

Employee Handbook Texas City ISD



TEXAS CITY
INDEPENDENT SCHOOL DISTRICT
TOGETHER WE SUCCEED

2021-2022

2021-2022 Texas City ISD Employee Handbook

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Texas City Independent School District Employee Handbook 2021-2022

Board of Trustees

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Board Meetings

The Board of Trustees of the Texas City Independent School District meets on the second Tuesday of each month in the Board Room of the Simpson Education Support Center, 1700 Ninth Avenue North. Notices of meetings are distributed to the news media 72 hours in advance of the meetings and are posted in the TCISD Simpson Education Support Center.

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I. EMPLOYEE CONDUCT and WELFARE

A. Code of Ethics and Standard Practices for Texas Educators

1. Overview

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. 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.

Texas City ISD has contracted with an independent reporting service for employees to report any unethical or illegal activity that could cause loss to you, coworkers or the District. Examples of this unethical or illegal activity are:

- a. Conflicts of interest
- b. Accounting or auditing irregularities
- c. Theft or fraud
- d. Disclosure of proprietary information
- e. Misuse of assets
- f. Antitrust or competition violations
- g. Improper dealings with customers or vendors
- h. Use or sale of illegal drugs
- i. Creating or ignoring safety hazards

EthicsPoint is an anonymous process that allows staff to communicate concerns via internet or telephone 24 hours a day, 7 days a week, in several different languages including Spanish. Place your toll-free call to **1-844-916-1288**. If you would like more information about this service, please contact the Texas City ISD Human Resources Office.

2. Professional Ethical Conduct, Practices, and Performance

The educator shall not knowingly engage in deceptive practices regarding official policies of the school District or educational institution. 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. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay. The educator shall not use institutional or professional privileges for personal or partisan advantage. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or allow one to obtain a special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service. The educator

shall not falsify records, or direct or coerce others to do so. The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state. The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants. The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

3. Ethical Conduct Toward Professional Colleagues

The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law. The educator shall not harm others by making knowingly false statements about a colleague or the school system. The educator shall adhere to written local school board policies as well as state and federal laws regarding the hiring, evaluation, and dismissal of personnel. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues. The educator shall not retaliate against any individual who has filed a complaint with the SBEC under this chapter.

4. Ethical Conduct Toward Students

The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law. The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety. The educator shall not deliberately or knowingly misrepresent facts regarding a student. 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, sex, disability, national origin, religion, or family status. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student. 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. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. 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.

B. Employee Standards of Conduct (*Policy DH*)

All District employees shall perform their duties in accordance with state and federal law, District policy, and the Code of Ethics and Standard Practices for Texas Educators. All District personnel shall recognize and respect the rights of students, parents, other employees and members of the community, and they shall work cooperatively with others to serve the best interest of the District.

An employee shall 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 the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. 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;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
 - 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;
 - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - Felony driving while intoxicated (DWI); or
 - Acts constituting abuse or neglect under the Texas Family Code.

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment.

1. Drug Free Workplace Requirements (*Policy DI*)

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as that term is defined in state and federal law, in the workplace or at any school-related event.

Employees who violate this prohibition may be referred to drug counseling programs, drug rehabilitation programs, employee assistance programs, or may be terminated from employment with the District.

As a condition of employment in the District, each employee shall abide by the terms of the requirements and prohibitions set out in this statement and shall notify the District no later than five days after being convicted of any criminal drug statute violation occurring in the workplace.

Within 30 days of receiving notice of a conviction for any drug statute violation occurring in the workplace, the District shall either:

- a. Take appropriate personnel action against the employee, up to and including termination; or
- b. Require the employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

2. Random Drug and Alcohol Tests (*Policy DHE*)

Employees in positions designated as safety-sensitive shall be subject to random, reasonable-suspicion, and post-accident drug and alcohol testing. Those positions designated as safety-sensitive shall be identified by the Superintendent or designee as part of the program, and regulations shall be developed for the department or division in which random testing is conducted.

Reasonable-Suspicion Searches (*Policy DHE*)

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

3. Tobacco Use (Policy DH)

Smoking and the use of tobacco products by employees shall be prohibited on school property, in school-owned vehicles, and while supervising students in school-related events.

4. Prohibition of Weapons (Including Handguns) (Policy DH)

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times. No violation of this policy occurs when: 1. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or 2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities.

5. Federal and State Worksite Postings

Required state and federal postings are found at each facility within the District. The following postings can be found in an area common to all employees at their facility: Employee Rights Under the Fair Labor Standards Act; OSHA (Occupational Safety and Health Administration U.S. Dept. of Labor) Job Safety and Health – It’s the Law; Your Rights Under USERRA (The Uniformed Services Employment and Reemployment Rights Act; Employee Rights and Responsibilities Under the Family and Medical Leave Act; Employee Polygraph Protection Act; Equal Employment Opportunity is the Law; Office of Injured Employee Counsel; The Texas Payday Law; Child Labor Laws; Notice to Employees Concerning Workers’ Compensation in Texas; Fingerprinting for Educators – It’s the Law; and Attorney General’s Whistleblower Act. Postings are to be in both English and Spanish for all employees to read.

6. Teacher Appraisal (Policy DNA)

The required appraisal of District teachers shall be in accordance with the Texas Teacher Evaluation and Support System (T-TESS) and local Board Policy.

7. Employee Attendance (Policy DEC)

Employees are expected to come to work each scheduled duty day at the assigned reporting time, unless specifically relieved of duty by their department supervisor. Failure to report for duty as assigned, or in a timely manner may be grounds for termination of employment.

8. Faculty/Staff Meeting

TCISD will continue to use Extended Wednesdays for staff development and training on operational and instructional issues.

- * Generally, there will be three Extended Wednesdays scheduled per month on each campus.
- * One meeting per month will be operational. The other two meetings will be instructional, providing sustained professional development in the areas of curriculum, instruction, and assessment.
- * Unless prior arrangements have been made with the principal/supervisor, teachers and paraprofessionals are required to attend such meetings.

C. Teacher/Staff Dress and Grooming Code

The administration of each campus will determine appropriate dress standards for their employees. When necessary, employees will be asked to correct their dress immediately. If you are unsure if an article of clothing is acceptable, please ask before the fact. In general:

The effective teacher/staff member...

...comes to work appropriately dressed.

...comes to teach dressed for success.

...is a role model for students.

The clothing items listed below are **unacceptable** and should not be worn to school by any faculty or staff member:

- Casual walking shorts or gym shorts (See note below *)
- Jogging suits or warm up suits/flannel wear
- Leggings, clinging pants, excessively tight pants/jeans/skirts
- Short skirts, or shirts that show mid-drift or lower back when arms are raised
- Low-cut, backless or see-through garments (including low-cut jeans that expose lower back when sitting or bending over)
- Denim jeans and T-shirts (See note below **)
- Flip flops, shower shoes, or house slippers
- Visible tattoos must be covered
- Visible body piercing (other than the ears) and related jewelry is prohibited. Prohibited areas of the body include, but are not limited to eyebrow, cheek, nose, and lips. Band-Aids to cover jewelry or spacers are not allowed.
- Grills may not be worn over teeth and must be taken out while at work.
- Hair must be clean and neatly groomed. Extreme hairstyles and extreme hair colors are not acceptable for employees. Hairstyles, which pose safety hazards in certain classes, may require that the hair be secured in such a manner as to create the least potential problem.

* Note: Gym shorts are acceptable in PE or Athletics class. The teacher should put on a collared shirt and long pants if returning to his/her classroom to teach a class.

** Note: Denim jeans worn with campus spirit shirts are acceptable on Fridays and spirit days or activity days as determined by campus administration. Denim jeans may not be frayed at the bottom, worn, faded, or tattered.

TCISD Jean Guidelines

1. Spirit Days – Fridays have been designated as spirit days throughout the district. Staff may wear jeans with campus theme wear or shirts with Sting (orange and black) or Cougar (blue and gold) spirit colors.
2. State testing days – staff may wear jeans with campus/district spirit wear on days their assigned campus is participating in state testing.
3. Foundation Wednesdays - Jeans may be worn on the first Wednesday of each month with the current year Foundation shirt.
4. Principal’s Choice – Jeans may be worn with campus/district spirit wear one day each month designated by campus administration for special events.
5. College Days – Campuses may designate one day per semester as a College Day. On these days, staff may wear jeans with a shirt representing the college of their choice.
6. Jean Day Fundraisers - Each campus may have one Jean Day fundraiser per year to raise money for a good cause.
 - The cost of each pass will be \$5.00
 - The maximum number of days that passes may be purchased is five
 - Campus administration will determine when passes can be utilized
7. Professional Development Days – Staff may wear jeans when attending “in-house” training. However, professional dress should be worn when out of district presenters are providing the training.
8. Christmas Tradition – The last work week before the Christmas Break staff may wear jeans with Christmas attire at principal’s discretion.
9. United Way – staff members who contribute to the United Way a minimum of \$75 dollars may wear jeans during the period of time designated by District Campaign Chairperson.

Proper Attire for Auxiliary Personnel

Uniform requirements are explained by the appropriate departments. Most departments use uniforms, which employees must wear. Dress requirements set for employees in departments without specific uniforms must be followed.

D. Conflict of Interest (Policy BBFA)

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See Policy CAA] An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or that creates a potential conflict of interest with the best interest of the District. Prior to the award of a contract or authorization of payment by the District, an employee shall file with the Superintendent, Board President, or a designee an affidavit disclosing any substantial interest in a business entity or interest in real property, as defined at BBFA, if the employee is in a position to affect a financial decision involving the business entity or the real property. An employee shall not recommend, endorse, or require students to purchase any product, material, or

service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during non-school hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose. An employee shall not use his or her position with the District to attempt to sell products or services.

