

(LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS	The term "immediate family" is defined as:
FAMILY	<ol style="list-style-type: none">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 <i>in loco parentis</i>.3. Parent, stepparent, parent-in-law, or other individual who stands <i>in loco parentis</i> 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. <p>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).</p>
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 WORKDAY	A " leave day workday " for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to 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. Complications resulting from pregnancy shall be treated the same as any other condition.
AVAILABILITY	The District shall make state personal leave for the current year available for use at the beginning of the school year. Local leave shall be made available as earned.
EARNING LOCAL LEAVE	The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee's pay.
EARNING 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 to be in paid status.

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DEDUCTIONS

**LEAVE WITHOUT
PAY**

~~The When an employee has used more leave than he or she has earned, the~~ District shall **not approve paid leave for more** ~~deduct the cost of unearned~~ 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**.

LEAVE PRORATION

~~FINAL PAYCHECK
FOR THE YEAR
OR FROM THE
LAST PAYCHECK
AFTER THE
EMPLOYEE
CEASES TO BE
EMPLOYED FOR
LESS THAN FULL
YEAR~~

If an employee separates from employment with ~~by~~ the District **before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local 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.

**RECORDING
RECORDING**

Leave shall be recorded as follows: ÷

1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.
2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.
3. 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 DEA]}

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

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

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

**CONCURRENT USE OF
LEAVE**

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

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

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	<p>An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. 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.</p>
MEDICAL CERTIFICATION	<p>An employee shall submit medical certification of the need for leave if:</p> <ol style="list-style-type: none">1. The employee is absent more than three consecutive work-days 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;3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or4. The employee requests FMLA leave for military caregiver purposes. <p>In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]</p> <hr/> <p>Note: For District contribution to employee insurance during leave, see CRD(LOCAL).</p> <hr/>
STATE PERSONAL LEAVE	<p>For purposes of this section, each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative regulations.</p> <p>The Board requires employees to differentiate the manner in which state personal leave is used:</p>
NON- DISCRETIONARY USE	<ol style="list-style-type: none">1. Non-discretionary 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)] <p>Non-discretionary use also includes leave related to the birth or placement of a child and taken for well-baby care within the first year after the child's birth, adoption, or foster placement of a child.</p>
DISCRETIONARY USE	<ol style="list-style-type: none">2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.
LIMITATIONS REQUEST FOR LEAVE	<p>The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regu-</p>

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lations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

DURATION OF
LEAVE

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

LOCAL LEAVE

All employees shall earn ~~paid~~ local leave ~~per school year~~ in accordance with **administrative regulations and** the following:

1. Professional employees shall earn five ~~paid workdays of~~ local leave ~~days, at a rate of one-half workday~~ per **school year**~~month~~.
2. Secretarial, custodial, and maintenance personnel in positions normally requiring 12 months of service shall earn three **paid local leave days per school year**~~workdays, at a rate of one-half workday per month~~.
3. Aides, cafeteria personnel, and secretaries in positions normally requiring less than 12 months of service shall earn two **paid local leave days per school year**~~workdays, at a rate of one-half workday per month~~.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year, **except that an employee may donate local leave to a sick leave pool.** [See DEC(LEGAL)]

An employee~~Local leave~~ may also **use local leave** ~~be used~~ for **absences related to the birth or placement of a child when leave is taken**~~well-baby care~~ within the first year after **the child's** birth, adoption, or **foster** placement~~of a child~~.

SICK LEAVE POOL

An employee who has exhausted all paid leave 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 only local leave for use by the eligible employee.

If the employee is unable to submit the request, a member of the employee's family or the employee's supervisor may submit the request to establish a sick leave pool.

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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 or designee 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

All decisions regarding the establishment or implementation of the District's sick leave pool may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

FAMILY AND MEDICAL
LEAVE
TWELVE-MONTH
PERIOD

For purposes of an employee's entitlement to FMLA **leave**, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins.

