student was enrolled in another district and for which placement in a disciplinary alternative education program is permitted by Section 37.008(j);

(3) the number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

(4) the number of placements that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(c) For each expulsion under Section 37.007, the district shall report:

(1) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) information indicating whether the expulsion was based on:

(A) conduct for which expulsion is required under Section 37.007, including information specifically indicating whether a student was expelled on the basis of Section 37.007(e); or

(B) conduct for which expulsion is permitted under Section 37.007;

(3) the number of full or partial days the student was expelled;

(4) information indicating whether:

(A) the student was placed in a juvenile justice alternative education program under Section 37.011;

(B) the student was placed in a disciplinary alternative education program; or

(C) the student was not placed in a juvenile justice or other disciplinary alternative education program; and

(5) the number of expulsions that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

Added by Acts 1997, 75th Leg., ch. 1015, Sec. 11, eff. June 19, 1997. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 21, eff. June 20, 2003.

Sec. 37.021. OPPORTUNITY TO COMPLETE COURSES DURING IN-SCHOOL AND CERTAIN OTHER PLACEMENTS. (a) If a school district removes a student from the regular classroom and places the student in in-school suspension or another setting other than a disciplinary alternative education program, the district shall offer the student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.

(b) The district may provide the opportunity to complete courses by any method available, including a correspondence course, distance learning, or summer school.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 22, eff. June 20, 2003.

Sec. 37.022. NOTICE OF DISCIPLINARY ACTION. (a) In this section:

(1) "Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student by a district or school.

(2) "District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

(b) If a district or school takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the governing body of the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

(c) Subject to Section 37.007(e), the district or school in which the student enrolls may continue the disciplinary action under the terms of the order or may allow the student to attend regular classes without completing the period of disciplinary action.

Added by Acts 2003, 78th Leg., ch. 631, Sec. 1, eff. June 20, 2003.

Renumbered from Education Code, Section 37.021 by Acts 2005, 79th Leg., Ch. 728, Sec. 23.001(16), eff. September 1, 2005.

## SUBCHAPTER B. SCHOOL-COMMUNITY GUIDANCE CENTERS

Sec. 37.051. ESTABLISHMENT. Each school district may establish a school-community guidance center designed to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders. Each center shall coordinate the efforts of school district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.052. COOPERATIVE PROGRAMS. The board of trustees of a school district may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.053. COOPERATION OF GOVERNMENTAL AGENCIES. (a) Each governmental agency that is concerned with children and that has jurisdiction in the school district shall cooperate with the school-community guidance centers on the request of the superintendent of the district and shall designate a liaison to work with the centers in identifying and correcting problems affecting school-age children in the district.

(b) The governmental agency may establish or finance a school-community guidance center jointly with the school district according to terms approved by the governing body of each entity participating in the joint establishment or financing of the center.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.054. PARENTAL NOTICE, CONSENT, AND ACCESS TO INFORMATION.

(a) Before a student is admitted to a school-community guidance center, the administrator of the center must notify the student's parent or guardian that the student has been assigned to attend the center.

(b) The notification must include:

(1) the reason that the student has been assigned to the center;

(2) a statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and

(3) a statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

(c) If, after notification, a parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

(d) A parent or guardian of a student attending a center is entitled to inspect:

(1) any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and

(2) the results of any treatment, testing, or guidance method involving the student.

(e) The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.055. PARENTAL INVOLVEMENT. (a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

(1) a statement of the student's behavioral and learning objectives;

(2) a requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

(3) the parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation.

(b) The superintendent of the school district may obtain a court order from a district court in the school district requiring a parent to comply with an agreement made under this section. A parent who violates a court order issued under this subsection may be punished for contempt of court.

(c) In this section, "parent" includes a legal guardian.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.056. COURT SUPERVISION. (a) In this section, "court" means a juvenile court or alternate juvenile court designated under Chapter 51, Family Code. The court may delegate responsibility under this section to a referee appointed under Section 51.04, Family Code.

(b) If a representative of the school district, the student, and the parent or guardian for any reason fail to reach an agreement under Section 37.055, the court may, on the request of any party and after a hearing, enter an order establishing the responsibilities and duties of each of the parties as the court considers appropriate.

