

# Montgomery ISD

## 2023–2024 Employee Handbook

If you have difficulty accessing the information in this document because of a disability or language barrier, please email [HumanResources@misd.org](mailto:HumanResources@misd.org).



It is the policy of Montgomery ISD to not discriminate against any employee or applicant for employment on the basis of race, color, religion, national origin, gender, age, disability, military status, genetic information, or any other basis prohibited by law in providing educational 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; Section 504 of the Rehabilitation Act of 1973, as amended/ the Age Discrimination Act of 1975, as amended/ and Title II of the Americans with Disabilities Act. Montgomery ISD will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs. For information about your rights or grievance procedures, contact the Title IX Coordinator, Denise Miner, at 20774 Eva Street, Montgomery, TX 77356, 936-276-2100, and/or the Section 504 Coordinator, Kerri Clark, at 20774 Eva Street, Montgomery, TX 77356, 936-276-2460.

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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. All policies are made available online at [www.misd.org](http://www.misd.org), under *About MISD, Board of Trustees, Board Policy Online*.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract 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 [www.misd.org](http://www.misd.org).

# District Information

## Mission Statement, Goals, and Objectives

*Policy AE*

## 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, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members are elected in May and serve 3-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

Current board members include:

<b>President:</b>	Laurie Turner
<b>Vice-President:</b>	Nate Robb
<b>Secretary:</b>	Linda Porten
<b>Member:</b>	Shawn Denison
	Dr. Matt Fuller
	Trey Kirby
	Eddie Winn

The board usually meets the third Tuesday in the MISD Education Support Center Board Room. 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 ESC 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 one-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, student discipline, or consulting with attorneys regarding pending litigation.

# Administration

<b>Interim Superintendent</b>	Dr. Amy Busby	2011
<b>Assistant Superintendent of Elementary Education</b>	Carrie Fitzpatrick	2144
<b>Assistant Superintendent of Human Resources</b>	Denise Miner	2102
<b>Assistant Superintendent of Secondary Education</b>	Dr. Chris Summers	2143
<b>Assistant Superintendent of Student Services &amp; Innovation</b>	Dr. Amy Busby	2244
<b>Chief Facilities &amp; Operations Officer</b>	Kris Lynn	2042
<b>Chief Financial Officer</b>	Ben Davidson	2050
<b>Chief of Staff &amp; Communications</b>	Justin Marino	2702
<b>Executive Director of Specialized Learning</b>	Kerri Clark	2462
<b>Executive Director of Technology &amp; Digital Learning</b>	Amanda Davis	2510
<b>Director of Athletics</b>	Clint Heard	2410
<b>Director of Career &amp; Technical Education</b>	Amy Vance	2156
<b>Director of Child Nutrition</b>	Pamela Mallory	2602
<b>Director of Community Services</b>	Courtney Dyer	2160
<b>Director of Maintenance</b>	Joe Kinard	2362
<b>Director of Transportation</b>	Aric Taylor	2310
<b>Chief of Police</b>	Rickey Doerre	2202

# Employment

## Equal Employment Opportunity

*Policies DAA, DIA*

In its efforts to promote nondiscrimination and as required by law, Montgomery ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, (including pregnancy, sexual orientation, or gender identity) 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.

In accordance with Title IX, the district does not discriminate on the basis of sex and is prohibited from discriminating on the basis of sex in its educational programs or activities. The prohibition against discrimination extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: Denise Miner, Assistant Superintendent of Human Resources, 20774 Eva Street, Montgomery TX, 77356, [denise.miner@misd.org](mailto:denise.miner@misd.org), and 936-276-2100. Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: Kerri Clark, Executive Director of Specialized Learning, 20774 Eva Street, Montgomery TX, 77356, [kerri.clark@misd.org](mailto:kerri.clark@misd.org), and 936- 276-2100.

Employees with questions or concerns relating to discrimination for any of the reasons listed above should contact the Superintendent.

## Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the district's website, [www.misd.org](http://www.misd.org)

## Employment after Retirement

*Policy DC*

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



## Contract and Noncontract Employment

### *Policy DC series*

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

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by 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.

Minimum number of days required to earn and receive credit for a year of experience.

*19 TAC §153.1021 (f) Beginning with the 1998-1999 school year, the 90 days required at 100% of the day may be equivalent to four and one-half months or a full semester.*

\*An employee will continue on a probationary contract if a full year has not been completed.

**Term Contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

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

**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.

## Credentials and Records

### *Policy DBA*

The district shall maintain current and complete personnel records on all employees. Personnel shall possess valid credentials before contracts are issued, duties are assigned, or payment is made from any source of funds. These records shall become the permanent property of the District and the State of Texas to be used for the proper maintenance of the personnel folder on the individual employee as required by law.

## **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 Human Resources in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify Human Resources when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 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 Human Resources if you have any questions regarding certification or licensure requirements.

## **Recertification of Employment Authorization**

### *Policy DC*

At the time of hire all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact Human Resources if you have any questions regarding reverification of employment authorization. Failure to verify employment authorization may result in termination.

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

### *Policies CQ, 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, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business. Disciplinary action, up to and including termination, may result if an employee refuses to submit to testing or is found to violate policy.

**Employees Required to Have a Commercial Driver's License.** Any employee whose duties require a commercial driver's license (CDL) is subject to alcohol and drug 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 will 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 follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

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

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Human Resources Department.

## **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 an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to MISD Lead Nurse Shelley Webb annually. Information on Texas Education Agency (TEA) requirements is available on the TEA Web Site, <http://ritter.tea.state.tx.us/taa/health042109.html>

School nurses and employees with regular contact with students must complete a Texas Education Agency approved, online training regarding seizure disorder awareness, recognition, and related first aid.

