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## Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Employees are responsible for making themselves aware of all their rights under Board policies. Not all district policies and procedures are included in this handbook. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Human Resource Office.

This handbook is neither a contract nor a substitute for the official district policy manual. It does not nor is it intended to alter the at-will status of the employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures. District policies and procedures can change at any time. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the Human Resource office. **Policies are available on-line at: <http://www.tasb.org/policy/pol/private/181906/>. Employment policies are posted on the District website: [www.woccisd.net](http://www.woccisd.net) and the Public folder of our e-mail system.**

### Helpful contacts

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed below:

Superintendent	882-5500
Executive Director of Educational Services	882-5555
Executive Director of Human Resources	882-5610
Director of Finance Operations	882-5444
Payroll	882-5460
Insurance	882-5611
Maintenance	882-5550

### School directory

North ELC	882-5434
801 Cordrey	
Anderson Elementary	882-5424
902 W. Park	
Oates Elementary	882-5540
900 Newton	
WOS Middle	882-5520
500 N. 13 <sup>th</sup> St.	
WOS High School	882-5570
1400 Newton	

**West Orange-Cove CISD Employee handbook receipt**

Name \_\_\_\_\_

Campus/department \_\_\_\_\_

I hereby acknowledge receipt of a copy of the WOCCISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy.

**Access the district web site: [www.woccisd.net](http://www.woccisd.net), then click District Links, then In-district links, to Human Resource-Employee Handbook**

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing according to the instructions provided.
- I choose to receive a hard copy of the employee handbook.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this booklet. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook. I understand that I have an obligation to inform my supervisor or department head of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the principal if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: You have been given two copies of this form. Please sign and date one and keep it. Sign and date the other copy and forward it to the Principal.

---

**CATASTROPHIC SICK LEAVE BANK MEMBERS**

(Please print or Type):

Full Name: \_\_\_\_\_ Employee # \_\_\_\_\_

Campus/Department: \_\_\_\_\_ Position: \_\_\_\_\_

**CHECK ONE:**

- I am requesting **NEW** membership in the Catastrophic Sick Leave Bank. In so doing I authorize the contribution of one (1) of my LOCAL sick leave days to the District Catastrophic Sick Leave Bank. I am a full-time employee of the West Orange-Cove CISD. I am aware that my one (1) day contribution is refundable only as a return of dividend as described in the CSLB guidelines and declared by the Committee.
- I am requesting **CONTINUING** membership in the Catastrophic Sick Leave Bank. In so doing I authorize the contribution of one (1) of my LOCAL sick leave days to the District Catastrophic Sick Leave Bank unless a dividend is declared by EBAC. I am a full-time employee of the West Orange-Cove CISD. I am aware that my one (1) day contribution is refundable only as a return of dividend as described in the CSLB guidelines and declared by the Committee.
- I am requesting that my membership in the Catastrophic Sick Leave Bank be **DISCONTINUED**.
- I am **DECLINING** membership in the Catastrophic Sick Leave Bank.

Signature \_\_\_\_\_ Date \_\_\_\_\_

I understand that, according to the guidelines of the CSLB, my membership will be carried forward and one (1) local sick leave day will be deducted unless I discontinue it, in writing, during the enrollment period.

**The enrollment period for the catastrophic sick leave bank begins on the first working day of July and concludes with the end of the last working day of August. Membership applications must be returned to the Human Resource Office no later than that date.**

**Note: This handbook includes two copies of this form. Please sign and date one and keep it in the handbook. Sign and date the second copy then turn in to the organizational manager's office. They will forward all forms to the Human Resource Office.**

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## District information

*WEST ORANGE - COVE CISD*

### *OUR SHARED VISION*



#### **OUR STUDENTS:**

Graduate as well educated decision-makers with a positive vision of themselves and their futures.

Recognize, respect, and honor the strength and value of cultural diversity.

Are responsible, productive citizens who are accountable for their actions and demonstrate strong work ethics.

Are enthusiastic learners who work well independently and as team members.

Demonstrate pride in their school and community.

#### **WO-C OFFERS A LEARNING ENVIRONMENT**

##### **THAT:**

Fosters learning through highly dedicated and qualified staff members, who support one another in meeting the diverse needs of all students.

Models leadership and skills for success to become positive contributors to society.

Promotes a partnership between parents and educators to provide a quality education in a safe, nurturing environment.

Challenges students to succeed, using a broad-based rigorous curriculum.

Integrates modern technology with curriculum to maximize learning.

#### **IN OUR SUPPORTING ENVIRONMENT:**

We are proud of our diverse, high performing community that sets the standards of excellence.

Our businesses, district, and community work together as full partners and provide the resources necessary for a quality education for all.



*WEST ORANGE-COVE CISD IS THE DISTRICT OF CHOICE!*

## Mission statement, goals, and objectives

Policy AE

### West Orange-Cove CISD BOARD OF TRUSTEES

#### DISTRICT GOALS ~~2008-2009~~ 2009-2010

##### *Mission Statement*

The mission of the West Orange Cove Consolidated Independent School District, as a progressive multicultural community, is to graduate students able to reach their potential and excel in a diverse society as productive, responsible citizens by utilizing an innovative curriculum, outstanding facilities, patrons' special talents and unique business/industry partnerships.

#### Encompassing Goal

- We will provide a quality instructional program that meets the needs of all students and ensures continuous improvement.
- We will provide students and staff with facilities and services that are safe and conducive to an orderly, positive, and disciplined learning environment.
- We will foster good stewardship of financial resources.
- We will involve our community and encourage their support in the implementation of our District's mission and goals.

*Achieve the academic indicators of the Texas Education Agency for educational excellence ensuring that curriculum is aligned with Texas Essential Knowledge and Skills*

1. Increase TAKS scores at all levels
2. Increase TAKS performance closing the gap for identified subgroups as a part of No Child Left Behind federal legislation
3. Increase the number of students taking dual credit courses at Lamar State College
4. Implement a district-wide common reading list at grades 6-12
5. Implement an early high school experience for grades 7 and 8
6. Increase student participation in college entrance testing
7. Work to remove barriers to student achievement and psycho-social development that includes enlisting state agency services for every campus
8. Begin instruction in a World Language in Grades K-5

##### *School Climate and Professional Development*

9. Maintain good order and discipline in the schools
10. Improve facilities for aesthetics, safety and function
11. Develop a Superintendent's Leadership team that includes campus principals

##### *Accountability to Community*

12. Build a laser focus on instruction to benefit students and teachers
13. Better communicate excellence to our community, staff and students
14. Seek to bring honor, civility and a professional spirit to all we do at all levels including Board of Trustees, staff and students
15. Work to re-invigorate the band program at the high school and middle school levels to include increased participation, jazz band and excellent marching band
16. Seek private funding sources to assist students in participation of a senior year in college program
17. Increase the numbers of graduates going to post-secondary education: university, technical school and military
18. Focus on the development in our students of character, a system of personal ethics and a sense of obligatory service to our fellow man

## **Board of trustees**

*Policies BA, BB, BD, BE*

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 curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, facilities, and expansions. The board has complete and final control over school matters within limits established by law and State Board of Education rules.

The board of trustees is elected by the citizens of the district to ensure a strong educational program for the district's children. Trustees are elected every year and serve three-year terms. Trustees serve without compensation, must be registered voters, and must reside in the district.