(c) The court may compel attendance at any hearing held under this section through any legal process, including subpoena and habeas corpus.

(d) If the parties reach an agreement under Section 37.055, and if the written agreement so provides, the court may enter an order that incorporates the terms of the agreement.

(e) Any party who violates an order issued under this section may be punished for contempt of court.

(f) A school district may enter into an agreement to share the costs incurred by a county under this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

## SUBCHAPTER C. LAW AND ORDER

Sec. 37.081. SCHOOL DISTRICT PEACE OFFICERS AND SECURITY PERSONNEL. (a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel.

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1) has the powers, privileges, and immunities of peace officers;

(2) may enforce all laws, including municipal ordinances, county ordinances, and state laws; and

(3) may, in accordance with Chapter 52, Family Code, take a juvenile into custody.

(c) A school district peace officer may provide assistance to another law enforcement agency. A school district may contract with a political subdivision for the jurisdiction of a school district peace officer to include all territory in the jurisdiction of the political subdivision.

(d) A school district peace officer shall perform administrative and law enforcement duties for the school district as determined by the board of trustees of the school district. Those duties must include protecting:

(1) the safety and welfare of any person in the jurisdiction of the peace officer;  
and

(2) the property of the school district.

(e) The board of trustees of the district shall determine the scope of the on-duty and off-duty law enforcement activities of school district peace officers. A school district must authorize in writing any off-duty law enforcement activities performed by a school district peace officer.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent or the superintendent's designee. School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Commission on Law Enforcement Officer Standards and Education.

(g) A school district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies.

(h) A peace officer assigned to duty and commissioned under this section shall take and file the oath required of peace officers and shall execute and file a bond in the sum of \$1,000, payable to the board of trustees, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. The bond may be sued on in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Commission on Law Enforcement Officer Standards and Education.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.082. POSSESSION OF PAGING DEVICES. (a) The board of trustees of a school district may adopt a policy prohibiting a student from possessing a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property. The policy may establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the paging device.

(b) The policy may provide for the district to:

(1) dispose of a confiscated paging device in any reasonable manner after having provided the student's parent and the company whose name and address or telephone number appear on the device 30 days' prior notice of its intent to dispose of that device. The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing;  
and

(2) charge the owner of the device or the student's parent an administrative fee not to exceed \$15 before it releases the device.

(c) In this section, "paging device" means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication



to the possessor. The term does not include an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 2.02, eff. September 1, 2007.

Sec. 37.083. DISCIPLINE MANAGEMENT PROGRAMS; SEXUAL HARASSMENT POLICIES. (a) Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. The program must provide for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in school, on school grounds, and in school vehicles.

(b) Each school district may develop and implement a sexual harassment policy to be included in the district improvement plan under Section 11.252.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 920, Sec. 4, eff. June 18, 2005.

Sec. 37.0831. DATING VIOLENCE POLICIES. (a) Each school district shall adopt and implement a dating violence policy to be included in the district improvement plan under Section 11.252.

(b) A dating violence policy must:

(1) include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and

(2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Added by Acts 2007, 80th Leg., R.S., Ch. 131, Sec. 1, eff. May 18, 2007.

Sec. 37.084. INTERAGENCY SHARING OF RECORDS. (a) A school district superintendent or the superintendent's designee may disclose information contained in a student's educational records to a juvenile justice agency, as that term is defined by Section 58.101, Family Code, if the disclosure is under an interagency agreement authorized by Section 58.0051, Family Code.

(b) The commissioner may enter into an interagency agreement to share educational information for research and analytical purposes with the:

(1) Texas Juvenile Probation Commission;

(2) Texas Youth Commission;

(3) Texas Department of Criminal Justice; and

(4) Criminal Justice Policy Council.

(c) This section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

Added by Acts 1999, 76th Leg., ch. 217, Sec. 2, eff. May 24, 1999.

## SUBCHAPTER D. PROTECTION OF BUILDINGS AND GROUNDS

Sec. 37.101. **APPLICABILITY OF CRIMINAL LAWS.** The criminal laws of the state apply in the areas under the control and jurisdiction of the board of trustees of any school district in this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.102. **RULES; PENALTY.** (a) The board of trustees of a school district may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out this subchapter and the governance of the district, including rules providing for the operation and parking of vehicles on school property. The board may adopt and charge a reasonable fee for parking and for providing traffic control.

