

# KINGSVILLE INDEPENDENT SCHOOL DISTRICT



*"Today We Learn. Tomorrow We Lead"*

## 2014-2015 EMPLOYEE HANDBOOK

[www.kingsvilleisd.com](http://www.kingsvilleisd.com)

Nondiscrimination: The Kingsville I. S. D. does not discriminate on the basis of age, race, religion, color, national origin, sex, or disability in providing education services, activities, and programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

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# Introduction

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The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included in the main portion of this manual. Others, which the law requires to be distributed are included in the appendix. Any policy not included in this manual may be found on the KISD website at <http://pol.tasb.org/Home/Index/774>. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Department of Human Resources.

This handbook is neither a contract nor a substitute for the official district policy manual. It is not intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to give a brief explanation of district policies and procedures related to employment. District policies and procedures can change at any time. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be found online on our website at [www.kingsvilleisd.com](http://www.kingsvilleisd.com), by clicking on “Links” on the home page and then clicking on Policy On-Line.

## Non-Discrimination Statement

Nondiscrimination: The Kingsville I. S. D. does not discriminate on the basis of age, race, religion, color, national origin, sex, or disability in providing education services, activities, and programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

# District Information

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## Description of the District

The Kingsville Independent School District serves approximately 3,400 students annually on its 8 campuses. The district employs a little more than 600 individuals to carry out the work of the district. For UIL purposes KISD is a part of District 31-3A. In addition to the 8 campuses, the district also maintains the KISD Administration Building, the warehouse, maintenance facilities, and the transportation department.

## Mission Statement, Vision Statement, and Goals, *Policy AE*

### Mission Statement

The mission of the Kingsville Independent School District is to provide a safe and challenging academic environment, in collaboration with community partners that will empower students to achieve futures of excellence.

### Vision Statement

Today we learn, tomorrow we lead.

### District Goals

**GOAL 1: STUDENT LEARNING**

KISD will provide students with the knowledge and skills needed to compete globally.

**GOAL 2: HUMAN RESOURCES DEVELOPMENT**

KISD will recruit, retain and continually develop high quality staff.

**GOAL 3: SAFE, ORDERLY AND FRIENDLY SCHOOL ENVIRONMENT**

KISD will create an open, transparent, and welcoming learning environment for students, parents, and employees.

**GOAL 4: IMPROVE PUBLIC SUPPORT AND CONFIDENCE IN SCHOOLS**

KISD will collaborate with parents, leaders and other stakeholders to exemplify the values and priorities for the Kingsville community.

**GOAL 5: FACILITIES AND FINANCE**

KISD will continue to use best practices in its efficient and effective management of District resources.

## Board of Trustees

*Policies BA, BB series, BD series, and BE series*

Texas law grants the Board of Trustees the power to govern and oversee the management of the district's schools. The Board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the Superintendent and other professional staff, facilities, and expansions. The Board has complete and final control over school matters within limits established by state and federal laws and regulations.

The Board of Trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members are elected and serve terms of four years, with elections held biennially. Board members serve without compensation, must be qualified voters, and must reside in the district.

Trustees usually meet on the first Monday of the month at 6:00 p.m. in the KISD Administration Building Board Room, 207 N. Third Street. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at the Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with two hours notice.

All meetings are open to the public. However, Texas law permits the Board to go into a closed session for a number of reasons. Among others, those reasons include discussing: prospective gifts or donations; property acquisition; personnel issues, including conferences with employees and hearing employee complaints; security matters; student discipline; pending litigation and other legal issues with attorneys for the district.

Citizens are welcome at board meetings and may sign up before each meeting to address the Board under the communications portion of the agenda. Those choosing to do so must comply with the board's policy for addressing the Board. A copy of the policy is available at each meeting.

## BOARD MEMBERS

Board members for the 2014-2015 school year include:

Brian Coufal, President  
Joe R. Trevino, Vice-President  
Corando C. Garza, Secretary  
Brandon Greenwood, Member  
Dora Martinez, Member  
Melissa Windham, Member  
Lynn Yaklin, Member

# Board Meeting Schedule for 2013-2014

## **REGULAR MEETINGS – BOARD OF TRUSTEES 2014-2015**

*(First Monday of the Month – 6:00 p.m.)*

### **2014**

August 4

September 1

October 6

November 3

December 1

### **2015**

January 12 \*

February 2

March 2

April 6

May 4

June 1

July 13 \*

*\* 2<sup>nd</sup> Monday due to Holiday Schedule*

Agendas for all board meetings may be accessed using the following URL address.

[http://www.kingsvilleisd.com/SchoolBoard/school\\_board.asp](http://www.kingsvilleisd.com/SchoolBoard/school_board.asp)

# Administration

The main phone number for the Kingsville Independent School District is (361) 592-3387.

## **MANAGEMENT TEAM**

### **Interim Superintendent**

*Dr. Janice Nix*

[jnix@kingsvilleisd.com](mailto:jnix@kingsvilleisd.com)

### **Asst. Superintendent for Support Services**

*Vacant*

### **Asst. Superintendent for Curriculum and Instruction**

*Carol Perez Ed.D.*

[cperez@kingsvilleisd.com](mailto:cperez@kingsvilleisd.com)

## **SUPPORT TEAM**

### **Director of Human Resources & Finance**

*Sharon Michalk*

[smichalk01@kingsvilleisd.com](mailto:smichalk01@kingsvilleisd.com)

### **Director of Maintenance/Transportation**

*Rey Suarez*

[rsuarez@kingsvilleisd.com](mailto:rsuarez@kingsvilleisd.com)

### **Food Service Coordinator**

*Mary Abigail Castillo*

[mcastillo01@kingsvilleisd.com](mailto:mcastillo01@kingsvilleisd.com)

### **Director of Custodial Services**

*Jose Mendieta*

[jmendieta@kingsvilleisd.com](mailto:jmendieta@kingsvilleisd.com)

## **CURRICULUM & INSTRUCTION TEAM**

### **Director of Federal Programs**

*Corina Gutierrez*

[cgutierrez@kingsvilleisd.com](mailto:cgutierrez@kingsvilleisd.com)

### **Special Programs Coordinator**

*Grace Ruiz, Ed.D.*

[gruiz@kingsvilleisd.com](mailto:gruiz@kingsvilleisd.com)

### **Director of Instructional Services**

*Evanita Ramos*

[eramos@kingsvilleisd.com](mailto:eramos@kingsvilleisd.com)

### **Director of Instructional Technology**

*Juan Diego Vazquez-Cruz, Ed.D.*

[jvcruz@kingsvilleisd.com](mailto:jvcruz@kingsvilleisd.com)

### **Director of Special Education**

*Norma Nelda Alvarez*

[nalvarez@kingsvilleisd.com](mailto:nalvarez@kingsvilleisd.com)

## **PRINCIPALS**

### **H.M. King High School**

*Juan M. Sandoval, Ed. D*  
[jsandoval@kingsvilleisd.com](mailto:jsandoval@kingsvilleisd.com)