Board members:

Pete Amy, President  
Eric Mitchell, Vice President  
Ricky Jacobs, Secretary  
Harry Barclay  
Vincent Bottley  
Nancy Byers  
Mary Fontenot Hardin

The board usually meets the last Monday of each month. In the event that large attendance is anticipated, the board may meet at Anderson Elementary. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted in the lobby of the Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with two hours notice.

All meetings are open to the public. Under the following circumstances, Texas law permits the Board to go into a closed session to discuss *among other subjects, receiving* 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 pending litigation.



# Employment

## Equal employment opportunity

*Policies DAA, DIA*

The West Orange-Cove Consolidated Independent School District does not discriminate against any employee or applicant for employment because of race, religion, gender, age, national origin, disability, military status, **genetic information**, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. West Orange-Cove CISD actively seeks minority applicants for employment.

Employees with questions or concerns relating to discrimination on any of the bases listed above should contact Margaret Duchamp, Executive Director of Human Resources 882-5610.

## Employment after Retirement

*Policy DPB*

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.state.tx.us](http://www.trs.state.tx.us)).

## Job vacancy announcements

*Policy DC*

Announcements of job vacancies by position and location are distributed to each organizational site to be posted in a designated area and posted at the central administration building. Professional positions are listed on the district Web Site ([www.woccisd.net](http://www.woccisd.net))

## Contract and noncontract employment

*Policies DC, DCA, DCB, DCC, DCE, DCD*

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

**Probationary contracts.** All full-time, professional employees employed in positions requiring certification and nurses who are new to the district are employed under probationary contract during their first year of employment. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district is one year. For those with less experience, the probationary period shall be three years, with an optional fourth year if the district has doubts about whether a term contract should be given.

**Term contracts.** Full-time teachers and professionals employed in positions requiring certification and nurses, who have successfully completed the probationary period, will be employed by term contract. Campus principals and central office administrators are employed under term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract and **information about District employment policies; copy provided upon request.**

**Noncertified professional and administrative employees.** Employees in professional and administrative positions that do not require SBEC certification are employed by a contract that is not subject to the procedures 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.

## Searches and alcohol and drug testing

*Policy DHE*

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

The purpose of alcohol and drug testing is to ensure safety and prevent accidents and injuries resulting from the misuse of alcohol and drugs by drivers of commercial motor vehicles. Any employee who is required to have a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if they perform driving services.

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

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

questions or concerns relating to alcohol and drug policies and related educational material should contact their immediate supervisor, the Executive Director of Human Resources or the Superintendent.

## **First Aid, CPR, and AED certification 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 in first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED), **and extracurricular athletic activity safety**. Certification must be issued by the American Red Cross, the American Heart Association, **University Interscholastic League**, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to their building principal.

## **Reassignments**

*Policy DK*

All personnel are subject to assignment and reassignment by the superintendent when the superintendent determines that the assignment or reassignment is in the best interest of the district. Reassignment is a move 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. When reassignments are due to enrollment shifts or program changes, the superintendent has final placement authority. 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).

Employees with the required qualifications for a position may request a reassignment to another campus or department. A written request for reassignment must be completed and signed by the employee and the employee's supervisor. Teachers requesting a reassignment to another campus before the school year begins must submit their request by May 31. Requests for reassignment during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All reassignment requests will be coordinated by the Human Resource Office and must be approved by the receiving supervisor.

## **Workload and work schedules**

*Policies DL, DEA*

**Professional employees.** Professional **employees** and **academic** 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 required days of service and scheduled holidays will be distributed each school year.

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

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

## **Notification of to parents regarding certification status**

*Policies DBA, DK*

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

Texas law requires that parents be notified if their child is assigned a teacher for more than 30 consecutive instructional days who does not hold an appropriate teaching certificate. Inappropriately certified or uncertified teachers include individuals **servicing with on** an emergency permit (including individuals waiting to take the TExES exam) or individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status may call Human Resources at 882-5610.

## **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. The Superintendent will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest. An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

## **Performance Evaluation**

*Policies DN, DNA, DNB*

Evaluation of an employee's job performance should be a continual 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 can also be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

A teacher may make a written request for a second appraisal after receiving a written observation summary with which the teacher disagrees: and/or after receiving a written summative annual appraisal report with which the teacher disagrees. This request must be

addressed to the principal of the campus where he or she is employed. A copy of this request must be submitted to the Executive Director of Human Resources. The second appraisal must be requested within 10 days of receiving a written observation summary or a written summative annual appraisal report. At the discretion of the appraiser, the time period may be extended to 15 working days.

Upon a teacher's request for a second appraisal, the Executive Director of Educational Services shall select the second appraiser from a pre-established roster of trained appraisers. All second appraisals shall be conducted prior to March 1 of any school year, unless there are extenuating circumstances.

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required. The second appraiser shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains. 19TAC 150.1005(e)(f)

## Employee involvement

*Policies BQA, BQB*

At both the campus and district levels, West Orange-Cove CISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's decision-making process, employees may either be asked or 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 Executive Director for Educational Services.

## Staff development

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development is predominantly campus-based, related to achieving campus performance objectives, and developed and approved by district- and campus-level advisory committees.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours for renewal of their certificate and providing the renewed certificate to Human Resource. Teachers are responsible for maintaining appropriate documentation of certification trainings.

## Compensation and Benefits

### Salaries, wages, and stipends

*Policies DEA, DEAA*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional ~~and administrative~~ employees ~~and academic administrators~~ are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 hours in a work week. (See Overtime Compensation, page 12)

Salaries and wages are reviewed on an annual basis and adjusted according to the budgeted amounts approved by the board. All employees will receive written notice of their pay each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

In order for a certified employee to receive an additional salary increment for additional college hours towards an advanced degree or advanced certificate the hours or degree must be earned from colleges or universities that are either approved by TEA for teacher education programs or otherwise recognized by TEA for public school professional employment purposes.

Salary adjustments shall be made upon filing with the Human Resource office the verification of completion of additional college hours or an advanced degree. Salary adjustments for an advanced degree shall be effective on the employee's first workday after the requirements for the degree were completed but shall not be made retroactive beyond the date of notification.

Employees should contact the Human Resource Office for more information about the district's pay schedules or their own pay.

### Annualized compensation

*Policy DEA*

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

### Paychecks

All employees are paid according to the payroll calendar. During the school year, paychecks are either electronically deposited or delivered to each campus. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. During summer breaks, paychecks will be electronically deposited or distributed according to the employee's written request.

An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated.

## Automatic payroll deposit

The district offers employees electronic direct deposit. Employees can have their paychecks directly deposited into their account at any bank, credit union, or saving & loan. **A notification period of one (1) month is necessary to activate this service.** With direct deposit, an employee's paycheck is immediately available on the pay date. Contact Payroll for more information about the direct payroll deposit option.

## Payroll deductions

*Policy CFEA*

Automatic payroll deductions for the Texas Teacher Retirement System (TRS) and federal income tax **are required for all full-time employees.** Medicare tax deductions are required for all employees hired after March 31, 1986. Temporary and part-time employees who are not eligible for TRS membership must have contributions deducted for the Social Security Alternative Plan under the IRS Code section 457.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, and life insurance; annuities. Employees may also request payroll deduction for payment of membership dues to professional organizations and United Way. Salary deductions are automatically made for unauthorized or unpaid leave.