(b) A law or ordinance regulating traffic on a public highway or street applies to the operation of a vehicle on school property, except as modified by this subchapter.

(c) A person who violates any rule adopted under this subchapter providing for the operation and parking of vehicles on school property commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1167, Sec. 1, eff. September 1, 2007.

Sec. 37.103. **ENFORCEMENT OF RULES.** Notwithstanding any other provision of this subchapter, the board of trustees of a school district may authorize any officer commissioned by the board to enforce rules adopted by the board. This subchapter is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.104. **COURTS HAVING JURISDICTION.** The judge of a municipal court of a municipality in which, or any justice of the peace of a county in which, property under the control and jurisdiction of a school district is located may hear and determine criminal cases involving violations of this subchapter or rules adopted under this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.105. **UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION.** The board of trustees of a school district or its authorized representative may refuse to allow a person without legitimate business to enter on property under the board's control and may eject any undesirable person from the property on the person's refusal to leave peaceably on request. Identification may be required of any person on the property.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.106. **VEHICLE IDENTIFICATION INSIGNIA.** The board of trustees of a school district may provide for the issuance and use of suitable vehicle identification insignia.

The board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule adopted by the board or of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed.  
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.107. TRESPASS ON SCHOOL GROUNDS. An unauthorized person who trespasses on the grounds of any school district of this state commits an offense. An offense under this section is a Class C misdemeanor.  
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SECURITY AUDIT. (a) Each school district shall adopt and implement a multihazard emergency operations plan for use in district schools. The plan must address mitigation, preparedness, response, and recovery as defined by the commissioner in conjunction with the governor's office of homeland security. The plan must provide for:

- (1) district employee training in responding to an emergency;
- (2) mandatory school drills to prepare district students and employees for responding to an emergency;
- (3) measures to ensure coordination with local emergency management agencies, law enforcement, and fire departments in the event of an emergency; and
- (4) the implementation of a security audit as required by Subsection (b).

(b) At least once every three years, a school district shall conduct a security audit of the district's facilities. To the extent possible, a district shall follow security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

(c) A school district shall report the results of the security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center.

(d) A school district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A school district is only required to adopt the policy described by this subsection if a district school is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. The school district may use any available community resources in developing the policy described by this subsection.

Added by Acts 2005, 79th Leg., Ch. 780, Sec. 1, eff. September 1, 2005.  
Amended by:

- Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 3.02, eff. September 1, 2007.
- Acts 2007, 80th Leg., R.S., Ch. 1326, Sec. 2, eff. September 1, 2007.

## SUBCHAPTER E. PENAL PROVISIONS

Sec. 37.121. FRATERNITIES, SORORITIES, SECRET SOCIETIES, AND GANGS.  
(a) A person commits an offense if the person:

(1) is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or

(2) is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

(b) A school district board of trustees or an educator shall recommend placing in a disciplinary alternative education program any student under the person's control who violates Subsection (a).

(c) An offense under this section is a Class C misdemeanor.

(d) In this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 23, eff. June 20, 2003.

**Sec. 37.122. POSSESSION OF INTOXICANTS ON PUBLIC SCHOOL GROUNDS.**

(a) A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

(1) on the grounds or in a building of a public school; or

(2) entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

(b) An officer of this state who sees a person violating this section shall immediately seize the intoxicating beverage and, within a reasonable time, deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor.

(c) An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

**Sec. 37.123. DISRUPTIVE ACTIVITIES.** (a) A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.

(b) For purposes of this section, disruptive activity is:

(1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;

(2) seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;

(3) preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;

(4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

(5) obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

(c) An offense under this section is a Class B misdemeanor.

(d) Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from this state before the second anniversary of the third conviction.

(e) This section may not be construed to infringe on any right of free speech or expression guaranteed by the constitution of the United States or of this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.124. DISRUPTION OF CLASSES. (a) A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

(b) An offense under this section is a Class C misdemeanor.

