

Longview

Independent School District



2012 - 2013

EMPLOYEE HANDBOOK

“Believe in Excellence in the District of Choice”

Dr. James E. Wilcox, Superintendent

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APPENDIX
Chapter 37

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 non-discrimination 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 the deputy superintendent for district services, 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.

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 non-contract 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 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 2012-2013

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

Policies BA, BB series, BD series and BE series

The Board of Trustees is elected by the citizens to ensure a strong educational program for the district's children. Board members are elected and serve three-year terms. Board members 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 on the district web site and 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 21st 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 2012 – 2013 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.

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. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. 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 non-discriminatory 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 based on sex, including sexual harassment should contact the District's Section 504 Coordinator or the Superintendent. Questions or concerns relative to discrimination for any other reasons should be directed to the Superintendent.

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 non-renewal 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

Contract and Non-Contract Employment

Policy DC series

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for non-renewal 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 a two-year lapse in district employment or employees who move to a position requiring a new class certification 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

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

Non-certified 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 provisions 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 and Licenses

Policies DBA, DF

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

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

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 or call 888.863.5880.

Searches and Alcohol and Drug Testing

Policy DHE

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

Employees Required to Have a Commercial Driver's License.

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

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

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

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the Human Resources Department.

Health Safety Training

Policies DBA, DMA

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

VOIDS THE EMPLOYMENT CONTRACT OF AN EMPLOYEE WHOSE CERTIFICATION IS VOID:

- Allows the district to terminate, suspend without pay or continue employing the employee in a position that does not require certification.
- Prohibits the district from terminating or suspending an employee whose contract is void, however, if the educator requests a certificate/permit extension from the State Board for Educator Certification (SBEC) and takes the actions necessary to validate the certification/permit within 10 days from the date the contract is void.

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	DBF Non-school employment
DAB Genetic nondiscrimination	DC Series Employment Practices
DBAA Criminal history and credit reports	DCB Term Contracts
DBD Conflict of Interest	DEA Series Salaries and Wages, Incentives and Stipends

DEC Series Leaves and Absences	DG Employee rights and privileges
DF Termination of employment	DGBA Employee Complaints
DFAC Return to Probationary Status	DH Standards of Conduct
DFB Series Termination of term contracts	DHE Searches and Drug/Alcohol Testing
DFBA Termination During Contract	DI Employee Welfare
DFD Hearings Before Hearing Examiner	DIA Discrimination, Harassment, and Retaliation
DFE Resignation	DK Assignment and Schedules
DFF Reduction in Force	DN Series Performance Appraisal
DFFA Reduction in force due to financial exigency	DNA Evaluation of Teachers
DFFB Reduction in force due to program change	DNB Evaluation of Other Professional Employees

Termination of Employment

Resignations

Policy DFE

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 Texas Education Agency*.

Non-contract Employees: Non-contract 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

Policies DFAA, DFAB, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC

Employees on probationary or term contracts can be dismissed during the school year according to the procedures outlined in District policies. Employees on probationary or term contracts can be non-renewed at the end of the contract term. Contract employees dismissed during the 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 when the employee's 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, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Non-contract 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 Texas Education Agency

Policy DF

The dismissal of a certified employee must be reported to the Division of Investigations at TEA whenever the termination is based on a determination that the employee was involved in any of the following:

- ❖ Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
- ❖ Soliciting or engaging in sexual 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 district property or funds
- ❖ An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- ❖ Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The superintendent is also required to notify TEA when a certified employee resigns and there is reasonable evidence that would support a recommendation to terminate employment because of the conduct listed above.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee has a reported criminal history. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

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 1st.
- 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

Policies DC and CY

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 including intellectual property, and equipment must be returned upon separation from employment.

Renewal/Non-renewal

Term and probationary contracts employees whose contracts are about to expire shall be notified by the Board not later than the 10th day prior 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

Policy DC

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.

