

# EMPLOYEE HANDBOOK



2023-2024 | EXECUTING GREATNESS

*Waller*

*Independent School District*

# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are, have been summarized.

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. A printed policy manual may be reviewed in the Central Administration office located at 2214 Waller Street during normal working hours and online at the district website located at [www.wallerisd.net](http://www.wallerisd.net).

If you have difficulty accessing the information in this handbook because of a disability, please contact the Human Resources Department at (936) 931-3685.

## Waller I.S.D. Employee Handbook Receipt

I hereby acknowledge the Waller Independent School District (WISD) Employee Handbook is posted electronically, to be found on the WISD website at [www.wallerisd.net](http://www.wallerisd.net) under 'Employment.' Furthermore, I acknowledge the WISD Board Policy Manual is located on the WISD website at [www.wallerisd.net](http://www.wallerisd.net) under 'Board of Trustees.' I agree to access the Employee Handbook and Board Policy Manual in electronic format from the appropriate websites and accept responsibility for doing so. If unable to access this information, I agree to contact the Human Resources office at 936-931-0397 for instruction on access to the Employee Handbook and Board Policy Manual.

I agree to read the Employee Handbook and Board Policy Manual regarding my employment with the district and abide by the standards, policies, and procedures defined or referenced in these documents and information.

I understand the information in these documents is subject to periodic change, and that changes in district policies may supersede, modify, or eliminate the information summarized in the Employee Handbook. Any changes will be accessible on the WISD website. I accept responsibility for reading and abiding by these changes.

Furthermore, I understand that no modification to employment relationships or alteration of at-will relationships is intended by these documents. I accept responsibility for contacting my supervisor and/or the Human Resources office if I have questions or concerns regarding this information.

Finally, I understand that I have an obligation to inform the Human Resources office of any changes in my personal information, such as phone number, address, name change, etc.

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Signature

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Date

E-signing through TalentEd serves as agreement to receipt of the handbook. If an employee would like a hard copy of the handbook, the employee must contact Human Resources to obtain a hard copy.

If receiving a paper copy, please sign and date this receipt and forward it to Human Resources.

# Table of Contents

|  |           |
|--|-----------|
| <b>Introduction</b>  | <b>1</b>  |
| <b>District Information</b>  | <b>7</b>  |
| Overview   | 7         |
| Mission Statement – Policy AE  | 7         |
| District Goals and Objectives – Policy AE                            | 7         |
| Board of Trustees – Policies BA, BB series, BD series, and BE series | 8         |
| Administration   | 9         |
| Campus Directory   | 10        |
| District Emergency Procedures  | 10        |
| Communication Tools  | 12        |
| <b>Employment</b>  | <b>12</b> |
| Equal Employment Opportunity – Policies DAA, DIA                     | 13        |
| Job Vacancy Announcements – Policy DC                                | 13        |
| Employment after Retirement – Policy DC                              | 13        |
| Contract and Non-Contract Employment – Policy DC Series              | 13        |
| Certification and Licenses – Policies DBA, DF                        | 14        |
| Recertification of Employment Authorization – Policy DC              | 15        |
| Searches and Alcohol/Drug Testing – Policies CQ, DHE                 | 15        |
| Employees Required to Have a Commercial Driver’s License             | 15        |
| Health Safety Training – Policies DBA, DMA                           | 16        |
| Reassignments and Transfers – Policy DK                              | 16        |
| Workload and Work Schedules – Policies DL, DEAB, DK                  | 17        |
| Breaks for Expression of Breastmilk – Policies DEAB, DG              | 17        |
| Pregnant Workers Fairness Act  | 18        |
| Notification to Parents Regarding Qualifications – Policies DK, DBA  | 18        |
| Outside Employment and Tutoring – Policy DBD                         | 18        |
| Performance Evaluation – Policy DN series                            | 18        |
| Employee Involvement – Policies BQA, BQB                             | 19        |
| Staff Development – Policy DMA                                       | 19        |
| <b>Compensation and Benefits</b>                                     | <b>20</b> |
| Salaries, Wages, and Stipends – Policies DEA, DEAA, DEAB             | 20        |
| Paychecks  | 20        |
| Automatic Payroll Deposit  | 21        |
| Payroll Deductions – Policy CFEA                                     | 22        |
| Overtime Compensation – Policy DEAB                                  | 22        |
| Travel Expense Reimbursement – Policy DEE                            | 23        |
| Health, Dental, and Life Insurance – Policy CRD                      | 23        |
| Supplemental Insurance Benefits – Policy CRD                         | 23        |
| Cafeteria Plan Benefit (Section 125)                                 | 23        |
| Workers’ Compensation Insurance – Policy CRE                         | 24        |
| Unemployment Compensation Insurance – Policy CRF                     | 24        |
| Teacher Retirement   | 24        |
| Tuition-Free Attendance  | 24        |

|   |           |
|---|-----------|
| Pre-K   | 25        |
| Free Athletic Passes  | 25        |
| Employee Assistance Program   | 25        |
| Time Clock Guidelines for Non-Exempt Employees                                    | 25        |
| Waller ISD Wage Deduction Authorization Agreement                                 | 28        |
| <b>Leaves and Absences - Policies DEC, DECA, DECB</b>                             | <b>30</b> |
| State Personal Leave  | 32        |
| State Sick Leave  | 33        |
| Local Leave – Policy DEC (Local)  | 33        |
| Sick Leave Pool   | 35        |
| Family and Medical Leave Act (FMLA) - General Provisions                          | 35        |
| Local Procedures for Implementing Family and Medical Leave Provisions             | 37        |
| Temporary Disability for Certified Employees                                      | 40        |
| Workers’ Compensation Benefits  | 40        |
| Assault Leave   | 41        |
| Bereavement (Funeral) Leave   | 42        |
| Jury Duty – Policy DEC, DG  | 42        |
| Compliance with a Subpoena  | 42        |
| Truancy Court Appearances   | 42        |
| Religious Observance  | 42        |
| Military Leave  | 43        |
| Payment for Accumulated Leave Upon Retirement                                     | 43        |
| <b>Complaints and Grievances – Policy DGBA</b>                                    | <b>44</b> |
| Level One   | 46        |
| Level Two   | 47        |
| Level Three   | 48        |
| <b>Employee Conduct &amp; Welfare</b>   | <b>50</b> |
| Standards of Conduct  | 50        |
| Texas Educators’ Code of Ethics   | 50        |
| Discrimination, Harassment, and Retaliation – Policies DH, DIA                    | 54        |
| <b>Employee Welfare: Freedom from Discrimination, Harassment, and Retaliation</b> | <b>54</b> |
| Harassment of Students – Policies DH, DHB, FFG, FFH, FFI                          | 58        |
| Reporting Suspected Child Abuse - Policies DG, FFG, GRA                           | 63        |
| Sexual Abuse and Maltreatment of Children   | 64        |
| Reporting Crime – Policy DG   | 65        |
| Technology Resources – Policy CQ  | 65        |
| Personal Use of Electronic Communications – Policies CQ, DH                       | 65        |
| Use of WISD Electronic Communication Systems on Personal Devices                  | 66        |
| Electronic Communications between Employees & Students – Policy DH                | 67        |
| Public Information on Private Devices – Policy DH, GB                             | 69        |
| Criminal History Background Checks – Policy DBAA                                  | 69        |
| Employee Arrests and Convictions – Policy DH, DHB, DHC                            | 69        |
| Alcohol-and-Drug-Abuse Prevention – Policies DH, DI, DGBA, GKA                    | 71        |
| Drug-Free Schools Requirements - Policy DH (Local)                                | 72        |

|  |           |
|--|-----------|
| Tobacco Products and E-Cigarette Use – Policies DH, FNCD, GKA            | 72        |
| Fraud and Financial Impropriety – Policy CAA                             | 73        |
| Conflict of Interest – Policy CB, DBD                                    | 73        |
| Gifts and Favors – Policy DBD  | 73        |
| Copyrighted Materials – Policy CY  | 74        |
| Associations and Political Activities – Policy DGA                       | 74        |
| Charitable Contributions – Policy DG                                     | 74        |
| Safety and Security – Policy CK Series                                   | 74        |
| Possession of Firearms and Weapons – Policies DH, FNCG, GKA              | 75        |
| Visitors in the Workplace – Policy GKC                                   | 75        |
| Asbestos Management Plan – Policy CKA                                    | 76        |
| Pest Control Treatment – Policies CLB, DI                                | 76        |
| Dress and Grooming for Employees – Policy DH (LOCAL)                     | 76        |
| <b>General Procedures</b>  | <b>78</b> |
| Emergencies – Policies CKC, CKD  | 78        |
| Purchasing Procedures – Policy CH  | 78        |
| Name and Address Changes   | 79        |
| Personnel Records – Policies DBA, GBA                                    | 79        |
| Facility Use – Policies DGA, GKD   | 79        |
| <b>Termination of Employment</b>   | <b>80</b> |
| Resignations – Policy DFE, DHB   | 80        |
| Dismissal or Non-Renewal of Contract Employees – Policy DF Series, DHB   | 81        |
| Dismissal of Non-Contract Employees – Policy DCD                         | 81        |
| Exit Interviews and Procedures   | 81        |
| Reports to Texas Education Agency – Policy DF, DHB                       | 82        |
| Reports Concerning Court-Ordered Withholding                             | 82        |
| <b>Student Issues</b>  | <b>82</b> |
| Equal Educational Opportunities – Policies FB, FFH                       | 83        |
| Student Records – Policy FL  | 83        |
| Parent and Student Complaints – Policy FNG                               | 83        |
| Administering Medication to Students – Policy FFAC                       | 83        |
| Dietary Supplements – Policies DH, FFAC                                  | 84        |
| Psychotropic Drugs – Policy FFAC   | 84        |
| Student Conduct and Discipline – Policies in the FN series and FO series | 84        |
| Student Attendance – Policy FEB  | 84        |
| Bullying – Policy FFI  | 85        |
| Hazing – Policy FNCC   | 85        |

# District Information

## Overview

The Waller Independent School District is the second largest school district in total square miles in the Houston area, encompassing 328 square miles in Waller and northwest Harris Counties. It is located on Hwy 290, approximately 40 miles west of downtown Houston, in a semi-rural/agricultural region that is currently undergoing rapid residential and commercial development. The district has eight Waller ISD campuses serving nearly 9,000 students.