(c) In this section:

(1) "Disrupting the conduct of classes or other school activities" includes:

(A) emitting noise of an intensity that prevents or hinders classroom instruction;

(B) enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;

(C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and

(D) entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.

(2) "Public property" includes a street, highway, alley, public park, or sidewalk.

(3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.125. EXHIBITION OF FIREARMS. (a) A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

(1) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

(2) on a school bus being used to transport children to or from school-sponsored activities of a private or public school.

(b) An offense under this section is a third degree felony.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 704, Sec. 1, eff. September 1, 2007.

Sec. 37.126. DISRUPTION OF TRANSPORTATION. (a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children to or from school or an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(b) An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

## SUBCHAPTER F. HAZING

Sec. 37.151. DEFINITIONS. In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
  - (A) is registered in or in attendance at an educational institution;
  - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
  - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.
- (6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:
  - (A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
  - (B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
  - (C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
  - (D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and

(E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.152. PERSONAL HAZING OFFENSE. (a) A person commits an offense if the person:

(1) engages in hazing;  
(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or  
(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.153. ORGANIZATION HAZING OFFENSE. (a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than \$5,000 nor more than \$10,000; or  
(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.154. CONSENT NOT A DEFENSE. It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.155. IMMUNITY FROM PROSECUTION AVAILABLE. In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section. Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.156. OFFENSES IN ADDITION TO OTHER PENAL PROVISIONS. This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing. Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.157. REPORTING BY MEDICAL AUTHORITIES. A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

(1) may report the suspected hazing activities to police or other law enforcement officials; and

(2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

#### SUBCHAPTER G. TEXAS SCHOOL SAFETY CENTER

Sec. 37.201. DEFINITION. In this subchapter, "center" means the Texas School Safety Center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.202. PURPOSE. The purpose of the center is to serve as:

(1) a central location for school safety information, including research, training, and technical assistance related to successful school safety programs; and

(2) a resource for the prevention of youth violence and the promotion of safety in the state.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.203. BOARD.

Text of subsection as amended by Acts 2007, 80th Leg., R.S., Ch. 263, Sec. 4

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive commissioner of the Texas Youth Commission, or the executive commissioner's designee;



(5) the commissioner of the Texas Department of Mental Health and Mental Retardation, or the commissioner's designee; and

(6) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

(F) a teacher from a public primary or secondary school;

(G) a public school superintendent who is a member of the Texas Association of School Administrators;

(H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and

(I) two members of the public.

Text of subsection as amended by Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 3.03

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive director of the Texas Youth Commission, or the executive director's designee;

(5) the commissioner of the Department of State Health Services, or the commissioner's designee;

(6) the commissioner of higher education, or the commissioner's designee; and

(7) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

(F) a teacher from a public primary or secondary school;

(G) a public school superintendent who is a member of the Texas Association of School Administrators;

(H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and

(I) two members of the public.

(b) Members of the board appointed under Subsection (a)(6) serve staggered two-year terms, with the terms of the members described by Subsections (a)(6)(A)-(E) expiring on February 1 of each odd-numbered year and the terms of the members described by Subsections (a)(6)(F)-(I) expiring on February 1 of each even-numbered year. A member may serve more than one term.

(c) The board may form committees as necessary.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 780, Sec. 2, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 3.03, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 263, Sec. 4, eff. June 8, 2007.

Sec. 37.204. OFFICERS; MEETINGS; COMPENSATION. (a) The board shall annually elect from among its members a chairperson and a vice chairperson.

(b) The board shall meet at least four times each year.

(c) A member of the board may not receive compensation but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the board as provided by the General Appropriations Act.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.205. SAFETY TRAINING PROGRAMS. The center shall conduct for school districts a safety training program that includes:

(1) development of a positive school environment and proactive safety measures designed to address local concerns;

(2) school safety courses for law enforcement officials, with a focus on school district police officers and school resource officers;

(3) discussion of school safety issues with parents and community members; and

(4) assistance in developing a multihazard emergency operations plan for adoption under Section 37.108.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 780, Sec. 3, eff. September 1, 2005.

Sec. 37.2051. SECURITY CRITERIA FOR INSTRUCTIONAL FACILITIES. The center shall develop security criteria that school districts may consider in the design of instructional facilities.