### **Options School**

*Diana Guerrero-Pena*  
[dgpena@kingsvilleisd.com](mailto:dgpena@kingsvilleisd.com)

### **Memorial Middle School**

*Dolores Hernandez*  
[dhernandez2@kingsvilleisd.com](mailto:dhernandez2@kingsvilleisd.com)

### **J.S. Gillett Intermediate School**

*Joe Mireles*  
[jmireles@kingsvilleisd.com](mailto:jmireles@kingsvilleisd.com)

### **Harrel Elementary**

*Leo Ramos, Jr.*  
[lramos1@kingsvilleisd.com](mailto:lramos1@kingsvilleisd.com)

### **Harvey Elementary**

*Dawn Mireles*  
[dmireles@kingsvilleisd.com](mailto:dmireles@kingsvilleisd.com)

### **Kleberg Elementary**

*Gregorio Adrian Vargas, Ed. D*  
[gvargas@kingsvilleisd.com](mailto:gvargas@kingsvilleisd.com)

### **Perez Elementary**

*Connie Herrera*  
[cherrerakingsvilleisd.com](mailto:cherrerakingsvilleisd.com)

## School Calendar

The school district's calendar is developed annually by the District Advisory Council with input from campuses and employees and then voted on district-wide by employees and the community. The selected calendar is then presented to the Board for approval. The 2014-2015 school calendar is available on line at [www.kingsvilleisd.com](http://www.kingsvilleisd.com).

## Dress Code

To ensure a professional work environment, KISD has established a dress code of professional business attire. The following attire is considered unacceptable:

Jeans (unless single campus designated day)  
Flip Flops (Designer or not)  
Crocs  
Capris  
Shorts  
Short Skirts (must be at least knee level)  
No leggings (unless worn under dress)  
No T-shirts (with exception of spirit days)

## Helpful Contacts

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

### Administration Building

Main Number	(361) 592-3387
<b>Superintendent</b>	Ext. 8113
Personnel	Ext. 8135
Public Relations	Ext. 8134
<b>Support Services</b>	Ext. 8151
Finance	Ext. 8108
PEIMS	Ext. 8155
Payroll & Employee Benefits	Ext. 8111
Crisis Management	Ext. 8151
Food Service	Ext. 8102
Maintenance	Ext. 8115
Custodial Services	Ext. 8131
Transportation	Ext. 8163
<b>Curriculum &amp; Instruction</b>	Ext. 8126
Federal Programs & State Comp.	Ext. 8139
Special Programs	Ext. 8199
Instructional Services	Ext. 8156
Bilingual	Ext. 8156
Special Education	Ext. 8190
Technology	Ext. 8141

# Employment

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## Equal Employment Opportunity

*Policies DAA, DIA*

Kingsville ISD does not fail or refuse to hire or discharge any individual, or otherwise discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination based on race, color, religion, sex, national origin, age, or military status, including sexual harassment should contact Sharon Michalk, the district Title IX Coordinator at [smichalk\\_01@kingsvilleisd.com](mailto:smichalk_01@kingsvilleisd.com) or 361-592-3387 Ext 8133. Employees with questions or concerns about discrimination on the basis of a disability should contact Evanita Ramos, the district ADA/Section 504 Coordinator at [eramos@kingsvilleisd.com](mailto:eramos@kingsvilleisd.com) or 361-592-3387 Ext. 8156. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis and at the central administration building, campuses, and the district's website at [www.kingsvilleisd.com](http://www.kingsvilleisd.com). Each announcement will include job requirements, job classifications and deadlines for submitting applications. With respect to vacancies in positions that require a certificate or license (other than those that affect the safety and security of students as determined by the Board), the vacancies will be posted for ten (10) working days prior to be filled. (See Policy DC (Legal) for the exception to this requirement with respect to teaching vacancies that arise during the school year.)

## Employment after Retirement

*Policy DC*

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in limited circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication Employment After Retirement. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Web Site ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## Contract and Noncontract Employment

### *Policy DC series*

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

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment if they have not been previously employed by the district. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts. In general, the probationary contract may be renewed for two additional one-year terms, for a maximum permissible probationary contract period of three school years. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year. If, during the third year of the probationary contract, the Board determines that a term contract should be given, the district may make a probationary contract for a term ending with the fourth consecutive school year.

**Term Contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by one-year term contracts after they have successfully completed the probationary period. Term contracts are also provided to the following positions: Assistant Superintendent for Support Services, Director of Finance/Human Resources, Food Service Coordinator, Director of Maintenance/Transportation, Director of Custodial Services and the Accounting Supervisor. Campus principals and central office administrators are employed under one year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed on line or copies will be provided upon request. In addition, a copy of those policies are available upon request for inspection at a reasonable time at each school in the district.

**Continuing Contracts.** A statutory continuing contract in Texas public schools is similar to tenure rights. A continuing contract is a contract with no expiration date; it will continue until the employee resigns, retires, is released or discharged for good cause, or is returned to probationary status in accordance with law. Continuing contracts are not renewed like term contracts because the term never expires. Continuing contracts can only be terminated for good cause. A continuing contract employee faced with termination has specific rights with regard to notice, a hearing before an independent hearing examiner, and is entitled to appeal the decision of the local board. KISD no longer offers this type of contract.

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional administrators) are employed by a one-year contract that is not subject to the provisions for nonrenewal or termination under the Texas Education Code.

**At-will Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Other employees employed on an at-will basis include,

but are not limited to, employees in the following categories: non-administrative, non-certified professionals, and teachers with school district permits. At-will employees may be dismissed at any time for any reason not prohibited by law, or for no reason, as determined by the needs of the district. A dismissed at-will employee may request to be heard by the Board in accordance with DGBA (Local). Employment is not for any specified term and may be terminated at any time by either employee or the district.

**DCC (LOCAL).** Any district employee under a continuing contract prior to April 9, 2003 shall remain on a continuing contract until the employee relinquishes the contract.

Policies relating to employment by educator term contract [see DCB and the DFB series] do not apply to employees on continuing contracts.

## **Certification and Licenses**

### *Policies DBA, DF*

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Department of Personnel in a timely manner.

A certified employee's contract may be voided without due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Texas Education Agency if you have any questions regarding certification or licensure requirements.

## **Searches and Alcohol and Drug Testing**

### *Policy CQ, DHE*

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

## **Department of Transportation Testing Program**

### *Policy DHE*

The district is required to conduct testing of commercial motor vehicle operators for use of alcohol or controlled substances in a manner that is prohibited by law or regulation. All testing for alcohol or controlled substances will be conducted in accordance with the procedures required by federal regulations. Required testing includes pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Drivers cannot refuse to

submit to such testing, and the district will not permit a driver who refuses to submit to such tests to drive district vehicles or perform safety-sensitive functions.

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

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

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

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact Rey Suarez, Director of Maintenance/Transportation at 361-595-9199.

## Health Safety Training

*Policies DBA, DMA*

Head marching band directors, head coaches, or chief sponsors of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or University Interscholastic League (UIL) must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification.