E. Statement of Confidentiality

According to the Open Records Act (effective 9/1/85) the home addresses, home telephone numbers (including former home addresses and telephone numbers), and any information that reveals whether the person has family members are confidential if the individual has, in writing, opted to keep this information closed. As an employee of TCISD, you may indicate whether you wish this information to be released by completing the Statement of Confidentiality Form. Failure to complete the form indicates that you have no objection to having this information released. You can file a new form at any time to reflect a change in your choice concerning confidentiality.

II. TRAVEL PROCEDURES

A. Overview

Employees shall be reimbursed for reasonable travel expenditures according to Board policy and the policies and procedures outlined in this document. This document outlines the maximum amounts that may be reimbursed. Individual campuses/departments may impose additional limitations on expenditures due to budgetary constraints. Prior approval for all out-of-District travel shall be obtained before any expenses, including prepaid registration, are incurred. The *Request for Travel Form* is used to indicate approval from the appropriate supervising administrator and to provide an estimate of expenses.

REMEMBER – Every employee given authorization to travel assumes a responsibility to the taxpayers of the District to keep the cost of travel to a minimum.

Due to the passage of HB 898, beginning September 1, 2003, the District may not reimburse an officer or employee for expenditures for travel in excess of the applicable amount determined using the state travel allowance guide adopted by the Comptroller.

A copy of this allowance guide may be obtained from the following web address:
<https://fm.xcpa.state.tx.us/fm/pubs/travallow/index.php>

B. Limitations on Out-of-State Travel

Regardless the funding source for out-of-state travel, the Superintendent must approve all out-of-state travel without any exceptions. Attendance records for the year must be submitted along with the *Request for Travel Form* to facilitate review and approval for travel.

C. Paraprofessionals and Other At-Will Employees

Supervisors will approve in-state travel as appropriate.

1. Pay will be only for the hours of the seminar or workshop and the hours of travel that occur within a normal workday. The only exception will be if the supervisor has required the paraprofessional to attend the meeting and has discussed the exact hours the employee will be paid prior to the trip.

D. Procedures

1. At least 2 weeks prior to traveling, complete the Request for Travel form (in electronic format), which includes the destination, purpose of trip, dates, budget codes, lodging, meals, parking, registration, and other estimated expenses. Check the box next to ***Pre-Travel Approvals***.
2. If the travel is being funded with state or federal grant funds, please read the section below titled State and Federal Travel for specific instructions.
3. Save a copy of this form electronically to be updated as the ***Final Report*** upon return.
4. Print, sign and submit the original completed form to the Campus Bookkeeper or Department Secretary for Supervisor and/or Budget Manager approval(s) as required.
5. Upon approval(s), the Campus Bookkeeper or Department Secretary will enter the check request into Skyward for prepayment of registration and lodging expenses not including State tax. All other travel expenses (such as meals, parking, and mileage) will be reimbursed after the trip. If traveling with students, the student and sponsor meals (if applicable) will be advanced prior to travel.
6. After the check request has gone through the electronic approval process, the Business Office will print the checks to cover the cost of the registration and lodging.
7. Registration checks will be mailed directly to vendors unless otherwise requested.
8. Checks to cover the cost of lodging will be sent to the campus or department for distribution to the traveler along with the Hotel Occupancy Exemption Form.
9. If staying in a hotel and the Hotel Occupancy Form is not in the envelope with the check, be sure to print it from the District website to take with you to give to the hotel upon check-in. The District is exempt from Texas state sales tax on hotel rooms. The District is not exempt from any other lodging taxes; therefore, those can be prepaid if known or reimbursed upon return.
10. If requesting to use a district vehicle for your travel, a request must be submitted to the transportation department via Trip Tracker at least 10 full

- days before the trip departure date. If an employee does not have a Trip Tracker account, they can contact the Director of Transportation.
11. While traveling, be sure to keep all receipts including those for hotel, parking, gas, meals, taxis, rental cars, etc. For most employees, meal receipts are not needed as the District reimburses meals on a Per Diem basis. However, for those individuals whose travel is paid with Federal Funds, detailed/itemized receipts are required for all expenditures, including meals. Per diems for meals are not allowed with Federal Funds.
 12. Upon hotel checkout, the traveler must request a detailed receipt showing all charges and balances paid.
 13. Within 15 days of return, the Request for Travel form should be updated (electronically) as the **Final Report** with the actual travel expenses including mileage, parking, taxis, and other approved incidental costs. Unless your travel is being funded with Federal Funds, meals are reimbursed at the Per Diem Rates shown below. Per the IRS, meal per diems are taxable to the employee unless they are completely expended; therefore, each employee must certify that all meal per diem funds were expended during the authorized job-related travel.
 14. To be reimbursed, print, sign and submit the completed **Request for Travel – Final Report** with your certificate of attendance (if applicable) copies of all detailed receipts including hotel receipt to the Campus Bookkeeper or Department Secretary. Meal receipts are not necessary unless the travel is being paid with Federal Funds.
 15. The Campus Bookkeeper or Department Secretary will enter the check request (employee reimbursement) in Skyward along with attachments of all receipts and supporting documentation.
 16. After the check request has gone through the electronic approval process, the Business Office will process the check request for payment. All documentation must be submitted in order for the payment to be processed. The reimbursement will be directly deposited into the account established for the employee's payroll. If a check is to be issued instead of direct deposit, the check will be sent to the Campus Bookkeeper or Department Secretary for distribution to the employee.

E. State and Federal Travel

1. TEA Travel Guidelines for state and federal funds shall be utilized to ensure that all travel expenditures are in compliance with state and federal guidelines.
2. When travel is being paid with Federal Funds, the actual expense shall not exceed the rate established in federal travel regulation for each locality. Please refer to the U.S. General Services Administration Federal

Domestic Maximum Per Diem Rates for meal and lodging reimbursements at <http://www.gsa.gov/portal/category/100120>.

3. If the local rates set by the District exceed the state and federal grant per diems, the excess travel costs shall be paid from local funds. For areas not listed, use the rate for the nearest city or county. Detailed/itemized receipts are required by federal law for all travel using federal funds, including meals. Per diem meal reimbursements are not allowed with Federal Funds.

F. Meals

Employee Meals (In and Out of State)

Employee meal advances will only be provided in the case of demonstrated financial hardship (contact Business Office for approval). Meal advances for students will be provided.

The District requires an overnight stay for meal reimbursements. IRS regulations state that meals are not reportable as income when the business trip is overnight or long enough that you need to stop for sleep or rest to properly perform your duties.

No alcohol should show on meal receipts submitted for reimbursement.

The District's Per Diem Meal Reimbursement Rate is \$36 based on the following schedule:

Breakfast: \$8.00 if you leave TCISD before 6:00am or return to TCISD after 6:00am

Lunch: \$10.00 if you leave TCISD before 12:00pm or return to TCISD after 12:00pm

Dinner: \$18.00 if you leave TCISD before 6:00pm or return to TCISD after 6:00pm

Full Day: \$36.00 if you are out for the full day

Student Meals (In and Out of State)

Student meals for extra-curricular activities and competitions will be advanced and competitions will be advanced and paid for by the District after District level advancement. Travel advance forms should be completed at least 10 days prior to the travel date whenever possible. Travel reimbursement forms should be completed within 7 days upon return of the trip. Even though meals were advanced, the sponsor is still required to sign the Per Diem Meals Statement (on the Request for Travel form) and send it to the Accounts Payable department upon return to certify that the money was spent entirely on meals. The maximum allowable meal reimbursement rates are as follows:

Breakfast: up to \$5.00 if you leave TCISD before 6:00am or return to TCISD after 6:00am
Lunch: up to \$7.00 if you leave TCISD before 12:00pm or return to TCISD after 12:00pm
Dinner: up to \$9.00 if you leave TCISD before 6:00pm or return to TCISD after 6:00pm
Full Day: up to \$21.00 if you are out for the full day

G. Mileage

The District reimburses the current state rate per mile to a maximum of 450 miles or up to airfare (average coach fare) plus taxi and other transportation costs to same location. Travel calculations originate from place of employment. The TCISD Mileage Chart should be used to calculate in-district and other designated travel locations. When traveling to locations not designated on the TCISD mileage chart, MapQuest or another mapping website should be used and attached to the reimbursement request. Mileage will be reimbursed only to the employee driving to the event. Mileage reimbursements are not allowed to be split between multiple drivers.

Employees are expected to arrive at the event destination no earlier than the day before the event and are expected to return back to TCISD no later than the day following the event. Mileage claimed for reimbursement must take place during this timeframe. If the employee decides to travel before, or to stay later than this timeframe, mileage will not be reimbursable. As required by HB 1924, when computing distance for reimbursement, mileage must be based upon the shortest route between points (round-trip from District to conference site). If more than one person is attending the same meeting, they should carpool in one vehicle. Only one mileage reimbursement will be made for up to four employees attending the same meeting.

H. Lodging / Hotel Rates

1. When using local funds, the maximum allowable hotel rate is \$175 per night. Rates in excess of \$175 will not be reimbursed without prior approval from the Superintendent. Reimbursements for lodging expenses within the Houston metropolitan area are not allowed. The District will not reimburse for overnight lodging within this area unless there are extenuating circumstances. Prior approval must be received from the Business Office.
2. Hotel accommodations can be guaranteed for late arrival by utilizing a personal credit card. To avoid cancellation fees, the traveler is responsible for notifying the hotel prior to the cancellation deadline. If the hotel is not notified by the required deadline, the traveler may be required to pay the cancellation fee or the rate for a night's accommodation.

3. The District will not reimburse hotel charges for Internet connection fees unless the traveler receives prior approval from their supervisor. Charges for movies and other personal charges will not be reimbursed.
4. When multiple employees are attending the same event, lodging must be consolidated to minimize the number of rooms being paid for by the District. This includes employees of the same sex sharing hotel rooms.

I. Air Travel

1. Advance planning is critical when requisitioning air travel. An approved *Request for Travel Form* with the airfare listed under other reimbursable expenses is required before reimbursement for airfare can be processed.
2. All travelers must use the lowest fare possible. Whenever possible, business travel should be planned to take advantage of advance purchase discounts and group fares. The lowest fare routing must be used when available. Please make certain that the account to be charged has sufficient funds at the time tickets are requested.