Added by Acts 2005, 79th Leg., Ch. 780, Sec. 4, eff. September 1, 2005.

Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE. (a) The center shall develop a model safety and security audit procedure for use by school districts that includes:

(1) providing each district with guidelines and a training video showing proper audit procedures;

(2) reviewing each district audit, providing the results of the review to the district, and making recommendations for improvements based on the audit; and

(3) incorporating the findings of district audits in a statewide report on school safety made available by the center to the public.

(b) Each school district shall report the results of its audits to the center in the manner required by the center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 3.04, eff. September 1, 2007.

Sec. 37.208. ON-SITE ASSISTANCE. On request of a school district, the center may provide on-site technical assistance to the district for:

- (1) school safety and security audits; and
- (2) school safety and security information and presentations.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 780, Sec. 5, eff. September 1, 2005.

Sec. 37.209. CENTER WEBSITE. The center shall develop and maintain an interactive Internet website that includes:

- (1) quarterly news updates related to school safety and violence prevention;
- (2) school crime data;
- (3) a schedule of training and special events; and
- (4) a list of persons approved by the board to provide school safety presentations.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.210. ESSAY CONTEST. The center shall sponsor a student essay contest entitled "Charting the Course for School Safety."

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.211. RECOGNITION OF SCHOOLS. The center shall provide for the public recognition of schools that implement effective school safety measures and violence prevention.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.212. INTERAGENCY COOPERATION. The center shall promote cooperation between state agencies, institutions of higher education, and any local juvenile delinquency prevention councils to address discipline and safety issues in the state.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may use any appropriate model plan developed by the center under Section 37.205(4).

(c) The center may provide an institution of higher education with on-site technical assistance and safety training.

(d) The center may charge a fee to an institution of higher education for assistance and training provided under Subsection (c).

Added by Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 3.05, eff. September 1, 2007.

Sec. 37.214. AUTHORITY TO ACCEPT CERTAIN FUNDS. The center may solicit and accept gifts, grants, and donations from public and private entities to use for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.215. BUDGET. (a) The board shall annually approve a budget for the center.

(b) The center shall biannually prepare a budget request for submission to the legislature.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 780, Sec. 6, eff. September 1, 2005.

Sec. 37.216. ANNUAL REPORT. (a) Not later than September 1 of each year, the board shall provide a report to the governor, the legislature, the State Board of Education, and the agency.

(b) The annual report must include any findings made by the center regarding school safety and the center's functions, budget information, and strategic planning initiatives of the center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.217. COMMUNITY EDUCATION RELATING TO INTERNET SAFETY. (a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(1) the potential dangers of allowing personal information to appear on an Internet website;

(2) the manner in which to report an inappropriate online solicitation; and

(3) the prevention, detection, and reporting of bullying or threats occurring over the Internet.

(b) In developing the program, the center shall:

(1) solicit input from interested stakeholders; and

(2) to the extent practicable, draw from existing resources and programs.

(c) The center shall make the program available to public schools.

Added by Acts 2007, 80th Leg., R.S., Ch. 343, Sec. 1, eff. June 15, 2007.

## SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS

Sec. 37.301. DEFINITION. In this subchapter, "board of trustees" includes the board's designee.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.302. APPLICABILITY. This subchapter:

(1) applies to a student who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) does not apply to a student who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a student who receives an exemption from registration under Subchapter H, Chapter 62, Code of Criminal Procedure, or a student who receives an early termination of the obligation to register under Subchapter I, Chapter 62, Code of Criminal Procedure.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM REGULAR CLASSROOM. Notwithstanding any provision of Subchapter A, on receiving notice under Article 15.27, Code of Criminal Procedure, or Chapter 62, Code of Criminal Procedure, that a student is required to register as a sex offender under that chapter, a school district shall remove the student from the regular classroom and determine the appropriate placement of the student in the manner provided by this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS UNDER COURT SUPERVISION. (a) A school district shall place a student to whom this subchapter applies and who is under any form of court supervision, including probation, community supervision, or parole, in the appropriate alternative education program as provided by Section 37.309 for at least one semester.