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 non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

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

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 start and end dates 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
8:00 a.m. - 4:10 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 and effective April 2012 all employees started using the Skyward True Time Module. 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 use the Skyward True Time Module. Employees are not to clock-in and -out for co-workers at anytime and

under any circumstances. All campuses will have access to the Skyward True Time system. 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 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, 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 on 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

- ❖ Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- ❖ Felonies involving driving while intoxicated (DWI) or driving under the influence (DUI) of drugs or alcohol
- ❖ Acts constituting abuse or neglect under SBEC rules

If an educator is arrested or criminally charged, the superintendent is also required to report the educators' criminal history to the Division of Investigations of Texas Education Agency.

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 the 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 supervisor, 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. A substantiated charge of harassment will result in disciplinary action.

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 by an employee or adult will be reported to the student's parents and

promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See reporting suspected child abuse, pages 112 - 113 for additional information and bullying on pages 97 - 98.

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 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, 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 administrator or the Deputy Superintendent, District Services. 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.)

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.

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 policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent first learns of the incident.

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

Texas Educators' Code of Ethics

Purpose and Scope

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

Enforceable Standards

1. Professional Ethical Conduct, Practices, and Performance

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

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

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

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

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

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

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

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

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

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

Standard 1.11 The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12 The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13 The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

2. Ethical Conduct toward Professional Colleagues

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

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

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

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

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

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

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

3. Ethical Conduct toward Students

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

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

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

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

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

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

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

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

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

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;

- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

EMPLOYEE STANDARD OF CONDUCT
LOCAL GUIDELINES

EMPLOYEE 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
- ❖ Non-school 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

Policy DBD

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, electronic textbooks, instructional materials, or technological equipment may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials, such as maps or worksheets, that convey information to students or contribute to the learning process.

Charitable Contributions

Policy DG

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

Associations and Political Activities

Policy DGA

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

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

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 CY

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

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 technology resources, 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 technology resources
- Has no adverse effect on job performance or on a student's academic performance

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

Employees who are authorized to use the systems are required to abide by the provisions of the district's acceptable use 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.

Personal Use of Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.

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

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

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
 - Confidentiality of student records. [See Policy FL]
 - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (EXHIBIT)]
 - Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]

- Copyright law [See Policy CY]
- Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

See *Use of Electronic Media with Students*, below, for regulations on employee communication with students through electronic media.

Use of Electronic Media with Students

Policy DH

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

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

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

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

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

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

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

Longview Net 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 (A social security number cannot be released if it is kept due to a law enacted after October 1990)
- ❖ Emergency contact information*
- ❖ 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 made 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, emergency contact information, 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.

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.

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

It is important that employment records be kept up to date. Employees must notify the Human Resources Department if there are any changes or corrections to their name, home address, contact telephone number, marital status, or emergency contact. The form to process a change in personal information can be obtained from the Human Resources Department. Information pertaining to beneficiary changes should be submitted to the Employee Benefits Department.

COMPENSATION AND BENEFITS

COMPENSATION AND BENEFITS

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 non-exempt 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 non-exempt and are paid an hourly wage or salary and receive compensatory time for overtime pay for each hour worked beyond 40 in a workweek.

All employees will receive written notice of their pay and work schedules during the September paycheck 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.

Senate Bill 8 (1st Called Session) – Summary

Permits salary reductions: Repeals the provision in law that prohibits districts from reducing the salaries of teachers, librarians, counselors, nurses and speech pathologists below 2010-11 levels.