## Mission Statement – Policy AE

The Waller Independent School District believes that ALL students will be successful learners and graduate with skills that will allow them to compete in the 21st-century workplace. It is, therefore, the intent of the district to serve all students regardless of their ability, environment, or national origin. Students will be provided opportunities to develop intellectually, physically, and socially through a quality system of teaching and learning. Through these opportunities, students will become responsible and productive members of a constantly changing society and world.

## District Goals and Objectives – Policy AE

All schools and staff in Waller ISD are committed to positive, supportive interactions with students to ensure that all are successful learners. The following 10 goals support the strategic priorities of the district:

**Goal 1:** WISD will provide a well-rounded program of instruction to ensure academic performance and achievement levels that reflect excellence in learning and attainment of both high expectations and high standards for all students.

**Goal 2:** WISD will continue to develop and support systems, programs, instructional standards, professionals, paraprofessionals, and volunteers to enhance students' knowledge, skills, and performance in every adopted curriculum area.

**Goal 3:** WISD will provide a safe, secure, and respectful learning environment for students and staff.

**Goal 4:** WISD will continue to retain, recruit, and acknowledge effective student-centered, highly qualified employees.

**Goal 5:** WISD will provide a supportive, professional teaching environment that encourages teaching excellence.

**Goal 6:** WISD will continue state and national leadership in the use of technology in all phases of the educational process.

**Goal 7:** WISD will continue to prioritize two-way communication between Waller ISD and all patrons through all sources available and encourage relationships of trust and mutual support.

**Goal 8:** WISD will provide the necessary financial resources for the support of the instructional program through prudent management and fiscal responsibility.

**Goal 9:** WISD will provide co-curricular and extracurricular opportunities and programs for students as a means of preparing them for the future.

**Goal 10:** WISD will continue to emphasize the educational advantages for students, staff, and community in a diverse environment.

### **Board of Trustees – Policies BA, BB series, BD series, and BE series**

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

The Board of Trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees are elected during general elections in May and serve three-year terms. Trustees serve without compensation, must be registered voters, and reside in the district.

#### **Current WISD Board of Trustees**

|  |                                 |                                    |                         |
|--|---------------------------------|------------------------------------|-------------------------|
| <u>President</u><br>William Warren     |                                 |                                    |                         |
| <u>Vice-President</u><br>Maria Herrera |                                 | <u>Secretary</u><br>Jeff Flukinger |                         |
| <u>Member</u><br>Ronald Campbell       | <u>Member</u><br>David Kaminski | <u>Member</u><br>Bryan Lowe        | <u>Member</u><br>Vacant |

The Board usually meets the 2<sup>nd</sup> Thursday of each month at the Waller ISD Administration Building Board Room, 2214 Waller St. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at the Waller ISD Administration Building at 2214 Waller Street at least 72 hours before the scheduled meeting time. The Board Agenda date and times will also be posted on the Waller ISD District website. 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. Under the following 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, or to consult with attorneys regarding pending litigation.

## Administration

| Position                                    | Name                  | Email                         |
|---|-----------------------|-------------------------------|
| Superintendent                              | Kevin Moran           | kmoran@wallerisd.net          |
| Chief Academic Officer                      | Kelly Baehren         | kbaehren@wallerisd.net        |
| Chief of Schools - Elementary               | Angie Davis           | adavis@wallerisd.net          |
| Chief of Schools - Secondary                | Bennie Mayes          | bmayes@wallerisd.net          |
| Chief Human Resources Officer               | Angie Campbell Pulido | acampbellpulido@wallerisd.net |
| Chief Financial Officer                     | Audrey Ambridge       | aambridge@wallerisd.net       |
| Chief Communications Officer                | Sarah Marcus          | smarcus@wallerisd.net         |
| Executive Director of Auxiliary Services    | Molly Warzon          | mwarzon@wallerisd.net         |
| Executive Director of School Safety         | Jamie Woodall         | jwoodall@wallerisd.net        |
| Director of Bands                           | Grant McWilliams      | mmcwilliams@wallerisd.net     |
| Director of Bilingual Education             | Jorge Alvarado        | javarado@wallerisd.net        |
| Director of Business Services               | Laura Padron          | lpadron@wallerisd.net         |
| Director of Curriculum & Accountability     | Toni Misak            | tmsak@wallerisd.net           |
| Director of Human Resources                 | Stephanie Fletcher    | sfletcher@wallerisd.net       |
| Director of Maintenance & Energy Management | Ryan Wotipka          | rwotipka@wallerisd.net        |
| Director of Special Education               | Kirsten Omelan        | komelan@wallerisd.net         |
| Director of State & Federal Programs        | Amy Carranza          | acarranza@wallerisd.net       |
| Director of Technology                      | Shane Bayles          | sbayles@wallerisd.net         |
| Director of Transportation                  | Robyn Spell           | rspell@wallerisd.net          |
| School Improvement Officer                  | Megan White           | jwhite1@wallerisd.net         |
| Principal - Waller High School              | Chris Oldham          | coldham@wallerisd.net         |
| Principal - Waller Junior High              | Binal Patel           | bpatel@wallerisd.net          |
| Principal - Schultz Junior High             | Hannah Gates          | hgates@wallerisd.net          |
| Principal – H.T. Jones Elementary           | Ashley Kinney         | akinney@wallerisd.net         |
| Principal - Roberts Road Elementary         | Justin Pluckhahn      | jpluckhahn@wallerisd.net      |
| Principal – I.T. Holleman Elementary        | Michelle Sciba        | mrsciba@wallerisd.net         |
| Principal - Fields Store Elementary         | Melissa Crosby        | mcrosby@wallerisd.net         |
| Principal - E. Turlington Elementary        | Kristen Eckerman      | keckerman@wallerisd.net       |

## **Campus Directory**

### **Elementary Schools (Grades PK-5)**

#### ***Jones Elementary***

35753 Owens Road  
Prairie View, TX 77446  
936.372.4200  
Fax: 936.931.0346

#### ***Roberts Road Elementary***

24920 Zube Road  
Hockley, TX 77447  
936.931.0300  
Fax: 936.372.4020

#### ***Holleman Elementary***

19455 Stokes Rd  
Waller, TX 77484  
936.372.9196  
Fax: 936.372.4023

#### ***Fields Store Elementary***

31670 Giboney  
Waller, TX 77484  
936.931.4050  
Fax: 936.372.4014

#### ***E. Turlington Elementary***

23400 Hegar Road  
Hockley, TX 77447  
936.372.0100  
Fax: 936.372.0163

### **Junior High Schools (Grades 6-8)**

#### ***Schultz Junior High***

20950 Fields Store Rd  
Waller, TX 77484  
936.931.9103  
Fax: 936.372.0156

#### ***Waller Junior High***

2402 Waller Street  
Waller, TX 77484  
936.931.1353  
Fax: 936.372.4026

### **High School (Grades 9-12)**

#### ***Waller High School***

31213 Waller Spring Creek  
Waller, Texas 77484  
936.372.3654  
Fax 936.310.6164

## **District Emergency Procedures**

The procedures for making the decision to close schools due to weather or other emergencies is a collaborative and ongoing process amongst school district administrators, emergency management officials, and weather experts. During events that may impact safe roadway travel or the safety of the school day, conditions are monitored around the clock. Delayed opening and/or early dismissal is possible contingent on conditions.

In the event of any change to normal schedules due to weather conditions or other emergencies, Waller ISD will utilize all parent and employee communication systems including, but not limited to the school district website ([www.wallerisd.net](http://www.wallerisd.net)), [official social media accounts](#), and the district's Blackboard Mass Notifications system (email and telephone messaging for staff). Announcements will also be sent to local radio and television stations.

Employees are automatically subscribed to the Blackboard Mass Notification system for phone and email notifications.

## **Communication Tools**

**Blackboard Mass Notifications System**

**District Website** — [www.wallerisd.net](http://www.wallerisd.net)

**Social Media** – Follow us on Facebook and Twitter @WallerISD

**School District News & Announcements** — [Waller ISD News](#)

**Teacher Retirement System of Texas (TRS)** — [www.trs.texas.gov](http://www.trs.texas.gov)

**State Board Educator Certification (SBEC)** — [www.sbec.state.tx.us](http://www.sbec.state.tx.us)

# **Employment**

## **Equal Employment Opportunity – Policies DAA, DIA**

In its efforts to promote nondiscrimination and as required by law, Waller ISD does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex (including pregnancy), 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 based on each applicant's job qualifications, experience, and abilities.

In accordance with Title IX, the district does not discriminate based on sex and is prohibited from discriminating on the basis of sex in its educational programs or activities. The prohibition against discrimination extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Employees with questions or concerns about discrimination based on sex, including sexual harassment, should contact the Chief of Secondary Schools (the Title IX Coordinator for the district, Bennie Mayes, at 2214 Waller Street, Waller, TX 77484, 936-931-3685. Employees with questions or concerns about discrimination based on a disability should contact the Section 504 Coordinator, Shawna Kelley, at 2214 Waller Street, Waller, TX 77484, 936-931-3685. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## **Job Vacancy Announcements – Policy DC**

Announcements of job vacancies by position and location are distributed regularly and posted on the district's website.

## **Employment after Retirement – Policy DC**

Individuals receiving retirement benefits from the Teacher 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 for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Web Site ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **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 or term 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:

Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive probationary contracts during their first year of employment. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year, but with the approved District of Innovation plan, the Waller ISD will be permitted to issue a probationary contract for up to three years to teachers that have been employed in public education for at least five of the eight years preceding employment by the District. 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 contract should be given.

#### Term Contracts:

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

#### Non-Certified Professional and Administrative Employees:

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

#### Paraprofessional and Auxiliary Employees:

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

### **Certification and Licenses – Policies DBA, DF**

Professional employees whose positions require SBEC certification or professional license are responsible for taking action 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 Human Resources Department in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify Human Resources when there is an action against, or revocation of, their license. A certified employee's contract may be voided without Chapter 21 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 an

individual failed to comply with criminal history background checks. Contact the Chief Human Resources Officer if you have any questions regarding certification or licensure requirements.