J. Car Rental

1. Since car rentals are very costly, travelers should not request car rentals for business purposes unless there are limitations in availability of local transportation. It is usually more cost effective to utilize taxi services or free shuttle services when available.
2. Employees must have a current driver's license and a personal credit card in order to rent a car. It will be necessary to purchase additional liability insurance. If additional insurance is not arranged, employees will not be covered by the District's insurance, should an accident occur. To avoid higher gas rates charged by rental companies, fill the gas tank before returning the rental car. Also, be sure to examine the invoice for accuracy before leaving the rental office. Reimbursement for rental car expenses will occur when expenses are listed on the *Request for Travel Form*.

K. Parking

Parking is reimbursable with receipts. Self-parking is preferred unless the employee feels the area is unsafe, then valet parking is acceptable.

L. Other Costs

Reimbursable costs with proof of expenditures include registration fees, taxis, and tolls.

M. Post-Trip Procedures

1. Within ten working days after returning from a trip, prepare a *Travel Reimbursement Direct Pay Form*. Include a copy of your approved Professional Growth/Travel Request form, a certificate of attendance, if applicable, conference hotel and rate backup and original itemized receipts for all expenses (airline tickets, meals, hotel, car rental, etc.) Travel Reimbursement requests that are not submitted in a timely manner are subject to not being reimbursed.

III. EMPLOYEE RELATIONS and COMMUNICATIONS

A. Children of Nonresident District Employees

Policy FDA (Local), Exception #1

1. Application for Transfer Requests

Children of nonresident District employees may obtain an application form from the Director of Student Data, who is located at the TCISD Simpson Administration building. The form must be completed annually.

2. Qualifications for Transfer

A child of a nonresident employee will be considered for transfer based on: space, instructor availability, academic performance, attendance, discipline. Academic Performance: Academic performance must be maintained at a passing standard. Six weeks' report card grades must meet the required standards and semester grades must meet the requirements for promotion or course credit found in Board Policy EIE (Local). Achievement test scores and state required test scores must indicate that the student is on grade level and/or passing required subject content.

Attendance: Once a child of a nonresident employee has initially enrolled, attendance must be maintained in accordance with the requirements specified in Board Policy EI (Local).

Discipline: Consideration of continued enrollment at TCISD will be dependent on the number and/or severity of documented discipline infractions.

3. Periodic Review of Transfer

The principal or principal's designee shall review the transfer student's academic performance, discipline record, and attendance at the end of the second and fourth six weeks to ensure that the student is meeting the "Qualifications for Transfer."

In the event the campus administration finds that a student is not fulfilling one or more of the specified qualifications for transfer, the student's parent will be notified in writing. The student will be required to bring the grades, conduct, and/or attendance up to a satisfactory level for the grading period notification is given (3rd, 5th, and/or 6th six weeks).

It is required for any transfer student who has not passed any portion of the state testing requirements to attend tutoring sessions when offered and diligently prepare for and test at every opportunity until success is achieved.

4. Revocation of Transfer

If in any grade, Kindergarten through 4, the student-teacher ratio exceeds the state mandated maximum of 22 – to 1, the transfer may be revoked.

Upon a student’s failure to fulfill any or all of the stated qualifications for transfer within two consecutive grading periods, the principal may revoke the student’s transfer.

For any conduct offense that would merit suspension, placement in DAEP, or expulsion, the principal may immediately revoke the student’s transfer. Once a student’s transfer is revoked, all records will be transferred to the home District in a timely manner.

5. Appeals

A decision to revoke a student’s transfer may be appealed to the Superintendent’s designee in accordance with Board Policy FDA (Local) or FNG (Local), as applicable.

B. EXTERNAL COMPLAINTS (Policy DGBA)

1. Disability Laws and Title IX

Employees may present complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 or alleging sex discrimination in employment practices.³⁴ CFR 104.7, 106.8(b)

2. Redress of Grievances

Employees shall have the right, in a peaceable manner, to assemble together for their common good and apply to those invested with the powers of government for redress of grievances or other purposes by petition, address, or remonstrance. *Tex. Const., Art. I, Sec. 27*

3. Wages, Hours, Conditions of Work

The prohibition against collective bargaining shall not impair employees’ rights to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike.

Gov’t Code 617.005

4. Appraisals

Employees may present grievances regarding the appraisal process and shall receive a written response. The Board has the authority to review the educational judgment of an appraiser regarding denial of credit and may award credit if the appraiser’s educational judgment was clearly erroneous or an abuse of discretion. Navarro v. Ysleta ISD, Comm. of Ed. Dec. 007-R8-988 (1994)

5. Right to Representation

An employee, or a group of employees, may be represented in a grievance presentation at any level through an attorney or through any other person or organization that does not claim the right to strike. Gov’t Code 617.005; Corpus Christi Fed. of Teachers v. Corpus Christi ISD, 572 S.W. 2d 663 (Tex. 1978); Sayre v. Mullins, 681 S.W. 2d 25 (Tex. 1984); Lubbock Professional

Firefighters v. City of Lubbock, 742 S.W. 2d 413 (Tex. App. – Amarillo, writ ref'd n.r.e.)

6. Presentation

An employee's legal right to present a grievance is satisfied at each level when someone in a position of authority hears the employee's concern; however, that authority is under no legal compulsion to take action to rectify the matter. Att'y. Gen. Op. H-422 (1974); Corpus Christi ISD v. Padilla, 709 S.W. 2d 700 (Tex. App. - Corpus Christi, 1986, no writ)

7. Board's Role

The Board shall provide an opportunity at its regular meetings for employees to present their complaints or grievances for Board consideration. Prof. Ass'n of Coll. Educ. v. El Paso Comm. Coll., 678 S.W. 2d 94 (Tex.App. - El Paso, 1984, writ ref'd, n.r.e.) [See DGBA (LOCAL)]

8. Complaints Regarding Other Employees

The Board is not required to conduct an open meeting to deliberate a case in which a complaint or charge is brought against a District employee by another employee, and the complaint or charge directly results in the need for a hearing. However, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing.

C. INTERNAL COMPLAINTS

1. Personnel-Management Relations

Employee Complaints (Policy DGBA)

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

2. Definitions

For purposes of this policy, "days" shall mean business days. The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:

- a. Grievances concerning an employee's wages, hours, or conditions of work.
- b. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
- c. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights; and/or
- d. "Whistleblower" complaints.

3. Other Review Processes (Policies DIA, DAA, DF, CKE and EFA)

- a. Initial procedures and information regarding sexual harassment by other employees are found at DHC (LOCAL) and information regarding federal nondiscrimination is found at DAA (LOCAL).

- b. An employee's dismissal or non-renewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.
- c. The following are governed by other review processes and are not subject to this policy:
 - i. Grievances regarding suspension of a contractual employee without pay.
 - ii. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education Code.
 - iii. Grievances against a peace officer CKE.
 - iv. Grievances regarding instructional materials.

4. Notice to Employees

The principal of each campus and other supervisory personnel shall ensure that all employees under their supervision are informed of this policy.

5. Freedom from Retaliation (*Policy DG*)

Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a complaint under this policy.

6. “Whistleblower” Complaints (*Policy DG*)

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within 15 days after the date the alleged adverse employment action occurred, or the employee first knew of the alleged adverse employment action. The complaint shall first be filed in accordance with Level Two, below. Timelines for the employee and the District set out in this policy may be shortened to enable the Board to make a final decision within 60 days of the initiation of the complaint.

7. General Requirements

A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.

8. Consolidation

When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedies to permit their resolution through one proceeding, he or she may consolidate the grievances.

9. Initiating Grievance

Unless otherwise specified in policy, an employee shall initiate a grievance as provided at Level One. “Days” shall mean District business days, unless otherwise noted.

a. Level One

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form provided by the District. The form must be filed within 15 days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining. The principal or supervisor shall hold the conference within ten days after receipt of the written request. The principal or supervisor shall have ten days following the conference within which to respond.

b. Level Two

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent or a designee to discuss the grievance.

The request shall be in writing on a form provided by the District and must be filed within ten days following receipt of a written response or, if no written response is received, within ten days of the response deadline at Level One.

The Superintendent or designee shall hold the conference within ten days after receipt of the written request. The Superintendent or designee shall have ten days following the conference within which to respond.

c. Level Three (*Policy BE*)

If the outcome of Level Two is not to the employee's satisfaction, or if the time for a response has expired, the employee may request to place the matter on the agenda of a future Board meeting. The request shall be in writing on a form provided by the District and must be filed within ten days following receipt of a written response or, if no written response is received, within ten days of the response deadline. The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The presiding officer may set reasonable time limits. The Board shall hear the grievance and may request a response from the administration. The District shall make an audio tape record of the Level Three proceeding before the Board. The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

10. Closed Meeting

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the

grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests it to be heard in public.

11. Exception

However, if the grievance involves a complaint or charge against another District employee or Board member, it shall be heard in closed meeting unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

D. Professional Development: Continuing Education Policy DMC

Superintendent's Approval College Level Courses

- ✓ Professionals wishing to enroll in college-level courses during the contract term shall request approval from the Superintendent or designee, who may limit the number of semester hours taken during the contract period. *A TCISD Professional Growth form shall be used and must be turned in and signed by immediate supervisor and Assistant Superintendent PRIOR to enrollment in courses to receive salary credit. The form shall include the course numbers of each class being taken in that semester.*

The District shall provide financial incentives to employees for graduate-level credit hours earned. A salary increment of \$20 per semester hour of graduate-level college credit earned after gainful employment in the District shall be granted once an official transcript has been provided to Human Resources for verification.

The District shall provide financial incentives to paraprofessional employees who earn college credit (graduate or undergraduate) in courses job-specific for the current position. A salary increment of \$20 per semester hour of college credit earned after gainful employment in the District shall be granted. A maximum of 30 semester hours shall be remunerated above either a bachelor's or master's degree. After a maximum of 30 semester hours has been reached, professional and paraprofessional staff may receive a \$15 per semester hour salary increment.

