



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC Second Reading of LOCAL Polices in TASB Update 96

SUBMITTED BY: Gloria S. Rendon **OF:** Assistant Supt. For Administration

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: March 20, 2013

RECOMMENDATION:

It is recommended that the United ISD Board of Trustees approve Second Reading of LOCAL Polices in TASB Update 96.

BBD (EXHIBIT) – BOARD MEMBERS – TRAINING AND ORIENTATION

DEC(LOCAL): COMPENSATION AND BENEFITS - LEAVES AND ABSENCES

EFAA(LOCAL): INSTRUCTIONAL MATERIALS - SELECTION AND ADOPTION

FEB(LOCAL): ATTENDANCE - ATTENDANCE ACCOUNTING

RATIONALE:

BUDGETARY INFORMATION:

BOARD POLICY REFERENCE AND COMPLIANCE:

(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: ~~move 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.

FRAMEWORK FOR SCHOOL BOARD DEVELOPMENT

Preamble: The Board is the educational policy-making body for the District. To effectively meet the challenges of public education, the Board and the Superintendent must function together as a leadership team. Each leadership team must annually assess its development needs as a corporate body and individually to gain an understanding of the vision, structure, accountability, advocacy, and unity needed to provide educational programs and services that ensure the equity and excellence in performance of all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

1. Vision — The Board ensures creation of a shared vision that promotes enhanced student achievement.
 - The Board keeps the District focus on the educational welfare of all children.
 - The Board adopts a shared vision based on community beliefs to guide local education.
 - The Board ensures that the vision supports the state's mission, objectives, and goals for education established by law and/or rule.
 - The Board ensures that the District's vision expresses the present and future needs of the children and community.
 - The Board uses the vision to assess the importance of individual issues that come before the Board and demonstrates its commitment to the vision by using the vision to guide all Board deliberations, decisions, and actions.
 - Individual Board members should not have individual agendas separate and apart from the shared vision.
2. Structure — The Board provides guidance and direction for accomplishing the vision.
 - The Board recognizes the respective roles of the legislature, the State Board of Education, the Texas Education Agency, and the local Board in the governance of the District.
 - The Board fulfills the statutory duties of the local Board and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.
 - The Board focuses its actions on policy making, planning, and evaluation, and restricts its involvement in management to the responsibility of oversight.
 - The Board adopts a planning and decision-making process consistent with state law and/or rule that uses participation, information, research, and evaluation to help achieve the District's vision.
 - The Board ensures that the District's planning and decision-making process enables all segments of the community, parents, and professional staff to contribute meaningfully to achieving the District's vision.

- The Board develops and adopts policies that provide guidance for accomplishing the District's vision, mission, and goals.
 - The Board adopts a budget that incorporates sound business and fiscal practices and provides resources to achieve the District's vision, mission, and goals.
 - The Board adopts goals, approves student performance objectives, and establishes policies that provide a well-balanced curriculum resulting in improved student learning.
 - The Board approves goals, policies, and programs that ensure a safe and disciplined environment conducive to learning.
 - The Board oversees the management of the District by employing the Superintendent and evaluating the Superintendent's performance in providing education leadership, managing daily operations, and performing all duties assigned by law and/or rule and in support of the District's vision.
 - The Board adopts policies and standards for hiring, assigning, appraising, terminating, and compensating District personnel in compliance with state laws and rules.
3. Accountability — The Board measures and communicates how well the vision is being accomplished.
- The Board ensures progress toward achievement of District goals through a systematic, timely, and comprehensive review of reports prepared by or at the direction of the Superintendent.
 - The Board monitors the effectiveness and efficiency of instructional programs by reviewing reports prepared by or at the direction of the Superintendent and directs the Superintendent to make modifications that promote maximum achievement for all students.
 - The Board ensures that appropriate assessments are used to measure achievement of all students.
 - The Board reports District progress to parents and community in compliance with state laws and regulations.
 - The Board reviews District policies for effective support of the District's vision, mission, and goals.
 - The Board reviews the efficiency and effectiveness of District operations and use of resources in supporting the District's vision, mission, and goals.
 - The Board evaluates the Superintendent's performance annually in compliance with state laws and regulations.
 - The Board annually evaluates its own performance in fulfilling the Board's duties and responsibilities, and the Board's ability to work with the Superintendent as a team.