### **Recertification of Employment Authorization – Policy DC**

At the time of hire, all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization. Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources Department if you have any questions regarding re-verification of employment authorization. Failure to verify employment authorization may result in termination.

### **Searches and Alcohol/Drug Testing – Policies CQ, DHE**

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

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

Any employee whose duties require a commercial driver's license (CDL) is subject to alcohol and drug 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 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 drug and alcohol policies and related educational material should contact the Chief Human Resources Officer.

### **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, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to their supervisor upon request.

School nurses and employees with regular contact with students must complete a Texas Education Agency-approved online training regarding seizure disorder awareness, recognition, and related first aid.

### **Reassignments and Transfers – Policy DK**

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

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit their request by May 15<sup>th</sup> (please contact the Human Resources Department for a Transfer Request Form). Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources Department and must be approved by the Superintendent and both the current and receiving supervisor.



## **Workload and Work Schedules – Policies DL, DEAB, DK**

### Professional Employees:

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

### Classroom Teachers:

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks 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 is available. “Classroom teacher” means an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting, focusing on the delivery of the Texas Essential Knowledge and Skills, and who holds the relevant certificate from the State Board for Educator Certification (SBEC).

### Paraprofessional and Auxiliary Employees:

Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. Please see *Overtime Compensation* for additional information.

## **Breaks for Expression of Breastmilk – Policies DEAB, DG**

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple-user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided. A reasonable amount of break time will be provided when the employee needs to express milk. For non-exempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

The Proving Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother. The employee must give the district 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact the Chief Human Resources Officer in the Human Resources Department.

## **Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (PWFA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking a PWFA accommodation should contact the Leave Specialist: Alicia Martinez, to begin the interactive process.

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

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

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

## **Outside Employment and Tutoring – Policy DBD**

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

## **Performance Evaluation – Policy DN series**

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. 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.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A

nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

### **Employee Involvement – Policies BQA, BQB**

At both the campus and district levels, Waller 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 the online WISD Board Policy Manual.

### **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.

# **Compensation and Benefits**

## **Salaries, Wages, and Stipends – Policies DEA, DEAA, DEAB**

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

Employees will be paid according to Waller ISD's compensation plan. 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.

## **Paychecks**

All employees are paid semi-monthly; on the 15 and 28 of each month. If the 15 or 28 falls on a weekend, holiday, or another time that the administration building is closed, then the pay date will be the preceding business date. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated and can be accessed via Skyward Employee Access. The schedule of pay dates for the 2023-2024 school year follows:

| WORK WEEK<br>Saturday 12:00 am - Friday 11:59 pm |                     | PAYROLL DEADLINE<br>Time Sheets & Absences Due | BENEFITS DEADLINE<br>Change File Due Date | PAY DATE                     |
|--|---------------------|--|---|------------------------------|
| 08/12/23 - 08/18/23                              | 08/19/23 - 08/25/23 | 08/29/23                                       | 09/11/23                                  | Friday, September 15, 2023   |
| 08/26/23 - 09/01/23                              | 09/02/23 - 09/08/23 | 09/12/23                                       | 09/22/23                                  | Thursday, September 28, 2023 |
| Last payroll of fiscal year 2023                 |                     |  |   |                              |
| 09/09/23 - 09/15/23                              | 09/16/23 - 09/22/23 | 09/26/23                                       | 10/09/23                                  | Friday, October 13, 2023     |
| 09/23/23 - 09/29/23                              | 09/30/23 - 10/06/23 | 10/10/23                                       | 10/23/23                                  | Friday, October 27, 2023     |
| 10/07/23 - 10/13/23                              | 10/14/23 - 10/20/23 | 10/24/23                                       | 11/09/23                                  | Wednesday, November 15, 2023 |
| 10/21/23 - 10/27/23                              | 10/28/23 - 11/03/23 | 11/07/23                                       | 11/16/23                                  | Tuesday, November 28, 2023   |
| 11/04/23 - 11/10/23                              | 11/11/23 - 11/17/23 | 11/28/23                                       | 12/04/23                                  | Friday, December 8, 2023     |
| 11/18/23 - 11/24/23                              | 11/25/23 - 12/01/23 | 12/05/23                                       | 12/18/23                                  | Friday, December 22, 2023    |
| 12/02/23 - 12/08/23                              | 12/09/23 - 12/15/23 | 12/19/23                                       | 01/08/24                                  | Friday, January 12, 2024     |
| 12/16/23 - 12/22/23                              | 12/23/23 - 12/29/23 | 01/09/24                                       | 01/22/24                                  | Friday, January 26, 2024     |
| 12/30/23 - 01/05/24                              | 01/06/24 - 01/12/24 | 01/23/24                                       | 02/09/24                                  | Thursday, February 15, 2024  |
| 01/13/24 - 01/19/24                              | 01/20/24 - 01/26/24 | 02/13/24                                       | 02/22/24                                  | Wednesday, February 28, 2024 |
| 01/27/24 - 02/02/24                              | 02/03/24 - 02/09/24 | 02/27/24                                       | 03/04/24                                  | Friday, March 8, 2024        |
| 02/10/24 - 02/16/24                              | 02/17/24 - 02/23/24 | 03/19/24                                       | 03/22/24                                  | Thursday, March 28, 2024     |
| 02/24/24 - 03/01/24                              | 03/02/24 - 03/08/24 | 04/03/24                                       | 04/09/24                                  | Monday, April 15, 2024       |
| 03/09/24 - 03/15/24                              | 03/16/24 - 03/22/24 | 04/16/24                                       | 04/22/24                                  | Friday, April 26, 2024       |
| 03/23/24 - 03/29/24                              | 04/06/24 - 04/12/24 | 04/30/24                                       | 05/09/24                                  | Wednesday, May 15, 2024      |
| 04/13/24 - 04/19/24                              | 04/20/24 - 04/26/24 | 05/14/24                                       | 05/20/24                                  | Tuesday, May 28, 2024        |
| 04/27/24 - 05/03/24                              | 05/04/24 - 05/10/24 | 05/29/24                                       | 06/10/24                                  | Thursday, June 13, 2024      |
| 05/11/24 - 05/17/24                              | 05/18/24 - 05/24/24 | 06/11/24                                       | 06/24/24                                  | Thursday, June 27, 2024      |
| 05/25/24 - 05/31/24                              | 06/01/24 - 06/07/24 | 06/25/24                                       | 07/08/24                                  | Monday, July 15, 2024        |
| 06/08/24 - 06/14/24                              | 06/15/24 - 06/21/24 | 07/16/24                                       | 07/18/24                                  | Thursday, July 25, 2024      |
| 06/22/24 - 06/28/24                              | 06/29/24 - 07/05/24 | 07/30/24                                       | 08/08/24                                  | Thursday, August 15, 2024    |
| 07/06/24 - 07/12/24                              | 07/13/24 - 07/19/24 | 08/13/24                                       | 08/22/24                                  | Wednesday, August 28, 2024   |
| 07/20/24 - 07/26/24                              | 07/27/24 - 08/02/24 |  |   |                              |
| 08/03/24 - 08/09/24                              |                     |  |   |                              |

\*Sept 28, 2023 is last payroll of FY 2023

Any pay owed to employees for work done Sept 1, 2022 - Aug 31, 2023 must be received by the payroll office at 12pm on Sept 12, 2023 for payment to be included on the Sept 28, 2023 payday.

## Automatic Payroll Deposit

Employees are required to have their paychecks electronically deposited into an account at their financial institution. A notification period of two payroll periods is necessary to activate this service. With direct deposit, an employee's pay will be available on the pay date. Contact the Payroll Department at (936) 372-4035 for more information about the automatic payroll deposit service.

## **Payroll Deductions – Policy CFEA**

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

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

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, other supplement insurance benefits offered by the district; and annuities. Salary deductions are automatically made for unauthorized or unpaid leave.

**Overpayments:** Employees are not entitled to any funds the district overpays. An agreement between an employee and the district must be in place in order to deduct any overpayment from one or more paychecks if an overpayment occurs.

## **Overtime Compensation – Policy DEAB**

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

Overtime is legally defined as all hours physically worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12:00 am on Saturday and ends at 11:59 pm on Friday. Nonexempt employees that are paid on a salary basis are paid for the hours set by the normal work schedule. Hours worked beyond the normal schedule of up to 40 hours will be paid at a regular rate of pay.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at a time-and-a-half rate with compensatory time off (comp time) or direct pay at the employer's discretion. The following applies to all nonexempt employees:

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

## **Travel Expense Reimbursement – Policy DEE**

Before an employee incurs any travel expenses, the employee's immediate supervisor and the budget manager (if different from the supervisor) must give written approval via the Travel Request Form and a district-issued purchase order. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage. More information regarding specific travel procedures can be found on the WISD Staff Portal - Business Services.

## **Health, Dental, and Life Insurance – Policy CRD**

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

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are employed for 10 or more regularly scheduled hours per week

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or within 31 days of a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements can be found at <https://www.wallerisd.pecservices.info/>.

## **Supplemental Insurance Benefits – Policy CRD**

At their own expense, employees may enroll in supplemental insurance programs for dental, vision, supplemental life insurance, long-term disability, accident, critical illness hospital indemnity, cancer, legal, identity protection, medical transportation, and telemedicine. Premiums for these programs will be paid by payroll deduction. More information can be found at <https://www.wallerisd.pecservices.info/> or employees may contact the Waller ISD Benefits Office.

## **Cafeteria Plan Benefit (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 (e.g., disability, accidental death and dismemberment, cancer, 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.

## **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. 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 employee's direct supervisor and to the Leave Specialist in the Human Resources Department. 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.

The district has workers' compensation coverage from Texas Mutual Insurance Company and participates in Texas Star Network. Employees must use a doctor within the network for a work-related injury. Failure to do so may result in the employee having to pay for the claim themselves.