E. Freedom from Harassment, Title IX Regulations and Racial and Ethnic Equity Policy

Texas City Independent School District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, religion, or age. Same-sex sexual harassment constitutes sexual harassment.

I. The New Title IX Regulations (An overview)

Definition: Sexual Harassment

34 CFR 106.30(a)

Six Types of Sexual Harassment

- Quid pro quo
- Hostile environment

- Sexual assault
- Dating violence
- Domestic violence
- Stalking

Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the recipient's education program or activity (*i.e.*, quid pro quo, hostile environment, sexual assault, dating violence, domestic violence, stalking)

Quid pro quo: When an employee conditions favorable treatment on the acceptance of unwelcome sexual attention.

- This definition applies only to actions of employees.
- Teacher offers good grades to student

Hostile Environment: Conduct that it is so SEVERE, PERVASIVE AND OBJECTIVELY OFFENSIVE that it effectively DENIES a person EQUAL ACCESS to the program.

What has changed from prior guidance?

- OR > AND
- LIMITS > DENIES
- These changes are consistent with judicial interpretations but a departure from prior OCR guidance.
- This could be student-to-student conduct, employee-to-student conduct, or employee-to-employee conduct.

Note: A lot of things happen in schools that are inappropriate and sexually oriented but fall short of this definition.

Terminology:

- Complainant = victim of sexual harassment
- Respondent = person accused of sexual harassment
- Formal Complaint vs. "Report" = report is verbal or in writing by *anyone* while a formal complaint may be initiated by complainant
- Actual Knowledge = when *any* employee has knowledge
- Substantial Control = over both the alleged harasser and the context in which the harassment occurred
- Education program or activity = any academic, extracurricular, vocational or other education program operated by a district

Supportive Measures:

- Non-disciplinary, non-punitive individualized services offered to Complainant or Respondent at no charge designed to "restore or preserve equal access to...the education program or activity without unreasonably burdening the other party" whether a formal complaint is filed.

- _ *Examples:*
- _ Counseling.
- _ Mutual restrictions on contact.
- _ Modification of schedule.
- _ Campus escort services.

What does “actual knowledge” mean?

- This term is important because the school’s duty to respond arises only when it has “actual knowledge” of sexual harassment, or of allegations of conduct that, if true, would constitute sexual harassment.
- Under the regs, the school has “actual knowledge” when *any* employee of the school--*other than the actual perpetrator of the harassment*—has actual knowledge.
- What has changed?
- Previously, actual knowledge was imputed to the school only when it was known by someone who had the authority to address it.
- Now, it is *any* employee.

Is there “actual knowledge”?

- A. My fellow teacher and drinking buddy confides in me that he’s been “fooling around” with a student. He makes sure she gets an A and a college recommendation.
- B. Custodian witnesses an act of sexual harassment between students in the bathroom after school.
- C. Student confides in a teacher’s aide about what happened on the school field trip.

Note: All three of these are examples of situations that, in the past, did not put the school on notice of “actual knowledge.” Now they do.

Reporting:

- *Any person* may report. Not just the alleged victim.
- Can be verbal or written.
- Can be made by mail, by telephone, or by email at any time (business or non-business hours) to the Title 9 Coordinator or any employee.
- Title 9 Coordinator may also receive report from any employee who observes or receives notice of sexual harassment or alleged sexual harassment.
- All employees need to know the designated person to whom they should turn over sexual harassment allegations.
- Employee reporting requirement does not replace requirement to report child abuse to law enforcement and/or CPS.

The Duty to Respond:

- If the district has “actual knowledge” of “sexual harassment” it “must respond promptly in a manner that is not deliberately

indifferent.”

- Actual knowledge = notice or awareness of sexual harassment or allegations of sexual harassment received by *any* employee.
- The district’s response must not be “clearly unreasonable in light of the known circumstances.

Timeliness and Eligibility:

- Although reports of sexual harassment should be made in a timely manner, unlike other district grievances, a sexual harassment complaint can be made as long as the Complainant and Respondent are either or both still enrolled in the district or are the beneficiaries of the district’s programs.
- Include years in all documentation to avoid confusion.

During the Interview:

- No secret recordings! Keep recorder in plain view and advise the witness you are recording. Investigator may ask if complainant/respondent is recording the conversation.
- State the date, time, location and identify individuals present.
- Label and secure the recording.

II. Employee to Employee (*Policy DIA*)

1. Employees shall not engage in conduct constituting sexual harassment or harassment. Employees shall not tolerate harassment of others.
2. Sexual harassment of an employee is defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:
 - Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
 - The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Examples of sexual harassment may include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; requests for social or sexual encounters; pictures or graphics that are degrading or humiliating; and other sexually motivated conduct, communication, or contact.

Indicators or signs of sexual harassment may include, but are not limited to, the following:

- * Unwanted or unwelcome attention.
- * Behavior occurs in the context of a relationship where one person has more formal or informal power than the other.
- * Leaning too close.
- * Incidental but, none the less, inappropriate touching.
- * Strange looks or staring at body parts.
- * Conversations which are too long and too personal.
- * Too persistent in asking for attention or a date.
- * Domination or violence; or
- * Initiation of minor violations of an individual's personal boundaries, watching for the reaction, or lack thereof, from the targeted victim.

3. Other prohibited forms of harassment of a District employee include: physical, verbal, or nonverbal conduct related to race, color, gender, national origin, disability, religion, or age when the conduct is so severe, persistent, or pervasive that the conduct:

- Has the purpose or effect of unreasonably interfering with the employee's work performance.
- Creates an intimidating, threatening, hostile, or offensive work environment; or
- Otherwise adversely affects the employee's employment opportunities.

Examples of prohibited harassment may include, but are not limited to: offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other types of aggressive conduct such as theft or damage to property.

4. Reporting Procedures. An employee who believes he or she has been or is being subjected to any form of sexual harassment or harassment shall bring the matter to the attention of the principal; supervising director; Marcus Higgs, Assistant Superintendent of Human Resources/Title IX Coordinator, or Terri Burchfield, Deputy Superintendent of Support Services. If the report is against the principal or supervising director, the employee shall bring the matter to the attention of Marcus Higgs, Assistant Superintendent of Human Resources/Title IX Coordinator, or Terri Burchfield, Deputy Superintendent of Support Services. No procedure or step in a policy shall require the employee alleging such harassment to present the matter to a person who is the subject of the complaint.

Any other person who knows or believes that a District employee has experienced sexual harassment or harassment should immediately report the alleged acts to the principal; supervising director; Marcus Higgs, Assistant Superintendent of Human Resources/Title IX Coordinator; or Terri Burchfield, Deputy Superintendent of Support Services.

Any District employee with supervisory authority who receives notice that another employee has or may have experienced prohibited harassment is required to immediately report the alleged acts to Marcus Higgs, Assistant Superintendent of Human Resources/Title IX Coordinator.

5. Investigation and Confidentiality. The District shall investigate all allegations of such harassment and shall take appropriate disciplinary action against employees found to engage in such harassment. To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. In order to conduct a thorough investigation and comply with applicable law, limited disclosures may be necessary.
6. District Action. The District may take disciplinary action based on the results of the investigation, even if the District concludes that the conduct did not rise to the level of sexual harassment or prohibited harassment.
7. Retaliation is prohibited against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.

III. Employee to Student OR Student to Employee (Policies DIA and FFH)

1. District employees shall not engage in sexual harassment of students nor tolerate harassment of students. Employees shall make reports as directed below. Sexual harassment of students by employees is always a violation of law and, therefore, cannot be defended on the grounds that the student may have sought or encouraged the conduct.
2. Sexual harassment of a student is conduct that is so severe, pervasive, or objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. It includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:
 - A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational

decision based on whether or not the student submits to the conduct; or

- The conduct is so severe, persistent, or pervasive that it:
 - *Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or*
 - *Creates an intimidating, threatening, hostile, or abusive educational environment.*

Examples of sexual harassment may include, but are not limited to: touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; sexually motivated conduct; telephoning or text-messaging students at home or elsewhere to solicit social relationships; threatening or enticing students to engage in sexual behavior in exchange for grades or other school-related benefit, communications, or contact. *20 USC 1681 (a); Franklin v. Gwinnett County Public Schools, 112 Ct. 1028 (1992).*

Indicators or signs of sexual harassment of students may include, but are not limited to, the following.

- * Welcome or unwelcome attention.
- * Use of internet, including but not limited to "Instagram," "Facebook," "Twitter," e-mail, or text-messages by an employee to socially communicate with students.
- * Leaning too close to a student on numerous occasions.
- * Incidental but, none the less, persistent, inappropriate touching.
- * Strange looks or staring at body parts.
- * Conversations that are too long and too personal.
- * Providing too much attention.
- * Showing distrust or fear of adults.
- * Wearing many layers of clothing or hesitancy to change clothes for gym or other activities.
- * Personal warmth, friendliness, compliments, special attention, assistance or "counseling" to nurture a trust or bonding with the student.
- * Observation of change in student behavior:
 - from feeling liked to feeling sad.
 - from feeling respected to feeling angry.
 - from feeling attractive to feeling helpless.
 - from feeling happy to feeling ashamed.
 - from feeling confident to feeling embarrassed.
 - from loving to come to school to not wanting to go to school;
 - or
 - from enjoying others' company to avoiding others.
- * Domination or violence; or
- * Initiation of minor violations of a student's personal boundaries, watching for the reaction, or lack thereof, from the student.

3. Other prohibited forms of harassment of a student are defined as physical, verbal, or nonverbal conduct based on the student's race, color, gender, national origin, disability, or religion that is so severe, persistent, pervasive that the conduct:
 - Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
 - Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
 - Otherwise adversely affects the student's educational opportunities.