Permits furloughs for as long as state and local revenue per WADA remain below 2010-11 levels:

- Allows districts to furlough educators for up to six *non-instructional* days and to reduce salaries in proportion to the number of furlough days, for each school year that the commissioner certifies that the district will receive less state and local revenue per WADA than the district received during the 2010-11 school year;
- Prohibits an educator from using paid leave while on furlough, but the furlough will not constitute a break in service for purposes of the Teacher Retirement System;
- Prohibits a school board that implements a furlough after the penalty-free-resignation date from seeking sanctions against the certificate of a teacher who subsequently resigns;

- Makes a board's decision to implement furlough final and not appealable, and states that a board's decision to implement a furlough does not create a cause of action;
- Requires the commissioner of education to *certify*, by July 1 of each year, the estimated *percentage decrease* in each district's state and local funding per WADA under the Foundation School Program below the amount the district received in the 2010-11 school year, adjusted for any changes in the district's M&O tax rate, net of recapture, and calculated according to the methodology that existed on January 1, 2011.

Changes the 45-day non-renewal notice deadline: Changes the *deadline* for *providing notice of contract renewal or non-renewal* for term and probationary contracts from 45 days prior to the last day of instruction to *10 days prior to the last day of instruction*.

Substitute Management System/Absence Reporting

Longview ISD began using the eSchool Solutions SmartFindExpress 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 1-903-686-9888
 - 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, 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 teachers and designated instructional aides 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.
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 eSchool Solutions SmartFindExpress system.
9. Failure to enter absences in eSchool Solutions SmartFindExpress system in a timely manner could result in loss of pay and inability to properly complete service records.

Leaves and Absences

Policy DEC Legal and DEC Local

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. However, state personal and local leave is earned. 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.

Leave must be used in half-day increments. However, if an employee is taking family and medical leave, leave shall be recorded in one-hour increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

1. Local leave.
2. State sick leave accumulated before the 1995-96 school year.
3. State personal leave.

Medical Certification 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.

The Genetic Information Non-discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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

Personal Leave

State law entitles all employees to five 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: Non-discretionary and discretionary.

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

Discretionary: Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a 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 or after a school holiday;
2. Days scheduled for end-of-semester or end-of-year exams;
3. Days scheduled for state-mandated assessments;
4. Professional or staff development days; and
5. The first day of instruction in a school year.

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

Duration of Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays.

State Sick Leave

State sick leave accumulated prior to 1995 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

Local Leave

For those employees who have local leave available at the end of the 2010-2011 school year, it shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year [see DEC (Legal)] for well-baby care within the first year after birth, adoption, or placement of a child; or for a death outside of the employee's immediate family.

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.

Bereavement Leave

Bereavement leave of up to five 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; i.e., a copy of the obituary printed in a newspaper, a funeral program or death certificate. For deaths outside the immediate family, employees may re-designate up to two days of local sick leave or personal leave as bereavement leave. Documentation is required; i.e., a copy of the obituary printed in a newspaper, a funeral program or death certificate.

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 paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding, and will not be required to use personal leave. 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.

Reimbursement of Leave Upon Separation

Reimbursement for unused state days upon retirement or resignation shall apply 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.

Neutral Absence Control Policy

When an employee has exhausted all available leave under District policy, the District shall take the necessary steps in order to terminate the employment if the employee is subsequently absent from duty for three consecutive days after returning to work in the same school year.

Any employee so separated shall be eligible for rehire and shall be permitted to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.

The District is not required to maintain the employment of any person who is incarcerated in a federal, state, or local correctional facility.

Assault Leave

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

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the 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 903-381-2296. 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 (FML) General Provisions

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 following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the District has adopted to implement the FMLA follow this general notice.

Basic Leave Entitlement FML requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption for foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

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 military duty and deployed to a foreign country may use their 12-week leave entitlement to address

certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The 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. An eligible employee under this provision is the spouse, son, daughter, parent, or next of kin of the covered service member. 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. It also includes a family member who is a veteran with an illness or injury that occurs in the line of duty while on active duty and manifests itself before or after the service member became a veteran. The veteran must have been on active duty during the five years preceding the need for treatment, recuperation, or therapy.

Benefits and Protections

During FML, 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 FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FML 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 FML. In order to use paid leave for FML, 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 FML 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 FML 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 FML 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 FML and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FML, the employer must notify the employee.