## **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 Human Resources Department at (936) 931-0397.

## **Teacher Retirement**

All personnel employed on a regular basis for at least one-half of the normal work schedule are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are eligible to purchase a year of creditable service in 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.

Employees who plan to retire under TRS should notify TRS and the Human Resources Department as soon as possible. Information on the application procedures for TRS benefits are available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available online ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **Tuition-Free Attendance**

Children of district employees who do not live within the district boundaries may attend district schools tuition-free.



## **Pre-K**

Waller ISD (WISD) will provide the opportunity for full-time staff members to enroll their 4-year-old child in the district's pre-kindergarten (pre-k) program during the 2023-2024 school year. Space for full-time staff children in pre-k is limited based on the number of qualified students who are enrolled through the regular enrollment process and class size availability. Contact the Chief of Schools - Elementary for more information.

## **Free Athletic Passes**

District employees shall be admitted free to home athletic events with proof of employment (e.g. Waller ISD employee identification badge).

## **Employee Assistance Program**

The district offers an employee assistance program through The Standard and is available at no cost to district employees. More information regarding this program can be found at <https://www.wallerisd.pecservices.info/>.

## **Time Clock Guidelines for Non-Exempt Employees**

### INTRODUCTION

Waller ISD uses an electronic time tracking system called True Time that is part of the Skyward system. The electronic time tracking system will enable you to more accurately keep track of your time. It will also allow the district to more efficiently process your time worked and leave taken for payroll purposes. In order for this system to work to its fullest potential, we are asking all non-exempt employees to follow the guidelines outlined below. Your cooperation and compliance with these guidelines are very important and appreciated.

### DEFINITION OF NON-EXEMPT EMPLOYEE

Non-exempt employees are determined by the Fair Labor Standards Act and include positions such as secretaries, aides, bus drivers/monitors, maintenance workers, school nutrition workers/managers, clerks, etc. Please contact the Human Resources Department if you have questions about specific positions.

### OFFICIAL TIME OF RECORD

The True Time electronic timekeeping system and associated work records are the official basis for recording hours worked for non-exempt employees of Waller ISD. However, there will be situations that will require handwritten timesheets as well. In order to ensure consistency of treatment of non-exempt employees, the data recorded in the True Time system shall be considered as the "official" record of the workday. In order for the electronic timekeeping system to work as intended, all non-exempt employees must participate.

### EMPLOYEE TIME REPORTS

The Fair Labor Standards Act (FLSA) requires that employers keep certain records for employees. This includes detailed records on time and payments. An electronic timekeeping system is used to record all hours worked and leave taken during the reporting period for non-exempt personnel.

The automated time reports must reflect all regular and extra duty hours worked for the period (including personal leave, compensatory time, holidays, etc.). Adjustments to hours and leave must be posted in a timely manner to avoid errors and omissions that may occur if these adjustments are posted toward the end of the payroll period.

### DAILY CLOCK-IN/OUT REQUIREMENTS

It is a job requirement that all non-exempt employees must “clock in” in the morning and “clock out” at the end of the workday at their place of work. Under certain conditions (such as training at an off-site location, extracurricular events, etc.), the employee should report time worked to their supervisor to determine the best way to enter this time into True Time.

Other requirements and guidelines include:

- Employees are expected to clock in and out at their scheduled times.
- Employees are expected to use available compensatory time if their hours worked for the week do not meet the scheduled contract hours.
- Clock in and out times will be to the minute.
- Some employees are to clock out and back in for lunch and/or breaks. Due to the nature of some positions, lunch and/or breaks may be automatically deducted.

### FALSIFICATION, TAMPERING, AND UNAUTHORIZED VIEWING

Due to the severity of the infractions below, there will be immediate discipline enforced up to and including termination.

- Falsifying time records
- Any attempt to tamper with timekeeping hardware or software.
- Punching in for an absent or late employee (a.k.a. “buddy punching”).
- Anyone interfering with other employees’ use of the True Time system.
- Unauthorized viewing of another employee’s time in the True Time system.

The supervisor and the Human Resources Department will review the specific details of such an infraction (including but not limited to the above infractions) and develop an appropriate response.

### CLOCK PROBLEMS

If an employee is unable to punch in or out because of a time clock malfunction or accidental oversight, it is the employee’s responsibility to immediately inform the supervisor. In this situation, the employee will use a district computer to ‘manually’ clock in or out. The supervisor will then notify technology if there is a malfunction with the time clock system.

### UNREPORTED HOURS

All work performed by non-exempt employees must be authorized by a supervisor. Intentional or careless working off the clock is not allowed. Non-exempt employees are required to clock in and out due to performing any work, and this can be done via the Internet in True Time should a clock not be available. Forgetting to clock in or out is not a legitimate reason for working off the clock.

Employees that underreport or fail to report hours worked are subject to disciplinary action. Once an employee has clocked in, he/she is responsible for starting work. Personal matters or simply not working while clocked in is considered “riding the clock” and could be grounds for disciplinary action.

### PROCESSING OF ELECTRONIC TIME REPORTS

Each week, non-exempt employees will submit their timesheets to their supervisor or designee in True Time. Each supervisor or designee will review weekly non-exempt employee time sheets (e.g., each Monday afternoon, review the previous week’s timesheet). If the supervisor or designee is satisfied with the hours reported, he or she will submit the timesheet to payroll. If a supervisor or designee is not satisfied with the hours reported by the non-exempt employee, he or she can deny the employee’s timesheet and note the reason for the denial. The employee will then have the opportunity to revise and resubmit the timesheet.

### DISPUTES OVER TIME CLOCKED IN OR OUT

If a dispute over a clock in/out time arises (by the employee, supervisor, or another person), the dispute will be properly documented by the supervisor (to include any use of security video to substantiate any claims), signed by both parties and submitted to the Human Resources Department for filing in the employee’s personnel file. If the employee refuses to sign the documentation, the supervisor should note this accordingly in the paperwork and remit to the Human Resources Department.

### COMPENSATORY TIME

Non-exempt employees, with a few exceptions, shall earn compensatory time (also known as “comp time”) in lieu of overtime per Board discretion.

The employee **must** have the supervisor approve compensatory time before the performance of work.

Compensatory time earned is based on hours worked in excess of the normal work hours for the week. For example, assuming there are 37.5 work hours in the week, and hours worked exceed this limit, the excess hours between 37.5 hours and 40 hours will be accrued at straight time (hour for hour) as compensatory time and those excess hours above 40 will be accrued at time-and-a-half as compensatory time.

Compensatory time is to be used by an employee **prior** to using all other types of state and/or local paid leave, non-duty days, or vacation days.

Every effort should be made to exhaust any accrued compensatory time by the end of the employee's work year. An employee should never have more than 60 hours of compensatory time accrued at one time.

Supervisors should make a reasonable effort to allow the employee to take their compensatory time at the employee's desired time.

#### OVERTIME

Overtime must be authorized in advance by a supervisor. Before authorizing overtime, the supervisor is responsible for verifying that funds are budgeted and available by checking with their budget manager and/or the Chief Financial Officer.

Overtime will be calculated based on the actual hours recorded and credited to the employee as measured by the True Time system (straight time or at time-and-a-half based on workable hours in the week) and/or any manual timesheets signed by the employee and supervisor.

#### TRAINING

Training for True Time/processing timekeeping reports is provided prior to the start of school each year or on an "as needed" basis. Requests for training may be directed to the campus or department secretary, the Human Resources Department, or the Business Services Department.

#### DEFINITIONS

Holidays, vacation days, local days, state days, and compensatory time used are not considered hours worked and will be excluded when determining the number of hours actually worked in a workweek.

Normal travel from home to work or from work to home is not working time no matter how long the commute.

#### CLOCK IN FOR EXEMPT STAFF FOR SUPPLEMENTAL DUTIES

There are instances where exempt employees will be required to clock in and out and abide by all timekeeping rules for supplemental duties. These duties typically occur outside of the contractual duty calendar for the employee and are accompanied by an extra duty pay agreement.

#### QUESTIONS

Please communicate any questions you may have to your supervisor, the Human Resources Department, or Business Services Department.

## **Waller ISD Wage Deduction Authorization Agreement**

I understand and agree that my employer, WALLER INDEPENDENT SCHOOL DISTRICT (WISD), may deduct money from my pay from time to time for reasons that fall into the following categories:

1. My share of the premiums for WISD's group medical and or dental plan;
2. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by WISD;
3. Installment payments on loans or wage advances given to me by WISD and if there is a balance remaining when I leave WISD;
4. The cost to WISD of personal long-distance calls I may make on WISD's phones or on WISD accounts, of personal faxes sent by me using WISD's equipment or WISD's accounts, or of non-work related access to the Internet or other computer networks by me using WISD's equipment or WISD's accounts;
5. The cost of repairing or replacing any WISD supplies, materials, equipment, money, or other property that I may damage (other than normal wear & tear), lose, fail to return, or take without appropriate authorization from WISD during my employment;
6. The cost of uniforms and of cleaning the uniforms
7. The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by WISD in connection with my employment;
8. Administrative fees in connection with the court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amounts allowed under applicable laws;
9. If I take paid leave in advance of the date I would normally be entitled to and I separate from WISD before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
10. The value of any time off for absences in which paid leave is not applied (non-exempt salaried employees will experience salary reductions only in units of a full day at a time); and
11. If my employer pays any insurance premiums of retirement system contributions ("payments") on my behalf that I would normally make under the applicable WISD benefit plan, the amount of such payments made by WISD, such payments being an advance of future wages payable to me.

I agree that WISD may deduct money from my pay under the above circumstances if any of the above situations occur. I also agree that my signature on the Employee Acknowledgement Form declares my consent for the abovementioned wage deductions.