(b) If a student transfers to another school district during the student's mandatory placement in an alternative education program under Subsection (a), the district to which the student transfers may:

(1) require the student to complete an additional semester in the appropriate alternative education program without conducting a review of the student's placement for that semester under Section 37.306; or

(2) count any time spent by the student in an alternative education program in the district from which the student transfers toward the mandatory placement requirement under Subsection (a).

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS NOT UNDER COURT SUPERVISION. A school district may place a student to whom this subchapter applies and who is not under any form of court supervision in the appropriate alternative education program as provided by Section 37.309 for one semester or in the regular classroom. The district may not place the student in the regular classroom if the district board of trustees determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION PROGRAM. (a) At the end of the first semester of a student's placement in an alternative education program under Section 37.304 or 37.305, the school district board of trustees shall convene a committee to review the student's placement in the alternative education program. The committee must be composed of:

(1) a classroom teacher from the campus to which the student would be assigned were the student not placed in an alternative education program;

(2) the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department;

(3) an instructor from the alternative education program to which the student is assigned;

(4) a school district designee selected by the board of trustees; and

(5) a counselor employed by the school district.

(b) The committee by majority vote shall determine and recommend to the school district board of trustees whether the student should be returned to the regular classroom or remain in the alternative education program.

(c) If the committee recommends that the student be returned to the regular classroom, the board of trustees shall return the student to the regular classroom unless the board determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

(d) If the committee recommends that the student remain in the alternative education program, the board of trustees shall continue the student's placement in the alternative education program unless the board determines that the student's presence in the regular classroom:

(1) does not threaten the safety of other students or teachers;

(2) will not be detrimental to the educational process; and

(3) is not contrary to the best interests of the district's students.

(e) If, after receiving a recommendation under Subsection (b), the school district board of trustees determines that the student should remain in an alternative education program, the board shall before the beginning of each school year convene the committee described by Subsection (a) to review, in the manner provided by Subsections (b), (c), and (d), the student's placement in an alternative education program.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

**Sec. 37.307. PLACEMENT AND REVIEW OF STUDENT WITH DISABILITY.** (a) The placement under this subchapter of a student with a disability who receives special education services must be made in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(b) The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. The admission, review, and dismissal committee may request that the board of trustees convene a committee described by Section 37.306(a) to assist the admission, review, and dismissal committee in conducting the review.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Except as provided by Section 37.304(b), a school district shall determine whether to place a student to whom this subchapter applies and who transfers to the district in the appropriate alternative education program as provided by Section 37.309 or in a regular classroom. The school district shall follow the procedures specified under Section 37.306 in making the determination.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) Except as provided by Subsection (b), a school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a disciplinary alternative education program.

(b) A school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a juvenile justice alternative education program if:

(1) the memorandum of understanding entered into between the school district and juvenile board under Section 37.011(k) provides for the placement of students to whom this subchapter applies in the juvenile justice alternative education program; or

(2) a court orders the placement of the student in a juvenile justice alternative education program.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice alternative education program is entitled to funding for a student who is placed in the program under this subchapter in the same manner as a juvenile justice alternative education program is entitled to funding under Section 37.012 for a student who is expelled and placed in a juvenile justice alternative education program for conduct for which expulsion is permitted but not required under Section 37.007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.311. CONFERENCE. (a) A student or the student's parent or guardian may appeal a decision by a school district board of trustees to place the student in an alternative education program under this subchapter by requesting a conference among the board of trustees, the student's parent or guardian, and the student. The conference is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) If the school district board of trustees determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, the student is subject to placement in an alternative education program in the manner provided by this subchapter.

(c) A decision by the board of trustees under this section is final and may not be appealed.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.312. **LIABILITY.** This subchapter does not:

(1) waive any liability or immunity of a governmental entity or its officers or employees; or

(2) create any liability for or a cause of action against a governmental entity or its officers or employees.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.

Sec. 37.313. **CONFLICTS OF LAW.** To the extent of any conflict between a provision of this subchapter and a provision of Subchapter A, this subchapter prevails.

Added by Acts 2007, 80th Leg., R.S., Ch. 1240, Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291, Sec. 3, eff. September 1, 2007.