Examples of prohibited harassment may include, but are not limited to: offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

4. Reporting Procedures. Any District employee who receives notice that a student has or may have experienced sexual harassment or prohibited harassment is required to immediately report the alleged acts to their principal; supervising director; Marcus Higgs, Assistant Superintendent of Human Resources / Title IX Coordinator; or Terri Burchfield, Deputy Superintendent of Support Services. If the notice is known or suspected child abuse or neglect, the employee must also notify CPS within 48 hours of notification. (See section on *Child Welfare: Child Abuse and Neglect.*)
5. Investigation and Confidentiality. The District shall investigate all allegations of such harassment and shall take appropriate disciplinary action against employees found to engage in such harassment. To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. In order to conduct a thorough investigation and comply with applicable law, limited disclosures may be necessary.
6. District Action. The District may take disciplinary action based on the results of the investigation, even if the District concludes that the conduct did not rise to the level of sexual harassment or prohibited harassment.
7. Retaliation is prohibited against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.

F. Improper Relationship Between Employee and Student

Policies DH and FFH; Title 5 of the Texas Penal Code: Offenses Against the Person

1. Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.
2. An employee of a public or private primary or secondary school commits an offense if the employee engages in sexual contact, sexual intercourse, or deviant sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works and who is not the employee's spouse.
 - An offense under this section is a felony of the second degree.
 - If conduct constituting an offense under this section also constitutes an offense under another section of the Texas Penal Code, the actor may be prosecuted under either or both sections of the Texas Penal Code.

G. Student to Student

The District must reasonably respond to known student-on-student sexual harassment, harassment, and bullying where the harasser is under the District's disciplinary authority.

A District employee shall report any known student-to-student sexual harassment, harassment, or bullying to the principal of the student's school.

An investigation shall be conducted. If warranted, discipline shall be administered. Consideration of an alternative campus placement may also be in order, according to policy. If the harassment is known or suspected child abuse or neglect and the harasser meets the CPS reporting requirements, the employee must also notify CPS within 48 hours of notification. (See section on *Child Welfare: Child Abuse, Sexual Abuse, and Neglect*.)

H. Use of Electronic Media with Students

A certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters WITHIN THE SCOPE OF THE EMPLOYEES PROFESSIONAL DUTIES. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District.

I. Personal Use of Electronic Media

An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an

employee's use of electronic media violates state or federal law or District policy or 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.

J. Racial and Ethnic Equity

Policy AE Local

District students deserve a safe and respectful learning environment in which their cultural, racial, and ethnic diversity is valued and in which they receive an education that maximizes their potential for future success. The District recognizes that significant historical and societal factors have created institutional barriers and resulted in educational inequity.

Accordingly, the District shall work intentionally to:

- Identify, acknowledge, and eliminate racial and ethnic disparities among students.
- Eliminate systems and practices in the District that perpetuate historical inequities or create racial and ethnic disparities in educational opportunity and achievement; and
- Promote practices and a climate that focus on equity, diversity, and inclusion and that are free of bias, prejudice, and unlawful discrimination.

IV. STUDENT WELFARE: CHILD ABUSE, SEXUAL ABUSE, AND NEGLECT

A. What is Child Abuse, Sexual Abuse, and Neglect?

Child Abuse is the physical or mental injury, negligent treatment, or maltreatment of a child under 18 by a person who is responsible for the child's welfare.

Sexual Abuse is a form of child abuse and is defined as any sexual contact with a child or the use of a child for the sexual pleasure of someone else.

Examples of child abuse, including child sexual abuse, may include, but are not limited to, the following:

- Exposing private parts to a child or asking the child to expose him or herself.
- Fondling of the genitals or requests for the child to do so.
- Oral sex or attempts to enter the vagina or anus with fingers, objects, or penis even if actual penetration is rarely achieved.
- Causes or permits a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable or material impairment of the child's growth, development, or psychological functioning.
- Causes or fails to make a reasonable effort to prevent physical injury that results in substantial harm to the child.

- Engages in or fails to make a reasonable effort to prevent sexual conduct harmful to a child's mental, emotional, or physical welfare, including indecency with a child, sexual assault, or aggravated sexual assault.
- Compels or encourages the child to engage in sexual conduct or performance.
- Causes, permits, encourages, engages in or allows the photographing, filming, or depicting obscene child pornography.
- Use of a controlled substance in a manner that results in physical, mental, or emotional injury to a child.
- Causes, expressly permits, or encourages a child to use a controlled substance.

Indicators or signs of child abuse, including child sexual abuse, may include, but are not limited to, the following:

- General signs of physical abuse.
- Punishment that causes scarring, injury, excessive pain, bruising, or skin changes that last more than a few minutes.
- Punishment inflicted to the head, face, genitals, abdomen, or other area not protected by muscles or soft tissue.
- Discussion of sexual acts.
- Regression in personal hygiene and academic performance.
- Sudden development of behavioral problems and violence.
- Fears of being alone with a particular adult or gender.
- Participates in or describes contact experiences with other children.
- Complaints of genital pain.
- Bruising of the genitals and/or the genital area.
- Excessive masturbation.
- Complaints of painful bowel movements.
- Fear of disrobing.
- Use of sex words or demonstration of sexual knowledge before the age of 12.
- Seductive behavior toward adults.
- Severe nightmares.
- Depression.
- Pregnancy.
- Absenteeism with father continually writing excuses.
- Suicidal attempts.
- Hesitancy to return home after school.
- Curtails contact with peers; and/or
- Reluctance to change clothes for gym or other activity.

Neglect is when a caretaker fails to provide the conditions essential for developing a child's physical, intellectual, or emotional capacities.

Examples of neglect may include, but are not limited to, the following:

- Leaving a child in a situation where the child would be exposed to a substantial risk of physical or mental harm without arranging for necessary care for the child.
- Placing a child in or failing to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities.
- Failing to seek, obtain, or follow through with medical care for a child.
- Failure to provide a child with food, clothing, or shelter; and/or
- Placing a child in or failing to remove a child from sexual conduct.

For additional information regarding this topic, please refer to the additional training documents provided by Child Protective Services (CPS) which may be reviewed on the District's website at www.tcisd.org.

B. Who is responsible for a child's "care, custody, or welfare?"

- * A parent, guardian, managing or possessory conservator, or foster parent of the child.
- * A member of the child's family or household.
- * A person with whom the child's parent cohabits.
- * School personnel or a volunteer at the child's school; or
- * Personnel or a volunteer at a public or private child-care facility.

C. Purpose of Reporting Law

The purpose of the reporting law is to protect the child by encouraging more complete reporting of suspected child abuse. This purpose is accomplished by:

1. Identification of the child in peril as quickly as possible.
2. Designation of the agency, Texas Department of Protective and Regulatory Services, and local law enforcement to receive and investigate reports of suspected child abuse.
3. Offering, where appropriate, services and treatment.

D. Persons Required to Report

Policy FFG

Texas law requires that any person "having cause to believe" that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report. Professionals, specifically, are mandated to report. "Professional," as defined in the Texas reporting statute, is any individual who is licensed or certified by the state, or who is an employee of a facility licensed, certified, or operated by the state, and who in the normal course of official duties, has direct contact with children (teacher, nurse, counselor, principal). It is important to note that the law requires any person to make such a report; therefore, not only school personnel, but also parents or friends of a child who have cause to believe that a child is being abused or neglected should make a report.

When an employee determines that what a child alleges would constitute child abuse, the employee is mandated by law to report the child's allegations regardless of the employee's own belief about the credibility of

the child. A report shall be made by the knowledgeable employee within 48 hours of the time the knowledgeable employee is first suspect child abuse or neglect to the following:

- a. **Non-Emergency Situations:** Contact the campus principal, counselor or school nurse to obtain the confidential web-site address to file a report with the Texas Department of Protective and Regulatory Services (PRS).
- b. **Emergency Situations:** Contact Statewide Intake (SWI) of the Texas Department of Protective and Regulatory Services at 1-800-252-5400 and the Galveston County Liaison Officer at 409-916-0836.
- c. Many times school personnel will receive a report of conduct that could constitute child abuse, and it will be questionable whether the event involved was, in fact, child abuse as defined by Chapter 261 of the Family Code. In such a situation, the knowledgeable employee should call Protective and Regulatory Services and state his or her concerns to the social worker taking the “intake” call.

E. Child Abuse – Investigation Checklist (*Policy GRA*)

1. Do not investigate cases of suspected child abuse. Substantiate and report so that PRS can investigate.
2. Other than school nurses, employees may not photograph alleged abuse unless a CPS worker or law enforcement officer is on-site.
3. School personnel shall cooperate with representatives of official agencies investigating reported child abuse.
4. To **ensure confidentiality**, do not confirm or deny that a report has been made to anyone outside of school officials (principal, nurse and/or counselor), PRS and local law enforcement agencies.

F. Knowledgeable Employee Must

1. Contact CPS to determine if a questionable situation is reportable.
2. Make a report within 48 hours of the time the knowledgeable person becomes aware the suspected abuse as follows:
 - a. **Non-Emergency Situations** Contact the Texas Department of Protective and Regulatory Services @ http://www.dfps.state.tx.us/Contact_Us/report_abuse.asp .

- b. Emergency Situations** Contact the Statewide Intake (SWI) of the Texas Department of Protective and Regulatory Services at 1-800-252-5400 and the Galveston County Liaison Officer at 409-916-0836.

According to law, it is the responsibility of Protective and Regulatory Services or the law enforcement agency that receives and accepts the report to investigate the alleged report and determine its validity. It is not the employee's role to investigate the situation. It is the employee's responsibility to report the abuse in order to set in motion the process of getting help for the child, and to be supportive of the child.

3. School personnel shall cooperate with representatives of official agencies investigating reported child abuse. [See also GRA].

G. Notifying the Parents

- The Protective and Regulatory Services or law enforcement agency is responsible for notifying the parents when a child abuse report has been made concerning their child.
2. If an administrator has reason to believe that an employee or someone acting on behalf of the District has abused a child, the administrator will notify the parent/guardian of the alleged abuse and pending investigation within four hours of the time when he/she first became aware of the suspected abuse. The school principal is also required to notify the Executive Director for Support Services of the alleged abuse and proper notifications. If the parent/guardian cannot be located, efforts to contact them should be documented.