## Leaves and Absences - Policies DEC, DECA, DECB

The district offers employees paid and unpaid leaves of absence 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 extended leaves of absence of more than 5 days should call the Leave Specialist in the Human Resources Department at (936) 372-4064 for information about applicable leave options, continuation of benefits, and requirements for communicating with the district.**

Employees who take an unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act (FMLA) will be paid by the district, as they were when they were working. The district shall continue to contribute any portion of the employee's premium it usually pays for an employee's group health insurance while the employee is receiving district-paid leave benefits to which he or she is entitled under district policy and while the employee is using unpaid family medical leave. The district shall not expend public funds for group health insurance coverage of an employee who is not receiving paid leave benefits or compensation from the district, except as required by the Family and Medical Leave Act. When an employee is placed on unpaid leave of absence (other than family and medical leave) after paid leave is exhausted, the employee shall be allowed to continue the group health insurance at his or her own expense, by paying premiums in advance, for a period not to exceed six months. If at the end of that period, the employee is still on an unpaid leave of absence, COBRA coverage shall be offered. Otherwise, the district does not make benefit contributions for employees who are not on active payroll status.

Employees must follow district procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than (5) five consecutive 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. Any unapproved absences or absences beyond accumulated or available paid leave shall result in a deduction from the employee's pay.

Personal and local sick leave is earned on an accrual basis. Contract employees should be aware that early in each new contract period the Payroll Department posts the **advanced** state personal and local leave days that may be earned for that contract period on the paycheck stub. Local leave is provided to employees based upon Waller ISD Board Policy [DEC \(Local\)](#). For employees eligible for **non-paid, non-duty days**, these days do not accrue each year, so any unused non-paid, non-duty days not used by eligible employees as of August 31 each year will be deleted from the district system.

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.

If an hourly employee does not report or request a leave of absence(s) according to district procedures, the incident is considered a “no call/no show”. An employee who is absent for 3 consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

Supervisors of employees will attempt to reach the no-call/no-show staff member by phone and email in an attempt to reach the employee. After 3 attempts, the supervisor will notify the Leave Specialist in Human Resources. Human Resources will attempt to reach emergency contacts for the employee and may conduct a home visit to ensure the safety of the employee. If all attempts are unsuccessful, the employee will be sent a termination notice by mail.

Absence from duty is failure to be on district-approved leave and is considered an abuse of the WISD Leave Policy.

**Excessive absenteeism** will not be tolerated and may result in disciplinary action. The district will monitor absences carefully to help remind employees that their attendance is crucial to the success of our students in the district. Excessive absenteeism is defined as unapproved absences that are in excess of five (5) days in any one pay period or the annual allotted days provided to employees by the district or state in any given school year.

#### **Immediate Family**

For the purposes of leave other than family and medical leave, the term "immediate family" is defined as the following:

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

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

**Medical Certification.** Any employee, who is absent more than 5 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 district may require medical certification due to an employee’s questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district

may also request medical certification when an employee requests leave under the Family and Medical Leave Act (FMLA) for the employee's serious health condition, a serious health condition of the employee's spouse, parent, or child, or military caregiver leave.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and healthcare 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 FMLA 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-Active Care 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.

## **State Personal Leave**

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the school year. A day of earned personal leave is equivalent to an assigned workday. There is no limit on the accumulation of state personal leave, and it can be transferred to other Texas school districts and is generally transferable to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

### Nondiscretionary:

Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little or no advance planning and may be used in the same manner as state sick leave.

### Discretionary:

Leave taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request to his or her principal or supervisor (3) three



days in advance of the anticipated absence. Discretionary personal leave will be granted on a first-come, first-served basis. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

#### Leave Proration:

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

### **State Sick Leave**

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. Sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e. natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

If an employee uses more sick leave than he or she has earned, the cost of unearned sick leave will be deducted from the employee's next paycheck.

### **Local Leave – Policy DEC (Local)**

#### ADDITIONAL LOCAL LEAVE

All full-time employees who work ten months shall earn an additional five equivalent workdays of local sick leave per school year, concurrent with state personal leave. Eleven-month employees shall earn an additional six equivalent workdays and 12-month employees shall earn an additional seven equivalent workdays of local sick leave per school year, concurrently with state personal leave. Local sick leave shall accumulate without limit and shall be taken with no loss of pay.

#### REQUEST FOR LEAVE

A notice of request for discretionary personal leave shall be submitted to the principal or designee three (3) days in advance of the anticipated absence; discretionary personal leave shall be granted on a first-come, first-served basis, with a maximum of five percent of campus employees in each category permitted to be absent at the same time for discretionary personal leave.

Use of discretionary personal leave shall be considered granted unless the principal or designee notifies the employee to the contrary within 48 hours of receipt of the request.

#### DURATION OF LEAVE

Discretionary personal leave may not be taken for more than three (3) consecutive days without supervisor and district approval.

#### SCHEDULE LIMITATIONS

Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for State testing of students, or professional or staff development days.

#### USE AND RECORDING

For purposes of personal illness, illness in the immediate family, family emergency, or death in the immediate family, unless an employee requests a different order, available leave shall be used in the following order:

1. Compensatory time.
2. State sick leave accumulated prior to the 1995-96 school year.?
3. State or Local personal leave as requested by the employee.

Local sick leave shall be subject to the same terms and conditions applicable to sick leave accumulated prior to the 1995-96 school year, except as otherwise provided by this policy.

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

Leave shall be recorded in whole workdays and half workdays only, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act or when coordinated with workers' compensation benefits as provided in this policy.

#### AVAILABILITY

Leave shall not be approved for more workdays than have been accumulated in prior years plus those earned during the current year. Leave for the current year shall be available for use at the beginning of the school year. When an employee who has used more leave than he or she had accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.

#### OTHER ABSENCES

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence unless otherwise provided. [[See DEC \(LOCAL\)](#)]

#### FAMILY EMERGENCY

The term "family emergency" shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

#### WORKDAY

An "equivalent workday" for purposes of accumulation, use, or recording shall mean the number of hours per day associated with the employee's usual work assignment, whether full-time or part-time.

## CATASTROPHIC ILLNESS OR INJURY

A catastrophic illness or injury is a life-threatening condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the service of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time and, if applicable, vacation days earned by that employee and to lose compensation from the district. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Complications resulting from pregnancy shall be treated the same as any other condition.

## **Sick Leave Pool**

The purpose of the Waller ISD Sick Leave Pool is to provide additional sick leave days to district employees who have exhausted all paid leave and vacation days as well as any applicable compensatory time and who suffer from a catastrophic illness or injury or are absent due to the catastrophic illness or injury of a member of the employee's immediate family. The sick leave pool program allows employees to voluntarily donate accrued state or local sick leave to another employee. If the employee is unable to request donated leave, a member of the employee's immediate family or the employee's supervisor may submit the request.

In order to request sick leave pool days, staff must submit a sick leave pool request form and a certification of healthcare provider form (*medical certification*) to the Human Resources Leave Specialist. All requests will be anonymously presented to a sick leave pool committee for review and approval. Details on sick leave pool procedures and committee guidelines can be found on the Waller ISD Human Resources website, under Sick Leave Pool Information.

## **Family and Medical Leave Act (FMLA) - General Provisions**

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

What is FMLA Leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons.

The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees who work for a covered employer can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption, or foster placement of a child with you,
- To bond with a child (leave must be taken within one year of the child's birth or placement),
- Your serious mental or physical health condition that makes you unable to

- work,
- To care for your spouse, child, or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child, or parent who is a military service member.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 work weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

You have the right to use FMLA in one block of time. When it is medically necessary or otherwise permitted, employees may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working fewer hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**. FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

### **Benefits and Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

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

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave.

The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage, and Hour Division, 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 that provides greater family or medical leave rights. For additional information, contact:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

**Local Procedures for Implementing Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period beginning on the first duty day of the school year.

**Requests for Family and Medical Leave**

Forms for applying for a Family and Medical Leave are available to employees from the Leave Specialist in the Human Resources Department. Family and Medical Leave forms are to be submitted to Alicia Martinez, Waller ISD Leave Specialist.

Upon receipt by the Leave Specialist of a request for Family and Medical Leave and appropriate medical certification, the Leave Specialist will determine the employee's eligibility for the Family and Medical Leave. The employee and his/her principal or supervisor will be notified in writing of the approval or denial of the requested Family and Medical Leave.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Failure to submit proper medical certification, if required, or to timely notify the Leave Specialist of an employee's absences due to a qualifying serious health condition, may result in the denial of a Family and Medical Leave. [See Policy DEC (LEGAL)]

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

If you are eligible for FMLA leave, Waller ISD must:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

#### **Use of Paid Leave**

Family & Medical 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**

Spouses who are 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 emergency, 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, for adoption, or the placement of a child with the employee.

#### **Fitness for Duty**

An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

#### **Reinstatement**

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

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

**Failure to Return**

If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

**District Contact**

Employees that require Family Medical Leave (FML) or have questions should contact the Leave Specialist in the Human Resources Department for details on eligibility, requirements, and limitations.

**Military Family Leave Entitlements**

An eligible employee whose spouse, son, daughter, or parent is on covered active duty or called to covered active duty status may use his or her 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".

**Concurrent Use of Leave**

The district shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave if applicable.

**Certification of Illness**

If an employee requests leave, the employee shall provide medical certification, as required by FMLA regulations, of the need for leave.

**Medical Release**

The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

**Resignation**

If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the district shall require reimbursement of the employee benefits contribution made by the district during the period in which such leave was taken as unpaid leave.

**Reimbursement at Retirement**

The district shall honor all accumulated local leave. Upon retirement from the district in accordance with TRS requirements, employees shall be reimbursed at the current daily rate of pay for substitutes for each day of unused local leave, up to a maximum of 50 days.

**Temporary Disability for Certified Employees**

Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability. Employees must request approval for temporary disability leave. An employee's notification of a 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 on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, the Leave Specialist in the Human Resources Department 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 employee will be reinstated to a position at the original campus at the beginning of the following school year.

**Workers' Compensation Benefits**

The safety and welfare of all employees is a primary concern of the Waller Independent School District and the Board of Education. Safe working conditions and practices are of vital importance to the district and each one of its employees. While a continuing partnership must exist between the employer and the employee to provide a safe and injury-free workplace, the district provides workers' compensation insurance benefits for



any employee who is injured or becomes disabled or ill as a result of his or her employment responsibilities with Waller Independent School District.

