

MISD Update

Second Reading July 22, 2025

CKE (LOCAL)

SAFETY PROGRAM/RISK MANAGEMENT SECURITY PERSONNEL

District Police Department

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of District police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority and Duties

Each District police officer shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, each District police officer shall:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.

8. Carry out all other duties as directed by the chief of police or Superintendent.

A District police officer shall not be assigned routine classroom discipline or administrative tasks.

Limitations on Nonschool Employment

No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and Superintendent. Each District police officer shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while working off-duty or temporarily assigned to another agency.

Relationship with Outside Agencies

The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into memoranda of understanding and other appropriate interlocal agreements that outline reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memoranda of understanding and other agreements at least once every year. All such agreements shall be approved by the Board.

Interlocal Agreement for Mutual Aid

While operating pursuant to an interlocal agreement for mutual aid or other support for another law enforcement agency, each District police officer shall perform the duties and have the authorities set out in the agreement, including enforcing all laws within the other agency's jurisdiction.

Video Monitoring

If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.

Access to Recordings

Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

Training

Each District police officer shall receive at least the minimum amount of education and training required by law.

Department Regulations Manual

To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.

Racial Profiling

The chief of police shall develop and implement regulations to ensure compliance with laws regarding racial profiling. A District police officer shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.

Use of Force

The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.

High-Speed Pursuit

A District police officer shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.

Complaints

Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint.

Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

[See CKE(LEGAL) and CKEA(LEGAL)]

Oleoresin Capsicum (Pepper Spray)

~~To ensure sufficient protection of students, staff, and visitors, the Board authorizes approved professional and paraprofessional employees as well as substitutes for the use of pepper spray to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.~~

Eligibility

~~Professional and paraprofessional employees as well as substitutes shall have access to pepper spray if the person completes required training.~~

~~A person shall not have access to or authority to use pepper spray if he or she has not completed the required training.~~

Powers and Duties

~~Professional and paraprofessional employees as well as substitutes shall only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.~~

Accessing Pepper Spray

~~Pepper spray shall be stored in a locked container and shall only be removed from the Board approved locked container under circumstances that would justify~~

~~the use of force to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.~~

~~Locked Container~~

~~A locked and secured container shall be installed within the approved employee's immediate reach when conducting the employee's primary duty.~~

~~Inactive Status~~

~~A District employee's ability to have access to pepper spray becomes inactive on:~~

- ~~1. Termination of the employee's employment with the District; or~~
- ~~2. Notice from the Board that the employee's access to pepper spray is no longer available.~~

~~Training~~

~~Training for all approved employees shall be provided by the District police department at no cost to the employee.~~

CLA (LOCAL)

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT SECURITY

Classroom Doors

Classroom doors must be closed and locked when students are in the classroom during the school day.

Each door must be checked by turning the handle and gently trying to gain entry.

- The classroom door may remain open during the school day in the event of no students or one-on-one tutoring.
- Designated doors for students and visitors may remain open during the school day (Office, Nurse's Office, Library, Cafeteria, etc.)
- Designated exterior doors for students and equipment may remain open, only while in physical use and needed. (Band Hall equipment. door, MAC Weight Room roll-up door, Receiving Dock, Gym Ticket door, etc.)
- A teacher needing a restroom break during the period:
 1. Wait till the end of the period,
 2. Call someone to cover the class, or
 3. Ask the teacher across or next door to cover by standing in the hall with both doors open.

Visitor Management

- Before being allowed entry to the building:
 1. Visitors must present a government-issued ID.
 2. Asked about the purpose of their visit (a valid business reason must be given).
- Once allowed entry, visitors must be screened through Raptor and given a visitor badge that has the following:
 1. The visitor's picture
 2. Date and location of the intended visit

NOTE: If a District staff member has a MISD Badge but it will not allow them card reader access, they must show a State ID to be let in the building and then check into the office through Raptor.

EIC (LOCAL)

ACADEMIC ACHIEVEMENT CLASS RANKING

Consistent Application for Graduating Class

The District shall apply the same class rank calculation method and rules for local graduation honors for all students in a graduating class, regardless of the school year in which a student first earned high school credit.

Note: The following provisions shall apply to students beginning with the graduating class of 2025.

The District shall include in the calculation of class rank semester grades earned in high school credit courses taken at any grade level, unless excluded below.

The District shall include for graduation honors in the calculation of class rank semester grades earned in high school credit courses taken in ~~the following subject areas only~~: English/language arts, mathematics, science, social studies, and languages other than English (LOTE).

The calculation shall include failing grades.