H. Confidentiality

1. Confidentiality is assured by Chapter 261 of the Family Code, for purposes of the investigation. However, the identity of the person making the report may be disclosed orally to the District attorney and to other law enforcement officials. **Neither the fact of the written or oral report nor any of its contents, including the name of the person making the report, should be revealed to anyone other than the immediate school officials (principal, nurse, and/or counselor), Protective and Regulatory Services, and the local law enforcement authorities. This report should not be released to the parent of the child involved or to the individual upon whom the report is made.** The individual about whose behavior the report was filed will be informed by Protective and Regulatory Services that a report was filed, and both parents and the individual upon whom the report was made will have a right to receive a copy of the record made by Protective

and Regulatory Services. The name of the person making the report, however, will not be revealed to either the parents or the person upon whom the report is made.

2. District personnel should be aware that they must be extremely cautious about maintaining the confidentiality of both the report and the fact that the report has been filed. This is particularly important to remember in dealing with anyone who may ask for a confirmation that a report has been made. Simply state such reports are confidential and that it would be inappropriate to either confirm or deny the information. Any comment or reporting could be considered a violation of confidentiality or violate the privacy rights of the individuals involved.

V. EMPLOYEE LEAVES and ABSENCES (*Policy DEC*)

Policy DEC (Local), as well as Policy DEC (Legal), in their entirety, are available on-line at <http://www.tasb.org/policy/pol/private/084906/>.

A. Requesting Substitute Teachers

Texas City ISD uses the Frontline to record employee absences as well as secure substitutes for teachers and paraprofessionals as needed. Please check with your campus administrator about procedures for using this system. In addition to notifying the Frontline system, the employee is required to notify his/her designated administrator of all absences. Teachers and paraprofessionals may secure their own substitutes through a “Save and Assign” procedure specified in the “Frontline Quick Start Guide for Employees.” They may also set up a preference list of substitutes in the Frontline system and the system will initiate calls to substitutes in a prearranged order.

It is important that you immediately register with Frontline for future access of the system. Call 1-800-94AESOP/1-(800) 942-3767 or go to <http://www.frontlinek12.com/Products/Aesop.html> register with the system by recording your name and position title. When recording an absence, the Frontline system provides an opportunity to leave special instructions about your class or schedule of which the substitute needs to be aware.

Please note that your social security number cannot be accessed by substitutes or administrators through the system. The teacher must make prior arrangements for sufficient lesson plans and other materials (attendance reporting guidelines, seating chart, etc.) to be available for a substitute's use. Check with the building administrator for lesson plan guidelines and a complete listing of information necessary for a substitute to be successful in providing continuity of the educational process.

B. Failure to Notify of Absence (No Call/No Show)

Hourly employees will be considered absent without advanced communication (no-call/no-show) when no prior arrangements or communications had been made without prior approval in the specified time frames. An hourly employee arriving for duty after another employee has been assigned to cover their assignment will be considered “Absent without Advanced Communication” and will not be paid. Hourly employees who are absent without communication three times within a school year or for three consecutive days will be subject to immediate termination.

C. Leave Order of Use and Recording

1. Recording

Earned compensatory time shall be used before any available paid State and local leave. *See DEA*

- a. Leave shall be recorded in increments of one hour for auxiliary staff.
- b. Leave shall be recorded in whole or half-day increments for all other employees.
- c. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

2. Order of Use

Unless an employee requests a different order, available paid State and local leave shall be used in the following order, as applicable:

- a. Local leave
- b. State sick leave accumulated before the 1995/96 school year.
- c. State personal leave

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

3. Availability

The District shall make paid leave for the current year available for use at the beginning of the school year.

The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee’s pay.

An employee shall not earn 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.

4. Definitions

- a. The term “immediate family” is defined as:
 - a. Spouse.
 - b. Son or daughter, including 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.

- c. Parent, stepparent, parent-in-law, or another individual who stands in loco parentis to the employee.
 - d. Sibling, stepsibling, sibling-in-law
 - e. Grandparent and grandchild
 - f. Any person residing in the employee's household at the time of illness or death.
- b. The term "workday" for purposes of earning, use, or recording shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.
- c. The term "family emergency" shall be limited to disasters and life-threatening situation involving the employee or a member of the employee's immediate family.
- d. A "catastrophic illness or injury" is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District.

5. Family Medical Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

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

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

6. Medical Certification

An employee shall submit medical certification of the need for leave if:

- a. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
- b. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
- c. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
- d. The employee requests FMLA leave for military caregiver purposes.

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

D. Types of Leave

1. Local Sick Leave (*DEC Local*)

All full-time employees shall earn five, six, or seven workdays of paid local leave per school year in accordance with the number of months of service required for their positions. **Leave shall be recorded in increments of one hour for auxiliary staff. Leave shall be recorded in whole or half-day increments for all other employees.**

Positions requiring 10 months of service earn five workdays of local leave; positions requiring 11 months of service earn six workdays of local leave; and positions requiring 12 months of service earn seven workdays of local leave.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of State sick leave accumulated before the 1995/96 school year. (*See DEC, Legal*)

2. State Sick Leave

Prior to the 1995/96 school year, the State also provided leave days for employees. Employees with a balance in their "State Sick Leave" bank have these days available for the following:

- a. Illness of the employee
- b. Illness of the employee's immediate family
- c. Family emergency
- d. Death in the employee's immediate family

3. State Personal Leave (**Discretionary and Non-Discretionary**)

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

a. Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

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.

b. Discretionary Use

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

Request for Leave

In deciding whether to approve or deny a request for discretionary use of state

personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the re-requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall not exceed **three consecutive workdays**.

4. Extended Sick Leave Policy DEC (Local)

After all available State and local leave days have been exhausted, a full-time employee who has worked for the District for at least two years shall be granted in a school year a maximum of 20 consecutive workdays of extended sick leave to be used on for the employee's own catastrophic illness or injury, including pregnancy-related illness or injury.

To be eligible for extended sick leave, the employee shall have been absent at least ten consecutive workdays and shall have exhausted all available state and local leave time. If the employee's state and local leave balance is less than ten days, the employee shall be docked for the appropriate number of days in order to meet the ten-day requirement.

A written request on a form provided by the District for extended sick leave must be accompanied by medical certification of the illness or injury. The form may be found in the Document Center under Human Resources on the TCISD website at www.tcisd.org. The written request shall be received in the Human Resources office prior to the employee's approved extended leave time. Written requests for extended leave shall not be accepted by Human Resources after 10 days of the employee's exhausting of all other leave.

For professional employees, the average daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken, whether or not a substitute is employed. For employees other than professionals, an amount equal to one-third the individual employee's daily rate of pay shall be deducted for each day of extended sick leave taken.

5. Bereavement Leave Policy DEC (Local)

An employee shall be granted up to five consecutive workdays of local bereavement leave per school year for death in the immediate family. One of the days must be the day of the funeral or adjacent to the day of the funeral. Local bereavement leave shall be noncumulative.

6. Religious Observances

Personal leave days may be used in observance of religious holy days.

7. Court Appearances

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

8. Military Leave Policy *DEC, Legal*

All employees of the District who are members of the State military forces or of the reserve components of the United States Armed Forces shall be granted a leave of absence from their duties without loss of time, efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty order or authorized by proper authority, not to exceed 15 days in a federal fiscal year (January 1st through December 31st). Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty.

9. Workers' Compensation

Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. (See CRD, Local, regarding payment of insurance contribution during employee absences.)

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leaves, and/or assault leave, as applicable.

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

10. Family and Medical Leave

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

If both spouses are employed by the District, the District shall not limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks, nor shall the District limit military caregiver leave to a combined total of 26 weeks. *(See DECA, Legal)*

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. *(See DECA, Legal, for use of intermittent or reduced schedule leave due to a medical necessity.)*

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. *(See DECA, Legal)*

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of

essential job functions to the employee with the FMLA designation notice.

If a teacher takes leave near the end of a semester, the District may require the teacher to continue leave until the end of the semester. (*See DECA, Legal, Leave at the end of a semester.*)

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursements of premiums paid by the District during the leave. (*See DECA, Legal, Recovery of benefit cost.*)

12. Temporary Disability Leave

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days (*See DBB, Local, for temporary disability leave placement and DEC, Legal, for reinstatement.*)

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability.

13. Assault Leave

In addition to all other days of leave, a district employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. The leave shall be paid as set forth below at Coordination with Workers' Compensation Benefits.

A district employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, a district may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

14. Professional Growth Leave

A teacher may be granted a one-year unpaid professional growth leave in accordance with the following terms and conditions:

- a. The teacher shall be required to have at least five years of continuous professional service in the District.
- b. The purpose of the leave shall be for study toward professional improvement at an approved institution, with emphasis on a teaching major or minor.
- c. An extension of one additional year may be granted for continuation of professional study upon the recommendation of the Superintendent or designee.

A teacher who returns to active duty following a professional growth leave within a two-year period shall retain all previously accumulated leave benefits and salary credits.

15. Local Leave Reinstatement

A former employee who returns to employment with the District following a separation of no more than five years shall have the balance, as of the date of separation, of previously earned local leave reinstated, less the number of days for which the employee was previously reimbursed.

16. Non-Duty Days (12 Month Employees)

The number of non-duty days varies according to the number of workdays assigned each year. District employees who annually work 226 or more days may take non-duty days at any time during the year. Unlike vacation days and paid leave, non-duty days are not earned. However, if an employee resigns or is terminated prior to completion of the assigned workdays, he or she will be docked for any non-duty days taken.

17. Carryover Non-Duty Days (12 Month Employees)

All current-year non-duty days accumulated as of July 1st must be taken no later than July 31st of the following calendar year. If they are not used by July 31st of the following calendar year they will be lost.