## **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. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request during the transfer request window each spring. Requests for transfer 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 Resources office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

*Policies 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 are posted on the Employee Information Center page of the MISD website.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. 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 receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See *Overtime Compensation* for additional information. Skyward-Time Tracking is the district's official time and attendance management system. Your supervisor will advise you regarding Skyward – Time Tracking procedures. Employees are never to clock-in or clock-out for anyone but themselves.

## **Breaks for Expression of Breast Milk**

*Policies 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.

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother.

The employee must give the district 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact Shavondalyn Johnson, Benefits and Employee Relations Coordinator, 936-276-2045.

## **Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act (PWFA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking a PWFA accommodation should contact Shavondalyn Johnson, Benefits & Employee Relations Coordinator, 936-276-2045 to begin the interactive process.

## **Supplemental Duties**

Assigned supplemental duties for which supplemental pay is received may be modified or discontinued by the district at any time. An employee who wishes to relinquish a paid supplemental duty may do so only with the consent of the superintendent or designee. Paid supplemental duties are not part of the district's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.

## **Notification to Parents Regarding Qualifications**

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (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. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. 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 Certification Specialist in the Human Resources Department.

## **Outside Employment and Tutoring**

*Policy DBD*

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest. Teachers are not allowed to privately tutor their students for pay, except during the summer months.

## **Camps, Clinics, and Workshops**

Employees who wish to offer camps, clinics, or workshops must submit a Request for Use of School Facility form prior to the event. The request form is available from the individual campus Principal's office or the Athletic Director's office. All completed forms are to be signed by the principal or Director of Athletics and must be reviewed by the Chief Financial Officer prior to advertising for the camp, clinic, or workshop. After

the conclusion of the event, a Record of Use of School Facility form (available from the campus office or Director of Athletics' office) must be signed by the principal or Director of Athletics and submitted to the Chief Financial Officer.

## **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. 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.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

## **Employee Involvement**

### *Policies BQA, BQB*

At both the campus and district levels, Montgomery 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 Chief of Staff & Communications.

## **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.

## **Change in Degree Status**

Teachers receiving advanced degrees (masters or doctorate) should inform the Compensation Analyst in the Human Resources Department as soon as possible. The official transcript must be placed on file as soon as possible after the degree has been conferred. Salary adjustments for advanced degrees will be processed upon verification of conferment of the degree and adjustments made only at the beginning of each school semester (August and January).

# 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. The current school year's hiring schedules are posted to the website [www.misd.org](http://www.misd.org) in the Compensation Plan. These schedules are developed for one year only and future salaries cannot be predicted from the hiring schedule. 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 an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*.)

All employees will receive electronic communication of their pay and work schedules. Classroom teachers, full-time librarians, full-time 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.

\*Service records must be received by Human Resources on or before October 1 or 60 days after hire in order to be considered for salary purposes.

MISD employees should visit their Skyward Employee Portal account or call the Human Resources Department for more information about the district's pay schedules or their own pay.

## Paychecks

All employees are paid on the 5<sup>th</sup> and 20<sup>th</sup> of each month (unless the date falls on a weekend and then employees will be paid the prior work day). Employees must have their paychecks electronically deposited. In the case that a paycheck is required to be issued, the paycheck will be mailed to the employee's address on file. Paychecks will not be released to any person other than the district employee named on the check.

An employee's payroll statement contains detailed information including deductions, withholding information, and leave information. This information can be viewed in the employee's Skyward Employee Portal account.

NOTE: All leave days may not be recorded with the last absence as of the date of the paycheck. It is the responsibility of the employee to maintain an accurate balance of their leave.

Vouchers will not be mailed. If an employee does not have access to the MISD website, they may access a copy in person at the district office through the employee's Skyward Employee Portal account on a district computer.

The schedule of pay dates for the 2023-2024 school year for annualized employees follows:

10 months August 18 thru August 5

11 months August 4 thru July 19

12 months July 5 thru June 20



## **Payroll Schedule**

2023-2024 School Year

<b>Pay Period</b>	<b>Pay Date</b>	<b>Due to Payroll</b>
7/16 – 7/31	August 18	August 4
8/1 – 8/15	September 5	August 21
8/16 – 8/31	September 20	September 5
9/1 – 9/15	October 5	September 20
9/16 – 9/30	October 20	October 5
10/1 – 10/15	November 3	October 20
10/16 – 10/31	November 20	November 3
11/1 – 11/15	December 5	November 17
11/16 – 11/30	December 20	December 5
12/1 – 12/15	January 5	December 20
12/16 – 12/31	January 19	January 8
1/1 – 1/15	February 5	January 19
1/16 – 1/31	February 20	February 5
2/1 – 2/15	March 5	February 20
2/16 – 2/29	March 20	March 5
3/1 – 3/15	April 5	March 20
3/16 – 3/31	April 19	April 5
4/1 – 4/15	May 3	April 19
4/16 – 4/30	May 20	May 6
5/1 – 5/15	June 5	May 20
5/16 – 5/31	June 20	June 5
6/1 – 6/15	July 5	June 20
6/16 – 6/30	July 19	July 5
7/1 – 7/15	August 5	July 19

**\*\*Additional information regarding payroll procedures may be found in the payroll procedures manual. By signing for the Employee Handbook, I acknowledge I have read and understand the MISD payroll procedures manual and agree to follow the procedures.**

## **Automatic Payroll Deposit**

Employees must have their paychecks electronically deposited into a designated account. A notification period of one month may be necessary to activate this service. Contact the Payroll Department for more information about direct deposit service.