Each school nurse, assistant school nurse, athletic coach or sponsor physical education instructor, marching band director, cheerleading coach, and any other employees specified by the Commission of Education must receive and maintain certification in the use of an automated external defibrillator (AED). This certification must be issued by the American Heart Association, the American Red Cross or a similar nationally recognized association.

Employees subject to these requirements must submit their certification or documentation to Lou Wilson, Charge Nurse.

## Supplemental Duties

Non-contractual supplemental duties for which supplemental pay is received may be discontinued by either the employee or the district at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the district's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.

## Reassignments and Transfers

*Policy DK*

All personnel are subject to assignment and reassignment by the Superintendent or designee when the Superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Change in an employee's contract shall be accomplished in accordance with policy DC. Campus reassignments must be approved by the principal at the receiving campus except; however when reassignments are due to enrollment shifts or program changes, the Superintendent has final placement authority. The principal's criteria for approval of campus assignments must be consistent with district policies relating to equal opportunity employment as well as with staffing patterns in the district and campus plans. In exercising their authority to approve assignments and reassignments, principals must work cooperatively with the central office staff to ensure operation of the district as a whole. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the Director of Human Resources. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Department of Human Resources.

## Workload and Work Schedules

*Policies DEA, DK, DL*

**Professional Employees.** Professional and administrative employees are exempt from overtime pay and are employed on a 10-, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Classroom teachers and full-time librarians are entitled to a duty-free lunch period of at least 30 minutes. If necessary because of a personnel shortage, extreme economic

conditions, unavoidable or unforeseen circumstances, the district may require classroom teachers or librarians to supervise students during lunch one day a week when no other personnel are available.

**Paraprofessional and Auxiliary Employees.** Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor and either the Asst. Superintendent for Curriculum and Instruction or Asst. Superintendent for Support Services.

## Notification to Parents Regarding Qualifications

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who is not highly qualified. No later than the 20<sup>th</sup> instructional day after the date of the assignment, the Superintendent or designee will send a written notice to parents.

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notification under NCLB is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Not later than the 30<sup>th</sup> instructional day after the date of assignment, the Superintendent or designee will send a written notice to parents. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status can call the Department of Human Resources at 361-592-3387 Ext. 8133.

## Outside Employment and Tutoring

*Policy DBD*

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## Performance Evaluation

*Policy DN series*

All district employees must be periodically appraised in the performance of their duties, consistent with the principles set out in board policy DN (LOCAL). In general, evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. Except as

may otherwise be set out in board policy, all employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation. In addition, the supervisor may have as many conferences with an employee concerning the employee's job performance as the supervisor deems necessary. Employees may present complaints involving the evaluation and appraisal process in accordance with the district's employee complaint process, set out in board policy DGBA (Local).

## **Performance Appraisal Evaluation of Teacher**

The annual appraisal of district teachers shall be in accordance with the Professional Development and Appraisal System (PDAS). All requirements indicated by PDAS will be followed, unless otherwise specified in board policy. Appraisal records and other documentation as part of the PDAS may be used for staff development purposes or employment decisions. Detailed information concerning performance appraisal evaluation of teachers can be found in board policies DNA (Legal) and DNA (Local).

Upon a teacher's request for a second appraiser, the Superintendent or designee shall select the second appraiser from a pre-established roster or trained appraisers. Complaints regarding teacher appraisals shall be addressed in accordance with board policy DGBA (Local).

Teachers should receive fair and credible evaluations based on observations and other credible documentation.

## **Employee Involvement**

*Policies BQA, BQB*

At both the campus and district levels, KISD offers opportunities for involvement in matters that affect employees. As part of the district's planning and decision-making process, employees may be asked or are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from Department of Instructional Services at 361-592-3387 Ext. 8156.

## **Staff Development**

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by district- and campus-level advisory committees. Staff development for noninstructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

# Compensation and Benefits

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## Salaries, Wages, and Stipends

*Policies DEA, DEAA, DEAB*

The Board approves compensation plans for all district employees. Compensation plans may include wage and salary structures, stipends, benefits, and incentives. The Superintendent is responsible for administering the compensation plans consistent with the budget approved by the Board, and the Superintendent or designee classifies each job title within the compensation plans, based upon the qualifications and duties of the position. Within these classifications, the Superintendent or designee determines appropriate pay for new employees and employees reassigned to different positions.

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid monthly salaries and are not entitled to overtime compensation. Other employees are generally classified as non-exempt and are paid on an hourly basis.

The Superintendent or designee may assign non-contractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA) as needed. An employee assigned to those supplemental duties will be compensated for carrying out those assignments in accordance with the district's compensation plans.

Employees who are paid on an hourly basis shall be compensated for all hours worked. Non-exempt employees who are paid on a salary basis are paid for a 40-hour work week, and do not earn additional pay unless the employee works for more than 40 hours. A non-exempt employee must have the approval of his or her supervisor and either the Asst. Superintendent for Curriculum and Instruction or Asst. Superintendent for Support Services before working overtime. An employee who worked overtime without prior approval is subject to disciplinary action, but shall be compensated in accordance with FLSA. At the district's option, non-exempt employees may receive compensatory time off rather than overtime pay, for overtime work. The employee will be informed, in advance, if overtime hours will accrue compensatory time rather than pay.

Compensatory time earned by non-exempt employees may not accumulate beyond a maximum of 60 hours. If an employee has a balance of more than sixty (60) hours of overtime, the employee will be required to use compensatory time or at the district's option, will receive overtime pay.

Compensatory time shall be used within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a fiscal year, the employee shall receive overtime pay. Use of compensatory time may be at the employee's request or as determined by the employee's supervisor to protect the district's schedules and activities. An employee may use compensatory time in accordance with the district's leave policies, if such use does not unduly disrupt the operations of the district [see DEC (Local)]. The district may require an employee to use compensatory time when in the best interest of the district.

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

A contract employee's pay shall not be increased after performance on the contract has begun, unless there is a change in the employee's job assignment or duties that warrants additional compensation. Any such changes in pay during the term of the contract require board approval.

The Superintendent may grant a pay increase to a non-contract employee after duties have begun only when there is a change in the employee's job assignment or duties, or when an adjustment in the market value of the job warrants additional compensation. The Superintendent is required to report any such pay increases to the board at the next regular meeting after deciding to grant such a pay increase.

Employees should contact the Department of Human Resources for more information about the district's pay schedules or their own pay.

## Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid every two weeks. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

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

## Automatic Payroll Deposit

The district requires all employees to enroll in automatic payroll deposit. Employee paychecks are automatically electronically deposited into a designated account. With automatic payroll deposit, an employee's paycheck is immediately available on the pay date. Contact the Payroll Office at 361-592-3387 Ext. 8111 for more information about the automatic payroll deposit service.

## Payroll Deductions

### *Policy CFEA*

The district is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS)
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired in this district after March 31, 1986)

Temporary and part-time employees who are not eligible for TRS membership must participate in the alternate retirement plan offered by the district.