4. Advocacy — The Board promotes the vision.
 - The Board demonstrates its commitment to the shared vision, mission, and goals by clearly communicating them to the Superintendent, the staff, and community.
 - The Board ensures an effective two-way communication system between the District and its students, parents, employees, media, and the community.
 - The Board builds partnerships with community, business, and governmental leaders to influence and expand educational opportunities and meet the needs of students.
 - The Board supports children by establishing partnerships between the District, parents, business leaders, and other community members as an integral part of the District's educational program.
 - The Board leads in recognizing the achievements of students, staff, and others in education.
 - The Board promotes school board service as a meaningful way to make long-term contributions to the local community and society.
 - The Board provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency regarding proposed changes to ensure maximum effectiveness and benefit to the schoolchildren in the District.
5. Unity — The Board works with the Superintendent to lead the District toward the vision.
 - The Board ensures that its members understand and respect the need to function as a team in governing and overseeing the management of the District.
 - The Board develops skills in teamwork, problem solving, and decision making.
 - The Board establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the Board.
 - The Board understands and adheres to laws and local policies regarding the Board's responsibility to set policy and the Superintendent's responsibility to manage the District and to direct employees in District and campus matters.
 - The Board recognizes the leadership role of the Board President and adheres to law and local policies regarding the duties and responsibilities of the Board President and other officers.
 - The Board adopts and adheres to established policies and procedures for receiving and addressing ideas and concerns from students, parents, employees, and the community.
 - The Board makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or District and campus administrative matters.

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BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(EXHIBIT)

- The Board supports decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.

Adopted by the State Board of Education, January 1996, as authorized by 19 TAC 61.1; revised July 2012.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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TYPES OF LEAVE

The District shall operate a local leave program serving all employees of the District. The leave program shall consist of four types: state personal leave, local personal leave, temporary disability leave, and funeral leave.

Types of Leave	Paid/Unpaid	Number of Days Paid
State Personal Leave [See DEC(LEGAL)]	Paid	5 leave days per year
Local Personal Leave: 10-month employees 11-month employees 12-month employees	Paid	5 leave days per year 6 leave days per year 7 leave days per year
Temporary Disability: All leave-eligible employees For full-time educators, temporary disability shall be in accordance with Education Code 21.409 and may be granted to other District employees with limitations established at TEMPORARY DISABILITY, below	Unpaid	180 calendar days
Funeral Leave (as defined on page 6)	Paid	3 leave days per event

ACCUMULATION AND TRANSFERABILITY

Both state and local leave may accumulate without limit. Unused state leave is transferable among districts as part of the ~~employee's~~ ~~employee~~ service record; local leave is not transferable.

LEAVE ACCRUAL AND ADVANCEMENT

~~Only those days/hours that are part of the base employment year/regular workday shall be included in the calculation of state and local leave. Extra days for supplemental duties/overtime hours shall not entitle personnel to additional leave. State and local leave shall be prorated for employees beginning after the regular employment term.~~

DEFINITIONS

The term "immediate family" is defined as:

FAMILY

- Spouse.

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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.

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
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 is a severe condition or combination of conditions affecting the physical health of the employee or a member of the employee's immediate family that requires the services of a health-care provider as defined by FMLA 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 and local~~ ~~paid~~ leave for the current year available for use at the beginning of the school year.

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.

DEDUCTIONS
LEAVE WITHOUT
PAY

~~The District shall not approve paid leave for~~ ~~When an employee has used more leave than he or she has earned, the District shall 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 avail-~~

	<p>able paid leave shall result in deductions from the employee's pay.</p>
<p>LEAVE PRORATION</p>	<p>If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.</p>
<p>FINAL PAYCHECK FOR THE YEAR OR FROM THE LAST PAYCHECK AFTER THE EMPLOYEE CEASES TO BE EMPLOYED FOR LESS THAN FULL YEAR</p>	<p>If an employee separates from employment before the last duty day of the school year, if insufficient funds exist in the last duty day of the school year, the employee's final paycheck shall be reduced for:</p>
	<p>State personal leave paycheck, the employee used beyond his or her pro rata entitlement for shall be required to refund the school year; and overpayment.</p>
	<p>1. Local leave the employee used but had not earned as of the date of separation.</p>
<p>EMPLOYED FOR FULL YEAR</p>	<p>If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.</p>
<p>RECORDING</p>	<p>Leave shall be recorded as follows:</p> <ol style="list-style-type: none">1. Leave shall be recorded in half-day increments for all employees.2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.
<p>ORDER OF USE</p>	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEA]</p> <p>Unless an employee requests a different order in writing, available paid state and local leave shall be used in the following order, as applicable:</p> <ol style="list-style-type: none">1. State sick leave accumulated before the 1995-96 school year.2. State personal leave.3. Local leave. <p>Use of sick leave bank or catastrophic leave pool days shall be permitted only after all available state and local leave has been ex-</p>

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hausted. Use of other types of leave shall be permitted in accordance with administrative regulations and as outlined in the employee handbook.