## Wage Deductions

Montgomery Independent School District (the Company), may deduct money from an employee's paycheck for reasons that fall into the following categories:

1. Employees share of the premiums for the Company's group medical/dental plan;
2. Any contributions the employee may make into a retirement or pension plan sponsored, controlled, or managed by the Company;
3. Deductions requested by the U.S. Department of Education, Texas Guaranteed Student Loans, U.S. Bankruptcy Courts, Internal Revenue Service levy, Child Support, Texas Teacher repayments, TRS pension surcharges or other such deductions;
4. The cost to the Company of personal long-distance calls the employee may make, or messages sent by the employee, using Company phones (land lines or cell phones) or Company accounts, of personal faxes sent by the employee using Company equipment or Company accounts, or of non-work related access to the Internet or other computer networks by me using Company equipment or Company accounts;
5. The cost of repairing or replacing any Company supplies, materials, equipment, money, or other property that the employee may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the Company during employment (except in the case of misappropriation of money by the employee, the employee understands that no such deduction will take the employee's pay below minimum wage, or, if the employee is a salaried exempt employee, reduce the employee's salary below its predetermined amount);
6. The cost of Company uniforms and of cleaning the uniforms (the Company will deduct only the actual price it pays for uniforms and cleaning costs);
7. The reasonable cost or fair value, whichever is less, of meals, including, but not limited to meals charged by the employee to the Company's Child Nutrition department, lodging, and other facilities furnished to the employee by the Company in connection with the employee's employment;
8. Administrative fees in connection with court-ordered garnishments or legally required wage attachments of the employee's pay, limited in extent to the amount or amounts allowed under applicable laws;
9. If the employee takes paid vacation or sick leave in advance of the date they would normally be entitled to it and the employee separates from the Company before accruing time to cover such advance leave, the value of such leave taken in advance that is not covered;
10. The value of any time off for absences to which paid leave is not applied (except in the case of those who are paid a fixed salary for fluctuating workweeks, non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and
11. If the Company pays any insurance premiums or retirement system contributions ("payments") on the employee's behalf that they would normally make under the applicable Company benefit plan, the amount of such payments made by the Company, such payments being an advance of future wages payable to the employee.

## Payroll Deductions

### *Policy CFEA*

Payroll deductions for the Teacher Retirement System of Texas (TRS) and Federal income tax are required for all full-time employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Child support and spousal maintenance, if applicable. Delinquent federal education loan payments, if applicable. Temporary and part-time employees who are not eligible for TRS membership, must pay into the Alternative FICA Plan (3121). (The Alternative FICA Plan (3121) is a retirement plan in place of Social Security. MISD does not contribute to Social Security).

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance and TRS approved annuities. Employees also may request payroll deduction for payment of membership dues to professional organizations. These voluntary deductions must be completed by the June pay run. Salary deductions are automatically made for unauthorized or unpaid leave.

**Overpayments.** Employees are not entitled to any funds the district overpays. An agreement between an employee and the district must be in place in order to deduct any overpayment from one or more paychecks if an overpayment occurs.

W-2 forms must be accessed through the employee's Skyward Employee Portal account. Employees who do not have access to the internet may obtain a printed copy by visiting the District Office. Present and past employees should keep contact information updated. Electronic W-2s will be available through Skyward Employee Portal for at least 2 years from its original posting date. **W-2s will not be mailed.**

Directions for printing a copy of a W-2 can be located through the Employee Information Center on the MISD website.

## Overtime Compensation

### *Policies DEAB, DEC*

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. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action up to and including termination.

It is the non-exempt employee's responsibility to monitor their time and be held accountable for the hours worked and any edits or corrections that need to be made. If the non-exempt employee is asked to work without recording the time, it is the employees' responsibility to report the incident to the Assistant Superintendent of Human Resources.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Employees who must work beyond their normal schedule but less than 40 hours per week will be compensated in straight time pay or equivalent time off. Employees must work more than 40 total hours in a workweek to earn overtime compensation. Holidays and non-physically worked days are not included in the 40 hour workweek for overtime purposes. For the purpose of calculating overtime, a workweek begins on Sunday and ends on Saturday.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) 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 compensatory time.
- In accordance with district policy, comp time must be used by July 31<sup>st</sup>. If an employee has a remaining comp time balance after July 31<sup>st</sup>, it will be paid at the rate that it was earned on the August paycheck.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation). Available paid leave will only be used when compensatory time will not cover the entire absence. Bereavement leave is the only exception to this rule as it may be used even if the employee has an available comp time balance.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel Expense Reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district and Internal Revenue Service. Please review the Travel Forms located on the N Drive in the "Finance Shared" folder.

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

### *Policy CRD*

Group health insurance coverage is available to MISD employees through Blue Cross Blue Shield. The District's contribution to employee insurance premiums is determined annually by the local board of trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees in the Employee Benefits Portal on the MISD website.

The health insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within 30 days from their hire date. Current employees can make changes in their insurance coverage during open enrollment each year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in the Employee Benefits Portal on the MISD website. Employees should contact MISD's Benefits and Employee Relations Coordinator for more information.

## **Supplemental Insurance Benefits**

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs for dental, vision, life, disability and cancer policies. Premiums for these programs can be paid by payroll deduction. Employees should contact MISD's Benefits and Employee Relations Coordinator for more information.

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

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

New employees have 30 days from the date of employment to accept or reject health benefits. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' Compensation Insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Texas Association of School Boards Risk Management Fund which is a member of the Political Subdivision Workers' Compensation Alliance (the Alliance).

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 supervisor who will then notify the Benefits and Employee Relations Coordinator in the Human Resources Department. 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. See *Workers' Compensation Benefits* for information on use of paid leave for such absences.

## **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 MISD's Benefits and Employee Relations Coordinator.

## Teacher Retirement

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

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

# Leaves and Absences

*Policies DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. An employee who has available state and/or local leave may not elect to be docked in lieu of using paid leave. Employees who expect to be absent for an extended period of more than five days should call MISD's Benefits and Employee Relations Coordinator for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Paid leave must be used in half or whole day increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Local leave
- State sick leave accumulated before 1995-96 school year
- State personal leave

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

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deduction from the employee's pay.

