

MIDLAND INDEPENDENT SCHOOL DISTRICT

Employee Handbook 2018-2019

Educating the Future!



Midland Independent School District

***Published by
MISD Human Resource Services***

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Introduction

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. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Executive Director of Human Resources or the Director of Human Resources for Support Staff.

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 non-contract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. 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 accessed online at: <http://pol.tasb.org/Home/Index/886>

Midland ISD Information

Description of the District

Midland ISD sets high academic standards for its students, striving to help children develop strong study skills, responsibility and good citizenship. All employees are committed to working together to help all children be successful at school.

The district implements site-based decision-making, professional development, and a guidance program.

There are 38 campuses in Midland ISD - 27 elementary schools, 4 junior high schools, 2 freshman schools, 4 high schools, and 1 alternative placement school.

The district is fortunate to have the support of more than one hundred business partners through the Partners in Education program, countless volunteers through PTA and VIPS and a group of well-informed community leaders who have completed the Key Communicators program.

Vision Statement

Policy AE

All students will graduate prepared and ready for college or career.

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 law and regulations.

The board of trustees is elected by the citizens of the district to ensure a strong educational program for the district's children. Board members are elected from single-member

districts and serve four-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district the candidate seeks to represent.

Current board members include:

- Mr. Rick Davis
- Mr. Robert Marquez
- Mr. Bryan Murry
- Mr. John Kennedy
- Mr. Tommy Bishop
- Mr. James Fuller

The board generally meets on the second Monday of each month, 5:30 P.M. at Bowie Magnet School located at 805 Elk. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and at the Central 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 a two-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, confidential student matters, or consulting with attorneys.

Board Meeting Schedule for 2018-2019

August 14, 2018

September 10, 2018

October 15, 2018

November 12, 2018

*December 17, 2018
(Carver Center 1300
E. Wall St.)

January 22, 2019

February 19, 2019

March 25, 2019

April 15, 2019

*May 20, 2019
(MHS Auditorium
906 W. Illinois)

June 24, 2019

July 22, 2019

Administrative Staff

Executive Staff:

Orlando Riddick	Superintendent
Patrick Jones	Chief Academic Officer
Lacy Sperry	Chief Communications Officer
Darla Moss	Chief Financial Officer
Woodrow Bailey	Chief of Human Capital Management Officer
James Rikken	Chief Operations Officer
Arthur Barclay	Chief of Police
Lee Kail	Chief of Transformation Officer
Matt Powell	General Counsel

Monica Hernandez	Executive Director of Accountability & Student Data Systems
John Feldt	Executive Director of Athletics
Leticia Amalla	Executive Director of Bilingual/ English Learners
Diane Lopez	Executive Director of Elementary Education
Lisa Neighbors	Executive Director of Elementary Education
Alicia Syverson	Executive Director of Elementary Education
Carla Martin	Executive Director of Financial Services
Jill Rivera	Executive Director of Professional Development
Jeff Horner	Executive Director of Secondary Education
Dawn Miller	Executive Director of Special Services
Teresa A. Moore	Executive Director of Student Services/Federal Programs
Thomas Holly	Executive Director of Technology

Non Instructional Directors:

Amanda Jacquez	Director of Benefits
Gary Dodds	Director of Child Nutrition
Paul Hooper	Director of Support Staff
Samantha Blevins	Director of Payroll
Jami Owen	Director of Education Foundation
Willie A. Tarleton	Director of Transportation Services
Marcelino Fuentes	Director of Custodial Services
Jill Hallmark	Director of School Plant Services
David A. Ramirez	Director of Facility Design
Roberto Cedillo	Director of Professional Certified Staff
Daphne Gee	Director of Student Analysts
Helen Garza	Director of Student Analysts

Tonia Hale	Director of PEIMS
Haydee Pena	Director of Purchasing & Contracts
Christopher Guynn	Director of Infrastructure and Data Operations

Instructional Directors:

Della Frye	Director of Early Childhood Program
Kimberly Evans	Director of Career and Technology
Judy Bridges	Director of Gifted and Talented & Advanced ACD
Christopher Hightower	Director of Social Studies
Ronald Moss	Director of Guidance & Counseling
Robert Pena	Director of Science
Deborah Shaw	Director of Fine Arts
Elizabeth Varela	Director of Translation Services
Wendy Devault	Director of Math
Linda Hill	Director of Math
Candi Callas	Director of English Language
Terri Coleman	Director of Assessment
Michael Lloyd	Director of Instructional Technology
Monica Hernandez	Director of Accountability
Sylvia Bernal	Director of Reading
Debbie Oliver	Director of Foreign Language
Audra Hooker	Director of Health & Physical Education
Wilburn Rowe	Director of Athletics

Employment

Equal Employment Opportunity

Policies DAA, DIA

The Midland Independent School District does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy), 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 on the basis of race, color, religion, sex (including pregnancy), national origin, age, or military status should contact Teresa Moore the Title IX Coordinator, Executive Director of Human Resources, or the superintendent. Employees with questions or concerns about discrimination on the basis of a disability for employees should contact Director of Human Resources for Support Staff, the district employee ADA/Section 504 Coordinator. 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 daily. The vacancies may be viewed on the district's website, www.midlandisd.net, under the "Careers" link. Access to a computer for viewing and applying for job vacancies is also available in the Human Resource Services Office.