Unlawful Acts by Employers

The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right protected under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

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

The 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

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

Combined Leave for Spouses

A husband and wife who are both employed by the district are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave

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

District Contact

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

Temporary Disability Leave

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 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. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employees will be reinstated to a position at the original campus 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.

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, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave for authorized training or duty orders. Paid military leave is limited to 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 duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be re-employed 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 re-employment within the period of time specified by law to Human Resources Department. In most cases, the length of federal military service cannot exceed five years.

Continuation of Health Insurance Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the 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.

**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 September 1st 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. W-4 forms are located on the District's website or can be obtained from the Payroll Office.

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 in this district 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 for all Employees

- ❖ *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 requirement, 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 Benefits 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.

Optional Deductions for Full-Time Employees and Bus Drivers

- ❖ *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 Way Fund* - deducted for nine months. Upon written request, the employees can stop this deduction.
- ❖ *Credit Union* - Employees must contact the payroll office to begin, stop, or change deductions.

Health Insurance

Policy CRD

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee health insurance program. The district's contribution to employee's 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 and summer. 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.

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.

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 31st 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).

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). 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 consecutive months are eligible members of the Teacher Retirement System of Texas (TRS). TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

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). See page 20 of the TRS benefits manual 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. This information should be provided to the Human Resources Department. 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 903.381.2294.

Paychecks

All employees are paid at least once each month. During the school year, paychecks will be made available through Employee Access in Skyward. 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, and withholding information.

Direct Deposit

Direct deposit authorization forms can be found in the Business Office or the LISD website. 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. Send the completed and signed form to the Payroll office.

Summer Paycheck

Monthly paychecks, which are not on direct deposit, will be sent to the employee by mail using the employee's address as listed in the payroll system. Hourly employees, with summer schedules, will continue to receive their checks at their campus assignment.

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 Director of Human Resources.

Electronic Time Keeping

Introduction

Longview Independent School District (LISD) utilizes an electronic time keeping system (called "True Time") to automate the time keeping process. This system benefits both employees and the District. It provides employees with a reliable 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 payment to all non-exempt LISD paraprofessionals, operations, transportation and cafeteria department employees. For exempt employees, the time keeping system tracks attendance. Absences (e.g., personal days, staff development, and authorized school business) are entered by the employee in the Employee Access module, which populates the electronic time keeping system, "True Time". IF NOT PREVIOUSLY SCHEDULED, ABSENCES MUST BE ENTERED INTO EMPLOYEE ACCESS AND ABSENCE AUTHORIZATION FORMS MUST BE FILLED OUT THE DAY YOU RETURN TO WORK. Actual earned leave time available is maintained in the Human Resource Department. Therefore, employees should review their leave balances in Employee Access. All questions regarding leave should be referred to Human Resources.

If there are problems with the electronic time keeping system, "manual" adjustments will be entered by the supervisor.

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 day and "clock-out" at the end of the assigned work day. All non-exempt (hourly) employees are required to "clock-in" and "clock-out" for lunch. Those auxiliary employees given an "automatic" lunch must adhere strictly to the schedule.

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 keeping system.

1. Non-exempt employees shall clock-in no earlier than 5-10 minutes before their scheduled work day begins, unless authorized in advance by a supervisor.
2. All non-exempt and exempt employees leaving their assigned work schedule for any reason must clock out when leaving their work assignment and clock in when returning to their work assignment.

3. **Clocking-in or clocking-out for another employee is strictly forbidden and will result in disciplinary action, up to and including termination.**
4. Adjustments to time will be documented with the LISD TIME CLOCK REPORTING OF MISSED PUNCHES FORM (Attachment A).
5. Payroll will be calculated based upon the time sheets submitted in the electronic time keeping system. If missed punches are not resolved by the end of the pay period, compensation for erroneous time will not be corrected until the next regularly scheduled payroll issuance.
6. It is a job requirement to utilize the electronic time keeping system. Failure to comply with this requirement shall be grounds for disciplinary action, up to and including possible termination of employment.