Exclusions

The calculation of class rank shall exclude grades earned in any repeated course in which credit has already been awarded.

For the purpose of applications to institutions of higher education, the District shall also calculate class rank, as required by state law.

The District's eligibility criteria for local graduation honors shall apply only for local recognitions and shall not restrict class rank for the purpose of automatic admission under state law. [See EIC(LEGAL)]

Local Graduation Honors

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank in accordance with this policy and administrative regulations by using grades available at the end of the fall semester of the senior year for the valedictorian, salutatorian, top 20 students (or 10), summa cum laude students, magna cum laude students, and cum laude students.

Valedictorian and Salutatorian

The valedictorian and salutatorian shall be the eligible students with the highest and second-highest rank based on Graduation Honors GPA, respectively. To be eligible for this local graduation honor, a student must:

3. Have been continuously enrolled in the same District high school for the two full school years immediately preceding graduation;

4. Have an enrollment date no later than on or before September 1 of the student's junior year;
5. Have completed the foundation program with the distinguished level of achievement (beginning with the graduating class of 2021); and
6. Be graduating in no more than four years of high school.

Valedictorian Admission Eligibility

The applicant **graduating as the valedictorian of the student's high school graduating class, applying for admission, and satisfying the requirements listed in Education Code 51.803 will be based on the Graduation Honors GPA. Education Code 51.803(d-1) SEE EIC(LEGAL)**

Two Continuous Year Exception

Upon high school attendance rezoning by the District, the students who have been rezoned and the students taking a new school option shall be eligible for local graduation honors until the student body has been enrolled long enough at the new school to meet the requirements that the students be continuously enrolled in the same District high school for two full school years.

Breaking Ties

In case of a tie in weighted numerical grade averages after calculation to the fourth decimal place, the District shall apply the following methods, in this order, to determine recognition as valedictorian or salutatorian:

1. Count the number of Advanced Placement (AP) courses taken and passed per 0.5 credit by each student involved in the tie.
2. Count the number of Honors courses taken and passed per 0.5 by each student involved in the tie.
3. Calculate a weighted numerical average using only eligible grades earned in the junior year and grades earned through the end of the fifth week of the six-week grading period of the senior year for each student involved in the tie.

The District shall recognize all students involved in the tie as sharing the honor and title. All students involved in the tie shall receive the same rank, and the next position(s) shall be skipped, e.g., 5 of 450, 5 of 450, then 7 of 450. If students tie for place 10 or 20, each student shall be bestowed as 10 or 20.

Top ~~20 (or 10)~~ Graduates

The top 20 **graduates at a comprehensive high school ~~or~~ and top 10 ~~ten~~ graduates at a specialized high school** shall be the **~~20 (or ten)~~** eligible students with the highest rank **based on Graduation Honors GPA.**

Honor Graduates

An honor graduate is any student who has a 95.00 cumulative average or higher: summa cum laude (100.00 +), magna cum laude (97.00-99.99) and cum laude (95.00-96.99) [based on Graduation Honors GPA](#).

Three-Year Graduates

In order to be considered a three-year graduate, a student must have met all the requirements and must:

- Have been continuously enrolled in the same District high school for the two full school years preceding earning the honor of valedictorian or salutatorian;
- Have an enrollment date no later than on or before September 1 of the student's sophomore year; and
- Be graduating in no more than three years of high school.

A three-year graduate shall not be allowed to claim any local graduation honor if the student is requesting to walk with his or her four-year cohort. A three-year graduate may walk at graduation only once.

Grading System

Grade Point Average

~~The following guidelines govern the calculation of grade point averages (GPA):~~

- ~~1. All numerical grades, including failing grades, earned in high school credit courses, including high school credit courses taken in middle school, shall be used to compute a student's GPA and class rank.~~
- ~~2. A student may be awarded credit for a course only once when taken at the level the student chooses to take the course. Students may not repeat a course for which they have earned credit. If retaking a course due to failure, each average shall be used in the computation of the student's GPA.~~
- ~~3. Grades earned through credit by examination, with or without prior instruction; virtual school and distance learning; correspondence courses; dual credit or concurrent enrollment courses; summer school courses; and night school courses shall be used in the computation of a student's GPA.~~
- ~~4. Any course, program, or alternative time frames for courses, other than those the District offers and controls, shall be preapproved for any consideration for credit. If pre-approval is not given by the principal or designee, then credit shall not be awarded.~~
- ~~5. A 4.0 GPA is available upon request but shall not be used to calculate class rank.~~

Note: Regardless of a student's class rank, ~~the GPA and~~ transcript shall accurately reflect all high school courses taken and cumulative GPA.