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.

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.

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;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

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

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

FREQUENT OR
PROLONGED
ABSENCE

All absences in excess of ten ~~workdays~~ **days** during a semester shall be investigated by the immediate supervisor, who shall take appropriate action as required by District guidelines.

Supervisors shall report absences for individuals in excess of 20 ~~workdays~~ **days** in a school year to the Superintendent or designee, who shall take whatever action is deemed appropriate. Such action may result in disciplinary action including termination of employment.

UNAUTHORIZED
ABSENCE

An employee may be terminated when he or she is:

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1. Released by a doctor to return to work but fails to contact the District's department of human resources to pursue a work assignment;
2. Unable to report to work and fails to request or extend a leave of absence; or
3. Unable to report to work and has no earned paid leave available and, if eligible to apply for leave of absence, does not request a leave.

STATE PERSONAL
LEAVE

~~For purposes of this section, each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate of one-half workday for each 18 workdays of employment.~~

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

NON-
DISCRETIONARY
USE

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)]

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**.

DISCRETIONARY
USE

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

LIMITATIONS
REQUEST FOR
LEAVE

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 regulations. 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. ~~The supervisor or designee shall notify the employee in advance as to whether the request is approved or denied.~~

A maximum of five percent of campus employees in each category may be permitted to be absent at the same time for discretionary personal leave.

DURATION OF
LEAVE

Discretionary use of state personal leave shall not exceed two consecutive workdays. Requests for leave beyond the two

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consecutive **workdays** shall require prior approval of the Superintendent ~~or designee~~.

SCHEDULE
LIMITATIONS

Discretionary **use of** personal leave shall not be allowed during the first week of a new semester, the day before or the day after a school holiday, days scheduled for end-of-semester or end-of-year examinations, days scheduled for state-mandated assessments, days scheduled for District-scheduled assessments, or professional or staff development days.

LOCAL LEAVE

All employees shall earn paid local leave **days** per school year in accordance with the following:

183–193 contract/assignment workdays	— 10 months	5 leave days
207–220 contract/assignment workdays	— 11 months	6 leave days
226+ contract/assignment workdays	— 12 months	7 leave days

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Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

All local sick leave earned and carried over at the end of the 1996–97 school year, as well as local leave earned during the 1997–98 school year, shall become local personal leave. Local personal leave shall be used under the terms and conditions applicable to state personal leave. Local ~~sick~~ leave shall not transfer between districts and shall be forfeited upon resignation or termination from the District.

EXCEPTION

An employee who has retired and has been rehired shall not be eligible to earn local leave **days** from the District.

FUNERAL LEAVE

During the employee's annual term of employment and approved duty calendar, the District shall provide three paid **leave** **days** **workdays** of funeral leave, per occurrence, for the funeral of an employee's immediate family member, as defined in this policy. The District shall permit the employee to take the funeral leave **days** within ten **workdays** prior to or after the burial. The employee shall be required to submit appropriate documentation as required by administrative regulations.

SICK LEAVE BANK

The District shall establish a sick leave bank that employees may join through contribution of local leave or state personal 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 personal illness or injury and has exhausted all paid leave.

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

The Superintendent or designee 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~~ donate 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 in accordance with DGBA(LOCAL).

CATASTROPHIC LEAVE
POOL

An employee who has exhausted all paid leave, including sick leave bank days if he or she is a member of the sick leave bank, 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 catastrophic leave pool, to which District employees may donate local ~~leave and~~ or state personal 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 catastrophic leave pool.

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 catastrophic leave pool.

The Superintendent or designee shall develop regulations for the implementation of the catastrophic leave pool that address the following:

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

APPEAL

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

MILITARY LEAVE

An employee Employees of the District who **is** are granted a leave of absence from work due to a voluntary or involuntary enlistment in the military to serve the country at war shall receive "differential pay" from the District for a period of 12 calendar months. For this purpose, differential pay shall mean the normal daily wage earned by the employee for the position held prior to enlistment minus the employee's earned daily wage from the U.S. government. In order to receive differential pay, **an employee** employees must submit verification of their military earnings to the department of human resources. **An employee** Employees who **receives** receive a higher daily wage from the government than from the District shall not be entitled to differential pay.