#### Insurance Coverage and Application

All active employees are provided the benefits of Waller Independent School District's workers' compensation plan. Workers' compensation insurance benefits are applicable only for job-related injuries or illness sustained while an employee is engaged in his or her own authorized duties. An employee who is 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 absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable. An employee eligible for workers' compensation wage benefits, and not on assault leave, shall indicate whether he or she chooses to:

1. Receive workers' compensation wage benefits; or
2. Use available paid leave. Workers' compensation wage benefits shall begin when:
  - a. Paid leave is exhausted; or
  - b. The employee elects to discontinue the use of paid leave; or
  - c. Leave payments are less than the employee's pre-injury average weekly wage.

#### When to Report

The principal or immediate supervisor is responsible for reporting an employee injury to the Employee Benefits office within 24 hours following the incident. Fatal or serious injuries must be reported at once by telephone by calling (936) 372-4037.

#### **Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving a possible assault is a work-related injury and should be immediately reported to the campus principal or immediate supervisor as well as the Leave Specialist in the Human Resources Department. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-responsible for purposes of criminal liability.

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

## **Bereavement (Funeral) Leave**

Use of state and/or local sick leave for a death in the immediate family shall not exceed five (5) workdays per occurrence, subject to the approval of the district. Leave for attending a funeral of a person other than one defined as a family member may be approved as discretionary leave if available. Such leave shall not be granted without prior approval of the District.

## **Jury Duty – Policy DEC, DG**

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district with a copy of the summons to document the need for leave.

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

## **Compliance with a Subpoena**

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Absences for court appearances related to an employee's personal business must be taken as personal leave or leave without pay (if no personal leave is available). Upon receiving a subpoena, an employee will immediately contact their immediate supervisor and the Chief Human Resource Officer or Director of Human Resources to make them aware of the subpoena request. Employees may be required to submit documentation of their need for leave for court appearances. If possible, subpoenaed records should be forwarded to the necessary individual or court to assist with employee attendance.

## **Truancy Court Appearances**

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

## **Religious Observance**

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

Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

## **Military Leave**

### **Paid Leave for Military Service**

Any employee who is a member of the Texas National Guard, Texas State Guard, a 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 15 days of paid leave per fiscal year when engaged in authorized training or duty orders by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

### **Reemployment after Military Leave**

Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment within the time specified by law to the 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 Administrator at (936) 372-4037 for details on eligibility, requirements, and limitations.

### **Leave for Peace Officers**

Districts that employ peace officers are required to provide paid mental health leave and quarantine leave to peace officers.

## **Payment for Accumulated Leave Upon Retirement**

An employee who retires from the District shall be eligible for payment for accumulated local leave.

The employee shall receive payment for each day of accumulated local leave, to a maximum of 50 days, at the current daily rate of pay for a substitute. If the employee is reemployed with the District, the days for which the employee received payment shall not be available to that employee.

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

# Complaints and Grievances – Policy DGBA

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

The formal grievance process provides all employees with an opportunity to be heard by the highest level of management if they are dissatisfied with an administrative response. Once all administrative grievance procedures are exhausted, employees can bring concerns or complaints to a mediator who will make a recommendation to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns or complaints and grievances is reprinted as follows:

## FREEDOM FROM RETALIATION

Neither the Board nor any district employee shall unlawfully retaliate against an employee for bringing a concern or complaint. [See DG]

## NOTICE TO EMPLOYEES

The principal of each campus and other supervisory personnel shall inform employees of this policy.

## SPECIFIC COMPLAINTS

For more information on how to proceed with complaints regarding:

1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.
2. Instructional materials, see EFA.
3. A commissioned peace officer who is an employee of the district, see CKE.

## OTHER REVIEW PROCESSES

Complaints alleging certain forms of harassment shall be processed in accordance with Policy DIA.

Complaints arising from any of the following must be addressed through the local and statutory processes indicated below:

1. The proposed non-renewal of a term contract issued under Chapter 21 of the Texas Education Code, in accordance with DFBB.
2. The proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Texas Education Code during the contract term, in accordance with DFAA, DFBA, or DFCA, respectively.

This policy shall apply to all other employee complaints.

### COMPLAINT / GRIEVANCE

The terms "complaint" and "grievance" shall have the same meaning. A complaint under this policy may include:

1. Grievances concerning an employee's wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee's sex, race, religion, national origin, age, or disability;
3. Specific allegations of unlawful discrimination or retaliation based on the employee's exercise of legally protected rights; or
4. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the district or a district employee (i.e., "whistleblower complaints.") [See DG]
5. Complaints arising from the dismissal or termination of an at-will employee. [See DCD]
6. Complaints arising from the termination at the end of the year of the probationary contract of a professional employee. [See DFAA]

### FILING

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

### RESPONSE

At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.

### DAYS

"Days" shall mean district business days. In calculating timelines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."

### REPRESENTATIVE

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

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

### WHISTLEBLOWER COMPLAINTS

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL TWO, below. Timelines for the employee and the district set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]

### GENERAL PROVISIONS

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

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

### UNTIMELY FILINGS

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

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

### COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

### COMPLAINT FORM

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

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

A complaint form that is incomplete in any material aspect may be dismissed but may be re-filed with all the requested information if the re-filing is within the designated time for filing a complaint.

## **Level One**

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

The appropriate administrator shall hold a conference with the employee within ten days after receipt of the written complaint.

The administrator shall have ten days following the conference to provide the employee with a written response.

## **Level Two**

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

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

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

The Level One record shall include:

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

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

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

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

### **Level Three**

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board. The appeal shall be heard by a hearing officer who shall not be a district employee.

The appeal notice must be filed in writing, on the employee complaint appeal notice form available on the district's Web site, in the main office of any campus/department, or at the central office, within ten business days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

The hearing office shall hold the hearing within 15 business days of the receipt of the request. The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting with the hearing officer.

The Superintendent or designee shall provide the hearing officer with the record of the Level Two complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

The designated hearing officer shall not be required to consider documentation not previously submitted or issues not previously presented.

The form of presentation of the grievance shall be determined by the designated hearing officer and all proceedings before the hearing officer shall be recorded by audio tape.

Generally, no witnesses shall be presented and no cross-examination of witnesses shall



occur unless required by due process. In each case, the grievant shall be permitted to make a presentation to the hearing officer within the time allotted and shall be able to offer such written evidence as the designated hearing officer may deem relevant. The administration shall be entitled to respond to the grievant with a presentation and written evidence.

The hearing officer shall provide the Board a written recommendation within ten business days following the hearing.

The Board shall review the hearing officer's written recommendation at the first regular meeting following receipt of the hearing officer's report. The employee and the administration shall be provided a copy of the recommendation prior to the Board meeting.

The Board shall review the hearing officer's written recommendation at the first regular meeting. The time frame may be adjusted, however, as practicable. The Board may decide to accept, reject, or modify the recommendation of the hearing officer and shall then make and communicate its decision.

# Employee Conduct & Welfare

## Standards of Conduct

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

Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- Complete duties as assigned by supervisors in a satisfactory manner.
- 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.

[[Policy DH \(Local\)](#)]

Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC no later than the seventh day after the Superintendent knew of the incident. See *Reports to the Texas Education Agency* on page 79 for additional information. [Policy [DH \(Legal\)](#)]

*The Texas 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

### Statement of Purpose

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty 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 the realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. (19 TAC 247.1(b))

## PROFESSIONAL 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 be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

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

## **2. Ethical Conduct toward Professional Colleagues**

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

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

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

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

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

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

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

### **3. Ethical Conduct toward Students**

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

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

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

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

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

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

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

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

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

- (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.

## **Discrimination, Harassment, and Retaliation – Policies DH, DIA**

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

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

This district's policy which includes definitions and procedures for reporting and investigating harassment is reprinted below:

Note: This policy addresses harassment of district employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

## **Employee Welfare: Freedom from Discrimination, Harassment, and Retaliation**

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

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

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

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

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

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

Employees shall not tolerate harassment of others and shall make reports as required in REPORTING PROCEDURES, below.

### SEXUAL HARASSMENT

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

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

### EXAMPLES

Examples of sexual harassment may include, but are not limited to:

- sexual advances
- touching intimate body parts
- coercing or forcing a sexual act on another
- jokes or conversations of a sexual nature
- other sexually motivated conduct, communication, or contact.

### OTHER PROHIBITED HARASSMENT

Harassment of a district employee on the basis of the employee's race, color, gender, national origin, disability, religion, or age includes physical, verbal, or nonverbal conduct related to these characteristics when the conduct is so severe, persistent, or pervasive that the conduct:

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

### EXAMPLES

Examples of prohibited harassment may include, but are not limited to:

- offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation
- threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors

- physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes
- other types of aggressive conduct such as theft or damage to property.

#### REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to an appropriate person designated below.

Any district employee with supervisory authority who receives notice that another employee has or may have experienced prohibited harassment is required to immediately report the alleged acts and take whatever other steps are required by this policy.

Any other person who knows or believes that a district employee has experienced harassment should immediately report the alleged acts to the appropriate person designated by this policy.

#### TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the district's ability to investigate and address the harassment.

A district employee may report harassment to his or her supervisor or campus principal.

A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the district officials below:

#### DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See [DIA\(LOCAL & EXHIBIT\)](#)]
2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

#### NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a supervisor or principal shall immediately notify the appropriate district official listed above.

#### CONFIDENTIALITY

To the greatest extent possible, the district shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.



#### INVESTIGATION OF THE REPORT

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

Upon receipt or notification of a report, the district official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by district policy. If so, the district official shall immediately authorize or undertake an investigation.

If appropriate, the district shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the district official or a designee, such as the campus principal, or by a third party designated by the district, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The district's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

#### CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the district official overseeing the investigation.

#### DISTRICT ACTION

If the results of an investigation indicate that a prohibited harassment occurred, the district shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

The district may take disciplinary action based on the results of an investigation even if the district concludes that the conduct did not rise to the level of harassment prohibited by law or district policy.

#### APPEAL

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA (LOCAL), beginning at the appropriate level.

The complainant shall be informed of his or her right to file a complaint with the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or the United States Department of Education Office for Civil Rights.