## Overtime compensation

*Policy DEA*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and some paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.

Overtime is legally defined as all hours worked in excess of 40 hours in a work week and is not measured by the day or by the employee's regular work schedule. Employees who must work beyond their normal schedule but less than 40 hours per week will be compensated in straight-time pay or compensatory time off. Employees must work more than 40 total hours in a work week to earn overtime compensation.

For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Sunday and ends at 12:00 p.m. Saturday. Employees may be compensated for overtime at time-and-a-half rate with compensatory time off or direct pay. Weekly time sheets will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## Travel expense reimbursement

*Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule authorized by the board of trustees and the Internal Revenue Service. Employees must submit receipts to be reimbursed for expenses other than mileage.

## 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. TRS **retirees who are enrolled in TRS-Care (retiree health insurance program)** and employees who are not contributing TRS members that are regularly scheduled to work less than 10 hours per week are not eligible to participate in TRS-ActiveCare. Group health insurance coverage is available to full-time employees through TRS Active Care. Dental and life insurance coverage is available for employees to purchase. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees at time of enrollment.

New employees must complete enrollment forms upon employment to become eligible for TRS insurance. Employees should contact the Human Resource Office at 882-5611 for more information.

## Supplemental insurance benefits

*Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the Human Resource Office at 882-5610 for more information.

## Cafeteria plan benefits (Section 125)

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

New employees must accept or decline participation during their first month of employment. All employees must accept or decline participation annually.

## 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 site supervisor and the Insurance Office. Employees who are unable to work due to a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

## 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 Resource Office, 882-5610.

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

## Teacher retirement

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

Employees who plan to retire under TRS should notify the Superintendent as soon as possible. Information on the application procedures for TRS benefits is available by calling 1-800-223-8778 or 512-397-6400. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698. Related information "Employment after Retirement", p.9

## Leaves and Absences

*Policy 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 long leaves of absence should call the Human Resource Office for information about leave options, continuation of benefits, and communicating with the district.

**Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district as they were when they were working. The district does not make benefit contributions for employees who are on unpaid leave.**

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than five (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 fitness to return to work.

Personal and local sick leave is earned on a one-half day for each 18 workdays of employment. Leave is available for the employee's use on the first reporting day of the new school year. If an employee leaves the district before the end of the work year, the cost of any unearned leave days shall be deducted from the employee's final paycheck.

**Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health Insurance for employees on paid leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.**

## State Personal leave

State law requires that all employees receive up to five (5) days of paid personal leave per year. Personal leave is earned at a rate of one-half day for each 18 workdays of employment. 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. There are two types of personal leave: nondiscretionary and discretionary.

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

**Discretionary.** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request five (5) days in advance of the anticipated absence to his or her principal or supervisor. **The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.** Discretionary personal leave will be granted on a first-come, first-served basis and will be subject to the following limitations:

-Discretionary leave may not be taken for more than three consecutive work days, except with special approval by the superintendent for extenuating circumstances.

-Discretionary leave may not be taken on the following key days:

- 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 TAKS tests
- professional or staff development days

## Sick leave

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

**State** sick leave may be used for the following reasons only:



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

## Local leave

See Policy DEC(Local)

All regularly employed persons shall be entitled to local sick leave equal to one day per month of employment minus those days provided under state personal leave. For example, employees in positions requiring ten months shall earn five days of local sick leave, employees in positions requiring eleven months shall earn six (6) days, and employees in positions requiring twelve months shall earn seven days. This leave shall be earned concurrently with state personal leave.

Local sick leave shall accumulate without limit beginning the first day of service. Local sick leave shall be taken with no loss of pay.

Employees who are not on FMLA and are absent for more than 30 days taken as local leave or extended sick leave must submit a medical certification justifying the need for additional local leave every 30 days. The district may send an employee who is not on FMLA leave to a physician for a second medical opinion after the leave has exceeded 45 days in any school year. The District shall select the medical provider to provide the second medical opinion and shall pay for costs associated with the examination.

Failure to provide required certification as set forth in this policy may warrant the leave being denied and/or employment action including termination.

## Local Personal Leave

A total of three equivalent workdays per year, accrued at the rate of one-half day for each calendar month worked up to the annual three-day maximum, shall be granted to each employee for personal matters that require absence during school hours.

Application must be submitted to the principal or immediate supervisor for approval at least five workdays before taking such leave, except in cases of emergency. These days 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 TAKS tests, or professional or staff development days. Exceptions to this must be cleared through the Superintendent's office.

## Extended Sick Leave

An employee who has exhausted all state and local sick and personal leave benefits may be granted by the Superintendent up to 45 equivalent workdays of extended sick leave in the event of an extended absence due to personal illness or accident. The leave request must be accompanied by a physician's statement confirming the employee's inability to work, the date upon which the employee has requested the leave begin, and the probable date of the employee's return. The Superintendent may grant the first request of extended leave without a waiting period. Any subsequent requests may be granted by the Superintendent after the employee has been absent for 10 consecutive days.

Certified personnel salaries shall be reduced by an amount equal to the minimum **cost of a long-term teacher substitute (\$75) teacher pay**. Auxiliary personnel salaries shall be reduced by an amount equal to one-half day's salary not to exceed that established by the prevailing substitute salary schedule.

Employees who are not on FMLA and are absent for more than 30 days taken as local leave or extended sick leave must submit a medical certification justifying the need for additional local leave every 30 days. The district may send an employee who is not on FMLA leave to a physician for a second medical opinion after the leave has exceeded 45 days in any school year. The District shall select the medical provider to provide the second medical opinion and shall pay for costs associated with the examination.

Failure to provide required certification as set forth in this policy may warrant the leave being denied and/or employment action including termination.

For full-time employees, if the illness or accident results in absences beyond the 45 equivalent workdays, a leave for temporary disability, if applicable, may be requested as provided for in this policy. See TEMPORARY DISABILITY, below.

Extended sick leave days shall not be subject to the workers' compensation offset provision found in this policy.

## Temporary disability

The maximum length of temporary disability leave for all full-time employees shall be 180 calendar days. The Superintendent shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent in consultation with the physician who has performed the medical exam, the employee's condition interferes with the performance of regular duties. The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave, if applicable.

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

leave involuntarily. **Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule.**

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

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

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

## **CATASTROPHIC SICK LEAVE BANK GUIDELINES**

The Catastrophic Sick Leave Bank is a pool of local sick leave days established on a voluntary basis by full-time District staff members to be used by any member of the Bank who suffers a catastrophic personal illness which extends beyond their own accumulated sick leave and personal leave.

### Definition:

A Catastrophic injury or illness is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee. For clarification, a licensed practitioner is a practitioner, as defined in the Texas Insurance Code, Article 370-2 who is practicing within the scope of his or her license.

For additional guidance in determining the seriousness of the injury or illness, the Committee may utilize the Outlier Threshold numbers of the list of Diagnosis Related Groups (DRGS) as published in the Federal Register (Vol. 55, No. 171) and/or the District's insurance company.