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

Each employee is urged to review the payroll deductions shown on the employee's pay stub each pay period to ensure that the correct types and amounts of deductions are being taken out of the employee's pay. All pay stubs are available online through the Employee Access Center at [www.kingsvilleisd.com](http://www.kingsvilleisd.com). For assistance in accessing this information call the Department of Human Resources at 361-592-3387 Ext. 8135.

## Overtime Compensation

### *Policy DEA*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. All employees are classified as exempt or nonexempt for purposes of overtime compensation. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor and either the Asst. Superintendent for Curriculum and Instruction or Asst. Superintendent for Support Services.

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

For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Saturday and ends at 11:59 p.m. Friday. Employees may be compensated for overtime with compensatory time off or direct pay at time-and-a-half rates. The following applies to all nonexempt employees:

As noted above compensatory time earned by nonexempt employees may not accumulate beyond a maximum of 60 hours, compensatory time shall be used within the duty year in which it is earned. Use of compensatory time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's discretion. An employee may be required to use comp time before using available paid leave (e.g., sick, personal, excess).

Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## Overtime Compensation for Exempt Employees

### *Policy DEA*

All administrators, teachers, counselors, diagnosticians, and librarians are exempt employees. As such, the salaries of these employees are intended to cover all hours worked.

## **Travel Expense Reimbursement**

### *Policy DEE*

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

## **Health, Dental, and Life Insurance**

### *Policy CRD*

Group health insurance coverage is available to all full-time employees. The district's contribution to employee insurance premiums is determined annually by the Board of Trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees in a separate booklet entitled KISD Group Health Protection Plan.

The health, dental, and vision insurance plan year is from October 1, 2013 through September 30, 2014. Employees must complete enrollment forms within 31 days of their employment. Current employees can make changes in their insurance coverage during the enrollment period. Employees should contact the Payroll Office at 592-3387 Ext. 8111 for more information.

## **Supplemental Insurance Benefits**

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs for annuities, cancer, disability, vision, dental, and life insurance. Premiums for these programs can be paid through payroll deduction. Employees should contact the Payroll Office at 592-3387 Ext. 8111 for more information.

## **Cafeteria Plan Benefits (Section 125)**

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

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' Compensation Insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage administered by Creative Risk Funding effective on the beginning date of employment. Benefits help pay for medical treatment and make up for part of the income lost

while recovering. Specific benefits are prescribed by law depending on the circumstances of each case and all employees should review board policies CRE (Legal) and CRE (Local) for more information about this benefit. All work-related accidents or injuries should be reported immediately to the Director of Human Resources. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

## Unemployment Compensation Insurance

### *Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Department of Human Resources.

## Teacher Retirement

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

Employees who plan to retire under TRS should notify the Department of Human Resources as soon as possible. Information on the application procedures for TRS benefits is available from the Department of Human Resources or TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

# Leaves and Absences

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*Policies DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call the Department of Human Resources for counseling about leave options, continuation of benefits, and communicating with the district.

Leave must be used in half-day increments. However, if an employee is taking intermittent family and medical leave, leave shall be recorded in one-hour increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Local sick leave
- State sick leave accumulated before the 1995–1996 school year
- State personal leave
- Use of extended sick leave or sick leave pool days shall be permitted only after all available state and local leave has been exhausted

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification.

**Medical Certification.** Any employee who is absent more than five days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and-in the case of personal illness-the employee’s fitness to return to work.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Continuation of Health Insurance.** Employees who take unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district, as they were when they were working. The district does not make benefit contributions for employees who are not on active payroll status.

## Personal Leave

State law entitles all employees to five (5) days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee’s usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferable to other Texas school districts, and

generally transfers to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

**Nondiscretionary.** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Nondiscretionary leave may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor one day in advance of the anticipated absence. Discretionary personal leave will be granted on a first-come, first-served basis and will be subject to the following limitations:

- Discretionary leave may not last more than five consecutive workdays.
- Personal leave (discretionary) may not be taken on the following key days: before and after school holidays; days scheduled for end-of-semester and end-of-year exams; days scheduled for STAAR or EOC exams; or staff development days.
- The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

**Leave Proration.** 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, leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

## State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave can be used only in half-day increments, except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers' compensation benefits.

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

## Local Leave

All full-time employed persons shall earn an additional five equivalent workdays of local sick leave per school year. 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. The District shall not approve paid local 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. Local sick leave shall accumulate to a maximum of 50 equivalent workdays and shall be taken with no loss of pay. Local leave shall be used according to the terms and conditions of state sick leave.

## Extended Leave

After all available state and local leave days have been exhausted, a full-time employee shall be granted in a school year a maximum of 30 leave days of extended sick leave to be used within a five-year period. The individual five-year period shall begin with the first day of extended sick leave taken by the employee. Extended sick leave shall be granted when the employee or the employee's immediate family member suffers from a catastrophic illness or injury as defined above.

**A written request for extended sick leave must be accompanied by medical certification of the illness or injury.**

For administrative/professional employees, a rate of \$90 shall be deducted from the average daily rate of pay for each day of extended sick leave taken, whether or not a substitute is employed. For all other employees, a rate of \$45 shall be deducted from the employee's average daily rate of pay for each day of extended sick leave taken, whether or not a substitute is employed.

## Sick Leave Pool

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. 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. 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. Additional information on the process for requesting sick leave pool days, please contact the office of Human Resources.

### **Family and Medical Leave Act (FMLA) – General Provisions**

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

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

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

**Military Family Leave Entitlements.** An eligible employee whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use his or her 12-

week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.**

**Benefits and Protections.** During FML, the eligible employee is entitled to continue their health care benefits under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

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

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

\*Special hours of service eligibility requirements apply to airline flight crew employees.

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

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

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

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

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

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

**Employer Responsibilities.** Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are eligible, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FML and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FML, the employer must notify the employee.

**Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right protected under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

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

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

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

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## Local Family and Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period from July 1 through June 30

**Use of Paid Leave.** FML runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The district will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

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

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

**District Contact.** Employees that require FML or have questions should contact the Department of Human Resources for details on eligibility, requirements, and limitations.

## Temporary Disability

**Certified employees:** Any full-time employees whose position requires certification from SBEC is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability. A full-time educator may voluntarily request to be placed on temporary disability leave or be placed on leave involuntarily.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absences due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days.

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

When an employee is ready to return to work, the Department of Human Resources should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

## Workers' Compensation Benefits

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

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. While an employee is receiving workers' compensation wage benefits, the district will charge available leave proportionately so that the employee receives an amount equal to the employee's regular salary.

**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]

## Assault Leave

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave or counted against the employee's family and medical leave entitlement, and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## Bereavement Leave

Use of state leave and/or local sick leave for death in the immediate family shall not exceed five workdays per occurrence, subject to the approval of the district.