Weighted Grade System

Categories

The District shall categorize and weight eligible courses as Advanced and Regular in accordance with provisions of this policy and as designated in appropriate District publications.

Advanced

Eligible AP, Honors, Academic Decathlon, and dual credit courses shall be categorized and weighted as Advanced courses.

Regular

All other eligible courses shall be categorized and weighted as Regular courses.

Weighted Numerical Grade Average

The District shall assign weights to semester grades earned in eligible courses and calculate a weighted numerical grade average, in accordance with the following:

Category	Weight
Advanced	plus 10
Regular	plus 0

No points shall be added to failing grades.

The District shall record unweighted numerical grades on student transcripts.

A weighted 4.0 GPA is calculated as follows:

Grade	Weight
100+	5 points
90-99	4 points
80-89	3 points
70-79	2 points

Grade	Weight
60-69	1 point
0-59	0 points

If a District-approved college-level dual credit course awards credit for a 60-69 (a letter grade of D), it shall be recorded on the student's report card and transcript. In this case, the student shall receive credit for the course, but no weighted credit shall be awarded.

Course grades higher than 100 earned through credit by examination, with or without prior instruction; virtual school and distance learning; correspondence courses; dual credit or concurrent enrollment courses; summer school courses; and night school courses shall be rounded down to a grade of 100.

Transferred Grades

The following is a conversion chart for students entering the District for the first time in grades 9-12; this chart shall be used if the previous school attended does not have a conversion chart of its own:

Letter Grade	Numerical Grade
A+	98
A	95
A-	92
B+	88
B	85
B-	82
C+	78
C	75
C-	72
D+	68
D	65
D-	62

Letter Grade	Numerical Grade
F	55

When a student transfers semester grades for courses that would be eligible under the Regular category and the District has accepted the credit, the District shall include the grades in the calculation of class rank, unless it is an excluded course.

When a student transfers semester grades for courses that would be eligible to receive additional weight under the District's weighted grade system, the District shall assign additional weight to the grades based on the categories and grade weight system used by the District only if the same course is offered to the same class of students in the District.

Transcripts

A student's transcript is a working document and is not considered a final document until all courses have been factored upon graduation. Any official or unofficial transcript requested, prior to the fulfillment of the student's senior year and passing all appropriate courses for graduation, is an incomplete transcript and only reflects the information credited to that point and time. The official transcript, after graduation, is usually available about three weeks from the senior's last day of exams.

DEC (LOCAL)

COMPENSATION AND BENEFITS LEAVES AND ABSENCES

Leave Administration

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Note: See *DEC(REGULATION) for further Leaves and Absences information.*

Definitions

Immediate Family

The term “immediate family” is defined as:

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

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

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

Leave Day

A “leave day” for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

School Year

A “school year” for purposes of earning, using, or recording leave shall mean the term of the employee’s annual employment as set by the District for the employee’s usual assignment, whether full-time or part-time.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the 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 and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

State Leave Proration

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

Request for Leave

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Duration of Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays. This restriction shall apply to full or partial leave days. Any days over three shall be docked at the employee's daily rate of pay.

Schedule Limitations

Discretionary use of leave shall not be allowed on the first or last day of school. Discretionary use of leave shall not be used to extend days off before or after breaks or school holidays. [See Leadership / Administration Regulations / DEC\(REGULATION\) for instances to appeal discretionary dock pay.](#)

Exception to the use of leave not being allowed to extend days off before or after breaks or school holidays are when the day(s) requested is a student holiday/teacher workday. When using this exception, discretionary use of leave shall not be allowed to extend days off before or after teacher workday. An employee shall be docked the daily rate of pay for leave taken on these days.

Local Leave

Each employee shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 30 leave days.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

Sick Leave Pool

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's

immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time.

The Superintendent shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

All decisions regarding the sick leave bank may be appealed to the sick leave bank committee in accordance with administrative regulations. If the employee is

not satisfied with the committee's decision, the employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

Mental Health Leave

A District peace officer or a full-time District telecommunicator, as defined by law, who experiences a traumatic event in the scope of employment shall be granted a maximum of one day of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which an eligible employee may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

Quarantine Leave

A District peace officer shall be granted quarantine leave when ordered by the local health authority or the peace officer's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Superintendent shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

Line of Duty Illness or Injury Leave of Absence

Following a leave of absence with full pay as required by law, the District shall not extend the leave of absence for a police officer's line of duty illness or injury. In accordance with law, the police officer may use accumulated leave.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

Combined Leave for Spouses

When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.