Employment After Retirement

Policy DC

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances or on a 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 website www.trs.texas.gov.

Employees can contact the Director of Benefits or the Human Resource Services Office for additional information.

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 State Board for Educator Certification (SBEC) and registered nurses under probationary or term 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. Registered 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. Also, employees who move to a position requiring a new class of SBEC certification will be employed by a probationary contract. Probationary contracts are one-year contracts. 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.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

Term Contracts. Full-time teachers and professionals employed in positions requiring certification and registered nurses who have successfully completed the probationary period will be employed by term contract. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract.

Noncertified Professional and Administrative Employees. Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) may be employed by a contract.

Paraprofessional and Auxiliary Employees. All paraprofessional and auxiliary employees, regardless of certification, are employed at-will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

At-Will Employment

Policy DCD (Local)

The board delegates to the superintendent authority to employ and dismiss the following categories of employees, who shall serve on an at-will basis: professional employees not addressed at DCB (Local) or DCE (Local); clerical/technical employees; and manual trade employees.

ASSIGNMENT AND EVALUATION: The superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment. Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures.

REASONABLE ASSURANCE OF EMPLOYMENT: District employees in positions normally requiring less than 12 months of service, who are expected to report to work at the beginning of the following school session, shall be provided a letter of reasonable assurance of employment.

DISMISSAL: 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.

APPEAL PROCESS: A dismissed at-will employee may request a review of the dismissal decision by the superintendent or designee. The request must be submitted to the superintendent within five business days of notice of termination. The superintendent or designee shall schedule and hold a conference within five business days of the request and shall issue a written decision within five business days of the conference. An employee

wishing to appeal this decision may request to be heard by the board in accordance with DGBA (Local), beginning at Level Three.

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 Human Resource Department 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 Human Resource Department if you have any questions regarding certification or licensure requirements.

Searches and Alcohol and Drug Testing

Policy DHE

Non-investigatory 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, work areas including district-owned computers, lockers, and private vehicles parked on district premises or work sites or used in district business.

Employees Required to Have a Commercial Driver's License. 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, counting 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 may be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a followup measure. Testing may be conducted following accidents. Return to duty and followup testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs returns to duty.

All employees required to have a CDL, or who are otherwise 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 the Director of Transportation Services.

Health Safety Training

Policies DBA, DMA

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of the 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. Employees subject to this requirement must submit their certification or documentation to their campus principal or department director.

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. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. The superintendent has final placement authority. Extracurricular or supplemental duty assignments may be reassigned at any time. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Employees 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 employee's supervisor. Teachers requesting a transfer to another campus before the school year begins must submit their request by the designated deadline established yearly. 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 Human Resource Services Department and must be approved by the receiving supervisor.

Workload and Work Schedules

Policies DEA, DEAB, DK, DL,

Professional Employees. Professional employees and academic administrators 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. Work calendars can be accessed on the MISD website, www.midlandisd.net.

Classroom teachers will have planning periods for instructional preparation and 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. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers 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 will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are allowed to accrue overtime with prior approval from their supervisor. See Overtime Compensation on page 19 for additional information.

Breaks for Expression of Breast Milk

Policies DEA, DEAB, DG

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than

a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

Notification to Parents Regarding Qualifications

Policies DK, DBA

In schools receiving Title I funds, the district is required by the Every Student Succeeds (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements.

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. Inappropriately certified or uncertified teachers include individuals on emergency permit (including individuals waiting to take a certification examination) **and** individuals who do not hold any certificate or permit. 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 Human Resource Services Department.

Outside Employment and Tutoring

Policy DBD

Employees who wish to accept outside employment or engage in other activities for profit must submit a written request to their supervisor. Approval for outside employment will be determined by the superintendent or his designee and based on whether outside employment interferes with the duties of the regular assignment. An employee shall disclose in writing to his or her immediate supervisor any private tutoring of district students for pay.

Performance Evaluation

Policy DN series

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. All employees will participate in the evaluation process with their assigned supervisor at least annually. Supervisors may conduct an employee evaluation at any time, and are encouraged to conduct an evaluation with new employees after the first 90 days. 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.

Employee Involvement

Policies BQA, BQB

At both the campus and district levels, Midland ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees 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 the appropriate Executive Director.

Staff Development

Policy DMA

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non-instructional 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.

Flex Time

Paraprofessional and Auxiliary Employees: Flex time is any hours worked other than a normally scheduled eight (8) hour work day, but not over forty (40) hours per week. In order to provide greater work flexibility for schools, departments, and employees, flex time may be arranged by the supervisor. Such arrangements can be made only if the employees' type of work and work location are amenable to such arrangements. Because

employees' workloads do vary in some assignments, a supervisor may arrange for an employee to complete the required work at a time other than the normal working hours. Such arrangements are made for the convenience of the school or department.