COMBINED LEAVE
FOR SPOUSES

If 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. [See DECA(LEGAL)]

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. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

CERTIFICATION OF
LEAVE

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

FITNESS-FOR-DUTY
CERTIFICATION

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions,

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	the District shall provide a list of essential job functions to the employee with the FMLA designation notice.
END OF SEMESTER LEAVE	If 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. See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]
FAILURE TO RETURN	If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]
TEMPORARY DISABILITY LEAVE	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District 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 dutyreinstatement.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.</p>
WORKERS' COMPENSATION	<hr/> <p>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. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]</p> <hr/>
	<p>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.</p> <p>An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.</p>
COURT APPEARANCES	Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.
ANNUAL REIMBURSEMENT FOR LEAVE	<p>All full-time employees may request annual reimbursement for unused local leave to a maximum of five days per school year.</p> <p>An employee who wishes to receive reimbursement for unused leave must use local leave days first and then submit his or her written request in accordance with administrative procedures.</p>

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REIMBURSEMENT
~~FOR~~ LEAVE UPON
SEPARATION

Leave shall be reimbursed at a rate established by the Board.
Days that are reimbursed shall not be available to that employee
for use in the District.

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

The following leave provisions shall apply to state and local leave
earned beginning on the original effective date of this program.

An employee who separates from employment with the District
shall be eligible for reimbursement of state and local leave earned
while employed by the District under the following conditions:

1. The employee's separation from employment is voluntary, i.e.,
the employee is retiring or resigning and is not being dis-
charged or nonrenewed.
2. The employee provides advance written notice of intent to
separate from employment. Contract employees must pro-
vide written notice at least 90 days before the last day of em-
ployment. Non-contract employees must provide written no-
tice at least two weeks before the last day of employment.
3. The employee has at least ten years of service with the Dis-
trict.
4. The employee has at least 25 days of available state and lo-
cal leave.

The employee shall be reimbursed for each day of state and local
leave, to a maximum of 75 days less any days missed in the previ-
ous two years, at a rate established by the Board. If the employee
is reemployed with the District, days for which the employee re-
ceived payment shall not be available to that employee.

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

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LOCAL)

NOTE: FOR PROVISIONS REGARDING INVENTORY AND REQUISITION OF INSTRUCTIONAL MATERIALS, SEE CMD. SELECTION COMMITTEE

INSTRUCTIONAL MATERIALS ALLOTMENT TEAM RECOMMENDATION AND ADOPTION

BOARD ACTION

The District shall establish a team, as needed, to select ~~At an appropriate time following adoption of the state~~ instructional materials and technological equipment to be purchased with the District's ~~lists, the Superintendent shall make recommendations to the Board for appointment of an~~ instructional materials allotment. The team shall make selections based upon District instructional needs and in accordance with administrative regulations ~~selection committee.~~

~~The~~ A majority of the committee members shall be classroom teachers.

~~After examining all instructional materials reflected on the state lists, the~~ instructional materials allotment team ~~selection committee~~ shall ensure that selected materials, in combination with any other materials in ~~select items for use by~~ in the District, allow ~~and recommend~~ the District ~~selections~~ to certify that all students are provided with instructional materials that cover the essential knowledge and skills, as required by law. [See EFAA(LEGAL)]

The Board shall approve final ~~for ratification. In the event the Board does not ratify all of the~~ selections and ratify the District's certification of instructional materials. Final selections, ~~the reasons~~ shall be recorded in Board minutes. ~~The committee shall make other recommendations for selection until the Board has ratified all selections.~~

ATTENDANCE
ACCOUNTING
SYSTEM

The Superintendent ~~or designee~~ shall be responsible for maintain-
ing a student attendance accounting system in accordance with
statutory and TEA requirements.

ALTERNATE
RECORDING TIME

When appropriate, the Superintendent shall establish written
procedures permitting a campus to specify an alternate time
for taking attendance other than the second or fifth instruc-
tional hour. Exceptions may be authorized for an entire cam-
pus or for a designated group of students at a campus. The
alternate time for recording attendance shall be determined in
accordance with TEA's *Student Attendance Accounting Hand-
book*.

~~The Superintendent or designee shall report annually to the Board
concerning the operation and effectiveness of the District's student
attendance system, and may present recommendations for im-
provement.~~

PARENTAL CONSENT
TO LEAVE CAMPUS

The Superintendent shall establish procedures regarding pa-
rental consent for a ~~A~~ student to leave campus, including
procedures ~~absent from school for any portion of a school day
shall provide a note that describes the reason~~ for documenting a
student's ~~the~~ absence. The ~~procedures~~ ~~note~~ shall be communi-
cated in the employee and signed by the student's parent or, if the
student ~~handbooks~~ ~~is 18 or older or is an emancipated minor, by~~
~~the student.~~