If an hourly employee does not report or request leave of absence(s) according to district procedures, the incident is considered a "no call/no show". An employee who is absent for 3 consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

**Multiple Assignments.** When an employee has multiple assignments, leave will only be earned and used in the primary assignment.

**Immediate Family.** For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
- Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
- Sibling, stepsibling, and sibling-in-law
- Grandparent and grandchild
- Any person residing in the employee's household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA (LEGAL).

**Medical Certification.** Any employee, who is absent more than five (5) consecutive days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee’s fitness to return to work.

The district may require medical certification due to an employee’s questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district requires medical certification when an employee requests leave under the Family and Medical Leave Act (FMLA) for the employee’s serious health condition, a serious health condition of the employee’s spouse, parent, or child, or for military caregiver leave.

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

**Continuation of Health Insurance.** Employees, on 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 FMLA 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.

Under BCBS 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.

## Personal Leave

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee’s usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

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

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child’s birth, adoption, or foster placement.



**Discretionary.** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor three (3) days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

Discretionary leave may not be taken on the following key days:

- The day before or the day after a school holiday
- Days scheduled for end-of-semester or end-of-year exams
- Days scheduled for mandated exams
- Professional staff development days
- Times determined by the principal or supervisor

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

## State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave 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

Local leave shall be used according to the terms and conditions of state personal leave; however, local leave may be contributed to the sick leave bank.

- Employees shall earn five days of local leave per school year (or prorated amount based on hire date) at the same rate as state personal leave. Local leave days shall accumulate without limit and have no monetary value.
- All part-time employees with regular schedules, whether contract or non-contract, shall earn 2.5 days of local leave per school year (or prorated amount based on hire date) at the same rate as state personal leave. Local leave days shall accumulate without limit and have no monetary value.

An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

**Availability and Accrual.** Local leave for the current year is available for use at the beginning of the school year.

**Deductions for Use of Unearned Local Leave.** The District will not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

If an employee separates from employment before his or her last duty day of the school year, local leave will be prorated based on the actual time employed. If an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced for local leave the employee used but had not earned as of the date of separation.

If the employee uses more local leave than he or she earned and remains employed with the district through his or her last duty day, the district will deduct the cost of the excess leave days from the employee's pay.

**Availability after Separation.** An employee who separates from the district and who is rehired is eligible for reinstatement of any previously accrued but unused local leave.

## **Vacation & Paid Holidays**

### *Policy DED*

Eligible employees in positions normally requiring 260 days of service annually shall receive paid vacation days in accordance with administrative regulations that address the following:

1. Eligibility criteria;
2. Accrual rates and availability;
3. Request and approval processes;
4. Accumulation and carryover limits; and
5. Treatment of vacation days upon separation from service.

Eligible employees in positions normally requiring 260 days of service annually shall receive paid holidays in accordance with the employee's duty schedule and administrative regulations.

## **Sick Leave Bank**

The MISD Sick Leave Bank (SLB) shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time.

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

All employees are given the opportunity to donate one local leave day at the beginning of each school year to join the SLB. Guidelines for application and request of sick leave days may be found on the MISD website under the Employee Information Center link.

## Family and Medical Leave Act (FMLA)—General Provisions

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

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

### What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons.

The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

### Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management

### How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress

### What does my employer need to do?

If you are eligible for FMLA leave, your employer **must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, **your employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, **your employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

### Where can I find more information?

Call 1-866-487-9243 or visit [dol.gov/fmla](https://dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court.

## Local Procedures for Implementing Family and Medical Leave Provisions

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

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

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

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

**Fitness for Duty.** When an employee takes FML due to his or her own serious health condition, the employee is required to provide, before resuming work, a fitness-for-duty certification. The certification must specifically address the employee's ability to perform the essential functions of his or her job. The district FML designation notice will include the requirement for the employee to provide certification that addresses the essential job functions and provide the employee with a list of essential functions when the notice is sent. Fitness for duty is not required when the FML is to care for a child following birth, adoption, or foster care placement; to care for a family member; or for qualifying exigency leave.

**Reinstatement.** An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according the procedures outlined in policy (see DECA (LEGAL)).

**Failure to Return.** If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

**District Contact.** Employees that require FML or have questions should contact MISD's Benefits and Employee Relations Coordinator for details on eligibility, requirements, and limitations.

## **Temporary Disability Leave**

**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, MISD's Benefits and Employee Relations Coordinator 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.

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

## **Workers' Compensation Benefits**

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

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage.

If not eligible for FMLA, the employee on workman's compensation is responsible for the full healthcare premium while on unpaid leave.

## **Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury, and should be immediately reported to MISD's Benefits and Employee Relations Coordinator.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

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

## **Bereavement Leave**

An employee shall be granted three days of bereavement leave upon the death of a member of the employee's immediate family. Such leave shall be taken with no loss of pay or other paid leave. Forms can be found on the website under the Employee Information Center link.

## **Jury Duty**

*Policies DEC, DG*

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. **A copy of the release from jury duty or documentation of time spent at the court is required for submission to the Absence Management Coordinator.**

## **Compliance with a Subpoena**

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 personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

## **Truancy Court Appearances**

An employee who is a parent, guardian of a child, or a court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

## Religious Observance

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

## Military Leave

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to 15 days of paid leave per fiscal year when engaged in authorized training or duty orders by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact Human Resources. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact MISD's Benefits and Employee Relations Coordinator for details on eligibility, requirements, and limitations.