Lunch Breaks

Paraprofessional and Auxiliary Employees: Regular employees who work eight (8) hours per day may receive a minimum of thirty (30) minutes per day for lunch. This lunch period will be duty free and without pay. Special circumstances may require some employees to work during their lunch period. The administrator in charge of the school or department may schedule employees to work during the lunch break if necessary. If an employee is scheduled to work during the lunch break, this time will be counted as hours worked during the scheduled work day.

Work Breaks

Paraprofessionals and Auxiliary Employees: All auxiliary personnel may be allowed to take a paid work break if their regular duty schedule calls for four (4) hours or more of continuous work.

Work breaks may be provided by the administrator in charge unless there is a situation that makes this impractical. Breaks are subject to certain restrictions:

1. No break should be taken until at least one (1) hour after starting time.
2. Break periods will be limited to a maximum of 15 minutes.
3. Work breaks may not be combined to allow for a longer break period.
4. Employees may not take a break at the end of a scheduled workday in order to leave early.
5. No additional pay will be given to employees who do not take a work break.
6. Break time cannot be accumulated.
7. Work breaks may not be used to extend a lunch break.

Compensation and Benefits

Salaries, Wages, and Stipends

Policies DEA, DEAA, DEAB

Employees are paid in accordance with administrative guidelines and an established pay structure. 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 employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid based on hourly wages or provided compensatory time for each overtime hour worked. (See *Overtime*, page 19.)

Salary and wage schedules are reviewed annually and adjusted according to the budgeted amounts approved by the board. Classroom teachers, full-time librarians, full-time registered nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact the Human Resource Office for more information about the district's pay schedules or their own pay.

Earning Statements

All professional employees are paid monthly. Auxiliary employees are paid biweekly or monthly, depending on classification. During the school year, earning statements are provided online to each employee. Earning statements will not be released to any person other than the district employee named on the statement without the employee's written authorization.

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

Automatic Payroll Deposit

The district requires employees to utilize automatic payroll deposit. Employees can have their paychecks electronically deposited into an account at designated district approved Federal Reserve Institutions. Contact the Payroll Director 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
- 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 contribute to a separate IRS Section 457 plan.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities (including 401(a) matching annuities); and savings deposits and loan payments through Midland Teachers Credit Union. Employees may also request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

Overtime Compensation

Policy DEA

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. 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.

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. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday.

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- No more than 60 hours of comp time will be allowed to carry over into the subsequent school year.
- An employee may be required to use comp time before using any available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

- Nonexempt employees are not authorized to work from home or outside their regular work schedule without specific, written approval from their principal or department head.

Travel Expense Reimbursement

Policy DEE

Prior approval for all travel, including prepaid expenses, shall be obtained before any expenses are incurred. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule authorized by the Board of Trustees and the Internal Revenue Service. 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 eligible TRS employees who work 50 percent or more. 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 "Benefits Manual" or can be accessed through the MISD web-site. (www.midlandisd.net)

The health insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within the first thirty days (30) of employment. Employees should contact the Benefits Office for more information.

Supplemental Insurance Benefits

Policy CRD

At their own expense, employees may enroll in supplemental insurance programs for dental, supplemental life, disability, catastrophic illness, and long term care. Premiums for these programs can be paid by payroll deduction. Employees should contact the Benefits Office 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., accidental death and dismemberment, cancer and dread disease, dental). The Benefits Office handles employee claims made on these accounts.

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. 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.

All work-related accidents or injuries should be reported immediately to the employee's immediate supervisor. 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. For any questions contact the MISD Benefits Department.

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. 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 district Human Resource Services.

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). Substitute's not receiving TRS service retirement 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 TRS and Human Resource Services as soon as possible. Information on the application procedures for TRS benefits is available in the Benefits Office. Additional inquiries should be addressed to:

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.texas.gov)

Vacations

Policy DED

Schedules of at least 255 workdays:

Full-time employees in positions normally requiring a work schedule of at least 255 workdays per year shall earn vacation days at the rate of one vacation day for each month of service during the fiscal year, to a maximum of ten days during the first ten years of service. However, an employee must be continuously employed with the district for at least six months before he/she is entitled to take paid vacation leave.

Full-time employees in positions normally requiring a work schedule of at least 255 workdays per year, who have been continuously employed with the district no less than ten and twenty years respectively, shall earn fifteen and twenty paid vacation days per year respectively. Vacation days shall be taken at a time approved by the supervisor. Any vacation days not used in the fiscal year in which they are earned must be used during the following fiscal year, subject to the approval of the superintendent, and shall not be allowed to accumulate beyond that second year.

Schedules of fewer than 255 workdays:

All full-time employees in positions normally requiring 12 months of service, but with work schedules of fewer than 255 workdays per year, shall earn paid vacation days at the rate of one vacation day for each month of service during the fiscal year, to a maximum of ten workdays of vacation.

Employees shall be permitted to carry no more than five vacation days forward annually, to be used only in the fiscal year following that in which they were earned.

All Schedules

Vacation days shall be taken at a time approved by the supervisor. Employees shall not be reimbursed for unused vacation days upon terminating employment with the district.

Tuition

Policy FDA

When the child of a nonresident district employee is granted a transfer under Policy FDA, the district shall waive any applicable tuition.