### **I. Administering the Catastrophic Sick Leave Bank**

- The Catastrophic Sick Leave Bank shall be administered by the Employee Benefit Advisory Committee (EBAC) representing teachers, administrators, paraprofessional and hourly staff members.
- The EBAC shall have the responsibility of approving membership, receiving requests for use of the Bank, verifying the validity of requests, recommending approval or denial of the requests, and communicating its decision to members and to the Personnel Department.
- Members of the EBAC shall serve two-year staggered terms, with half being elected on alternate years.
- In order for the EBAC to make a decision on a request for use of the Catastrophic Sick Leave Bank, a quorum of seven (7) members shall be present.
- A simple majority vote shall be required for a request to be approved by EBAC. Four (4) members of the quorum of seven (7) will need to vote "yes" to grant days.
- The Executive Director of Human Resources shall be the non-voting chairperson of the EBAC whose role will be to provide continuity to the program.
- The seriousness of the "catastrophic illness or injury" shall be determined by the Committee utilizing the Guideline Definition, the physician's statement and the list of Diagnosis Related Groups.

### **II. Contributing to the Catastrophic Sick Leave Bank**

- All full-time employees of the District, who have one day of accumulated local sick leave as of the first day of their employment period for the current year, are eligible for initial membership in the Catastrophic Sick Leave Bank.
- To be a member of the Catastrophic Sick Leave Bank for one school year, a staff member shall contribute one (1) day of local sick leave during the enrollment period.

**The enrollment period for the catastrophic sick leave bank begins on the first working day of July and concludes with the end of the last working day of August. Membership applications must be returned no later than that date.**

- Membership in the Catastrophic Sick Leave Bank is carried forward from one year to the next unless written change is received during the enrollment period. Staff members shall be required to make a one-day contribution at the beginning of each school year in order to continue their membership in the Catastrophic Sick Leave Bank unless a dividend for the following school year has been declared.
- All unused sick leave days in the bank at the end of the school year (June 30) shall be carried over to the next school year. Once the bank has a 500 day balance on June 30, the EBAC will declare a dividend for all continuing members in the bank, i.e., members from the school year most recently ended shall be granted membership for the following school year without contribution of an additional local sick leave day. It is understood that employment with the WOCISD is required for membership. New personnel and personnel wishing to rejoin the bank after the absence of a year or more may do so by contributing one day of local sick leave during the enrollment period. (First working day in July through last working day in August)
- No Bank member shall be required, for purposes of maintaining status in the Catastrophic Sick Leave Bank, to contribute more sick leave days than other members. However, the EBAC shall have the authority to request additional days from current members if needed. If a current member does not donate to the emergency request, his/her ability to use the Bank is not affected.
- The contribution shall be made on the appropriate form by the staff member.
- Eligible staff members who do not elect to join the Catastrophic Sick Leave Bank at the first opportunity afforded to them in a school year will not be permitted to join the Bank until the subsequent annual open enrollment period.

### **III. Using the Catastrophic Sick Leave Bank**

- The use of the CSLB will be limited to the number of days in the CSLB or the number of days added to the CSLB following an emergency request by the EBAC.

- Members must use all of their available accrued sick leave and annual personal leave before receiving leave from the CSLB.
- The number of days granted per employee shall not exceed 100 days per 12 month period beginning on the first day of use of the Catastrophic Sick Leave Bank.
- Leave grants from the CSLB shall be in units of not more twenty-five (25) consecutive working days.
- If a Bank member does not use all of the days granted from the CSLB, the unused Catastrophic Sick Leave Bank days will be returned to the CSLB.
- Leave from the CSLB may not be used for disabilities which qualify the member for Worker's Compensation benefits.
- The EBAC shall review and forward to the Human Resources Office its decision on all requests to draw on the Catastrophic Sick Leave Bank within ten (10) working days after a request is received by the Human Resources Office.
- All forms for application for participation in the CSLB and use of sick leave bank days shall be available in the principal's/department head's office and the Personnel Department and shall be sent to any staff member at his/her request.
- The decision of the EBAC shall be final.

#### **IV. Filing Application for Catastrophic Sick Leave Bank Days**

- Applications for use of the CSLB shall be made on the required form and submitted to the EBAC through the Executive Director of Human Resources.
- All requests to draw upon the Catastrophic Sick Leave Bank must be accompanied by the Physician's Statement on the form provided by the district confirming the cause of illness or confinement and certifying the existence of a disability to perform assigned duties. The form must be personally signed by the physician.
- Each separate application for a grant from the Bank must include a new physician's statement on the appropriate Catastrophic Sick Leave Bank form.
- All requests to draw upon the CSLB shall be made within thirty (30) days of the staff member's diagnosis of illness/accident or use of his/her last sick leave day.
- In case a Bank member's illness prevents him/her from personally applying for a grant, his/her application may be submitted to the CSLB by his/her authorized agent or member of his/her family on his/her behalf.
- An applicant may submit a request for an extension of a CSLB leave grant before the original grant expires by using the regular Catastrophic Sick Leave Bank form accompanied by the newly signed Physician's Statement.

#### **V. Terminating Membership in the Catastrophic Sick Leave Bank**

A member of the Catastrophic Sick Leave Bank will lose the right to use the benefits of the Sick Leave Bank by:

- Termination of employment with the District
- Suspension without pay during the period of suspension
- Any abuse or misuse of the Rules of the Catastrophic Sick Leave Bank
- Change in status from full-time to part-time staff member

#### **VI. Maintaining Catastrophic Sick Leave Bank Records**

- Copies of all Catastrophic Sick Leave Bank Donations, Sick Leave Grant Requests or Catastrophic Sick Leave Bank Membership shall be marked for approval or denial by the EBAC. Following such action, the EBAC shall disperse copies of the forms to the Bank member and to the Executive Director of Human Resources.
- The Executive Director of Human Resources shall maintain all records regarding operation of the CSLB.
- The Executive Director of Human Resources shall report the status of the Catastrophic Sick Leave Bank at any time upon request of the EBAC Committee.
- The Executive Director of Human Resources shall provide information to the EBAC upon its request for any data maintained in the payroll files with regard to an applicant's use of or investment in the Catastrophic Sick Leave Bank.

## **Local leave donation program**

The Local Leave Donation Program is available to employees of the District as well as for illness of the employee's immediate family as defined in policy by the Family Medical Leave Act – FMLA.

Certified employees of the District are eligible for the Local Leave Donation Program. This leave benefit, under procedures developed by the Superintendent, allows certified employees who have accrued more than fifteen (15) days of local leave to transfer a designated number of their local leave days to another certified employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to less than fifteen (15) local days. The recipient of the days must be without any accrued leave for a minimum of fifteen (15) days prior to receiving donated days.

Donated days will be used for the recipient one at a time as needed. Any sick leave days donated and not used by the receiving employee shall be removed from the receiving employee upon his/her return to work.

Auxiliary employees of the District are eligible for the Local Leave Donation Program. This leave benefit, under procedures developed by the Superintendent, allows auxiliary employees who have accrued more than fifteen (15) days of local leave to transfer a designated number of their local leave days to another auxiliary employee who has exhausted all accrued leave and is authorized to receive the donation. The number of days donated shall not reduce the employee's local leave balance to less than fifteen (15) local days. The recipient of the days must be without any accrued leave for a minimum of fifteen (15) days prior to receiving donated days.