## Mental Health Leave for Peace Officers and Licensed Telecommunicators

**Mental Health Leave.** A District peace officer and licensed telecommunicators (e.g. police dispatchers) who experiences a traumatic event in the scope of employment shall be granted a maximum of 3 days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulation and shall not be deducted from the employee's pay or leave balance.

**Traumatic Event.** A traumatic event is an incident or event that causes physical, emotional, or psychological harm. The person experiencing the distressing event may feel physically threatened or extremely frightened as a result. Traumatic events are characterized by a sense of horror, helplessness, serious injury, or the threat of serious injury or death. A traumatic event does not include an employee's reaction to legitimate personnel action, including a transfer, promotion, demotion, disciplinary action (e.g., verbal or written warning), or termination.

**Request for Days.** A peace officer must submit a written request for mental health leave to MISD's Benefits and Employee Relations Coordinator in the Human Resources department. A request must be made within three months of the traumatic event experienced. The HR department will notify the employee in writing



regarding approval or denial of the request.

**Medical Certification.** Medical certification by a health care provider as defined by the Family and Medical Leave Act must be submitted with a request for peace officer mental health leave.

**Confidentiality.** All requests, including the circumstances that lead to the request will be treated as confidential information. Supervisors will be informed when leave is approved, but other details will not be shared.

**Coordination with Workers' Compensation.** All requests for leave will be coordinated with the Benefits and Employee Relations Coordinator to ensure a first report of injury is filed, as applicable.

## **Quarantine Leave for Peace Officers**

A District peace officer shall be granted quarantine leave when ordered by the local health authority or the peace officer's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

**Eligibility for Leave.** A peace officer who is ordered by the Montgomery County Public Health District or supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty is entitled to paid leave for the period specified in the order.

**Order to Quarantine.** A supervisor for purposes of authorizing quarantine leave is limited to the chief of police or superintendent.

**Certification.** An employee requesting leave is required to provide certification from the Montgomery County Public Health District to validate the need for leave. If leave is ordered by the chief of police or superintendent, a district form must be submitted to the Benefits and Employee Relations Coordinator. Certification from a health care provider may be required to support a medical need for leave.

**Reimbursement for Cost of Quarantine.** Requests for reimbursement for expenses will be submitted to the Montgomery ISD Police Department. Reimbursement for the reasonable cost of the quarantine will follow the Montgomery ISD reimbursement guidelines.

## **Leave for Police Officers for Illness or Injury**

A full-time district employed licensed police officer who regularly serves in a law enforcement capacity in a district police department is entitled to a paid leave of absence (LOA) for an illness or injury related to the person's line of duty. If necessary, the leave shall continue for at least one year.

If unable to return to work at the end of the paid leave and any extension, a police officer may use accumulated sick, vacation, and other accrued leave before being placed on unpaid temporary leave. At the end of temporary leave, the police officer will be reinstated at the same rank and with the same seniority the person had before going on temporary leave.

# **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's *newsletter*, and through special events and activities. Individual recognition forms (gold cards) for direct submission to the superintendent are available in the campus offices.

## **District Communications**

Throughout the school year, the Communications Department publishes newsletters, brochures, fliers, calendars, news releases, board briefs and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements. In addition, a district Facebook and Twitter account is also kept current by the MISD Communications Department.

# 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 concerns 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 procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints may be accessed on the district website at [www.misd.org](http://www.misd.org).

[https://pol.tasb.org/Policy/Download/910?filename=DGBA\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=DGBA(LOCAL).pdf)

# 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 up to and including termination.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, up to and including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency*, for additional information.

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

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

### **Purpose and Scope**

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

## **Enforceable Standards**

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

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

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

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

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

**Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used 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, abuse or distribution of controlled substances, prescription drugs and toxic inhalants.

**Standard 1.13** The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

**Standard 1.14** The educator shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

### **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.

**Standard 2.8** The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

### **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 up to and including termination.

Individuals 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 complaint should be made directly to the superintendent. A complaint against the superintendent may be made directly to the board.

Any district employee who believes that he or she has experienced prohibited conduct based on sex, including sexual harassment, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, the campus principal, the Title IX coordinator, or the superintendent. The district's Title IX coordinator's name and contact information is listed in the Equal Employment Opportunity section of this handbook.

The district's policy, DIA (LOCAL) that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation may be accessed on the district website at [www.misd.org](https://www.misd.org).  
[https://pol.tasb.org/Policy/Download/910?filename=DIA\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=DIA(LOCAL).pdf)



## **Harassment of Students**

*Policies DH, DHB, FFG, FFH, FFI*

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. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

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 has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse* and *Bullying* for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students may be accessed on the district website at [www.misd.org](http://www.misd.org).

[https://pol.tasb.org/Policy/Download/910?filename=DHB\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=DHB(LEGAL).pdf)

[https://pol.tasb.org/Policy/Download/910?filename=FFH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=FFH(LOCAL).pdf)

[https://pol.tasb.org/Policy/Download/910?filename=DF\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=DF(LEGAL).pdf)

## **Reporting Suspected Child Abuse**

*Policies DG, GRA*

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §261.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), 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. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

Employees are also required to make a report if they have reasonable 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, elderly person, or person with a disability.

Reports to Child Protective Services can be made online at

<https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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 taking an adverse employment action against a certified or licensed professional 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. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. 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.

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

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed in the District Improvement Plan. 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 has reasonable cause to believe 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 following 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.

## **Scope and Sequence**

### *Policy DG*

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

## **Technology Resources**

### *Policy CQ*

The district's technology resources, including its networks, computer systems, email 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.

Employees are required to abide by the provisions of the acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and/or legal action. Employees with questions about computer use and data management can contact the Executive Director of Technology and Digital Learning.