Leaves and Absences

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 expect to be absent for an extended period of more than five days should call the Benefits Office for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Medical Certification. Any employee who is absent more than three consecutive workdays or more than five workdays in any 30-day period because of personal illness or illness in the immediate family shall submit original documentation of 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.

Personal and local sick leave is earned on an annual basis. Leave for the current year is available for the employee’s use on the first day after reporting to work. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee’s final paycheck.

Continuation of Health Insurance. Employees who take an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave. Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee’s unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

Compensatory time should be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave and paid vacation days shall be used in the following order, as applicable:

1. Local sick leave.
2. State sick leave accumulated before the 1995-96 school year.

3. State personal leave.
4. Vacation days.

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.

Absent From Duty

Paraprofessional and Auxiliary Employees. Employees are required to call the school/department and their supervisor to report an absence. Employees are required to call in at least thirty (30) minutes prior to the report time. (Transportation and Child Nutrition Services require at least 1 hour notice). Employees will be expected to abide by MISD policy DEC.

Excessive Absenteeism

Paraprofessional and Auxiliary Employees. Any absence beyond applicable accumulated leave will be considered excessive. Employees must exhaust all applicable comp time, vacation, sick leave and discretionary leave before requests for unpaid absences will be considered.

Excessive Tardiness

Paraprofessional and Auxiliary Employees. Any three (3) occurrences of tardiness within a thirty (30) day period will be considered to be excessive.

Job Abandonment

Paraprofessional and Auxiliary Employees. Employees absent from work for three (3) consecutive days without prior approval, and who fail to provide immediate notice or an acceptable reason to the department head/supervisor for such absence, will be considered to have resigned without notice, and the position will be declared vacant.

Use of Leave

Leave must be used in half-day increments. However, if an employee is taking family medical leave, leave shall be recorded in one-hour increments.

Personal Leave

Each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative regulation. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. There are two types of personal leave: 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 allows very little, if any, advance planning. Nondiscretionary leave will be granted to employees in the same manner as state sick leave accumulated prior to May 30, 1995.

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 in writing to his or her principal or supervisor, two school days in advance of the anticipated absence. Discretionary leave shall not exceed three consecutive workdays (DEC Local).

In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which the employee requests to use leave. The effect of the employee's absence on the educational program or district operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

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 whole or ½ 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.

State sick leave may be used for the following reasons only:

- 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 employees eligible for TRS membership shall earn five workdays of paid local sick leave per school year in accordance with administrative regulations.

Local leave shall accumulate without limit and shall be taken with no loss of pay. Upon termination, an employee shall forfeit all accumulated local sick leave.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-1996 school year.

Note: If an employee uses more sick leave of any kind than he or she has earned, the cost of unearned sick leave will be deducted from the employee's next paycheck.

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 leave to 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 service member during a single 12-month period. A covered service member 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 service members and veterans are distinct from the FMLA definition of “serious health condition”.**

Benefits and Protections. During FML, the employer must maintain the employee’s health coverage 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.

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 requirements 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 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 day notice is not possible, the employee must provide notice 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 FMLA. If they are, the notice must specify any additional information required as well as the employee's 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 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) required 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

Local Family Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in the 12 month period beginning the first duty day of the school year. For purpose of an employee's entitlement to FML, the 12 month period shall be August 1 through July 31.

Concurrent Use of Leave. When an employee is eligible for FML, the district shall designate the absence as FML.

The district shall require the employee to use temporary disability leave and paid leave, including compensatory time and vacation days, concurrently with FML.

Combined Leave for Spouses. If both spouses are employed by the district, the district shall limit FML to a combined total of 12 weeks for the birth, adoption, or placement of a child, or to care for a parent with serious health condition. The district shall limit military caregiver leave to a combined total of 26 weeks.

Intermittent Leave. The District shall not permit use of intermittent leave or reduced schedule FML for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA (Legal) for use of intermittent or reduced schedule leave due to a medical necessity.]

Temporary Disability Leave – Certified Staff

Certified Employees. Any full-time employee whose position requires certification from the State Board for Educator Certification (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. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence 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 Human Resource Services Department and Benefits Office 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 receiving workers' compensation wage benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

An employee eligible for workers' compensation income benefits and not on assault leave may elect in writing to use paid leave.

Assault Leave

Assault leave provides extended job income and benefits protection to any Midland Independent School District 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 non-responsible 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.

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.

Jury Duty and 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. Employees may be required to submit documentation of their need for leave for court appearances. Absences for court appearances related to an employee's personal business shall be deducted from the employee's available leave balance or shall be taken as leave without pay if no applicable leave is available.

Military Leave

Paid Leave for Military Service. Any employee who is a member of the Texas National Guard, Texas State Guard, or reserves component of the United States Armed Forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days each federal fiscal year (October 1 – September 30). 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 state military duty (Texas National Guard or Texas 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 of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to the Human Resource Services Department. In most cases, the length of military service cannot exceed five years, and the employee must apply for reemployment within the period of time specified in law.

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 Benefits Office for details on eligibility, requirements, and limitations.