Any sick leave days donated and not used by the receiving employee shall be removed from the receiving employee upon his/her return to work.

## **Family and medical leave (FMLA)- general provisions**

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



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

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

**Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

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

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

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

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

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

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

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

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

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

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Unlawful Acts by Employers.** FMLA makes it unlawful for any employer to:

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

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

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

*FMLA section 109 (29 U.S.C. § 2619) required FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300 (a) may require additional disclosures.*

For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## Family and Medical leave **Local**

**Eligibility.** Employees who work in a district where there are at least 50 employees within a 75 mile radius, have been employed by the district for at least 12 months, and have worked at least 1,250 hours during that time are eligible for family and medical leave. Eligible employees can take up to 12 weeks of unpaid leave each year between July 1 and June 30. **for the following reasons:**

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

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

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

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

~~**Military service family leave.** An eligible employee is entitled to leave to care for an active duty military service member who incurs a serious illness or injury in the line of duty. The service member must be the employee's spouse, child, parent, or next to kin. An eligible employee may take up to 26 weeks on a one-time basis to provide care to a covered service member.~~

~~**Continuation of benefits and job restoration.** Eligible employees are entitled to continue their health care benefits under the same terms and conditions as when they were on the job and are entitled to return to their previous job or an equivalent job at the end of their leave. Under some circumstances, teachers who are able to return to work at or near the conclusion of a semester may be required to continue their leave until the end of the semester.~~

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

~~**Intermittent leave.** In some circumstances, employees may take family and medical leave in blocks of time or by reducing their normal weekly or daily work schedule. Intermittent leave may be taken under the following circumstances:~~

- ~~—To allow an employee to care for a seriously ill spouse, child, or parent~~
- ~~—When an employee requires medical treatment for a serious illness~~
- ~~—When an employee is seriously ill and unable to work~~
- ~~—When an employee becomes a parent or has a foster child placed in his or her home~~

~~**Requests for FMLA.** When the need for family and medical leave is foreseeable, employees must provide 30 days advance notice to the district. When the need for leave is not foreseeable, employees must contact the Human Resources Office as soon as possible. Employees may be required to provide the following:~~

- ~~• Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member~~
- ~~• Second or third medical opinions and periodic recertification of the need for leave~~
- ~~• Periodic reports during the leave regarding the employee's status and intent to return to work~~
- ~~• Medical certification from a qualified health care provider at the conclusion of leave of an employee's ability to perform the essential job functions~~
- ~~• Certification of the need for family military leave~~

~~The District may require a second certification (chosen and paid for by the employer). This second opinion cannot be obtained from a health care provider who is employed on a regular basis by the District. If the second opinion differs from the original certification, the District may require that the employee obtain a third opinion. This third opinion is considered final and binding on both the District and the employee.~~

~~Employees requiring family and medical leave should contact the Human Resource Office for details on eligibility, requirements, and limitations.~~

## Workers' compensation benefits

An employee receiving workers' compensation wage benefits for a job-related injury may use sick leave or any other leave benefit in conjunction with workers' compensation while recovering, except when the leave is classified as family and medical leave. While on workers' compensation leave, the district will pay the difference between the weekly income benefit and the employee's regular salary and charge available leave proportionately.

## Assault leave

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. **An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.** An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave or counted against the employee's family and medical leave entitlement, 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.**

## Jury duty

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service.

## Other court appearances

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

## Reimbursement at retirement

Upon retirement with the District, a professional employee with a minimum of 10 years of service will receive a payout benefit of \$100 per day for local sick leave and state leave. A professional employee, resigning after a minimum of 10 years with the District, will receive a payout benefit of \$50 per day for local sick leave.

Upon retirement with the District, an auxiliary employee with a minimum of 10 years of service will receive a payout benefit of \$50 per day for local sick leave and state leave. An auxiliary employee resigning after a minimum of 10 years with the District will receive a payout benefit of \$25 per day for local sick leave.

## Military leave

**Paid leave for military service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserves component of the United States Armed Forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days each federal fiscal year (October 1-September 30). In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after military leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the same position they previously held or reassigned to a position of similar seniority, status, and pay, provided they can be qualified to perform the required duties of the position. 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 to Human Resource.

**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 Human Resources Office for details on eligibility, requirements, and limitations.

## Employee Relations and Communications

### Employee recognition and appreciation

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

### District communications

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

# Complaints and grievances

## Policy DGBA

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time but may utilize the complaint process if so desired. Complaint forms are available at each site and may be obtained from the organizational manager. An employee, or a group of employees, may be represented in a complaint presentation at any level through an attorney or through any other person or organization that does not claim the right to strike.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring complaints to the Board of Trustees.

West Orange-Cove CISD  
181906

PERSONNEL-MANAGEMENT RELATIONS:  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

### GUIDING PRINCIPLES

INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
DIRECT COMMUNICATION WITH BOARD MEMBERS	<p>Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.</p>
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.</p>
NOTICE TO EMPLOYEES	<p>The District shall inform employees of this policy.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
WHISTLEBLOWER COMPLAINTS	<p>Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Three. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]</p>
COMPLAINTS AGAINST SUPERVISORS	<p>Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.</p>
COMPLAINTS	<p>In this policy, the terms "complaint" and "grievance" shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.</p>
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none"><li>1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]</li><li>2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]</li><li>3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]</li><li>4. Complaints concerning instructional materials. [See EFA]</li><li>5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]</li><li>6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]</li><li>7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education</li></ol>

## GENERAL PROVISIONS

**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 or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

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

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

**REPRESENTATIVE** "Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process. The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

**CONSOLIDATING COMPLAINTS** Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not 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 from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

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

**COMPLAINT 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 by the employee 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 refiled with all the required information if the refiling 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 Three following the procedure, including deadlines, for filing the complaint form at Level One.

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

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

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

## LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the executive director of human resources 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 in reaching the Level One decision.

The Level Two administrator 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 Level Two administrator may set reasonable time limits for the conference.

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

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

## LEVEL THREE

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

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

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

The Level Two record shall include:

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

The Level Three administrator 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 Three appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information

provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

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

If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee shall deliver the appeal notice to the Superintendent's secretary for filing with the Board. [See BE]

#### LEVEL FOUR

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

Following receipt of the appeal notice and a determination that time lines have been met, the Board President shall furnish a copy of the appeal notice to each Trustee.

At a future Board meeting, the Board shall examine the written grievance in closed meeting unless otherwise required by the Open Meetings Act, with neither the grievant nor the grievant's representative, nor the person or persons complained of in the grievance, present. The Board shall make a determination as to whether the grievance as presented merits a hearing. If the Board determines that the grievance is not meritorious, the grievant shall be so informed in writing by the Board President within seven days following that meeting. The decision of the Superintendent with respect to the grievance shall then be final.

If the Board determines that the grievance as presented merits a hearing, the Board President shall inform the grievant of the date, time, and place of such hearing. The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

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

The Level Three record shall include:

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

If at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

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

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

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

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Update 83  
DGBA(LOCAL)-X

## Standards of conduct

### *Policy DH*

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 and maintain confidentiality in all matters relating to students and coworkers.

