



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: April 15, 2013

AGENDA ITEM: Action Item on Policy Updates Related to Update 96

PRESENTER: Kathy Allen

ALIGNS TO BOARD PRIORITIES(S):

- Human Resources – The District shall recruit, hire, train, and retain a highly qualified staff.
- Learning – The District will provide an aligned, rigorous curriculum, with instructional and technology programs preparing students to meet or exceed all educational standards.
- Financial/Facilities – The District shall exhibit excellence in financial and facility planning, management, and stewardship.

BACKGROUND INFORMATION:

- Update 96 includes eleven policies that are recommended for updates to remain in compliance with recent legal changes.
- Three of these new policies are Local, eight are Legal, and one is an Exhibit.
- D Policy – Compensation Benefits Leaves and Absences
 - DEC(LOCAL) – Changes in this policy on leaves and absences are recommended based on a recent Commissioner decision, *Jaworski v. South San Antonio ISD*, which affects how state leave is accrued and the calculation of pay deductions for unearned leave.
 - Accrual of state personal leave is to be based solely on days of employment, regardless of whether the employee was in unpaid status for the year.
 - Districts retain the ability in the current policy to allow for salary deductions for local leave that the employee used but had not earned because of unpaid status or length of employment when an employee separated from employment prior to the end of a school year.
- E Policy – Instructional Materials Selection and Adoption
 - EFFA (LOCAL) – The local policy on selection and adoption of instructional materials has been revised to reflect the new instructional materials allotment system. Included in the revisions are the board's responsibility to approve instructional materials for foundation and enrichment curriculum adoptions, technology purchases, as well as certifying that the instructional materials cover all required Texas Essential Knowledge and Skills.

- FEB(LOCAL) – Attendance and Attendance Accounting – Rather than creating board policy, revised State Board Of Education rules delegate the authority to the superintendent the right to record absences at an *alternate attendance hour* and the right to establish procedures addressing *parental consent for students to leave campus* for part of a school day. The procedures for *parental consent for students to leave campus* must be posted in the student and employee handbook and distributed to parents.

ADMINISTRATIVE CONSIDERATIONS: Consider the approval of DEC(LOCAL), EFAA(LOCAL), and FEB(LOCAL) as presented and listed.

FISCAL NOTE: None

ADMINISTRATIVE RECOMMENDATIONS: Administration recommends the approval of Update 96(LOCAL) policies as listed presented.

(LOCAL) Policy Action List

ALEDO ISD(184907) – Update / LDU 96

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

EFAA(LOCAL): INSTRUCTIONAL MATERIALS - SELECTION AND ADOPTION

FEB(LOCAL): ATTENDANCE - ATTENDANCE ACCOUNTING

PROPOSED POLICY: 3-26-2013

DEFINITIONS

The term "immediate family" is defined as:

FAMILY

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, 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 and local leave for the current year available for use at the beginning of the school year.

EARNING LOCAL LEAVE

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 more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated

	<p>and available paid leave shall result in deductions from the employee's pay.</p>
LEAVE PRORATION EMPLOYED FOR LESS THAN FULL YEAR	<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>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 and local leave the employee used beyond his or her pro rata entitlement for the school year.</p> <p>If an employee uses more local leave than he or she has 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>
RECORDING	<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.
ORDER OF USE	<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, available paid state and local leave shall be used in the following order, as applicable:</p> <ol style="list-style-type: none">1. Local leave.2. State sick leave accumulated before the 1995–96 school year.3. State personal leave. <p>Use of sick leave pool days shall be permitted only after all available state and local leave has been exhausted.</p>
CONCURRENT USE OF LEAVE	<p>When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.</p>

	<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>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 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.</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 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</p>

	<p>of the employee's absence on the educational program or District operations, as well as the availability of substitutes.</p> <p>Use of discretionary personal leave shall be considered granted unless the principal or designee notifies the employee to the contrary within 48 hours of receipt of the request.</p>
SCHEDULE LIMITATIONS	<p>Discretionary use of leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state assessments, or professional or staff development days.</p>
DURATION OF LEAVE	<p>Discretionary use of state personal leave shall not exceed three consecutive workdays.</p>
LOCAL LEAVE	<p>All employees shall earn five paid local leave days per school year in accordance with administrative regulations.</p> <p>Local leave shall accumulate without limit.</p> <p>Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]</p>
SICK LEAVE POOL	<p>An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury may request the establishment of a sick leave pool, to which District employees may donate only local leave for use by the eligible employee.</p> <p>A request for the establishment of a sick leave pool shall be made in writing to the Superintendent. Medical certification must be submitted with the request. The Superintendent or designee shall then initiate the sick leave pool for the employee and notify District staff.</p> <p>Each school year, a staff member shall be allowed to donate a maximum of three local leave days from the current school year.</p> <p>The establishment of a sick leave pool for an employee shall be limited to once every 24 months. An employee may receive from a sick leave pool a maximum of 30 leave days in school year.</p> <p>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.</p> <p>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.</p>

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	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.
TWELVE-MONTH PERIOD 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 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, 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]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

FAILURE TO RETURN	<p>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]</p>
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 duty.]</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>
PAID LEAVE OFFSET	<p>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]</p>
COURT APPEARANCES	<p>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.</p> <p>The employee shall provide a copy of the court ordered subpoena or notice of jury duty to his or her direct supervisor.</p>

INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

EFAA
(LOCAL)

Note: For provisions regarding inventory and requisition of instructional materials, see CMD.

INSTRUCTIONAL
MATERIALS
ALLOTMENT TEAM

The District shall establish a team, as needed, to select instructional materials and technological equipment to be purchased with the District's instructional materials allotment. The team shall make selections based upon District instructional needs and in accordance with administrative regulations.

CERTIFICATION OF
INSTRUCTIONAL
MATERIALS

The instructional materials allotment team shall ensure that selected materials, in combination with any other materials in 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)]

BOARD ACTION

The Board shall approve final selections and ratify the District's certification of instructional materials. Final selections shall be recorded in Board minutes.

ATTENDANCE
ATTENDANCE ACCOUNTING

FEB
(LOCAL)

ATTENDANCE
ACCOUNTING SYSTEM

The Superintendent 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*.

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.