Falsification or Tampering

The following are considered serious offenses; which will result in disciplinary action, up to and including termination:

- Interference with the operation of the time keeping system or related equipment
- Clocking in or out for someone else
- Falsification of an authorization form and of records regarding time worked, lunch time and/or overtime. This includes the practice of taking a longer lunch than the “automatic” lunch given to an auxiliary employee. If the employee’s lunch runs longer than the “automatic” lunch, a correction must be submitted to the supervisor via a missed punch form upon returning from lunch.

General Guidelines

Administrators at the supervisory level are responsible for ensuring that all non-exempt employees adhere to their assigned work schedule and do not work excess hours without authorization. If a non-exempt employee continues to, or is permitted, to work before/after the shift or on the weekend, the District is required to properly compensate the employee with overtime pay or compensatory time earned depending on the job classification of the employee. However, disciplinary action will be sanctioned against the employee and the area supervisor.

- The LISD work week begins at 12:01 a.m. Sunday of each week and ends at midnight Saturday. The normal work week for full-time employees is 37.5 hours for exempt and paraprofessional employees and 40 hours per week for auxiliary employees with unpaid lunch breaks. See schedule below for lunch break time allotments for paraprofessionals:

- 30 minutes if working on a campus with a workday from 7:30 a.m. to 3:45 p.m.
- 1 hour if working on a campus or in a department with a workday from 8:00 a.m. to 4:30 p.m.
- Lunch breaks are required unless prior approval has been granted by the supervisor for the employee to work through lunch.
- For auxiliary (hourly) employees, compensation paid will be based on the time recorded in the time and attendance system. Generally a regular workweek is 40 hours per week for custodial and skilled craftsmen. The work week for bus drivers and cafeteria employees will vary and will be designated by the departmental supervisor. For paraprofessional employees, hours worked and compensatory time accrued will be recorded and maintained in the time, "True Time" and attendance "Employee Access" system.
- According to District practice, auxiliary employees will receive paid compensation for any overtime worked and recorded in the time and attendance system and cannot accrue compensatory time.
- Paraprofessionals will accrue compensatory time documented by the time system. All compensatory time must be taken in the duty year that it is earned.
- Accruing compensatory time in lieu of cash payments must be understood and agreed to before the work is performed. This understanding need not be in writing but is recommended.
- Per DEA (local) policy, compensatory time earned by non-exempt employees may not accumulate beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to take compensatory time or, at the District's option, will receive overtime pay.
- If a paraprofessional employee fails to complete his/her required hours in a workweek, the employee may request the "short" hours from the employee's comp time accrual account, if any, to complete the required hours for the workweek. It is recommended the administrator address the incomplete workweek with the employee. If the employee continues to fall short of the required work hours in a workweek, the supervisor shall advise the Human Resources Department.
- For most auxiliary employees, the normal workday is 8 hours with two paid 15-minute breaks and one unpaid ½ hour lunch break. The normal workday for the food service employees is 6 hours and 5 hours for bus drivers or it may vary depending on the assignment. Breaks must be taken in accordance with the rules specified in *Attachment B*. A breakfast (meal) break is not allowed at beginning of any work shift.

- Part-time employees will be paid for actual hours worked and will receive an unpaid lunch break.
- The lunch break can be taken at the place of work (but not at an employee's work station) or elsewhere. If the employee chooses to drive to another location for lunch, the traveling time will be counted as part of the lunch break. An employee must be scheduled to work a minimum of 5 hours to qualify for a lunch break.

Overtime

- Any hours in excess of 40 hours in the same work week.
- **Overtime must be approved in advance by the Supervisor.**
- Overtime cannot be waived by voluntary agreement between the supervisor and the employee.
- Non-exempt employees cannot "donate" overtime or agree to a reduced rate of pay.
- When it has been agreed and approved to pay overtime to a paraprofessional, an "Other Earnings" form must be completed and approved by the appropriate administrator(s) prior to work performed. A time sheet should be attached indicating the hours of compensatory time to be paid.
- Administrators allowing non-exempt employees to work overtime without appropriate documentation and approval will be subject to disciplinary action.