## Jury Duty

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

## Other Court Appearances

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use paid leave. Absences for court appearances related to an employee's personal business must be taken as personal leave or leave without pay (if no personal leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

## Military Leave

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave for authorized training or duty orders. Paid military leave will not exceed 15 days each fiscal year. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or

similar position provided they can be qualified to perform the required duties. To be eligible for reemployment, employees must provide notice (either personally or through an appropriate officer) of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment within 90 days after the date of discharge or release from active military service. The application must be made in writing to the superintendent with a copy submitted to the Department of Human Resources. Documentary evidence of the honorable discharge, separation or release from military service must be attached to the application. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Payroll Office for details on eligibility, requirements, and limitations relating to their rights and benefits available to veterans of military service.

# Employee Relations and Communications

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## Employee Recognition and Appreciation

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in news releases, and through special events and activities. Recognition and appreciation activities also include a banquet at the end of the school year at a ceremony honoring retirees and those receiving service awards.

In addition, each campus selects a Teacher of the Year to represent the campus in determining the District's Elementary and Secondary Teachers of the Year. These individuals are also recognized at the Employee Banquet held each spring.

## District Communications

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

- KISD Website
- Brahma Update Newsletter
- District Events Calendar
- Local Newspapers, TV, and radio stations
- Facebook
- Twitter
- Instagram
- Channel 18 News
- KBUL Radio
- YouTube

\*Please contact Selinda Sanchez, Public Relations Specialist, for all media inquiries.\*  
Office: 361-592-3387 ext. 8134 Cell: 361-246-7082

# Complaints and Grievances

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All concerns and complaints should begin informally with the lowest level appropriate prior to initiating the formal grievance procedure.

## *Policy DGBA*

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance process that all employees must follow when bringing formal complaints and grievances. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time, while keeping in mind that the formal complaint process must be initiated within the deadline set out in the policy.

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

Board policy DGBA provides employees an orderly process for the prompt and equitable resolution of grievances when a concern has not been resolved. The Board intends that, whenever feasible, grievances be resolved at the lowest possible administrative level. This policy shall not be construed to create new or additional rights beyond those granted by board policy or law. In resolving complaints, time is of the essence.

The district's policy concerning the process of bringing concerns and complaints is available on the district website at <http://pol.tasb.org/Policy/Code/774?filter=DGBA>

## Definitions

With the exception of the “Whistleblower” complaints provision, and unless otherwise noted, all references to “days” in the complaint policy shall mean district business days. The terms “complaint” and “grievance” shall have the same meaning. A grievance under the complaint policy may include any topic concerning or relating to an employee’s wages, hours or conditions of work, including, but not limited to “Whistleblower” complaints and the Termination of at-will employment. Policy DGBA does **not**, however, apply to complaints making:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional materials shall be submitted in accordance with EFA.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.

7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

### **Notice to Employees**

The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy, and are also responsible for making sure that the complaint procedure set out in the policy are properly carried out.

### **Freedom From Retaliation**

Neither the Board nor any district employee shall unlawfully retaliate against any employee for bringing a complaint or concern under this policy. [See also DG (Legal) for further information on employee rights and privileges.]

### **“Whistleblower” Complaints**

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG (Legal)] The complaint shall first be filed in accordance with LEVEL TWO, below. Time lines for the employee and the district set out in this policy may be shortened to enable the Board to make a final decision within 60 calendar days of the initiation of the complaint.

### **General Requirements of Policy DGBA (LOCAL)**

Concerns or complaints should be expressed as soon as possible to allow early resolution at the lowest possible administration level. If an informal conference regarding a concern or complaint fails to reach a result satisfactory to the complaining employee, that employee may initiate the formal complaint process outlined below and set out in more detail in policy DGBA (Local). Even after initiating the formal grievance process, employees are encouraged to seek resolution informally, and an employee whose concerns are resolved may withdraw a formal complaint at any time. Nothing set out in this Handbook or in policy DGBA itself shall be construed to create any rights beyond those granted by law or board action. Nor does the grievance process require a full evidentiary hearing or mini-trial at any level. While employees are not prohibited from communicating with a board member regarding district operations, it is inappropriate for them to do when the communication involves the subject matter of a pending hearing or complaint appeal related to the employee. A grievance must specify the individual harm alleged, and must be submitted in writing on a form provided by the district. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual written consent. Costs of any grievance shall be paid by the party incurring them.

## CONSOLIDATION

Complaints arising out of an event or a series of events shall be addressed in one complaint. Employees cannot bring separate or serial complaints arising from any event or series of events that could have been addressed in a prior complaint. When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the grievances.

## REPRESENTATIVES

“Representative” means any person who or/and an organization that does not claim the right to strike and is designated by the employee to represent the employee. The employee may designate a representative through written notice to the district at any level of the process; if the employee designates such a representative with fewer than three day notice to the district before a scheduled conference or hearing, the district may reschedule the conference or hearing to a later date in order to include the district’s legal counsel, even though it may result in having the grievance conference beyond the policy deadline.

The district’s policy that includes processes and procedures for filing a grievance may be found at:

<http://pol.tasb.org/Policy/Search/774?filter=dgba>

## INITIATING A GRIEVANCE

An employee who wishes to file a grievance shall contact the Department of Human Resources. The personnel office shall provide a grievance/complaint procedure packet upon request. The grievance/complaint procedure packet shall contain a copy of the employee complaint policy and Level One, Level Two and Level Three grievance/complaint forms. The personnel office shall keep a log with the name, address, date and signature of the person to whom a grievance/complaint procedure packet has been provided.

## LEVEL ONE

As noted above an employee who has a grievance initiates the formal complaint process by submitting the grievance in writing on a form provided by the district. The form must be filed within fifteen (15) days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining. Copies of any documents that support the complaint should be attached to the complaint for; if the employee does not have copies of such documents that the complaint is initiated, the employee must present them at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be re-filed with all of the required information if the refiling is within the designated time for filing a complaint.

The complaint must be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, employees on school campus shall file Level One complaints with the principal; other district employees shall file Level One complaints with their

immediate supervisor. If the only administrator who has the authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two, following the procedures, including deadlines, for filing complaints at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator will note the date and time a complaint form was received and immediately forwards the complaint form.

The appropriate administrator shall investigate the complaint as necessary, and must hold a conference with the employee within ten (10) days after receipt of the written complaint. The Level One administrator may set reasonable time limits for the conference.

The Level One administrator shall provide a written response to the employee within ten (10) days following the Level One conference. In reaching a decision, the administrator may consider information provided at the conference and any other relevant documents or information the administrator believes will help resolve the complaint. The Level One record shall include the original complaint form and any attachments, all other documents submitted by the employee at Level One, the written response issued at Level One, any attachments to that response, and all other documents relied upon by the Level One administrator in reaching the Level One decision

## LEVEL TWO

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a Level One response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision. The appeal notice must be in writing on a form provided by the district and must be filed within ten (10) days following receipt of a written response or, if no written response is received, within ten (10) days of the response deadline.