## **Personal Use of Electronic Communications**

### *Policy DH*

Electronic communications 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 communications 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 communications as they are for any other public conduct. If an employee's use of electronic communications 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 communications 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 Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law [See 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 DH (EXHIBIT)]

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

## **Electronic Communications between Employees and Students, and Parents**

### *Policy DH*

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited.

Employees are not required to provide students with their personal phone number or email address.

An employee is not subject to the provisions regarding electronic communications with a student 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 communications* means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes email, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *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 communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- 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 email 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. The employee must enable administration and parents to access the employee's professional page.
- The employee shall not communicate directly with any student between the hours of 8 p.m. and 7 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the 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 [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]

- 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 one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district's record retention policy.
- An employee shall notify his or supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.
- MISD Responsible Use Technology Agreement

The Montgomery Independent School District provides an array of technology resources for faculty and staff use to enhance the learning environment, facilitate resource sharing and to promote communication. This agreement outlines appropriate use and prohibited activities when using technology resources. Every faculty and staff member are expected to follow all guidelines stated below, as well as those given verbally by your principal or supervisor, and to demonstrate good citizenship and ethical behavior at all times. In accepting this agreement, faculty and staff acknowledge the following rules and conditions:

#### **GOVERNMENT LAWS:**

I will use computers in conformity with laws of the United States and the State of Texas. Violations include, but are not limited to, the following:

**Criminal Acts** – These include, but are not limited to, “hacking” or attempting to access computer systems without authorization, harassing email, cyberbullying, cyberstalking, child pornography, vandalism, and/or unauthorized tampering with computer systems. (A list of Federal statutes from the United States Department of Justice is below as Appendix A).

**Libel Laws** - Publicly defaming people through the published material on the internet, email, etc.

**Copyright Violations** - Copying, selling, or distributing copyrighted material without the express written permission of the author or publisher (users should assume that all materials available on the Internet are protected by copyright), engaging in plagiarism (using other's words or ideas as your own).

#### **NETIQUETTE and APPROPRIATE USE GUIDELINES:**

**Network Resources** - The use of the network and related technology resources is a privilege, not a right, and may be revoked if abused. Faculty/staff are personally responsible for his/her actions when utilizing the school's computer or personally owned computer resources on the district network. This responsibility extends to the security of your network account and password.

**Privacy** – All data stored on any device connected to the network including but not limited to computers, removable data drives, and network storage areas are the property of the school district. The district administrative staff and or Network Administrator may review any storage device or area of the school network or email to maintain system integrity and to insure that faculty/staff are using the system responsibly. No one can claim a right to privacy or unrestricted speech in the use of the District's systems. There is no assumption of privacy for any form of data residing on or passing through the Montgomery ISD network regardless of who owns the tools used to create, view, or modify that data.

**Personal Use** - Limited personal use is permitted as long as this does not increase the cost to the District or interfere with the operations of the network or with the performance of the employee's duties. Use of the district's computer (i.e., laptop), at home, can become a potential risk for viruses and spyware into the school network. Please use extreme caution when using district resources at home. The district does not guarantee the safety of any personal data on any district own personal or networked device. In the normal course of business and without prior notice devices may need to be reimaged for performance, safety, or security reasons without notice to the users of these devices. Files identified as infected by the district owned anti-virus application are quarantined and will not be restored to any device.

**Copying/Downloading** – Faculty/Staff are NOT permitted to download or install any software, shareware, or freeware onto the school's computers (e.g., webshots, gator, yahoo messenger, kazaa, weatherbug, limewire, spybot, toolbars, screen savers). Faculty/Staff are NOT permitted to intrude into others' files.

**Network Security** – Employees have access to network data, systems, and or websites that are shared by other employees across the district, campuses, and or departments. Not all employees in the district have the same level of access to these resources and in most cases students do not have access to these resources. It is never permissible to allow any other person including but not limited to other employees and or students to have access to your personal network account password. The security of your network account and password is your responsibility. Passwords believed to be compromised should be reset immediately. Employees sharing their password with any other person and or documenting their password in an area easily accessible by other WILL have their network accounts disabled.

**Inappropriate Materials or Language**- Faculty/Staff are NOT permitted to transmit, retrieve or store materials that are discriminatory, harassing, obscene, pornographic, or inappropriate. Despite our best efforts and beyond the limits of filtering technology, you may run across areas of adult content and some material you might find objectionable for the educational setting. We ask that you report these websites to the technology department to include in the filtering process. Faculty or staff should not seek to access sites that are inappropriate for the public school environment. The use of district online systems for personal gain, political lobbying or any other purpose which is illegal or against district policy or contrary to the district's best interest is NOT permitted.

**Electronic Mail** – While electronic mail can be a valuable tool, it is impossible to guarantee that it will be private. Deleted files can be undeleted. Do not send messages that are abusive, threatening, harassing, obscene, sexually oriented, discriminatory, damaging, illegal, false, or contain profanity. Do not send chain letters, virus warnings, urban legends or other unsubstantiated scares. Use the forward button with care (copy/paste is preferred). Do not use the system for commercial purposes, financial gain, political lobbying or any illegal purposes. Do not open attachments without first checking the validity of the attachment with the sender. If the sender is unknown, don't open the attachment.



**FACULTY/STAFF UNDERSTANDING:**

I understand that all passwords appropriately assigned to me are private and I will not allow others to use my account name and password, document or display my passwords in a way that can be easily obtained by others, nor try to use that of others. I further understand that abuse will result in my password being disabled or restricted. I understand that my school network and email accounts are owned by the District and are not private. Montgomery ISD has the right to access my information at any time.

I understand that all student use of the Internet is to be vigilantly supervised.

If I bring any zip disks, hard drives, CDs, DVDs, flash drives or other storage media to the school, I understand that the district administration and or district technology department personnel may scan the media for viruses and check for appropriate content. I will scan the media for viruses and check for appropriate content before using it on school equipment. There is no assumed right to privacy regarding any data accessible from or connected to the district network regardless of who owns the device.