Neutrally-applied Absence Control for Non-contract Employees

After a non-contract employee has exhausted all paid and unpaid approved leave for which he or she is eligible, the employee shall be given 15 additional days to return to work. If the employee has not returned to work by the end of this 15-day period, his or her employment with the district shall end. [See DCD] The employee shall be eligible to apply for available positions with the district in accordance with DC (Local).

Employee Relations and Communications

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 the district newsletter, and through special events and activities. Recognition and appreciation activities also include: Excellence in Teaching Awards, Annual Employee Awards Banquet, New Teacher Luncheon, Retirement Dinner, Unsung Hero Award, as well as campus/department recognition activities.

District Communications

Throughout the school year, the Executive Director of Communication 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:

- The MISD web page can be found at www.midlandisd.net. It includes information about the district and links to individual campus/department web sites.
- In addition, news releases of district and campus activities are sent to the media.
- Various calendars, maps and brochures highlighting various district programs are produced and disseminated.

Access to Personnel File

Employees are entitled, by law, to review the contents of their own personnel file. Employees are to call the Human Resource Services Department office in advance to schedule an appointment if they wish to review their file.

Care of Own Children

Because it would impair work effectiveness, no employee may bring his/her child into the school or work place to remain during the workday without the supervisor's approval.

Creditors

Creditors are not permitted to contact employees at school or at their work place during the workday. Employees should make every effort to meet their financial obligations to avoid embarrassment. Letters received concerning financial matters constitute cause for counseling; and, willful failure to pay debts may constitute just cause for dismissal.

On the Job Injury

All personnel are required by law and local policy to report all accidents and injuries immediately to their supervisor.

Complaints and Grievances

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. Employees are encouraged to discuss their problems or complaints with their supervisors or an appropriate administrator at any time.

The formal 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 grievance procedures are exhausted, employees can bring concerns or complaints to the board of trustees. The district's process of bringing concerns and complaints may be found in policy DGBA, which is on the district's website at: <http://pol.tasb.org/Home/Index/886> , or a copy may be requested from the employee's supervisor.

Employee Conduct and Welfare

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 for professional educators.

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

Statement of Purpose

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))

Professional 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 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 treat 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 or minor.

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, **unpaid interns, student teachers, 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 president.

District policy DIA includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation of employees, and may be found on the district's website at: <http://pol.tasb.org/Home/Index/886> , or a copy may be requested from the employee's supervisor.

Harassment of Students

Policies DF, DHB, FFG, FFH

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to 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 or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, pages 36 and *Bullying*, page 62 for additional information.

The district's policies that include definitions and procedures for reporting and investigating harassment of students are found in policies DHB and FFH and may be viewed on the district's website at: <http://pol.tasb.org/Home/Index/886>, or copies may be requested from the employee's supervisor.

Reporting Suspected Child Abuse

Policies DG, DH, DHB, 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) 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 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 should be made to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person 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 report suspected child abuse may result in prosecution as a Class A misdemeanor. In addition, a certified employee's failure to report suspected child 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.

School district officials, administrators, and employees shall keep confidential the identity of a school official or employee who makes a report required by law.

Sexual Abuse and Maltreatment of Children

The district has established a plan for addressing child sexual abuse and other maltreatment of children, which may be accessed by contacting the Guidance and Counseling Department. 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 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*.

Reporting Crime

Policy DG

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

Technology Resources

Policy CQ

The district's technology resources, including its networks, computer system, 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 the technology resources are **not confidential** and can be monitored at any time to ensure appropriate use.

Midland ISD may permit remote access to its network from the Internet on a limited basis for authorized staff. Remote access is limited to professional staff who receive written authorization from the campus principal or department director. Paraprofessional and auxiliary employees are not permitted to remotely access the network unless specifically authorized by the superintendent or designee.

Users are expected to maintain the same security standards when operating district computer remotely. Access procedures and passwords are not to be shared with anyone.

All policies and rules regarding network use apply to remote access.

Employees who are authorized to use the systems are required to abide by the provisions of the district's acceptable use policy and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Technology and Information Management Department.

Network Acceptable Use Policy

Midland ISD is providing students, staff, volunteers, and board members access to the district's electronic network. This network includes Internet access, computer services, videoconferencing, computer equipment and related equipment for educational purposes. This document contains the rules and procedures for acceptable use of the Midland ISD electronic network. Where the term "user" appears, the policy applies to any network user. Where the term "student" appears, that aspect applies only to students.

- The Midland ISD electronic network has been established for a limited educational purpose. The term "educational purpose" includes classroom activities, career development, and limited high-quality self-discovery activities.
- The Midland ISD electronic network has not been established as a public access service or a public forum. Midland ISD has the right to place reasonable restrictions on material that is accessed or posted throughout the network. Parent/guardian permission is required for all students under the age of 18.
- Access is a privilege — not a right. Students, parents, and teachers sign a form every school year (part of the registration packet) indicating familiarity with the acceptable use policy.
- It is presumed that users will honor this agreement they and/or their parent/guardians have signed. The district is not responsible for the actions of users who violate them beyond the clarification of standards outlined in this policy.
- The district reserves the right to monitor all activity on this electronic network. Users will indemnify the district for any damage that is caused by users' inappropriate use of the network.
- Users are expected to follow the same rules, good manners and common sense guidelines that are used with other daily school activities as well as the law in the use of the Midland ISD electronic network.