FAMILY AND MEDICAL
LEAVE

TWELVE-MONTH
PERIOD

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

VERIFICATION OF
FAMILY RELATIONSHIP

An employee requesting leave for the birth or placement of a child with the employee for adoption or state-approved foster care, or to care for a family member with a serious health condition, may be required to provide reasonable documentation of a family relationship. The department of human resources shall inform employees of any need for such verification.

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 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

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	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(LLEGAL)]
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, 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(LLEGAL), 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(LLEGAL), RECOVERY OF BENEFIT COST]
TEMPORARY DISABILITY LEAVE EDUCATORS	All full-time employees shall be eligible for temporary disability (unpaid) leave. The maximum length of temporary disability leave for a 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.
OTHER EMPLOYEES	A temporary disability (unpaid) leave may be granted also to other eligible full-time employees for a maximum of 180 calendar days, upon approval by the Superintendent or designee. In order to qualify for such leave of absence, an employee must have worked 1,250 hours during the previous 12-month period from the date of the request of temporary disability leave. Application for this leave shall be submitted in accordance with the established administrative procedures. Reinstatement to regular employment shall be on a position-available basis only.
REINSTATEMENT OR RESIGNATION	An employee reaching the end of the temporary disability leave period shall provide 30 calendar days' timely written notice of his or her intention to resume active duty or to request an extension of leave pursuant to the Americans with Disabilities Act. Failure to comply with the time notification provisions shall constitute good cause for termination of contract employees, in accordance with law and District policies. [See DF policy series]

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REASSIGNMENT FOLLOWING LEAVE Employees who are not certified by SBEC and who are returning from unpaid personal illness of 60 or fewer calendar days shall be returned to the same position. Unless otherwise prescribed by law, employees returning from unpaid personal illness leave in excess of 60 calendar days shall be given priority for assignment to a comparable position as determined by the Superintendent or designee based on the needs of the District.

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. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]

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.

ASSAULT LEAVE Assault leave, during which the employee's workers' compensation wage benefits shall be supplemented by the District up to the pre-assault weekly salary, with no deduction from the employee's accumulated paid leave benefits, shall run concurrently with family and medical leave.

PAID LEAVE OFFSET An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. [See CRE]

WORKING WHILE ON LEAVE With the exception of noncontract and/or paid vacation leave, while on any type of leave status with the District, the employee may not perform work in any capacity except as approved by the assistant superintendent of human resources or designee as part of an approved return-to-work or transitional duty assignment at the District.

Working during a leave of absence shall be considered a violation of the District's leave policy and may be grounds for immediate termination of at-will employees or recommendation of termination for contract employees.

COURT APPEARANCES Absences due to compliance with a valid subpoena for District-related business or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

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	Absences for court appearances related to the employee's personal business shall be deducted from the employee's leave balance or taken as leave without pay.
REIMBURSEMENT FOR LEAVE UPON RETIREMENT	<p>The following leave provisions shall apply to state/local leave earned beginning on the original effective date of this program.</p> <p>An employee who retires from employment with the District under the Texas Teacher Retirement System (TRS), or the designated beneficiary of an otherwise eligible employee who passes away while employed by the District, shall be eligible for reimbursement of state and local leave if the employee has at least ten consecutive years of service with the District. following conditions:</p> <ol style="list-style-type: none">1. The reimbursement shall be a one-time only benefit for an eligible employee.2.1. The reimbursement rate shall be established based on the District's approved base pay plan; stipends and extra duty pay shall not be included. The reimbursement shall be a one-time-only benefit for the eligible employee.3. The employee has at least ten consecutive years of service with the District.
PROFESSIONAL EMPLOYEE RATE	<p>A professional employee shall be reimbursed for each day of state/local leave, to a maximum of 40 days of state leave and 40 days of local leave. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee. Leave shall be reimbursed according to the following prorated schedule:</p> <ol style="list-style-type: none">1. Five days of state leave at 100 percent of the employee's daily base rate;2. Ten days of state leave at 75 percent of the employee's daily base rate;3. 25 days of state leave at 50 percent of the employee's daily rate; and4. 40 days of local leave at \$100 per day.
PARA- PROFESSIONAL AND AUXILIARY EMPLOYEE RATE	<p>A paraprofessional or auxiliary employee shall be reimbursed for each day of state/local leave, to a maximum of 80 days of leave. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee. Leave shall be reimbursed according to the following pro-rated schedule:</p>

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1. The first ten days of leave at 100 percent of the employee's daily base rate;
2. The next 15 days of leave at 75 percent of the employee's daily base rate; and
3. The next 55 days of leave at 50 percent of the employee's daily base rate.