The Superintendent or designee shall hold a Level Two conference within ten (10) days after the appeal notice is filed. The conference will be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the person who issued the Level One decision. The Superintendent or designee may set reasonable time limits for the Level Two conference. The Superintendent or designee shall provide a written response to the employee within ten (10) days following the Level Two conference. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

## LEVEL THREE

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a Level Two response has expired, the employee may appeal the Level Two decision to the Board. The appeal notice shall be in writing on a form provided by the district and must be filed within ten (10) days following receipt of the written Level Two response or, if no written response is received, within ten (10) days of the response deadline. The Superintendent or designee shall inform the employee of the date, time, and place of the meeting at which the complaint appeal will be on the agenda.

The Superintendent or designee shall provide the Board the record of the Level Two complaint, and the employee may request a copy of that record. The Level Two record must include the

Level One record, the written response issued at Level Two, any attachments to that written response, and all other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee written notice of the nature of the evidence at least three (3) days before the Level Three appeal hearing.

The Level Three proceeding before the Board shall be recorded by audiotape and/or a court reporter. The presiding officer may set reasonable time limits and guidelines for the appeal, which guidelines will include providing an opportunity for both the employee and administration to make a presentation and a rebuttal. The Board shall hear the Level Three appeal and may request the administration to provide an explanation of the decisions reached at Level One and/or Level Two.

If the Board does not make a decision regarding the Level Three appeal by the end of the next regularly scheduled board meeting, the lack of response by the Board upholds the Level Two decision. If the Board chooses to respond, the Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled board meeting.

### **Closed Meeting**

The Board will determine whether the Level Three appeal will be presented in open or closed meeting, in accordance with applicable state law. If the grievance involves the appointment, employment evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests that it be heard in public. However, if the grievance involves a complaint or charge against another district employee or board member, it shall be heard in closed meeting against whom the complaint or charge is brought.

# Employee Conduct and Welfare

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## Standards of Conduct

### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the Superintendent first learns of the incident.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

### **Texas Educators' Code of Ethics**

#### **Purpose and Scope**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. (19 TAC 247.1(b))

## **Enforceable Standards**

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

**Standard 1.1** The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

**Standard 1.2** The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

**Standard 1.3** The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

**Standard 1.4** The educator shall not use institutional or professional privileges for personal or partisan advantage.

**Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

**Standard 1.6** The educator shall not falsify records, or direct or coerce others to do so.

**Standard 1.7** The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

**Standard 1.8** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

**Standard 1.9** The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

**Standard 1.10** The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

**Standard 1.11** The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

**Standard 1.12** The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

**Standard 1.13** The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

### **2. Ethical Conduct toward Professional Colleagues**

**Standard 2.1** The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

**Standard 2.2** The educator shall not harm others by knowingly making false statements about a colleague or the school system.

**Standard 2.3** The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

**Standard 2.4** The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

**Standard 2.5** The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

**Standard 2.6** The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

**Standard 2.7** The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

### **3. Ethical Conduct toward Students**

**Standard 3.1** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

**Standard 3.2** The educator shall not intentionally, knowingly, or recklessly threaten a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

**Standard 3.3** The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

**Standard 3.4** The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

**Standard 3.5** The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

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

**Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

**Standard 3.8** The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

**Standard 3.9** The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## Discrimination, Harassment, and Retaliation

*Policies DH, DIA*

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

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

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation may be found at:

<http://pol.tasb.org/Policy/Search/774?filter=dia>

## Harassment of Students

*Policies DF, DH, FFG, FFH*

**Employee-to-student.** Sexual and other harassment of students by employees are forms of discrimination prohibited both by law and by district policy. Romantic or inappropriate social relationships between students and district employees are strictly prohibited. Employees who suspect a student may have experienced prohibited harassment or abused by another employee are obligated to immediately report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge to the appropriate authorities as required by law.

See *Reporting Suspected Child Abuse*, page 44 and *Bullying*, page 65 for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students can be found at:

<http://pol.tasb.org/Policy/Search/774?filter=df>

<http://pol.tasb.org/Policy/Search/774?filter=ffh>

## Reporting Suspected Child Abuse

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

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility); licensed or certified employees who have direct contact with children in the normal course of their duties must do so within 48 hours

of the event that led to the suspicion. Abuse is defined by SBEC and includes the following acts or omissions:

- Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
- Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

Employees are also required to make a report if they have cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child or disabled person.

Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report. The legal duty to report lies with each person who has cause to believe that abuse or neglect has occurred. It is the responsibility of the individual, not the school district as an entity, to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. In addition, a certified employee's failure to report abuse may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency.

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Sexual Abuse and Maltreatment of Children**

As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or otherwise maltreated. Sexual abuse in the Texas

Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Employees are required to follow the procedures described above in *Reporting Suspected Child Abuse*.

## Technology Resources *Policy CQ*

The district's technology resources, including its networks, e-mail accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district's technology resources
- Has no adverse effect on job performance or on a student's academic performance

Electronic mail transmissions and other use of technology resources are not confidential, or private and all such transmissions or communications can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the district's acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access termination of privileges and may lead to disciplinary action. Violations of law may result in criminal prosecution as well as disciplinary action by the district. Employees with questions about computer use and data management can contact Dr. Juan Diego Vazquez-Cruz, Director of Instructional Technology at 361-592-3387 Ext. 8141.

## Agreement for Acceptable Use Of the Technology Resources and Electronic Equipment

As an employee of the district you are being given access to the district's technology resources and electronic equipment. Through this system, you will be able to communicate with other schools, colleges, organizations, and people around the world through the Internet and other electronic information systems/networks. You will have access to hundreds of databases, libraries, and computer services all over the world.

With this opportunity comes responsibility. It is important that you read the district policy, administrative regulations, and the agreement form in connection with the acceptable use of the district's electronic communication system and ask questions if you need help in understanding them. Inappropriate system use will result in the loss of the privilege of using this educational and administrative tool, and could result in disciplinary action, including possible termination.

Please note that the Internet is a network of many types of communication and information networks. It is possible that you may run across some material you might find objectionable. While the district will take reasonable steps to restrict access to such material, it is not possible to

absolutely prevent such access. It will be your responsibility to follow the rules for appropriate use, and to fully comply with all of the policies and administrative regulations, including those set out in the district's Acceptable Use Policy.

### ***Rules for Appropriate Use***

- You will be assigned a guest account on the District's technology resources and electronic equipment system while using the District's technology resources and electronic equipment.
- You will be held responsible at all times for the proper use of the account, and the District may suspend or revoke your access if you violate the rules.
- Remember that people who receive e-mail from you with a school address might think your message represents the school's point of view.

### ***Inappropriate Uses***

- Using the system for illegal purposes.
- Borrowing someone's account without permission.
- Downloading or using copyrighted information without permission from the copyright holder.
- Posting messages or accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Wasting school resources through improper use of the District's technology resources and electronic equipment.
- Gaining unauthorized access to restricted information or resources.

### ***Consequences for Inappropriate Use***

- Suspension of access to the system.
- Revocation of the computer system account; and/ or
- Other disciplinary or legal action, in accordance with the district policies and applicable laws.

All employees are urged to check their e-mail periodically.