General Unacceptable Behavior

While utilizing any portion of the Midland ISD electronic network, unacceptable behaviors include, but are not limited to, the following:

Network users will not post information that could cause damage or danger of disruption.

- Engaging in personal attacks, including prejudicial or discriminatory attacks.
- Harassing another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending messages, they must stop.
- Knowingly or recklessly posting false or defamatory information about a person or organization.
- Unauthorized disclosure, use, or dissemination of personal information regarding minors.
- Using criminal speech or speech in the course of committing a crime such as threats to the president, instructions on breaking into computer networks, child pornography, drug dealing, purchase of alcohol, gang activities, threats to an individual, etc.
- Using speech that is inappropriate in an educational setting or violates district rules.
- Abusing network resources such as sending chain letters or "spamming".
- Displaying, accessing or sending offensive messages or pictures.
- Using the Midland ISD electronic network for commercial purposes, or offering, providing, or purchasing products or services through this network.
- The Midland ISD electronic network will not be used for political lobbying.
- Network Users will not attempt to access non-instructional district systems, such as student information systems or business systems, without authorization.
- Users will not connect any networkable device (either wired or wireless) to the MISC network without authorization. Example: The use of a computer or device brought from home accessing the network in any way not designated as "guest access."
- Users will not attempt to circumvent web filtering through proxies or other means.
- Users will not use district equipment, network, or credentials to threaten other users, or cause a disruption to the educational program.
- Users will not use the district equipment, network, or credentials to send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Per TEC Sec. 26.009, students should not use devices (either personal or district provided) to take photos or videos of other students or staff. Students may only use devices for approved classroom instructional use.

E-Mail and Electronic Posting

- E-mail accounts are not generally being provided for students, though there may be exceptions made in special cases. However, there are internal messaging options (blogs, etc.) on the classroom website which allow students to communicate. Students may not utilize any E-mail system or Chat Room from a district computer without approval or monitoring by school personnel.

- Web-based e-mail accounts may be restricted or blocked at the discretion of the network administrator, to protect the network from viruses, spam, or bandwidth abuse.
- Students will not establish or access Web-based e-mail accounts on commercial services through the district network unless such accounts have been approved for use by the district.
- Users will not repost a message that was sent to them privately without the permission of the person who sent them the message.
- Users will not post private information about another person.
- Users are prohibited from sending sensitive information via E-mail. (e.g. full student name, ID number, social security number, date of birth, username, and password)

Midland ISD Website

- Classroom websites and opportunities to share information and comments by students are now available. These websites are managed by the teachers.
- Content, access and available features of the website will differ for members of the public, compared to district users.
- Classroom teachers are responsible for the content on their classroom web pages.
- Principals and departmental supervisors are responsible for the content on their sections of the Midland ISD web site and taking any corrective action.
- Students' responsibilities when posting on the classroom web pages are to be explained by the teacher.

World Wide Web

- All internet content available to Midland ISD users is filtered through a category-based appliance to comply with the Children's Internet Protection Act of 2001 (C.I.P.A.) The list of inappropriate web sites is constantly updated through a subscription. However, no guarantee can be made that the system will be 100% accurate. It is ultimately the responsibility of the instructor in the classroom to monitor appropriateness of the web sites viewed.

Personal Safety

- Students will not share personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, or work address.
- Elementary and middle school students will not disclose their full name or any other personal contact information for any purpose.

- High school students will not disclose personal contact information, except to education institutes for educational purposes, companies or other entities for career development purposes, or without specific building administrative approval.
- Students will not agree to meet with someone they have met online.
- Students will promptly disclose to a teacher or other school employee any message received that is inappropriate or makes the student feel uncomfortable
- Students will be provided access to information, through their instructors, regarding appropriate safety guidelines for online behavior, pertaining to social networking sites, chat rooms, and “cyber bullying”.

System Security

- Computer users are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use them. Computer users should not provide their password to another person.
- Users must immediately notify a teacher or the system administrator if they have identified a possible security problem. Computer users should not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- Users will not attempt to gain unauthorized access to any portion of the Midland ISD electronic network. This includes attempting to log in through another person's account or access another person's folders, work, or files. These actions are illegal, even if only for the purposes of "browsing".
- Users will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal.
- Computer users will not attempt to access Web sites blocked by district policy, including the use of proxy services, software, or Web sites.
- Computer users will not use sniffing or remote access technology to monitor the network or other user's activity.

Software and Files

- Software is available to users to be used as an educational resource. No user may install, upload or download software without permission from the district technology department. District software is approved according to guidelines available at: www.midlandisd.net/software_guidelines.
- A user's account may be limited or terminated if a user intentionally misuses software on any district-owned equipment.
- Files stored on the network are treated in the same manner as other school storage areas, such as lockers. Routine maintenance and monitoring of the Midland ISD

electronic network may lead to discovery that a user has violated this policy or the law. Users should not expect that files stored on district servers are private.

- When storing or sharing sensitive information, users must utilize approved network storage devices and applications.
- The information stored on external storage devices (i.e. a USB drive) utilized with district computers will be encrypted.