The rate established by the Board shall be effective with the 2011–12 school year and shall remain in effect until the Board adopts a new rate. Any additional changes to the rate shall apply beginning with the school year following the adoption of the rate change.

ABSENCE REPORTING An employee working in a position that requires use of the District's automated online and/or telephonic absence reporting system must use the system to report all absences. Additionally, any employee who is absent three or more **consecutive workdays** must make personal phone contact with his or her immediate supervisor by the third day of absence.

SANCTIONS FOR ABUSE All employee leave shall be provided for the specific purpose stipulated in this policy. It is not intended to be used as a vacation or for mere convenience. Except for discretionary **use of** state personal leave, documentation may be required for any absence at the discretion of the Superintendent or designee. Abuse of the employee leave program is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment, in accordance with appropriate District policies. [See DCD and DF series]

EXPIRATION OF AVAILABLE LEAVE Upon the expiration of all leave for which an employee has applied and is eligible, if the employee has not already returned to work, the District shall notify the employee in writing that his or her leave has been exhausted.

The employee shall have ten calendar days to apply for any additional leave for which the employee may be eligible or to notify the District in writing that the employee is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her position, with reasonable accommodations if necessary, shall be required to return to work. Additionally, some jobs shall require the employee to submit to a District-paid fitness-for-duty evaluation wherein the employee must demonstrate the ability to meet all the essential physical requirements of his or her job.

An at-will employee who does not receive approval of such additional leave and who does not report and document his or her availability and fitness to return to work within such ten-day period

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shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the ten-day period designated in such notice, and shall be offered health benefits according to COBRA. [See CRD]

An at-will employee who fails to return to work after 180 calendar days of leave, regardless of the type of leave, shall be deemed to have voluntarily resigned his or her employment with the District and shall be offered health benefits according to COBRA. [See CRD]

A contract employee's failure to receive approval of such additional leave and his or her subsequent failure to report and document his or her availability and fitness to return to work, within such ten-day period, shall be considered good cause for termination. A contract employee's failure to return to work after 180 calendar days of leave, regardless of the type of leave, shall be considered good cause for termination. For termination procedures and rights of contract employees, see DF series and DCE.

The uniform enforcement of a reasonable absence-control policy is not retaliatory discharge.

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LOCAL)

NOTE: FOR PROVISIONS REGARDING INVENTORY AND REQUISITION OF INSTRUCTIONAL MATERIALS, SEE CMD. SELECTION RECOMMENDATION AND ADOPTION AT AN APPROPRIATE TIME FOLLOWING ADOPTION OF THE STATE REFLECTED ON INSTRUCTIONAL MATERIALS ALLIANCE TEAM INSTRUCTIONAL MATERIALS

BOARD ACTION

~~The District shall establish a team, as needed, to select lists, the Superintendent shall make recommendations to the Board for appointment of an instructional materials and technological equipment to be purchased with the District's selection committee.~~

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

~~After examining all instructional materials allotment. The team shall make selections based upon District instructional needs and in accordance with administrative regulations.~~

~~The instructional materials allotment team selection committee shall ensure that selected materials, in combination with any other materials in select items for use by the District, allow the District 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 in the District and recommend the selections to 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.~~

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ATTENDANCE
ATTENDANCE ACCOUNTING

FEB
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**ATTENDANCE
ACCOUNTING
SYSTEM**

The Superintendent ~~or designee~~ shall be responsible for maintaining 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 instructional hour. Exceptions may be authorized for an entire campus 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 Handbook*.

~~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 improvement.~~

**PARENTAL CONSENT
TO LEAVE CAMPUS**

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks. ~~A student absent from school for any portion of a school day shall provide a note that describes the reason for the absence. The note shall be signed by the student's parent or, if the student is 18 or older or is an emancipated minor, by the student. This signed statement must be returned within three school days or an unexcused absence will remain on record. Parents shall be responsible for keeping all documentation relating to reasons why students were absent.~~

TARDIES

~~Students must be in class when the bell rings at the beginning of each class period. Students are to be marked tardy if they report to class after the bell rings without a proper excuse. Four tardies in any one class shall be counted as one unexcused absence for award and perfect attendance purposes. This does not apply for ADA or credit purposes. Students with excessive tardies shall be referred to a campus administrator.~~

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