## **Personal Use of Electronic Media**

### *Policies CQ, DH*

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for Web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]
  - Copyright law [See Policy CY]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

See *Use of Electronic Media with Students*, below, for regulations on employee communication with students through electronic media.

## Use of Electronic Media with Students

### *Policy DH*

A certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may communicate through electronic media with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. All other employees are prohibited from communicating with students who are enrolled in the district through electronic media.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

The following definitions apply for the use of electronic media with students:

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). *Electronic media* also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic*

*Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.

- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who uses electronic media to communicate with students shall observe the following:

- The employee may use any form of electronic media **except** text messaging. Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility.
- The employee shall limit communications to matters within the scope of the employee's professional responsibilities and official capacity (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page ("professional page") for the purpose of communicating with students. The employee must enable administration and parents to access the employee's professional page.
- The employee shall not communicate directly with any student between the hours of 8:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DF]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.

An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.

## **Criminal History Background Checks**

### *Policy DBAA*

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

## **Employee Arrests and Convictions**

### *Policy DH*

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

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

Moral turpitude includes the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under SBEC rules

If an educator is arrested or criminally charged, the Superintendent is also required to report the educators' criminal history to the Division of Investigation at TEA.

## **Alcohol and Drug-Abuse Prevention**

### *Policies DH, DI*

Kingsville ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who are under the influence of

alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. For more detailed information on alcohol and drug abuse, see policy DH (Local) and DI (Local), and DI (Exhibit), both of which are referenced in the appendix of this handbook.

## **Tobacco Use**

### *Policies DH, FNCD GKA*

State law prohibits smoking or using tobacco products on all district-owned property and at school-related or school-sanctioned activities, on or off campus. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## **Fraud and Financial Impropriety**

### *Policy CAA*

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district

## **Conflict of Interest**

### *Policy DBD*

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

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

## **Gifts and Favors**

### *Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbook, electronic textbooks, instructional materials or technological equipment may result in prosecution of a Class B misdemeanor offense. "Gift, favor, or service" does not include staff development, teacher training, or instructional materials such as maps or worksheets that convey information to students or contribute to the learning process.

## **Copyrighted Materials**

### *Policy CY*

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures, and other audiovisuals works, are to be used in the classroom for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement and in accordance with the district's acceptable use policies and administrative regulations.

## **Association and Political Activities**

### *Policy DGA*

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

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

An employee's participation in community, political, or employee organization activities is entirely voluntarily; however, it must not interfere with the employee's performance of assigned duties and responsibilities, result in any political or social pressure being placed on students, parents or staff, or involve trading on the employee position or title with the district.

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

## **Charitable Contributions**

### *Policy DG*

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

## **Safety**

### *Policy CK series*

The district shall take every reasonable precaution regarding the safety of its students, employees, visitors, and all others with whom it conducts business. The district through the Superintendent has developed and promotes the implementation of a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.
- Engage in safety training as required by their supervisor.

Employees with questions or concerns relating to safety programs and issues can contact the Sharon Michalk, Director of Finance/Human Resources, at 361-592-3387 Ext. 8121.

## **Possession of Firearms and Weapons**

### *Policies FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a concealed handgun, are prohibited from bringing firearms, knives, clubs or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor immediately.

## **Visitors in the Workplace**

### *Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. This requirement applies to parents, board members, volunteers, social service workers, invited speakers, maintenance and repair persons not employed by the district, vendors, representatives of the news media, former students, and any other visitors. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **Asbestos Management Plan** *Policy CKA*

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each piece of district property. A copy of the district's management plan is kept in the Maintenance Department office located in the district's main administrative offices, and is available for inspection during normal business hours.

## **Pest Control Treatment** *Policies CLB, DI*

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located at the front of the building. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written or electronic means. Pest control information sheets are available from campus principals or facility managers upon request.

# General Procedures

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## Bad Weather Closing

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

- KKBA (Kingsville and Corpus Christi)
- KUKA (Alice)
- K99 (Corpus Christi)
- CABLE MANAGEMENT ASSOCIATES – (CMA), Cable Channel 2
- Electronic mail to district employees
- KISD Website – [www.kingsvilleisd.com](http://www.kingsvilleisd.com)
- Facebook
- Twitter
- Channel 18 News
- KBUL Radio
- Local Newspapers, TV, and radio stations

## Emergencies

*Policies CKC, CKD*

All employees should be familiar with the safety procedures for responding to a medical emergency and evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

## Purchasing Procedures

*Policy CH*

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

## Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the Department of Human Resources if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary.

## Personnel Records

### *Policy DBA, GBA*

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

- Address
- Phone number, including personal cell phone number
- Personal e-mail address
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information may be made at any time by submitting a written request to the Department of Human Resources. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public.

## Building Use

### *Policies DGA, GKD*

The Board permits public use of designated school facilities for educational, recreational, civic or social activities, when these activities do not conflict with school use or with policy GKD (Local). Each campus principal is authorized to approve use of facilities on his or her campus; the Superintendent is authorized to approve the use of other district facilities. Written application to the appropriate administrator must be made at least ten (10) days in advance. Except for school-sponsored groups, users shall be charged a fee for operation, supervision and clean-up cost at designated facilities. Facility fees are not applicable when school buildings are used as polling places for public elections, for precinct and county conventions, or for public meetings sponsored by state or local governmental agencies. In addition, facility fees are not applicable to meetings of employee organizations.

The office of the Asst. Superintendent for Support Services is responsible for scheduling and approving the use of facilities, and passing on the request to the Superintendent for approval. Contact the Support Services office at 361-592-3387 Ext. 8151 to request to use school facilities and to obtain information on the fees charged.

# Termination of Employment

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## Resignations

### *Policy DFE*

All resignations must be submitted in writing to the Superintendent or designee. The employee must give reasonable notice, and must include in the resignation letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Department of Human Resources. The Superintendent or designee is authorized to accept the resignation of a contract employee submitted and effective before the start date of the school year. If the resignation is submitted after the penalty-free resignation date established by law, acceptance of the resignation is contingent on finding a suitable replacement. For a resignation that is effective during the school year after the contract employee has begun duty, the Superintendent or designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law. The Superintendent or designee is authorized to accept a contract employee's resignation if it is submitted during the school year and effective at the end of the school year. Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board. Resignation without consent may result in disciplinary action by the State Board of Educator Certification (SBEC).

The Superintendent will notify the SBEC when a contract employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to Texas Education Agency* on page 61. Before a contract employee's resignation is accepted in such a circumstance, the Superintendent shall inform the employee in writing that a report will be made to SBEC that may result in sanctions against the employee's certificate. In addition, the Superintendent shall notify the Board before filing a report of a resignation with SBEC.

**Noncontract Employees.** Noncontract employees may resign their position at any time, and the Superintendent or designee is authorized to accept the resignation of an at-will employee at any time. A written notice of resignation should be submitted to Department of Human Resources at least two weeks prior to the effective date. Employees are required by policy DFE (Local) to include in their written resignation a statement of the reasons for leaving.