I understand that at no time is the district responsible for the safety or security of my personal data being stored on or transmitted over any districted owned computing or network device.

I understand that at no time is the district responsible for the safety or security of any personal computing device brought on campus.

I will be polite and use appropriate language in my email messages, multi-user role-playing and/or virtual learning environments (e.g. Second Life), online postings, and other digital communications with others. I will refrain from using profanity, vulgarities or any other inappropriate language as determined by school administrators.

I will use email and other means of communications (e.g. blogs, wikis, podcasting, chat, instant-messaging, discussion boards, and virtual learning environments) responsibly regardless if it is district provided or personally acquired. I will not use computers, handheld computers, digital audio players, cell phones, personal digital devices or the Internet to send or post hate or harassing mail, pornography, make discriminatory or derogatory remarks about others, or engage in bullying, harassment, or other antisocial behaviors either at school or at home.

I understand that I represent the school district in all my online activities. I understand that what I do on social networking websites such as Facebook and Twitter should not reflect negatively on my fellow teachers, staff, students, or on the District. I understand that I will be held responsible for how I represent myself and my school, department or District on the Internet. I understand that all internet activities are logged and may be reviewed at any time by district administration and or the technology department.

I understand that masquerading, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out e-mail, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name as a joke.

I will use all technology resources responsibly. I will not retrieve, save, or display hate-based, offensive or sexually explicit material using any technology resource regardless of who owns the resource. I am responsible for not pursuing material that could be considered offensive. I understand that I am to notify my direct supervisor and the technology department immediately if by accident I encounter materials which violate appropriate use.

I will use all technology resources productively and responsibly for school-related purposes. I will avoid using any technology resource in such a way that would disrupt the activities of other users. This includes intentionally wasting resources, downloading music during school hours, playing online games, creating or printing inappropriate materials, printing excessive quantities, tampering with computer parts, erasing programs or others' files, introducing viruses, hacking, attempting to gain unauthorized access and modifying settings without permission.

I will refrain from attempting to bypass, or circumvent security settings or Internet filters, or interfering with the operation of the network by installing illegal software, or web-based services and software not approved by the Montgomery ISD Administrators or Technology Department.

I understand that vandalism is prohibited. This includes but is not limited to modifying or destroying equipment, programs, files, or settings on any computer or other technology resource.

I will respect the intellectual property of other users and information providers. I will obey copyright guidelines. I will not plagiarize or use other's work without proper citation and permission.

I will refrain from the use of or access of files, software, or other resources owned by others without the owner's permission. I will use only those school network directories that are designated for my use or for the purpose designated by my principal/supervisor.

I will follow all guidelines set forth by the District when publishing schoolwork online (e.g. to a website, blog, wiki, discussion board, podcasting or video server).

I understand the Internet is a source for information that is both true and false; and that the school is not responsible for inaccurate information obtained from the Internet. I agree to abide by all Internet safety guidelines that are provided by the school and to attend staff development related to Internet Safety.

I understand that District administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement.

### **Social Media in the Classroom**

Montgomery ISD understands the value of social media tools such as Facebook, Twitter, blogs, etc. These tools can be powerful communicators and relationship builders when used in a professional manner and for professional purposes. Please review the expectations below for using social media in your classroom.

- Create a Professional Account for Classroom use.
  - Example: Mrs. Smith's 5<sup>th</sup> Grade Class
  - Do not use your personal accounts for classroom use
    - It is not good practice to friend/follow students or parents on your personal account
- Be Transparent
  - Maintain openness, visibility, and accountability
  - Remember to post only what you want the world to see
  - Engage only in activities that you would share in your classroom with parents, your principal, and/or school board present
  - Do not engage in private messages with students

- Consider all electronic communication through social media to be a matter of record
  - Do not post any confidential information such as student ID numbers, grades, etc.
- Obtain Permission
  - Be sure you have permission to share pictures or information on your students before posting anything that includes students
- Be Professional
  - Use correct grammar and tone, choose appropriate subject matter and choose words that are courteous
  - Always be supportive of your campus and district
  - Do not engage in negative dialogue
    - Encourage person to contact you at the school or contact the campus
- Social media does not replace traditional communication
  - Individual topics/concerns should be addressed through phone calls, emails, and conferences

## **Public Information on Private Devices**

*Policies DH, GB*

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

## **Criminal History Background Checks**

*Policy DBAA*

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

## **Employee Arrests and Convictions**

*Policies DH, DHB, DHC*

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
- Crimes involving moral turpitude

Moral turpitude includes the following:

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

If an educator is arrested or criminally charged, the superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

**Certified Employees.** The superintendent and directors are required to report the misconduct or criminal history of a certified employee or individual applying for certification or permit to TEA Division of Educator Investigations. Information about misconduct or allegations of misconduct of a certified employee obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abused or otherwise committed an unlawful act with a student or minor
- Possessed, transferred, sold, or distributed a controlled substance
- Illegally transferred, appropriated, or expended school property or funds
- Attempted by fraudulent means to obtain or alter any certificate or permit to gain employment or additional compensation
- Committed a criminal offense on school property or at a school-sponsored event, or
- Solicited or engaged in sexual conduct or a romantic relationship with a student or minor

**Uncertified Employees.** Misconduct or criminal history of an uncertified employee also must be reported to TEA. Information about misconduct or the allegations of misconduct obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abuse or unlawful act with a student or minor, or
- Involvement in a romantic relationship with or solicited or engaged in sexual contact with a student or minor

# **Alcohol and Drug-Abuse Prevention**

## *Policy DH*

Montgomery 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 use follows:

### **Drug-Free School Requirements**

The district prohibits the unlawful distribution, possession, or use of illegal drugs, inhalants, and alcohol on school premises or as part of any of the district's activities.