- Report to work according to the assigned schedule.
- Notify their immediate supervisor as early as possible (preferably in advance) in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, and tardiness may be cause for disciplinary action.
- Know and comply with department and district procedures and policies.
- 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.
- Express concerns, complaints, or criticism through appropriate channels.

All employees, as public servants, must follow the Code of Ethics and Standard Practices for Texas Educators, which is reprinted below:

## Code of Ethics and Standard Practices for Texas Educators

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

### 1. Professional Ethical Conduct, Practices, and Performance.

Standard 1.1. The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

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, 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 applicable 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.

### 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, sex, disability, or family status.

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 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 knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

Standard 3.3. The educator shall not deliberately or knowingly 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, sex, disability, national origin, religion, or family status.

Standard 3.5. The educator shall not engage in physical mistreatment of a student.

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

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

DATE ISSUED: 12/2/2002

UPDATE 69

DH(EXHIBIT)-P

## Discrimination, Harassment, and Retaliation

*Policies DH, DIA*

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

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

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

West Orange-Cove CISD  
181906



**Note:** This policy addresses discrimination, harassment and retaliation involving District employees. In this policy, the term "employees" includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

**STATEMENT OF NONDISCRIMINATION** The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, 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.

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

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

- HARASSMENT**
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 performance, environment or employment opportunities.

**EXAMPLES** Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, 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 stereotypes; or other types of aggressive conduct such as theft or damage to property.

**SEXUAL HARASSMENT** Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:  
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  
The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

**EXAMPLES** Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

**RETALIATION** The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

**EXAMPLES** Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**PROHIBITED CONDUCT** 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.

**REPORTING PROCEDURES** An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

**DEFINITION OF DISTRICT OFFICIALS** For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

**TITLE IX COORDINATOR**  
Name: Margaret Duchamp  
Position: Executive Director of Human Resources  
Address: P.O. Box 1107, Orange, TX 77630  
Telephone: (409) 882-5610

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:

**ADA/SECTION 504 COORDINATOR**  
Name: Carmen Purgahn  
Director of Special Education  
Address: P.O. Box 1107, Orange, TX 77630  
Telephone: (409) 882-5407

**SUPERINTENDENT** The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

**ALTERNATIVE REPORTING PROCEDURES** An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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

**NOTICE OF REPORT** Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

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 notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

**INVESTIGATION OF THE REPORT** If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct 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.

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

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

**DISTRICT ACTION** If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly

respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

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

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

The complainant may have a right to file a complaint with appropriate state or federal agencies.

RECORDS RETENTION Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

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.

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DATE ISSUED: 7/8/2008  
UPDATE 83  
DIA(LOCAL)-B

## Harassment of Students

*Policies DH, FFG, FFH, DF*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment or abuse of a student will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting suspected child abuse*, page 34 for additional information.

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

West Orange-Cove CISD  
181906

STUDENT WELFARE:  
FREEDOM FROM HARASSMENT

DF  
(LEGAL)

**Note:** For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).

WITHHOLDING INFORMATION An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts). *Education Code 26.008(b)*

The District shall discharge an employee if the District obtains information through a criminal history record information (CHRI) review that:

- DISCHARGE OF CONVICTED EMPLOYEES
1. The employee has been convicted of:
    - a. A felony under Penal Code Title 5;
    - b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
    - c. An offense under the laws of another state or federal law that is equivalent to an offense

under paragraphs a or b; and

2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

However, the District is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

- EXCEPTION
1. The date of the offense is more than 30 years before June 15, 2007; and
  2. The employee satisfied all terms of the court order entered on conviction.

CERTIFICATION TO SBEC Each school year, the Superintendent shall certify to the Commissioner that the District has complied with the above provisions.

SANCTIONS The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has been convicted of an offense described above.

OPTIONAL TERMINATION The District may discharge an employee if the District obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the District. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation).  
*Education Code 22.085 [See DBAA]*

A district that receives notice under Education Code 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and
  2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.
- CERTAIN OFFENSES AGAINST CHILDREN

These removal and termination requirements apply only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender, and only if the victim of the offense is under 18 years of age.

*Education Code 21.058*

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

- FAILURE OF CERTIFICATION
1. Does not hold a certificate or permit issued by SBEC; or
  2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

After an employee receives notice that the employee's contract is void the District may:

- DISTRICT'S OPTIONS
1. Terminate the employee;
  2. Suspend the employee with or without pay; or
  3. Retain the employee for the remainder of the school year on an at-will employment basis in a

position other than classroom teacher at the employee's existing rate of pay or at a reduced rate.

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

NO APPEAL OR CHAPTER 21 HEARING The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of this chapter do not apply to the decision. Education Code 21.0031

APPLICABILITY These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)

REPORT TO SBEC In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall promptly notify SBEC in writing by filing a report within seven calendar days of the date the Superintendent first obtains or has knowledge of information indicating that:

- CRIMINAL HISTORY 1. An applicant for or holder of a certificate issued by SBEC has a reported criminal history;
- ASSESSMENT INSTRUMENT 2. The certificate holder engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301; or
- RESIGNATION 3. The certificate holder resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 4(a)–(f), below [see DFE];
- TERMINATION 4. A certificate holder's employment at the District was terminated based on a determination that the certificate holder:
- a. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;
  - b. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;
  - c. Illegally transferred, appropriated, or expended funds or other property of the District;
  - d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation;
  - e. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or
  - f. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

"Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor.

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity. Acts that constitute the solicitation of a romantic relationship include:

- DEFINITIONS 1. Behavior, gestures, expressions, communications, or a pattern of communication with a student that is unrelated to the educator's job duties and that may reasonably be interpreted as encouraging the student to form an ardent or exclusive emotional attachment to the educator, including statements of love, affection, or attraction. When evaluating whether communications constitute the solicitation of a romantic relationship, the following may be considered:
- 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 to which the educator attempted to conceal the communications;
  - f. If the educator claims to be counseling a student, TEA staff 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 to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate law enforcement agencies; and
  - g. Any other communications tending to show that the educator solicited a romantic relationship with a student.
2. Making inappropriate comments about a student's body.
  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.
  7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
  8. Inappropriate hugging, kissing, or excessive touching.
  9. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
  10. Any other acts tending to show that the educator solicited a romantic relationship with the student, including providing the student with drugs or alcohol.

REPORTS A Superintendent, who is required to file a report, but fails to timely do so, is subject to sanctions.

The Superintendent shall notify the Board of the District and the educator of the filing of the report.

A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

IMMUNITY

*Education Code 21.006; 19 TAC 249.14*

DATE ISSUED: 7/8/2008  
 UPDATE 83  
 DF(LEGAL)-P

West Orange-Cove CISD  
 181906

STUDENT WELFARE:  
 FREEDOM FROM HARASSMENT

FFH  
 (LOCAL)

**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. For provisions regarding bullying, see FFI.

STATEMENT OF  
 NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

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

PROHIBITED HARASSMENT

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.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for 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; or other kinds of aggressive conduct such as theft or damage to property.

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:

BY AN EMPLOYEE

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 between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

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:

BY OTHERS

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 sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and 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.

Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

**DATING VIOLENCE** For purposes of this policy, dating violence is considered prohibited harassment if the conduct 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.