## Dismissal or Nonrenewal of Contract Employees

### *Policies DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC*

Employees on probationary, term, continuing, and dual-assignment contracts can be dismissed during the school year according to the procedures outlined in district policies and as permitted under applicable state law. Employees on probationary, term, or dual-assignment contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or

nonrenewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available on line.

An employee's probationary, term, continuing, or dual-assignment contract under Texas Education Code Chapter 21 is void if the employee does not hold a certificate or permit issued by SBEC, or fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit. After an employee receives notice that the employee's contract is void, the district may: terminate the employee; suspend the employee with or without pay; or retain the employee for the remainder of the school year in an at-will employee basis in a position other than classroom teacher, at the employee's existing rate of pay or at a reduced rate. An employee whose contract is void is not entitled to the minimum salary prescribed by the Texas Education Code. The district's decision with respect to the options involving dealing with a void contract is not subject to appeal under Chapter 21 of the Texas Education Code, and the notice and hearing requirement of that chapter do not apply to the decision.

## **Dismissal of Noncontract Employees**

### *Policy DCD*

Noncontract employees are employed on an at-will basis include, but are not limited to, employees in the following categories: non-administrative; non-certified professionals; teachers with school district permits; paraprofessionals; and auxiliary support employees.

Noncontract employees are employed at will and may be dismissed at any time, without notice, a description of the reasons for dismissal, or a hearing, for any reason not prohibited by law or for no reason, as determined by the needs of the district. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract at-will employees who are dismissed have the right to grieve the termination in accordance with policy DGBA (Local). The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*, page 36.

## **Exit Interviews and Procedures**

### *Policies DC and CY*

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property including intellectual property, and equipment must be returned upon separation from employment. The district may withhold the cost of any items not returned from the final paycheck.

## Reports to Texas Education Agency

### *Policy DF*

The dismissal of a certified employee must be reported to the Division of Investigations at TEA whenever the termination is based on a determination that the employee was involved in any of the following:

1. Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
2. Soliciting or engaging in sexual conduct or a romantic relationship with a student or minor
3. The possession, transfer, sale, or distribution of a controlled substance
4. The illegal transfer, appropriation, or expenditure of district property or funds
5. An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
6. Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The Superintendent is also required to notify TEA when a certified employee resigns and there is reasonable evidence that would support a recommendation to terminate employment because of the conduct listed above.

The reporting requirement above are in addition to the Superintendent's ongoing duty to notify TEA when a certified employee has a reported criminal history. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

## Reports Concerning Court-Ordered Withholding

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code §§8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

# Student Issues

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## Equal Educational Opportunities

### *Policies FB, FFH*

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

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to the Title IX Coordinator, Sharon Michalk, Director of Human Resources, who can be reached at 361-592-3387 Ext. 8121.

## Student Records

### *Policy FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's record before this time.
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance.

## Parent and Student Complaints

### *Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on different issues. Any campus office or the Superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response. Once all administrative complaint procedures are exhausted, parents and students can bring their complaints to the Board of Trustees if they are not satisfied with the results at the administrative level.

## Administering Medication to Students

### *Policy FFAC*

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen®), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parents and the medicine, in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

## Dietary Supplements

### *Policies DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains any performance enhancing compounds to any student. (An employee commits a Class C misdemeanor offense if he or she engages in any of the above acts.)

## Psychotropic Drugs

### *Policy FFAC*

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## Student Conduct and Discipline

### *Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

Teachers must file a written report with the principal or other appropriate administrator when they have knowledge that a student has violated the Student Code of Conduct. A copy of this report will be sent by the principal or administrator to the student's parents within 24 hours.

## **Student Attendance**

### *Policy FEB*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## **Bullying**

### *Policy FFI*

All employees are required to report student complaints of bullying to the principal or supervisor. The district's policy includes definitions and procedures for reporting and investigating bullying of students can be located at:

<http://pol.tasb.org/Policy/Search/774?filter=ffi>

## **Hazing**

### *Policy FNCC*

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

# Appendix

The following Personnel related policies can be viewed in *section D – Personnel*.

DAA (LEGAL)	Employment Objectives: Equal Employment Opportunities
DAA (LOCAL)	Employment Objectives: Equal Employment Opportunities
DBAA (LEGAL)	Employment Requirements and Restrictions – Criminal History and Credit Reports
DBD (LEGAL)	Employment Requirements and Restrictions – Conflict of Interest
DC (LEGAL)	Employment Practices
DC (LOCAL)	Employment Practices
DCB (LEGAL)	Employment Practices: Educator Term Contracts
DCC (LEGAL)	Employment Practices: Continuing Contracts
DCC (LOCAL)	Employment Practices: Continuing Contracts
DEA (LEGAL)	Compensation and Benefits: Wage and Hour Laws
DEA (LOCAL)	Compensation and Benefits: Wage and Hour Laws
DEC (LEGAL)	Compensation and Benefits: Leaves and Absences
DEC (LOCAL)	Compensation and Benefits: Leaves and Absences
DF Series	Termination of employment
DFAC (LEGAL)	Probationary Contracts: Return to Probationary Status
DFBA (LOCAL)	Term Contracts: Suspension/Termination During Contract
DFBB (LEGAL)	Term Contracts: Nonrenewal
DFBB (LOCAL)	Term Contracts: Nonrenewal
DFCA (LEGAL)	Continuing Contracts: Suspension/Termination
DFD (LEGAL)	Termination of Contract: Hearings Before Hearing Examiner
DFD (LOCAL)	Termination of Contract: Hearings Before Hearing Examiner
DFE (LEGAL)	Termination of Contract: Resignation
DFE (LOCAL)	Termination of Contract: Resignation
DFF (LOCAL)	Termination of Contract: Reduction in Force
DFFA	Reduction in force due to financial exigency
DFFB	Reduction in force due to program change
DG (LEGAL)	Employee Rights and Privileges
DGBA (LEGAL)	Personnel Management Relations: Employee Complaints/Grievances
DGBA (LOCAL)	Personnel Management Relations: Employee Complaints/Grievances
DH (LEGAL)	Employee Standards of Conduct
DH (LOCAL)	Employee Standards of Conduct
DHE (LEGAL)	Employee Standards of Conduct: Searches and Alcohol/Drug Testing
DI (LEGAL)	Employee Welfare
DI (LOCAL)	Employee Welfare
DIA (LEGAL)	Employee Welfare Freedom From Harassment
DIA (LOCAL)	Employee Welfare Freedom From Harassment
DK (LEGAL)	Assignment and Schedules
DK (LOCAL)	Assignment and Schedules
DN (LOCAL)	Performance Appraisal
DNA (LEGAL)	Performance Appraisal: Evaluation of Teachers
DNA (LOCAL)	Performance Appraisal: Evaluation of Teachers
DNB (LEGAL)	Performance Appraisal: Evaluation of Other Professional Employees
DNB (LOCAL)	Performance Appraisal: Evaluation of Other Professional Employees

To view these policies in their entirety, go to [www.kingsvilleisd.com](http://www.kingsvilleisd.com) policy online.

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