Overtime compensation is paid or accrued to all non-exempt employees in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. **Time off on sick leave, vacation leave, or any leave of absence will NOT be considered hours worked for purposes of performing overtime calculations.**

Payment or accrual for overtime could be delayed without proper and prior authorization from the appropriate supervisor.

Comp Time

- Comp time will be documented as it is earned/used, in Employee Access.
- Comp time usual will not be approved if it adversely impacts personnel scheduling or campus schedules.
- Comp time accruals are computed on the same basis as overtime, i.e., 1 hour of comp time is earned for every 1 hour of overtime worked if the employee works over the LISD 37.50 hour per week rule and 1.5 for the 40 hour per week rule.

➤ **Clock Problems**

If any employee is unable to clock in or out because of a time clock malfunction, it is the employee's responsibility to immediately inform his/her supervisor. To substantiate this "manual" punch, 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 supervisor will "manually" clock the employee in or out in the electronic timekeeping system.

Overtime Compensation

The District compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt (hourly employees and paraprofessional employees) are entitled to overtime compensation. Non-exempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.

Overtime is 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. 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 non-exempt 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).
- ❖ Weekly time sheets will be maintained on all non-exempt 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 Deputy Superintendent for District Services and/or the Assistant Superintendent for Business and Finance. 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

General Procedures

1. All individuals should complete a 'travel form' requesting PERMISSION to attend a professional meeting/conference (event) at least 30 calendar days in advance of the event.
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 a "search engine" such as: MapQuest, Yahoo Maps, Rand McNally, etc. The mileage on the back of the travel form is from www.maps.randmcnally.com. If you use any other source, it must be attached to both your travel form and your Skyward requisition.
4. After the approved travel has been **completed**, please return the original travel form, completed and signed on front and back, along with the proper documents: hotel receipts, proof of attendance, parking, etc. to the Business Office. Note that sales taxes will NOT be reimbursed. Sales tax exemption forms are available at the Business Office.

5. If the travel form and receipts are not timely (within 2 weeks) and accurately 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. Because employees are responsible for reimbursing the district for undocumented expenses, receipts must be submitted promptly.

Limits on Reimbursement:

1. **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. (This includes all costs involved with 'travel', i.e. rental car, mileage to airport, cab fares, hotel expense due to driving vs. flying, meals for same reason.) Reimbursement for automobile usage will be at the mileage rate of fifty cents (\$.50) per mile or the state rate, whichever is less. This reimbursement will only apply to the number of vehicles required to meet a **four person per car ratio**.
2. **MEALS:** Maximum meal expense will be **\$33.00 per day**. Allowable reimbursement rates are as follows: **\$8, breakfast; \$10, lunch; \$15, dinner**. You must be **required to leave** for your destination before 7:00 a.m. to receive the breakfast allowance. You must be **required to leave** prior to 12:00 noon to receive lunch allowance. You must be required to arrive home after 7:00 p.m. to receive the dinner allowance. No person shall claim meals provided at the event/hotel. No person shall claim another person's meal expense on his or her expense reimbursement report. Meals for non-overnight travel will only be reimbursed up to the amount on the **itemized** receipt (excluding tax and tip) and subject to the limits stated above. Only itemized receipts will be reimbursed. Only travel involving students will be considered for meal reimbursement when no overnight stay is involved. To request a meal reimbursement for non-overnight travel while accompanying students:
 - a. Make a copy of the top sheet of the travel request form.
 - b. Complete the top section of the form entirely. Incomplete forms will be returned. Vendor # may be left blank.
 - c. Staple the **itemized** receipt(s) to the back of the form. It must be the itemized receipt, not a receipt showing the total only. Always obtain an itemized receipt if reimbursement is desired.
 - d. Submit the form with receipts to your supervisor for signatures. This should follow the same signature path that supplemental pay would follow on your campus.
 - e. Forward/bring the signed form to the Business Office marked "Attn: Karen Rabe".