The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

**RETALIATION** A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

**EXAMPLES** Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student's performance in the classroom.

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

**REPORTING PROCEDURES** Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Alternatively, a student may report prohibited conduct directly to one of the District officials below:

**DEFINITION OF DISTRICT OFFICIALS** For the purposes of this policy, District officials are the Title IX coordinator, the Section 504 coordinator, and the Superintendent.

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

**TITLE IX COORDINATOR**

Name: Margaret Duchamp  
Position: Executive Director of Human Resources  
Address: P.O. Box 1107, Orange, TX 77630  
Telephone: (409) 882-5610



Reports of discrimination based on disability may be directed to the Section 504 coordinator. The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended:

SECTION 504 COORDINATOR Name: Pauline Soileau  
Position: Director of Special Education  
Address: P.O. Box 1107, Orange, TX 77630  
Telephone: (409) 882-5407

SUPERINTENDENT The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

ALTERNATIVE REPORTING PROCEDURES A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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

NOTICE OF REPORT Any District employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

NOTICE TO PARENTS The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

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 notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

INVESTIGATION OF THE REPORT If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct 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 shall be involved in or informed of the investigation.

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

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

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

DISTRICT ACTION If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).
ACCESS TO POLICY	Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

DATE ISSUED: 7/8/2008  
UPDATE 83  
FFH(LOCAL)-A

## Alcohol- and drug-abuse prevention

*Policies DH, DI*

West Orange-Cove CISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use follows:

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### EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

VIOLATIONS OF STANDARDS OF CONDUCT	<p>All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]</p> <p>All District employees 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.</p> <p>Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels.[See DGBA]</p> <p>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. [See DCD and DF series]</p>
SAFETY REQUIREMENTS	All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
HARASSMENT OR ABUSE	<p>Employees shall not engage in prohibited harassment, including sexual harassment, of:</p> <ol style="list-style-type: none"> <li>1. Other employees. [See DIA]</li> <li>2. Students. [See FFH; see FFG regarding child abuse and neglect]</li> </ol> <p>While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.</p>
RELATIONSHIPS WITH STUDENTS	Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]
TOBACCO USE	Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]
ALCOHOL AND DRUGS	<p>Employees shall not 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:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>

2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

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

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)]

A copy of this policy, a 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.

ARRESTS,  
INDICTMENTS,  
CONVICTIONS,  
AND OTHER

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

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
  - Dishonesty; fraud; deceit; theft; misrepresentation;
  - Deliberate violence;
  - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
  - Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
  - Acts constituting abuse under the Texas Family Code.

DRESS AND  
GROOMING

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

DATE ISSUED: 6/8/2007  
UPDATE 80  
DH(LOCAL)-A

West Orange-Cove CISD  
181906

EMPLOYEE WELFARE

DI  
(EXHIBIT)

DRUG-FREE WORKPLACE REQUIREMENTS

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. *41 U.S.C. 702(a)(1)(A); 28 TAC 169.2*

The District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. *41 U.S.C. 702(a)(1)(B); 28 TAC 169.2*

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] *41 U.S.C. 702(a)(1)(A); 28 TAC 169.2*

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice—from the employee or any other source—the District shall notify the granting agency of the conviction. *41 U.S.C. 702(a)(1)(D), (E)*

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. *41 U.S.C. 703*

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (*41 U.S.C. 702*) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

DATE ISSUED: 6/22/2000  
UPDATE 63  
DI(EXHIBIT)-A

## Reporting suspected child abuse

*Policies DF, DH, DG, FFG, GRA*

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g.: state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Abuse is defined by Texas Family Code and includes any sexual conduct involving an educator and a student or minor. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-4500). Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent.

Please note: a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Educators Code of Ethics and prosecution for the commission of a Class B misdemeanor.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. 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 investigator is prohibited.

The Texas Department of Protective & Regulatory Services (PRS) has designed a Web site for school professionals to report suspected child abuse/neglect in **non-emergency** situations.

The link to the reporting Web site is <http://eportabuse.ws/>

Users will be prompted for a login and a password.

The login i.d. is "educator"

The password is "report1"

## 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 the following:

- Forgery or unauthorized alterations 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
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district

## Authorized uses of equipment and supplies

*Policy CMB*

The staff shall not utilize District supplies, equipment, or school time with or without cost reimbursement to the District in the service of nonschool organizations or purposes other than the administration and instruction needs of the District.

This limitation shall not include service that may be provided as part of instructional programs, such as auto mechanics and vocational education programs for the disabled. These and other similar programs shall not be precluded from continuing such activities.

#### ACCESS TO TECHNOLOGY

Only supervised students who are enrolled in the District and authorized District staff shall be permitted to use a District computer or to access through any of the District's computer systems the District Network Services and outside telecommunication services such as Internet and TENET. Authorized student use shall comply with the acceptable use statement included in the student handbook.

District staff shall report to the principal any incidents of unauthorized access to any District computer, including the names of those responsible, if known.

## Personal Property

The district's insurance coverage does not provide reimbursement to employees for personal items brought on to district property. Personal items brought to campuses/sites are the sole responsibility of the individual owner.

## Conflict of Interest

*Policies BBFA, DBD*

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

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

## Associations and political activities

*Policy DGA*

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

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

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

## Safety

*Policy CK*

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

- 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.

Employees with questions or concerns relating to safety programs and issues can contact their building principal.

## Tobacco use

*Policies DH, GKA, FNCD*

State law prohibits smoking or using tobacco products on all district-owned 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 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.

## Criminal history background checks

*Policy DBAA*

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

## **Employee arrests and convictions**

*Policy DH*

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

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

Moral turpitude includes the following:

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

## **Possession of firearms and weapons**

*Policies FNCG, GKA*

Employees, visitors, and students 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. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisors.

## **Visitors in the workplace**

*Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **Copyrighted materials**

*Policy EFE*

Employees are expected to comply with the provisions of Federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Rented 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.

## **Computer use and data management**

*Policy CQ*

The district's electronic communications systems, including its network access to the Internet, is to be used for administrative and instructional purposes only. Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

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

## **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 piece of district property. The district's asbestos notification follows:

**WEST ORANGE-COVE CONSOLIDATED  
INDEPENDENT SCHOOL DISTRICT  
ORANGE, TEXAS**

**OFFICIAL COMMUNICATION**

**DATE:** January 08, 2008

**TO:** All West Orange-Cove CISD Employees and Students

7/21/2009

**FROM:** Keith L. Rochau  
**SUBJECT: ASBESTOS NOTIFICATION**

This communication will herein serve as legal notification of all interested parties concerning the presence of asbestos at the following locations:

**Administration** – Asbestos is located in some pipe insulation in the boiler room and the 9" x 9" floor tile throughout the building. This presents no health hazard in its present state.

**Central Services Building** – Asbestos is located in the 9" x 9" floor tile and linoleum located throughout the building. There is also some sprayed on ceiling material in the gym lobby. The transit 12" x 12" pegboard ceiling tile does not present a health hazard at this time. The outside soffit poses no health hazard. There is some exposed piping and duct insulation in chases and custodial areas.

**North ELC** – Asbestos is located in the HVAC expansion joints and wall tile in the band hall. It is also located in the 12" x 12" floor tile in the Goals Office. This presents no health hazard in its present state.

**Anderson Elementary** – Asbestos is located in the ACM mastic under the floor tile. This presents no health hazard in its present state.