Technology Hardware

- Hardware and peripherals are provided as tools to users for educational purposes. Users are not permitted to relocate hardware (except for portable devices), install peripherals or modify settings to equipment without the consent of the district technology department.
- The school district may permit the use of personally-owned computing devices on its network, at the discretion of teachers and administrators. All “guest” users must acknowledge receipt and understanding of administrative regulations governing the use of the district’s technology resources and agree to allow monitoring of their usage and to comply with the regulations. Non-compliance may result in suspension of access or termination of privileges and other disciplinary actions consistent with district policies.

Vandalism

- Any malicious attempt to harm or destroy data, the network, other network components connected to the network backbone, hardware or software will result in cancellation of network privileges. Disciplinary measures in compliance with the district's discipline code and policies will be enforced.

Plagiarism and Copyright Infringement

- Users will not plagiarize works found on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they are one’s own.
- District policies on copyright will govern the use of material accessed and used through the district system.
- Copyrighted material will not be placed on any system without the author's permission. Permission may be specified in the document, on the system or must be obtained directly from the author.

Student Rights

- Students' right to free speech applies to communication on the Internet. The Midland ISD electronic network is considered a limited forum, similar to the school newspaper, and therefore the district may restrict a student's speech for valid educational reasons. The district will not restrict a student's speech on the basis of a disagreement with the opinions that are being expressed.
- An individual search will be conducted if there is reasonable suspicion that a student has violated this policy or the law. The investigation will be reasonable and related to the suspected violation.

Due Process

- The district will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the district network.
- In the event there is an allegation that a user has violated the district's acceptable use regulations and policy, the user will be provided with a written notice of the alleged violation. An opportunity will be provided to present an explanation before a neutral administrator (or user will be provided with notice and an opportunity to be heard in the manner set forth in the disciplinary code).
- Disciplinary actions will be tailored to meet specific concerns related to the violation and to assist the student in gaining the self-discipline necessary to behave appropriately on an electronic network.
- Violations of the acceptable use regulation and policy may result in a loss of access as well as other disciplinary or legal action.
- If the violation also involves a violation of other provisions of other school rules, it will be handled in a manner described in the school rules. Additional restrictions may be placed on a user's use of his/her network account.

Limitation of Liability

- The district makes no guarantee that the functions or the services provided by or through the district network will be error-free or without defect. The district will not be responsible for any damage suffered, including but not limited to, loss of data, functionality, or interruptions of service, caused by connecting a device to its network.
- The district is not responsible for the accuracy or quality of the information obtained through or stored on the network. The district will not be responsible for financial obligations arising through the unauthorized use of the network.

Violations of this Acceptable Use Policy

Violations of this policy may result in loss of access as well as other disciplinary or legal action. Users' violation of this policy shall be subject to the consequences as indicated within this policy as well as other appropriate discipline, which includes but is not limited to:

- Use of district network only under direct supervision
- Suspension of network privileges
- Revocation of network privileges
- Suspension of computer privileges
- Suspension from school
- Expulsion from school and/or
- Legal action and prosecution by the authorities

The particular consequences for violations of this policy shall be determined by the school administrators. The superintendent or designee and the board shall determine when school expulsion and/or legal action or actions by the authorities are the appropriate course of action.

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 websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). 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 limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district’s logo or other copyrighted material of the district without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee’s immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- 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 information, including photos. [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 **for educational purposes only**. 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. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

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), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). *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. An employee who communicates with a student using text messaging shall comply with the following protocol:
 - The employee shall include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
 - The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
 - For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee’s district e-mail address.

- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (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 and must have written permission from the campus principal or supervisor. 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 10:00 p.m. and 6:00 a.m., except when necessary to notify students about urgent scheduling or transportation issues. 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: Texas Educators’ Code of Ethics 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 [See 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 electronic communication.

An employee may request an exception from one or more of the limitations above by submitting a written request to the campus principal or departmental director.

Criminal History Background Checks

Policy DBAA

Employees may be subject to a review of their criminal history record information, including driving record, at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on 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 other 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
- Any act constituting public intoxication or disorderly conduct
- Driving While Intoxicated
- 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
- 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 Investigations at TEA.

Alcohol-and Drug-abuse Prevention

Policies DH, DI

Midland 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 use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug abuse and drug-free schools follows:

ALCOHOL AND DRUGS: Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood changing, mind-altering, or behavior altering drugs.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

DRUG-FREE WORKPLACE REQUIREMENTS: The district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the district’s activities. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the district, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace. 41 U.S.C. 702 (a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the superintendent of any criminal drug statute conviction the employee incurs for a violation in a workplace no later than five days after such conviction. 41 U.S.C. 702 (a)(1)(D)

Within 30 calendar days of the superintendent receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the superintendent or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee. 41 U.S.C. 702 (a)(1)(B), 703

Tobacco Products and E-Cigarette Use

Policies DH, FNCD GKA

State law prohibits smoking, using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. 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, using tobacco products, or e-cigarettes 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, except as otherwise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

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

- Non-school employment

Employees should contact their supervisor for additional information.