Each employee must have his/her own form and own receipt. Do not use one request for multiple employees. Once approved, the reimbursement will be added to the employee's paycheck. The amount will be treated as taxable income per IRS guidelines. The amount will not be subject to TRS.

3. **LODGING:** Maximum lodging is \$100.00 per night, per employee, or actual cost, whichever is less, excluding Texas Hotel Occupancy Tax. 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. A *Sales Tax Exemption* form should be used to remove any sales tax charges on the bill. Neither sales tax nor occupancy tax will be reimbursed by the district.
4. **MISCELLANEOUS:** **Original itemized receipts are required for miscellaneous expenses.** Miscellaneous expenses include the following:
- | | |
|------------------------------------|-----------------|
| Registration Fees | Rental Cars |
| Parking | Cab Fare |
| Airline Tickets | Toll Booth Fees |
| Business related phone calls/faxes | |

Purchasing Procedures

Policy CH

All requests for purchases must be submitted in Skyward as a requisition to be processed into an official purchase order (PO). No purchases, charges, or commitments to buy goods or services for the district can be made without a PO. 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 Purchasing Clerk for additional information on purchasing procedures.

COMPLAINT POLICY

EMPLOYEE COMPLAINT 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 non-discrimination 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 administrator or designee shall hold the conference within ten days after receipt of the written request. The appropriate administrator 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, participate in a performance conference with their supervisor, and have 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

Equal Educational Opportunities

Policies FM, FFH

Longview ISD does not discriminate on the basis of race, color, religion, national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as

amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

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

Student 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: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's records before this time.
- ❖ School officials with legitimate educational interests

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

Bullying

Policy FFI

All employees are required to report student complaints of bullying to the principal and the Assistant Superintendent of Administrative and Pupil Services. The district's policy

includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

BULLYING PROHIBITED The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

DEFINITION Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that:

1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

EXAMPLES Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

TIMELY REPORTING Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING PROCEDURES Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. A report may be made orally or in writing.

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 administrator.

Child Abuse Reporting

Policies DF, DG, DH, FFG, DRA

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 SBEC and includes the following acts or omissions:

- Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning.
- Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
- Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

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. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

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

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

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

Child Sexual Abuse

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

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

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 to Students

Policy FFAC

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

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 school. 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.

Pest Control Treatment

Policies CLB, DI

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on bulletin boards on campuses and administrative buildings. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written or electronic means. 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.

Pest Management Policy

Longview ISD prohibits the possession, storing or application of any kind of pesticide or herbicide on school premises, or as part of any of the District's activities, by unauthorized personnel. Violations can carry up to a \$5,000 fine for each incident and employees shall be subject to additional disciplinary action by the District.

The District's integrated pest management (IPM) program, developed in accordance with the requirements of the Texas Structural Pest Control Act and with the assistance of an advisory committee of knowledgeable persons, governs the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities.

A pesticide is defined as a substance or mixture of substances intended for destroying, repelling or mitigating any pest. This includes items such as glue boards, fly traps and cans of household insecticides. IPM regulations identify a pest is any living thing that exists where it is not wanted.

A copy of the District's IPM policy statement may be found at the Office of the Superintendent or by contacting the District's IPM Coordinator, Mike Gipson at (903) 381-2349.

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

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

Emergencies

Policies CKC, CKD

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

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)

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.

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 schools 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 pedestrian 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, including those with a license to carry a concealed handgun, 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 the 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.

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.

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.

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

Policy CK

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. When in doubt, consult with appropriate administrators regarding disciplinary decisions.

Student Code of Conduct and Discipline

Policies in the FN series and FO series

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).

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