**Oates Elementary** – Asbestos is located in the linoleum flooring in the cafeteria and the 9" x 9" floor tile in the kitchen and coat rooms. This presents no hazard in its present state.

**WOS Middle School** - Asbestos located in the 9" x 9" floor tile, linoleum floor covering, pipe insulation, and transit wall panels both Carr and Stark Buildings. This presents no health hazard in its present state.

**WOS High School** – Asbestos is located in some of the 12" x 12" floor tile in the building. It is also located in a transit panel in the Principal's office. This presents no health hazard in its present state.

A survey to determine the presence of asbestos was conducted throughout the District in accordance with the United States Environmental Protection Agency's Asbestos Hazard Emergency Response Act (AHERA) which became effective December 14, 1987.

In accordance with this law, certified asbestos inspectors and management planners were contacted by the District to perform all related work to bring the District into compliance.

The report of the investigation was delivered to the District on October 12, 1988. Please know that we have and will continue to provide appropriate precautions to assure no exposure to airborne asbestos fibers which may be harmful to human health or the environment.

Any questions concerning this investigation should be directed to the District's Asbestos Coordinator, Keith Rochau, phone number 882-5550.

Sincerely,

Keith L. Rochau  
Director of Maintenance

## **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 at each organizational site. Pest control information sheets are available from campus principals or facility managers upon request.

## **General procedures**

### **Bad weather closing**

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

**KOGT 1600 AM** [www.kogt.com](http://www.kogt.com)  
**KLVI 560AM** [www.klvi.com](http://www.klvi.com)

## **Emergencies**

*Policy CKC*

All employees should be familiar with the evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all district buildings. Employees should know the location of the extinguishers nearest their place of work and how to use them.

## Crisis Management Plan

*Policy CKC*

The Board of Trustees and Administration of West Orange-Cove Consolidated Independent School District acknowledge the necessity to prepare a Crisis Management Plan in the event that a crisis should occur. Our children have a basic need for security and safety. Any event that threatens the feeling of safety and security will be considered a crisis. There are unlimited possibilities for crisis situation that could impact the district. Those include, but may not be limited to the following situations: suicide, death, acts of violence, trauma, natural disaster, and accident.

It is the intent of the Crisis Management plan to develop and implement

- administrative commitment to support the effort by allocating staff time, resources, and leadership;
- designation of responsible parties. Appropriate staff must be given the directive and resources to take action. Clear responsibilities and reporting lines will be spelled out; and
- plan for all staff inservice education. It is imperative that all staff including clerical, food service, and maintenance understand the goal of the plan, and learn prevention strategies.

Each school's Crisis Procedure Plan will be updated yearly to better reflect the actions required to minimize the loss of life and injury to persons and property.

At least once a year, **within one month after school commences**, the organizational manager will arrange for a faculty meeting for the purpose of reviewing the validity of the plan and to update the staff regarding new procedures.

The Crisis Management Plan handbook is located in the principal's office.

## Purchasing procedures

*Policy CH*

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

**Please be advised that policies and procedures for making purchases and initiating fund-raising events (collection of monies or selling any goods and services) for benefit of students, student groups, classrooms, our schools or district whether inside the schools or outside should be followed at all times. The following terms apply;**

- **No purchase shall be made without properly authorized and duly constituted purchase orders with all approval signatures for anything that comes into the District by any venue. Likewise, no contract or agreement shall be entered into with any agent without duly constituted approval and signatures.**
- **Absolutely no fund-raising, selling, or money collection shall be made without the prior permission and approval of a supervisor or the Superintendent.**
- **All funds should be handled and managed according to district polices and procedures.**

## Name and address changes

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

## Personnel records

*Policy GBA*

Most district records including personnel records are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Address
- Phone number
- Social Security number
- Information that reveals whether they have family members

The choice to not allow public access to this information may be done at anytime by submitting a written request to Human Resource. New or terminating employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public.

## Building use

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. The campus principal is responsible for scheduling the use of facilities after school hours. Contact the principal to request to use school facilities and to obtain information on the fees charged.

## Termination of employment

### Resignations

*Policy DFE*



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

The superintendent will notify the State Board for Educator Certification when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*, on page 39.

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

## **Dismissal or nonrenewal of contract employees**

*Policies DFAA, DFAB, DFBA, DFBB, DFBC, DFCA, DFCC, DFD, DFF*

Employees on probationary, term, and continuing contracts can be dismissed during the school year or nonrenewed 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 nonrenewal occurs will be provided when a written notice is given to an employee. Information on the timelines and procedures can be found in the DF policies that are provided to employees or in the policy manuals located in the organizational office and the campus library.

## **Dismissal of noncontract employees**

*Policy DCD*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, gender, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to a grievance hearing before the board. To present a grievance, the employee must follow the district process outlined in this handbook. (See Complaints and grievances, page 18.)

## **Exit interviews and procedures**

*Policy DC*

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 their employment experience.

All district keys, books, property, and equipment must be returned upon separation from employment.

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

*Policy DF*

The dismissal or resignation of a certified employee will be reported to the State Board for Educator Certification if there is reasonable evidence that the employee's conduct involves the following:

- A reported criminal history
- Any form of sexual or physical abuse of a minor or any other illegal conduct with a minor
- Soliciting or engaging in sexual conduct or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position
- Committing a crime on school property or at a school-sponsored event
- Violating assessment instrument security procedures

## **Student issues**

### **Equal educational opportunities**

*Policies FB, FFH*

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

Questions or concerns about discrimination of students on the basis of race, religion, gender, national origin, or age should be directed to the Superintendent or Margaret Duchamp, the district's Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to the Director of Special Education.

### **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:

7/21/2009

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student (if 18 or older)
- School officials with legitimate educational interests

Materials that are not considered educational records and do not have to be made available to a parent or student include teachers' personal notes on a student that are shared only with a substitute teacher.

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 teachers 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 can administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. A student who must take medicine 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.

## Student discipline

*Policies in the FN series and FO series*

Students are expected to follow the campus rules, classroom rules, and rules listed in the Student Code of Conduct and student handbook. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management procedures 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*

All employees are required to report student complaints of bullying to the Campus Administrator. The district's policy that includes definitions and procedures for reporting and investigating bullying of students is reprinted below:

West Orange-Cove CISD  
181906

STUDENT WELFARE:  
FREEDOM FROM BULLYING

FFI  
(LOCAL)

**Note:** This policy addresses bullying of District students. For provisions regarding discrimination, harassment, and retaliation involving District students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

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

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

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

EXAMPLES

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

TIMELY REPORTING

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

REPORTING PROCEDURES

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

NOTICE OF REPORT

Any District employee who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.

INVESTIGATION OF REPORT

If a report is made orally, the campus principal or designee shall reduce the report to written form.

The campus principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, and if so proceed under that policy instead.

The campus principal or designee shall conduct an appropriate investigation based on the allegations in the report. The campus principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

CONCLUDING THE INVESTIGATION

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

The campus principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Superintendent or designee.

DISTRICT ACTION

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's Student Code of Conduct. [For information on student transfers due to bullying, see FDB.]

The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this 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.

APPEAL

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

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 the policy shall be readily available at each campus and the District's administrative offices.

## **Hazing**

*Policies FNCC, FO*

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