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 textbooks, electronic textbooks, instructional materials, or technological equipment may result in prosecution of a Class B misdemeanor offense. This 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 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 audiovisual works, are to be used in the classroom for instructional purposes only. Duplication is to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

Associations 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 or organization.

An individual's employment will not be affected by membership 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.

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 fund-raiser. 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 fund raiser or attending a meeting called for the purpose of soliciting charitable contributions.

Safety

Policy CK series

The district has developed and promotes a comprehensive program, the Prepared Response Plan, 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.

Employees with questions or concerns relating to safety programs and issues can contact the appropriate department director, supervisor, or campus administrator.

Possession of Firearms and Weapons

Policies FNCG, GKA

Employees, visitors, and students, including those with a license to carry a 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 supervisors or call the MISD Police Department immediately.

Visitors in the Workplace

Policy GKC

All visitors are expected to enter any district facility through the main entrance, report to the building's main office, and follow procedures as directed by district personnel. 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.

Classroom Environment

Policy DH(LEGAL)

The School Personnel are prohibited from administering/using essential oils dispensers or non-approved air fresheners in the classroom.

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 school. A copy of the district's management plan is kept in the Department of School Plant Services 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 Department of School Plant Services. Any application of pesticide or herbicide must be done in a manner prescribed by law and the Department of School Plant Services plan.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located at every school facility on a public bulletin board. 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

Bad Weather Closing

The district may close schools 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 close schools, open late, or release students early, radio and television stations will be notified by school officials. Announcements should begin airing no later than 6:00 a.m. on the day of the closing and/or delayed start.

The following procedures will be followed:

- The superintendent has members of the central staff assist in determining whether or not schools should open when inclement weather is forecast.
- When early morning weather conditions make it necessary to close or delay the opening of schools, the superintendent or his designee shall notify the news media as early as possible on the decision.
- Morning half-day classes will be canceled. Cafeterias will not prepare breakfast. Noon meals will be prepared to accommodate adjusted schedules.
- In the event that the district has a delayed start, all employees will report to work two hours after their regular reporting time.
- Field trips scheduled for the morning of delayed school opening should be canceled and rescheduled by the principal. Each principal shall have a pre-planned alternate class and lunch schedule designed to best meet student needs.
- Student attendance accountability will be the responsibility of each principal.
- In the event school is canceled, all employees are excused from work for the day, with the exception of those positions designated otherwise by their supervisor.

Employees

- District employees will be made aware of any changes or delays by phone, media information, or from the district's website.
- District employees will be reached by phone before 6:00 a.m. notifying them of the changes due to inclement weather.
- Employees may also tune into local media for updated information throughout the weather event. Specific details will always be available by visiting the district website at www.midlandisd.net.

Emergencies

Policies CKC, CKD

All employees should be familiar with the safety procedure for responding to a medical emergency and the evacuation diagrams posted in their work areas. 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 Procurement 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. Information is available on the website at www.midlanisd.net or contact the Department of Procurement 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 Services if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. Forms to process a change in personal information can be obtained from Human Resource Services website. Please complete the forms and send to the Department of Human Resources.

Personnel Records

Policies 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:

- Home address
- Home phone number
- Emergency contact information

The choice to not allow public access to this information may be done at any time by submitting a written request to the Human Resource Services Department. New or terminating employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public in response to a proper request.

Building Use

Policies DGA, GKD

Employees who wish to use district facilities after school hours must follow established procedures. The campus principal is responsible for scheduling the use of facilities after school hours. Contact the principal to request to use school facilities and to obtain information on the fees charged.

Termination of Employment

Resignations

Policy DFE

Contract Employees. Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or designee. Contract employees may resign at any other time only with the approval of the superintendent. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The superintendent will notify SBEC when an 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 55.

Non-contract Employees. Non-contract employees may resign their positions at any time. A written notice of resignation should be submitted to the appropriate department director or principal at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the notice of resignation but are not required to do so.

Dismissal or Nonrenewal of Contract Employees

Policies DFAA, DFAB, DFBA, DFBB, DFD, DFF, DFFA, DFFB, DFFC

Employees on probationary or term contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed 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 to the employee by written notice. 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 the employees on the district's website, www.midlandisd.net.

Dismissal of Noncontract Employees

Policy DCD

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. 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 employees who are dismissed have the right to appeal the termination. The dismissed employee must follow policy DCD.

Exit Interviews and Procedures

Policies DC and CY

Exit interviews may 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.

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 evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor

- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district, school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- 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 requirements 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, that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

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

Equal Educational Opportunities

Policies FB, FFH

The Midland Independent School District does not discriminate on the basis of race, color, religion, national origin, sex, 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 sex, including sexual harassment, should be directed to the District's Title IX Coordinator. Questions or concerns about discrimination of students on the basis of a disability should be directed to Executive Director of Special Services, the district student ADA/Section 504 Coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the superintendent.

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 records 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 teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved 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 complaints to the board of trustees.

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 parent 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 performance-enhancing dietary supplement to any student.

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.

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 campus principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is found in the FFI series policies that are provided to the employees on the district's website, www.midlandisd.net.

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 administrator.

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