#### **RETALIATION PROHIBITED**

Retaliation against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a district investigation regarding prohibited harassment is subject to appropriate discipline.

#### **ACCESS TO POLICY**

This policy shall be distributed annually to district employees. Copies of the policy shall be readily available at each campus and the district administrative offices.

### **Harassment of Students – Policies DH, DHB, FFG, FFH, FFI**

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse* [Policy [FFG \(Legal\)](#)] and *Bullying* [[Policy FFI](#)] for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

*Note: This policy addresses harassment of district students. For provisions regarding harassment of district employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG.*

The district prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, or religion.

Employees shall not tolerate harassment of students and shall make reports as required in REPORTING PROCEDURES, below.

#### SEXUAL HARASSMENT

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

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

Romantic or inappropriate social relationships (including solicitation of a romantic relationship) between students and district employees are prohibited. Any sexual relationship between a student and a district employee is always prohibited, even if consensual. [Policy [DHB \(LEGAL\)](#)]

“Solicitation of a romantic relationship” means deliberate or repeated acts that can be reasonably interpreted as solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behaviors, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence of a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications;
  - d. Whether the communications were made openly or secretly;
  - e. The extent that the educator attempts to conceal the communications;
  - f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or the appropriate school

- personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and
- g. Any other evidence tending to show the context of the communications between educator and student.
  2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.
  3. Making sexually demeaning comments to a student.
  4. Making comments about a student's potential sexual performance.
  5. Requesting details of a student's sexual history.
  6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.
  7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
  8. Inappropriate hugging, kissing, or excessive touching.
  9. Providing the student with drugs or alcohol.
  10. Violating written directives from school administrators regarding the educator's behavior toward a student.
  11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
  12. Any other acts tending to show that the educator solicited a romantic relationship with the student.

*19 TAC 249.3(51)*

Additional information can be found in [DHB \(LEGAL\)](#) AND [FFH \(LOCAL\)](#).

#### BY OTHERS

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

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

#### EXAMPLES

Examples of sexual harassment of a student may include, but are not limited to:

- sexual advances
- touching intimate body parts or coercing physical contact that is sexual in nature
- jokes or conversations of a sexual nature
- other sexually motivated conduct, communications, or contact.

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

#### OTHER PROHIBITED HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, gender, national origin, disability, or religion that is so severe, persistent, or pervasive that the conduct:

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

#### EXAMPLES

Examples of prohibited harassment may include, but are not limited to:

- offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation
- threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors
- physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes
- other types of aggressive conduct such as theft or damage to property.

#### REPORTING PROCEDURES

Any student who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to a teacher, counselor, principal, or another 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 an appropriate person designated below.

Any person who knows or believes that a student has experienced prohibited harassment should immediately report the alleged acts to the appropriate person designated below. Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]

#### TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the district's ability to investigate and address the harassment.

Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment to one of the district

officials below:

DISTRICT OFFICIALS - Policy [FFH \(Local & Exhibit\)](#)

1. For sexual harassment, the Title IX coordinator.
2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a principal shall immediately notify the appropriate district official listed above.

NOTICE TO PARENTS

The principal or district official shall promptly notify the parents of any student alleged to have experienced prohibited harassment by cases of student-to-student harassment. The district shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by district policy.

CONFIDENTIALITY

To the greatest extent possible, the district shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

INVESTIGATION OF THE REPORT

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

Upon receipt or notification of a report, the district official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by district policy. If so, the district official shall immediately authorize or undertake an investigation.

If appropriate, the district shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the district official or a designee, such as the campus principal, or by a third party designated by the district, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The district's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

#### CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the district official overseeing the investigation.

#### DISTRICT ACTION

If the results of an investigation indicate that a prohibited harassment occurred, the district shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

The district may take disciplinary action based on the results of an investigation even if the district concludes that the conduct did not rise to the level of harassment prohibited by law or district policy.

#### APPEAL

A student, including a complainant, may appeal through [ENG\(LOCAL\)](#), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

#### RETALIATION PROHIBITED

Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a district investigation regarding prohibited harassment is subject to appropriate discipline.

#### RECORDS RETENTION

Retention of records shall be in accordance with [CPC \(LOCAL\)](#).

#### ACCESS TO POLICY

Information regarding this policy shall be distributed annually to district employees and included in the student handbook. Copies of this policy shall be readily available at each campus and the district's administrative offices.

### **Reporting Suspected Child Abuse - Policies DG, FFG, GRA**

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §26.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that

led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

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

Reports to Child Protective Services can be made to <https://www.txabusehotline.org/Login/Default.aspx> or by calling the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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

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

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

### **Sexual Abuse and Maltreatment of Children**

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed online at [www.wallerisd.net](http://www.wallerisd.net). As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who has reasonable cause to believe 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 following the procedures described above in *Reporting Suspected Child Abuse*.



## **Reporting Crime – Policy DG**

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

## **Technology Resources – Policy CQ**

The district's technology resources, including its networks, computer systems, email accounts, devices connected to its networks, and all district-owned devices used on or off school property, 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 a student's academic performance

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

Employees are required to abide by the provisions of the district's acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Director of Technology.

## **Personal Use of Electronic Communications – Policies CQ, DH**

Electronic communications includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications also include 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 communications as they are for any other public conduct. If an employee's use of electronic communications 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 communications 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 limit the use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, 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 email addresses. [See Policy GBA]
- Copyright law [See Policy CY]
- Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

### **Use of WISD Electronic Communication Systems on Personal Devices** **MONITORING**

A person utilizing the Waller ISD POP or SMTP mail service on their personal device may be subject to an open records request.

### **USER RESPONSIBILITY**

Waller ISD Technology Services must be notified immediately when a personal device accessing the SMTP or POP service may have been lost, or stolen.

- To report a lost or stolen personal device, call the Waller ISD Technology Services at (936) 931-0313.

- The user is responsible for removing Waller ISD email information before switching to a new phone.

#### WALLER ISD LIMIT OF LIABILITY

Waller ISD Technology Services will only provide the necessary information to set up POP & SMTP mail service, but it is the user's sole responsibility to set up and maintain their personal device. Waller ISD Technology Services will not provide troubleshooting and/or technical support for personal devices.

### **Electronic Communications between Employees & Students – Policy DH**

A certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or e-mail address.

An employee is not subject to provisions regarding electronic communications with a student 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. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgment by the parent that:

- The employee has provided the parent with a copy of this protocol
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation, and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

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

- *Electronic communications* mean any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mail, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *Communicate* means to convey information and includes 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 communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- 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. An employee who communicates with a student using text messaging shall comply with the following protocol:
  - The employee shall include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
  - The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
  - For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee's district e-mail address.
- 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 the administration and parents to access the employee's professional page.
- The employee shall not communicate directly with any student between the hours of 9:00 p.m. 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 Texas Educators' Code of Ethics 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 [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DHB]
- 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 one or more currently- enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, 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.
- An employee shall notify his or her supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

### **Public Information on Private Devices – Policy DH, GB**

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

### **Criminal History Background Checks – Policy DBAA**

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

### **Employee Arrests and Convictions – Policy DH, DHB, DHC**

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor within (3) three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within (3) three days of any arrest, indictment, conviction, no contest or guilty plea, or other offense listed below:

- Crimes involving school property or funds.

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

Moral turpitude includes, but is not limited to, the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- 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 DUI)
- Acts constituting abuse under the Texas Family Code

If an educator is arrested or criminally charged, the superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

**Certified Employees:** The superintendent and directors are required to report the misconduct or criminal history of a certified employee or individual applying for certification or permit to the TEA Division of Educator Investigations. Information about misconduct or allegations of misconduct of a certified employee obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegation of misconduct include:

- Abused or otherwise committed an unlawful act with a student or minor.
- Possessed, transferred, sold, or distributed a controlled substance Illegally transferred, appropriated, or expended school property or funds.
- Attempted by fraudulent means to obtain or alter any certificate or permit to gain employment or additional compensation.
- Committed a criminal offense on school property or at a school-sponsored event, or
- Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

**Uncertified Employees:** Misconduct or criminal history of an uncertified employee must also be reported to TEA. Information about misconduct or the allegations of misconduct obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegation of misconduct include:

- Abused or unlawful act with a student or minor, or
- Involvement in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

## **Alcohol-and-Drug-Abuse Prevention – Policies DH, DI, DGBA, GKA**

Waller ISD is committed to maintaining an alcohol and drug-free environment and will not tolerate the use of alcohol or 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 Substance Act during working hours may be dismissed. The district's policy regarding employee drug abuse follows:

All district employees shall perform their duties in accordance with state and federal law, district policy, and ethical standards. [See DH (EXHIBIT)]

All district personnel shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the district.

Employees wishing to express concerns, complaints, or criticism shall do so through appropriate channels. [See DGBA]

### **SAFETY REQUIREMENTS**

All employees shall adhere to district safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

### **ALCOHOL AND DRUGS**

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

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 abuse of 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.

#### EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

#### NOTICE

Each employee shall be given a copy of the district's notice regarding drug-free schools. [See DI (EXHIBIT)]

### **Drug-Free Schools Requirements - Policy DH (Local)**

The district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace or as part of any of the district's activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. 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. [See policies [DH](#), [DHE](#), and [DI](#)] 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

As a condition of employment, an employee shall abide by the terms of this notice and notify the Superintendent, in writing, if the employee is convicted for a violation of a criminal drug statute occurring in the workplace. The employee must provide the notice in accordance with [DH \(LOCAL\)](#). This notice complies with the requirements of the federal Drug-Free Workplace Act (41 U.S.C. 702) and notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3224a and 34 CFR 86.201).

### **Tobacco Products and E-Cigarette Use – Policies DH, FNCD, GKA**

State law prohibits smoking, using tobacco products, or e-cigarettes on all district-owned property and at all school-related or school-sanctioned activities, on or off school property. 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 or using tobacco products or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.



## **Fraud and Financial Impropriety – Policy CAA**

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes, but is not limited to, the following:

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

## **Conflict of Interest – Policy CB, DBD**

Employees are required to disclose in writing to the district 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

Employees should contact their supervisor for additional information.