18. School Business Days (All Employees)

All TCISD employees are required to complete the "Description" field after using the "Time Off Code" of "School Business". Principals and Supervisors shall monitor for completion and will not approve school business leave without a specific reason of absence.

19. Reimbursement for Leave upon Separation

The following leave provisions shall apply to state and local leave earned beginning on the original effective date of this program.

A full-time employee who separates from employment with the District shall be eligible for reimbursement for state and local leave if:

The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or non-renewed.

The employee has at least 15 years of service with the District.

The employee shall be reimbursed for accumulated state and local leave days at the following rate established by the Board through the annual budget process:

| Years of Service | Rate per Day | Maximum Days |
|-------------------------|------------------------|---------------------|
| 15–19 | 1/2 regular daily rate | Up to 30 days |
| 20–24 | 3/4 regular daily rate | Up to 40 days |
| 25 and up | Full daily rate | Up to 50 days |

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

20. Neutral Absence Control

An employee who has excessive absences equal to ten workdays during a semester may be recommended for disciplinary action, including termination, in accordance with this policy, other applicable policies, and applicable law.

ABSENTEEISM Definitions used in these provisions are as follows:

1. "Excessive absence" means failure to appear for work when no leave applies to the absence and the absence is not excused on any other basis in policy or law. Elective leaves, if any, apply to and excuse an absence only when the leave has been duly elected by the employee and approved by the District, and the absence qualifies for and falls within the leave period.
2. "Workdays" are those days on which the employee is required to perform services for the District in compliance with policy and the employment agreement between the parties.

USE OF LEAVE Prior to termination or recommendation for termination under these provisions, an employee shall be provided with notice of the employee's rights to apply for leave.

DUE PROCESS An employee shall receive any process to which he or she is entitled in law or in policy prior to termination.
[See DF series]

21. Earned Leave Guidelines

There are two types of earned leave, State Personal Leave and Local Sick Leave (See Board policy DEC for complete information).

Each type of leave is earned at a rate of one-half day for each month of employment.

Thus, a teacher or paraprofessional employed for ten months may earn five (5) State Personal Leave days and five (5) Local Sick Leave days in one school year. For employees who are hired late or resign early, the days earned are calculated based on the following:

Employed 100% of the day

| Number of days employed | Days Earned |
|-------------------------|-------------|
| 0-17 | 0 |
| 18-35 | .5 |
| 36-53 | 1.0 |
| 54-71 | 1.5 |
| 72-89 | 2.0 |
| 90-107 | 2.5 |
| 108-125 | 3.0 |
| 126-143 | 3.5 |
| 144-161 | 4.0 |
| 162-179 | 4.5 |
| 180+ | 5.0 |

**Daily Employment for
at least 50% but less than 100%**

| Number of days employed | Days Earned |
|-------------------------|-------------|
| 0-35 | 0 |
| 36-71 | .5 |
| 72-107 | 1.0 |
| 108-143 | 1.5 |
| 144-179 | 2.0 |
| 180+ | 2.5 |

Employees who work 183-201 days shall earn five (5) Local Sick Leave Days. (10-month employees)

Employees who work 202-220 days shall earn six (6) Local Sick Leave Days. (11-month employees)

Employees who work 226 or more days shall earn seven (7) Local Sick Leave Days. (12-month employees)

VI. HUMAN RESOURCES INFORMATION

A. Employee Assignments

1. Assignment and Dismissal-At Will Employees

The Superintendent retains the authority to employ and dismiss the following categories of employees, who shall serve on an at-will basis:

Instructional aides, clerical employees, and technical staff and auxiliary personnel, including hourly transportation, food services, maintenance, and custodial employees.

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will

employees who are dismissed shall receive pay through the end of the last day worked.

2. Assignments and Promotions

- a. Employees are subject to assignment and/or reassignment at the Superintendent's discretion. Vacancies are posted as they occur, or as new positions become available. Current employees desiring to move into new positions must inform the Human Resources Department by providing a letter of interest and an updated résumé.
- b. Job descriptions are on file at the Human Resources office. To request a copy of a job description, please contact the Human Resources office.
- c. Vacant positions are updated and publicly posted for ten days on the District's website. Vacant positions for which a certificate or license is required as provided by Education Code 21.003 are updated and publicly posted for ten days on the District's website. If, during the school year, the District must fill a vacant position held by a teacher in less than ten days, the District is not required to provide the notice for ten days before filling the position.

3. Work Schedule

Salaried, exempt professional employees will work Monday through Friday, during district business hours. As a salaried, exempt professional, you will also be expected to work outside business hours and on weekends as needed to complete assigned work and job-related activities. Non-exempt hourly employees are expected to work 40 hours per week. If the non-exempt employee exceeds 40 hours in a given week, then those hours shall be placed in their comp-time leave bank. Comp-time leave banks must be exhausted by the end of the employee's calendar year. Any overtime worked by a non-exempt employee must be pre-approved by the employee's principal or supervisor and submitted on a district form.

B. Employee Recognition and Awards

Service Recognition Awards are awarded for total service based on five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30) years, thirty-five (35) and forty (40) years. Awards are presented at a special program held near the end of the second semester of the school term. Employees who retire with one or more years of continuous employment in the District and whose retirement can be verified with TRS are also honored. Employees who are retired and are rehired by the District are not eligible for any service awards.

C. Additional Texas Education Code (TEC) Regulations

1. Any person who desires to teach in a public school shall present his/her certificate for filing with the employing District before his/her contract with the Board of Trustees shall be binding. TEC 21.053.
2. An educator, as defined in Education Code 5.001 (5), who does not hold a valid certificate or emergency permit, shall not be paid for teaching or work done

before the effective date of issuance of a valid certificate or permit. TEC 21.053

D. Changes in Employment Status

1. Employee Initiated Transfer Requests

Transfers may be initiated by the employee, by the supervisor, or by the Superintendent or designee through the Human Resources office. All requests for transfer shall be submitted on the appropriate form. District personnel may submit requests for transfer at any time during the year, and the requests will be considered open for the following school year starting from March 21 and will close on May 1. All transfer requests for principals/supervisors to finalize hires will close on May 16. Any transfers considered during the academic school year must be approved by the sending supervisor, receiving supervisor, the Human Resources office, the Superintendent, and the Board of Trustees.

2. Resignation

- a. A contract employee serving under a term contract may relinquish his/her position and leave the District without penalty up to 45 days prior to the first day of instruction of the next school year, provided he/she makes a written resignation to the Board. The exact date is available from your principal and/or the Texas City ISD Human Resources office. This signed resignation must be submitted through the Human Resources Department giving notice as defined in Policy DFE (LEGAL) and (LOCAL). The employee may resign with the consent of the Board at any mutually-agreed-upon time. The employee's personnel file must be complete and ready for audit before the final paycheck is issued and records are released.
- b. Paraprofessional, auxiliary, and non-contract employees of Texas City ISD may end the employment relationship at any time, without notice. Texas City ISD reserves the right to change District policy at any time, with or without giving advance notice.

3. Termination

The District may terminate any employee for "good cause," which shall include, but not be limited to, the following:

- a. Failure to meet District's standards of professional conduct.
- b. Conviction of or deferred adjudication for any felony, crime involving moral turpitude, or other offense listed at DH (LOCAL),
- c. Excessive use of alcoholic beverages or being under the influence of alcoholic beverages while on school property.
- d. Insubordination or failure to comply with official directives and established Board policy or administrative regulations.
- e. Incompetency or inefficiency preventing performance of the job duties; or
- f. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, or other substances regulated by state statute.

The District reserves the right to conduct searches when the District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal

items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. The Superintendent or designee may require an employee to submit to a drug or alcohol test by urinalysis, blood analysis, hair follicle analysis, breathalyzer or other appropriate test, if the employee's supervisor or another appropriate administrator determines that a reasonable suspicion exists that the employee has used or is under the influence of a controlled substance, alcohol, or any other drug affecting the employee's ability to physically or mentally attend to the duties and responsibilities of his or her position. An employee who fails or refuses to cooperate with the District's investigation or search, with law enforcement's investigation, or an administrative directive, or refuses to grant consent for or refuses to take a drug or alcohol test required by the District under this policy, shall be subject to disciplinary consequences, up to and including termination.

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

4. Exit Meeting

Prior to the last workday, the employee may schedule an optional exit meeting with the Human Resources Department. At this time, the employee may complete an optional "Exit Questionnaire" and sign the notification covering his/her right to continue his/her group health care coverage.

5. Teacher Retirement

Employees retiring under the Teacher Retirement System (TRS) of Texas should follow these procedures:

- a. Notify Human Resources and campus principal or department head in writing as soon as the retirement decision is made.
- b. Notify TRS well ahead of retirement date. There are several options for retirement benefits and for death and survivor benefits. For answers to specific questions regarding benefits, contact the Teacher Retirement System at (800) 223-8778 or write Teacher Retirement System of Texas, 1000 Red River Street, Austin, Texas 78701-2698.
- c. Allow sufficient time to select the method of retirement payment or allowance and get necessary certified papers. Certified papers include such items as service record prior to 1937, proof of birth date and beneficiary's birth date, if, upon the death of retired member, payments will be made to designated beneficiary.
- d. Complete and send required papers to the TRS office one (1) month before the effective date of retirement. If you need assistance with forms, please see the Human Resource office.
- e. TRS retirees who also qualify for Social Security benefits may have those

benefits adjusted because of the TRS retirement benefit. Certified and non-certified personnel separating from the District with 15 or more years of service in the District shall receive remuneration for 50 percent of accumulated state and local leave days based on substitute pay. Employees who cease to be employed by the District without qualifying for the retirement reimbursement shall surrender all the accumulated local sick leave, even if later rehired by the District. An exception shall be made for employees who leave the District for the purpose of military service and return to the District within 12 months after their release from active duty. Upon retirement, any disbursement of funds for unused sick leave cannot be made until retirement is verified.