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.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

[https://pol.tasb.org/Policy/Download/910?filename=DH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=DH(LOCAL).pdf)

## **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 (as defined by Texas Health and Safety Code §161.081) 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**

*Policies CB, DBD*

Employees are required to disclose in writing to the district 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

An employee with a substantial interest in a business entity or interest in real property must disclose the interest to the district prior to the award of a contract or authorization payment. This is done by filing an affidavit with the superintendent or designee. An employee is also considered to have substantial interest if a close family member (e.g., spouse, parent, child, or spouse's parent or child) has a substantial interest.

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 federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication are 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.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

## **Charitable Contributions**

### *Policy DG*

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

## **Safety and Security**

### *Policy CK series*

The district has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See *Emergencies* for additional information.

Employees must follow established protocols and response to emergencies for each campus and department. Refer to written security procedures specific to your location and work area.

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.

While driving on district business, employees are required to abide by all state and local traffic laws. Employees driving on district business are prohibited from texting and using other electronic devices that require both visual and manual attention while the vehicle is in motion. Employees will exercise care and sound judgment on whether to use hands-free technology while the vehicle is in motion.

- Employees are prohibited from transporting students in personal vehicles.

Employees with questions or concerns relating to safety programs and issues can contact the MISD Chief of Police.

### ***Employee Badges***

- Employees are required to wear MISD badges while on district property and when representing MISD at a district sponsored activity or event.



## **Possession of Firearms and Weapons**

*Policies DH, 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. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored and not in plain view. To ensure the safety of all

persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor immediately.

## **Visitors in the Workplace**

### *Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. 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.

The district shall obtain criminal history records of prospective school volunteers. The district shall inform the campus when their services are to begin. [See GKG (LOCAL)]

## **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 MISD Maintenance Departmental offices and is available for inspection during normal business hours.

## **Pest Control Treatment**

### *Policies CLB, DI*

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located at the front entrance. 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 electric means. Pest control information sheets are available from campus principals or facility managers upon request.

# General Procedures

## Emergency School Closing

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

TV: KPTC Channel 2, KHOU Channel 11, KTRK Channel 13 and Fox 26 TV

Radio: K-STAR 99.7

In addition to the above, announcements will be made through SchoolMessenger, MISD's telephone broadcast system that enables school personnel to notify selected households of emergencies or events. Furthermore, the district website, [www.misd.org](http://www.misd.org), Facebook, and Twitter will also be used to communicate to staff and community any changes in school operation due to weather.

## Emergencies

*Policies CKC, CKD*

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

## Purchasing Procedures

*Policy CH*

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

Go to: MISD N-Drive/Dept\_Finance/Shared/Finance Guidelines/Purchasing for more information.

## Name and Address Changes

It is important that employment records be kept up to date. If an employee has a name change, they must provide the new original social security card or alternate form of I.D. as approved by the Human Resources Department, before the name can be changed on employee records.

Other employee information can be updated in Skyward Employee Portal (e.g., address, telephone number, emergency contact) by the employee.

## **Personnel Records**

*Policy DBA, GBA*

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal email address is confidential and may not be released without the employee's permission.

Employees may choose to have the following personal information withheld:

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

The employee is asked to make a selection during the onboarding process when an employee account is created or re-activated. Employees can check/change their selection through their Skyward Employee Portal account. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

## **Facility Use**

*Policies DGA, GKD*

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

# Termination of Employment

## Resignations

*Policies DFE, DHB*

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or other persons designated by the board of trustees. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency*. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

**Noncontract Employees.** Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to the supervisor at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with, or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or of knowing about an employee's resignation or termination following an alleged incident of misconduct described above.

## Dismissal or Nonrenewal of Contract Employees

*Policies DF Series, DHB*

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency*. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

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

## **Dismissal of Noncontract Employees**

*Policies DCD, DP*

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, sex, 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 grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*.)

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

## **Discharge of Convicted Employees**

*Policy DF*

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction, the requirement to discharge does not apply.

## **Exit Paperwork and Procedures**

Exit paperwork should be completed by all employees leaving the district. Information on the continuation of benefits and release of information will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience.

All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment. The district may withhold the cost of any unreturned items from the final paycheck.

## **Reports to Texas Education Agency**

*Policies DF, DHB, DHC*

Certified Employees. The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is 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 or 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 reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification 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).

**Noncertified Employees.** The voluntary or involuntary separation of a noncertified employee from the District must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

## 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. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- 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*

In an effort to promote nondiscrimination and as required by law, Montgomery ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) 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 against students based on sex, including sexual harassment should be directed to the Denise Miner, MISD's Title IX Coordinator, at 20774 Eva Street, Montgomery, TX 77536, [denise.miner@mysd.org](mailto:denise.miner@mysd.org), or 936-276-2100. Questions or concerns about discrimination on the basis of a disability should be directed to Kerri Clark, Executive Director of Specialized Learning, at 20774 Eva Street, Montgomery TX, 77536, [kerri.clark@mysd.org](mailto:kerri.clark@mysd.org), or 936-276-2100, the district ADA/Section 504 coordinator for students. 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 teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## **Administering Medication to Students**

*Policies FFAC, FFAF*

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the administration of medication for respiratory distress, medication for anaphylaxis (e.g., EpiPen®), opioid antagonists, and medication for diabetes management, if the medication is 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*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to the campus principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and can be found on the MISD website ([www.misd.org](http://www.misd.org)).  
[https://pol.tasb.org/Policy/Download/910?filename=FFI\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/910?filename=FFI(LOCAL).pdf)

## **Hazing**

### *Policy FNCC*

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

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