## **Gifts and Favors – Policy DBD**

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the

selection of textbooks, electronic textbooks, instructional materials, or technological equipment may result in the 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. [See policy [DBD \(Legal\) and \(Local\)](#)]

### **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.) Rented videotapes are to be used in the classroom for educational purposes only. Duplication or backups of computer programs and data must be made within the provisions of the purchase agreement. [See policy [CY \(Local\)](#)]

### **Associations and Political Activities – Policy DGA**

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

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

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

### **Charitable Contributions – Policy DG**

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

### **Safety and Security – Policy CK Series**

The district has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See *Emergencies* for more information.

Employees must follow established protocols and respond to emergencies for each

campus and department. Refer to written security procedures specific to your location and work area.

To prevent and minimize injuries to employees, co-workers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

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

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

Employees with questions or concerns relating to safety programs and issues can contact Jamie Woodall, Executive Director of Safety and Security.

### **Possession of Firearms and Weapons – Policies DH, FNCG, GKA**

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or another district-provided parking area, provided the handgun or firearm or ammunition is properly stored, unloaded, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their campus principal or department supervisor or call the Chief of Schools - Secondary or Chief of Schools - Elementary at (936) 931-3685 immediately.

### **Visitors in the Workplace – Policy GKC**

All visitors to the schools, including parents and Board members, are welcome to visit the campus; however, prominent notices shall be posted at each campus that all visitors must first report to the building's main office. Visits to individual classrooms during instructional time shall be permitted only with the principal's approval and with a one-day notice. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. 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.

## **Asbestos Management Plan – Policy CKA**

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

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

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located in the building's main office. Pest control information is available from campus principals or facility managers upon request.

## **Dress and Grooming for Employees – Policy DH (LOCAL)**

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

Waller Independent School District recognizes that educators are professionals who strive to be held in high esteem and seek to earn the respect from members of the learning community. Professional dress ensures a learning environment that is conducive to establishing high expectations in the pursuit of educational goals.

### Guidelines:

1. All district employees are role models and should dress accordingly to reflect good judgment and the high standards of the community. Apparel or grooming that has, or may have, an adverse impact on the educational process is not permitted.
2. The dress and grooming of district employees shall be professional, clean, neat, and appropriate for the job assignments.
3. Inappropriate attire is any item that causes a distraction to employees / students or creates an unsafe environment.
4. Consideration shall be given to staff member's content area assignment, grade level assignment, or special program assignment.
5. Personal dress or grooming should be safe in regard to working around machinery and equipment.
6. Professional dress for men includes dress slacks and collared shirts with appropriate shoes and socks.
7. Professional dress for women includes dresses, professional slacks/capris, or skirts with appropriate blouse/top and shoes.
8. Campus Principals / Department Supervisors have the option to

- schedule professionally casual spirit days or special event days.
9. All employees shall be required to wear an approved district identification badge in a manner easily visible to others.
  10. The Principals or Supervisors, in collaboration with their staff members, may set additional guidelines to meet the needs of the specific campus or building. Each employee needs to check with his / her Supervisor for specific dress/grooming codes.
  11. If specific concerns regarding an employee's dress, grooming, or appearance should arise, the employee's Supervisor will determine the appropriateness of the item in question.
  12. The Superintendent has final approval on all dress and grooming of employees.

#### 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, or guidelines may result in disciplinary action, including termination of employment.

# **General Procedures**

## **Emergencies – Policies CKC, CKD**

All employees should be familiar with the safety procedures for responding to emergencies, including medical emergencies, 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 the procedures for their use.

### Superintendent's Authority

The Superintendent shall have the authority to dismiss school for a part of a day or for longer periods of time, if necessary, in case of unusual or emergency situations. In the event such actions require the alteration of the annual school calendar, the Superintendent shall prepare recommendations to the Board for approval of a revised annual calendar as soon as practicable.

### Student Retained

During actual emergency conditions, students and faculty shall be retained at the school buildings unless otherwise directed by the Superintendent. Buses will not be made available for transportation until authorized by the Superintendent or a designee, and Civil Defense vehicles, ambulances, firefighting units, police, and other authorized vehicles shall have priority in the vicinity of the school.

### Evacuation Procedures

The Superintendent or a designee shall design and implement a system to familiarize employees and students with evacuation procedures and shall ensure that evacuation diagrams are appropriately posted.

### Drills

Principals and building supervisors shall conduct fire, tornado, or other emergency drills designed to assure the orderly movement of students and/or personnel and visitors (*if applicable*) to the safest areas available.

## **Purchasing Procedures – Policy CH**

All requisitions for purchases must be submitted via Skyward. Once all reviews and approvals have occurred, an official district purchase order (PO) will be issued by the Business Services Department. No purchases, charges, or commitments to buy goods or services for the district can be made without an approved PO. The district will not reimburse employees or assume responsibility for purchases made without prior authorization and a purchase order. Employees are not permitted to purchase supplies or equipment for personal use through the district. Contact the Business Services Department for additional information on purchasing procedures.

## **Name and Address Changes**

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

## **Personnel Records – Policies DBA, GBA**

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

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

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

## **Facility Use – Policies DGA, GKD**

The Waller ISD Board of Trustees permits public use of designated school facilities for educational, recreational, civic, or social activities when these activities do not conflict with school use or with Waller ISD Policy [see [GKD \(LOCAL\)](#)].

The campus principal and/or the Chief of Schools - Secondary are responsible and authorized to approve/schedule the use of campus facilities for after-school hours. The Superintendent and/or the Chief of Schools - Secondary is authorized to approve the use of other district facilities. Contact the campus secretary or the administration office to request to use school facilities and to obtain information on the fee charged.

# Termination of Employment

## Resignations – Policy DFE, DHB

### Contract Employees

Contract employees may resign their position without penalty at the end of any 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 or other persons designated by the Board of Trustees, which includes the Chief Human Resources Officer and Director of Human Resources. Supervisors who have not been designated by the Board of Trustees to accept resignations shall instruct the employee to submit the resignation to the Superintendent or other person(s) designated by Board action.

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 (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency*. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

In considering the problems created by personnel inappropriately vacating positions and breaking contracts, it is important to note the circumstances in which the district would consider a release from a contract to be appropriate after the statutory deadline. These include the following:

1. Mutual consent arrangement whereby the district and the employee reach the conclusion that resignation and release are mutually beneficial;
2. Situations involving a spouse's job transfer or relocation from the area; and
3. Personal reasons, which almost always involve sensitive personal problems (e.g., emotional conditions, mental stability, and/or related physical problems).

The district retains the flexibility to work with these situations with the knowledge that the Board of Trustees will support the administrator's judgment as they consider the best interests of students. The timing of the district's acceptance of these resignations will coincide with the availability of an acceptable replacement whenever possible.

### Non-Contract Employees

Non-contract employees may resign from their positions at any time. A written notice of resignation should be submitted to the campus principal or department supervisor at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.



## **Dismissal or Non-Renewal of Contract Employees – Policy DF Series, DHB**

Employees on probationary or term contracts can be dismissed during the school year or non-renewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or non-renewal occurs will be provided when written notice is given to an employee.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency*. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees on the district website.

## **Dismissal of Non-Contract Employees – Policy DCD**

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, 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 *Complaints and Grievances* for more information.

## **Exit Interviews and Procedures**

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

All district keys, books, property including intellectual property, and equipment must be returned upon separation from employment. The district may withhold the cost of any unreturned items from the final paycheck.

## **Reports to Texas Education Agency – Policy DF, DHB**

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

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

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

## **Reports Concerning Court-Ordered Withholding**

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

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

# **Student Issues**

## **Equal Educational Opportunities – Policies FB, FFH**

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

Questions or concerns about discrimination of students on any basis listed above should be addressed to the Chief of Secondary Schools, who serves as the district's Title IX coordinator for Waller ISD.

## **Student Records – Policy FL**

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

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

The student 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.

## **Parent and Student Complaints – Policy FNG**

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

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

## **Administering Medication to Students – Policy FFAC**

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the administration of medication for respiratory distress, medication for anaphylaxis (e.g., EpiPen®), opioid antagonists, and medication for diabetes management, if the medication is 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.

## **Dietary Supplements – Policies DH, FFAC**

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

## **Psychotropic Drugs – Policy FFAC**

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

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

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

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

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

## **Student Attendance – Policy FEB**

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent

before they are allowed to leave campus. When absent from school, the student, upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

### **Bullying – Policy FFI**

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to the campus principal or a campus administrator. Moreover, any district employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the campus principal or a campus administrator. The district prohibits bullying as defined by Policy FFI. Policy FFI includes definitions and procedures for reporting and investigating bullying of students and may be found in Waller ISD's Board Policies online at [www.wallerisd.net](http://www.wallerisd.net).

### **Hazing – Policy FNCC**

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.

# Appendix

TEC Sec 21.204(d) requires districts to provide each teacher and administrator employed by term contract with a copy of their contract, and upon request, a copy of the district's employment policies. The following employment policies and the entire Waller ISD Board Policy Manual are available by accessing the Waller ISD web site at [www.wallerisd.net](http://www.wallerisd.net).

The following is a recommended list of employment policies, including (Legal) and (Local) policies and exhibits, to be distributed:

- DA Series – Equal Employment Opportunity and Genetic Nondiscrimination
- DBAA – Criminal History and Credit Reports
- DBD – Conflict of Interest
- DBF – Non-school Employee
- DC Series – Employment Practices
- DCB – Term Contracts
- DEA Series – Salaries and Wages; Incentives and Stipends
- DEC Series – Leaves and Absences
- DF – Termination of Employment
- DFA Series – Termination of or Return to Probationary Contract
- DFB Series – Termination of Term Contracts
- DFD – Hearings before Hearing Examiner
- DFE – Resignations
- DFF Series – Reduction in Force
- DG – Employee Right and Privileges
- DGBA – Employee Complaints
- DH – Employee Standards of Conduct
- DHE – Searches and Drug/Alcohol Testing
- DI – Employee Welfare
- DIA – Freedom from Discrimination, Harassment, and Retaliation
- DK – Assignments and Schedules
- DN Series – Performance Appraisal