Intermittent or Reduced Schedule Leave

The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

Certification of Leave

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

Leave at the End of Semester

When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

Temporary Disability Leave

Any professional employee shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

Workers' Compensation

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

No Paid Leave Offset

The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Military Leave for National Emergency

In addition to the 15-day leave of absence provided by law to employees engaged in authorized military training or duty as part of a short-term military leave [see DECB(LEGAL)], the District shall provide such employees with continued salary and benefits from the 16th day until the 90th day of training or duty during a national emergency.

In the event that the national emergency should extend beyond 90 days, the Board shall consider an extension of the paid leave.

Court Appearances

Absences due to compliance with a valid subpoena, court appearances for which the employee must appear on a specified day, or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Other absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

Expiration of Available Leave and Attendance Policy

After an employee has exhausted all paid and unpaid approved leave, which runs concurrently and for which the employee is eligible, the District shall provide the employee written notice at the last known home address that his or her leave has expired. At that time, the employee shall be informed of Board policy governing other leave options. Within 15 days, an employee must apply for any other leave for which he or she may be eligible or must notify the District in writing that the employee is ready, willing, and able to return to work, accompanied by a medical clearance showing that the employee is able to perform the essential functions of his or her position, given reasonable accommodations if necessary.

Maximum leave allotment for professional employees is 180 calendar days. Maximum leave for paraprofessional and auxiliary employees is 60 workdays for FML.

A contract employee who does not apply for and receive approval for additional leave and who does not report and document his or her availability and fitness to return to work within the time set forth above shall resign or shall be deemed to be in repeated and continued neglect of duties and shall be subject to termination.

At-will employees, who do not apply for and receive approval for additional leave, and who do not report and document their availability and fitness to return to work within the time set forth above, shall be deemed to have resigned their positions with the District effective upon the expiration of the 15-day period set

forth above. At the expiration of available paid leave and/or unpaid leave, the District shall offer COBRA benefits as required by law.

DEC (REGULATION)

COMPENSATION AND BENEFITS LEAVES AND ABSENCES

Local Leave

Local leave for the current year is available for use at the beginning of the school year.

Nondiscretionary Leave

An employee who will be docked pay or has been docked pay based upon a discretionary pay reason and the employee deems the day(s) to be non-discretionary may appeal to the Human Resources (HR) department. An appeal HR is final and may not be appealed further. Considerations will be made when the absence(s) is beyond your control or unavoidable to deem it non-discretionary. Documentation must be provided

Earning Local Leave

An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered in paid status.

When an employee has multiple assignments, all hours worked will be combined to determine the length of the employee's workday and calculate leave used.

Deductions—Leave Without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Employed for Less Than Full School Year

If an employee separates from employment before his or her last duty day of the school year, local leave will be prorated based on the actual time employed. If an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced for local leave the employee used but had not earned as of the date of separation.

If the employee uses more local leave than he or she earned and remains employed with the same district through his or her last duty day, the district will deduct the cost of the excess leave days from the employee's pay.

Recording

Local leave shall be recorded as follows:

1. Leave for professional employees shall be recorded in half-day increments for all employees
2. Leave for paraprofessional and auxiliary employees shall be recorded in one-hour increments
3. For professional employees whose scheduled work year includes the summer work schedule, leave shall be recorded during this period in quarter-day increments.
4. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

Order of Use

Earned compensatory time shall be used before any available paid state and local leave [See DEAB].

Unless an employee requests a different order, available paid and local leave shall be used in the following order, as applicable:

1. Local leave.
2. State personal leave.
3. State sick leave accumulated before the 1995-1996 school year.

Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

Concurrent Use of Leave

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave.

Availability Upon Separation

An employee who separates from the district and who is rehired is eligible for reinstatement of any previously accrued but unused local leave.

Bereavement Leave

Use of state and/or local leave for bereavement leave shall not exceed five leave days per occurrence. Any days taken over five shall be docked at the employee's daily rate of pay.

FMLA Administration

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

When an employee takes FML due to his or her own serious health condition, the employee is required to provide, before resuming to work, a fitness-for-duty certification. The certification must specifically address the employee's ability to perform the essential functions of his or her job.

In order to require such a certification, the district must state in the designation notice that the certification must address essential functions and provide the employee with a list of essential functions when the notice is sent.

Fitness for duty is not required when the FML to care for a child following birth, adoption, or foster care placement, to care for a family member; or for qualifying exigency leave.