E. Employee Identification Access Badge Policy

PURPOSE

To establish guidelines for the issuance of a photo identification access badge to all district employees and for the use of the badge by employees while at work or when representing TCISD in any official capacity to provide safety and security for all employees and students.

In addition, contract employees whose work takes them on TCISD property must display identification including their name and the company they work for. **(TEC 22.0834)**

POLICY STATEMENT

All TCISD employees and contract employees will be issued and must visibly display above the waist with no obstruction to photo in a clear plastic sleeve, their issued identification access badge on all TCISD campuses and district buildings. An identification access badge must be worn in a manner that allows the identification of an employee by first and last name, photo, and department. This identification access badge will provide access to designated campus doors and other secure areas as needed.

The policy described herein is intended to provide the safety and security of TCISD employees and contract employees, all are expected to fully comply with all provisions of this policy. Any employee or contract worker who is found to be in violation of this policy may be subject to disciplinary action.

The TCISD Human Resource Department will provide all new employees and contract employees with a copy of this policy at the time of employment with new hire paperwork. The policy can also be found on the TCISD website.

PROCEDURES

- 1) A badge form will be included in the new hire paperwork provided by TCISD Human Resources Department through TalentEd. Employees will fill out the form and upload a picture for their identification access badge. Please ensure the pictures provided are forward facing, mid chest and up, solid background, no sunglasses, no baseball caps, no facial coverings apart from religious attire.

- 2) All contract employees will need a request from a TCISD department director to attain identification access badges after receiving fingerprinting clearance. **(TEC 22.0834)**
- 3) The TCISD Human Resources Department will be responsible for printing and providing the identification access badge to all new employees and contract employees.
- 4) After printing the new identification access badge, TCISD Human Resources Department will send the badge number with employee or contractor employee first and last name, photo, and department to the TCISD Security and School Safety Department.
- 5) The TCISD Security and School Safety Department will activate and set the identification access badge credentials for the employee or contract employee with the identification access badge number information from TCISD Human Resources Department.
- 6) Once the identification access badge has its credentials, TCISD Human Resources Department will contact employee or contract employee on how to properly receive it.
- 7) Employees should report lost, stolen or damaged identification access badges to direct supervisor or director immediately. The employee or contract employee will fill out the **Employee Identification Access Badge Replacement Request Form-TCISD** online requesting a new badge with reasonable explanation as to what happen to the previously issued identification access badge. TCISD Human Resources Department will issue a replacement badge and inform the TCISD Security and School Safety Department of the lost, stolen, or damaged identification access badge for deactivation. TCISD Human Resources Department will also provide the TCISD Security and School Safety Department with the new number for activation of the new identification access badge.
- 8) Upon termination or retirement, employee and contract employees will be required to return their identification access badge to TCISD Human Resources Department as part of their Exit Interview. TCISD Human Resources Department is then required to send the identification access badge to TCISD Security and School Safety Department for immediate deactivation.
- 9) Upon suspension, an employee or contract employee must turn in their identification access badge to TCISD Human Resources Department pending return to work. TCISD Human Resources Department will notify the TCISD Security and School Safety Department of the suspension so the identification access badge can also be suspended. Upon the employees return to work, TCISD

Human Resources Department will notify TCISD Security and School Safety Department so access can be reactivated.

- 10) Employee or contract employee forgetting or misplacing their identification access badge will need to wear a temporary badge provided by that employee or contract employee TCISD assigned campus. Failure to wear, excessive loss, damage or misuse to issued identification access badge can lead to disciplinary action.
- 11) If an employee or contract employee transfers in TCISD from one department or school to another or name changes, a replacement identification access badge will be re-issued to employee or contract employee with deactivation of current identification access badge. Additionally, if an identification access badge is damaged through normal wear and tear it will be replaced.
- 12) Any lost identification access badge that is found should be turned in immediately and surrendered to TCISD Security and School Safety Department.

EMPLOYEE RESPONSIBILITIES

- 1) Employee and contract employees should not lend their identification access badge to anyone.
- 2) Employee and contract employees should not allow unauthorized individuals into any campus or district building using their identification access badge.
- 3) Employee and contract employees should not leave identification access badge on dash of vehicle or other locations where exposed to extreme temperatures.
- 4) Employee and contract employees should not fold, bend or mutilate identification access badge.
- 5) Employee and contract employee should not leave identification access badge unattended.
- 6) Employee should immediately notify if identification access badge is no longer in their possession or if they have any difficulties or problems.
- 7) TCISD issued identification access badge provides a visible means of identifying employee and contract employees and helps us know who belongs in a non-public work area and who does not. TCISD employees and contract employees observing people on property without an identification access badge will, at their discretion: a. Approach the person to determine their status, or b. Immediately report the person to a supervisor, or c. If you feel it is an emergency, request emergency services personnel (call 911)

VII. RISK MANAGEMENT and ACCIDENT PREVENTION

A. Communicable Diseases and Blood Borne Pathogens

The following information will provide simple and effective precautions against the transmission of a communicable disease for all students and school personnel who are potentially exposed to the body fluids of any person. No distinction is made between body fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The term “body fluids” includes blood, semen, drainage from scrapes and cuts, feces, urine, vomit, respiratory secretions and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

Transmission of communicable disease is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always carried out.

To avoid contact with body fluids, the following precautions should be observed:

1. Avoid direct skin contact with body fluids. This also includes the mucous membranes (e.g. eyes, nose, and mouth).
2. Wear disposable gloves when contact with body fluids is anticipated (e.g. when treating bloody noses; open cuts, abrasions and other lesions; handling contaminated clothing; and cleaning up body fluid spills). See below. Each classroom has a Blood Borne Pathogen kit. Special Education and other designated staff have Blood Borne Pathogen spill kits available.
3. Always practice good personal hygiene through proper hand washing techniques.
4. Request assistance from a custodian for proper cleaning of all body fluids.
5. **The Keys to infection prevention from a communicable disease:**
 - a. **Understanding** the risk factors, you may face
 - b. **Knowing** how to protect yourself

An Exposure Control Plan is available for review by all employees in the main office and clinic. Contact the Risk Management office with any questions regarding the Exposure Control Plan. In addition to information received on communicable disease, employees in a job classification that has been identified as having, or possibly having occupational exposure receive additional training more specific to blood borne pathogens. Report any exposures to your supervisor immediately. At-risk positions will be offered Hepatitis B vaccinations at no cost to the employee.

B. Hazardous Communication Training Program

1. Material Safety Data Sheets (MSDS)

The Material Safety Data Sheet, or MSDS, is written information that can help protect you from overexposure to chemicals in the workplace. The written Hazardous Communication Program can be found in each MSDS book. The program manager is the Director of Physical Services and Transportation. Employees are not allowed to bring products from home. Anything that is needed on the job can be ordered by Texas City ISD. All new products added to the TCISD chemical inventory must be provided to the Hazardous

Communications Training Program Manager.

The following steps are a general format for interpreting an MSDS:

- a. **Chemical Name**—It is the name of the substance, what is on the label, the date the MSDS was prepared, and the name/address/phone number of an emergency contact with the manufacturer.
- b. **Hazardous Ingredients**—Identifies the name of the substances in the chemical product that might be dangerous, and the safe exposure limits, such as the Permissible Exposure Limit (PEL) or the Threshold Limit Value (TLV). The common name(s) of the chemical product are also listed.
- c. **Physical Characteristics**—Identifies the physical qualities of the chemical.
- d. **Fire/Explosion Information**—Identifies the lowest temperatures in which the chemical could ignite. This is often called the flashpoint. It identifies if the chemical is flammable (catches fire at or below 100 degrees F) or if the chemical is combustible (catches fire above 100 degrees F).
- e. **Reactivity**—Explains what happens when the chemical comes in contact with water, air, or other chemicals.
- f. **Health Hazards**—Explains how chemicals may enter the body by ingestion, inhalation, and absorption. It will identify if the chemical will make a preexisting condition worse.

Each campus main office has an MSDS book of the chemicals located at that workplace. Report any chemical exposures to your supervisor immediately.

2. First Aid Treatment

School nurses can provide first aid during normal school hours to all employees. School nurses are trained in Cardiopulmonary Resuscitation (CPR), techniques to handle heavy bleeding and shock, and how to initiate treatment for chemical contaminations of the skin and eyes or those that occur by way of ingestion.

If the school nurse is not available, the employee(s) or student(s) should refer to the MSDS book for specific first aid treatment or, if it is life threatening, call for medical assistance. Also notify Risk Management Office if chemical exposure occurs.

3. Labels

Good hazard communication is essential in any safety program. Labels are the primary source of information concerning the hazards associated with chemicals used in the workplace. Employees shall not be required to work with hazardous chemicals from unlabeled containers. Portable containers, of which the contents are known by the user, are exempt if the product will be used within a standard work shift. HAZCOM requires that all containers of hazardous chemicals entering the workplace be properly labeled. A label must show the identity of the hazardous chemical, the name and address of the manufacturers, and the appropriate warning such as toxic or corrosive. Warnings relate whether a chemical is a health or physical hazard, or both. Physical hazards are flammable, corrosive or reactive. Flammable chemicals can cause chemical burns, and reactive chemicals can cause explosions or release toxic fumes. Chemicals that are health hazards are toxic chemicals, which are poisonous.

Overexposure can cause acute or chronic health effects.

When a facility receives a new chemical product, the MSDS should be placed in the master MSDS notebook for the facility. A copy of the MSDS should be forwarded to the Director of Maintenance & Operations. Employees are not allowed to bring products from home without the MSDS to go with the product, and all products must be approved by the Director of Maintenance & Operations.

4. Personal Protective Equipment (PPE)

Each campus should provide PPE for all employees, so they are able to work safely with chemicals. If a product or chemical MSDS recommends the use of PPE such as gloves, safety glasses, or face shield, the employee should follow the PPE recommendation. If an employee feels that they do not have the proper equipment necessary, the employee should contact his/her supervisor immediately to obtain the proper equipment. Such equipment may include:

- a. Eye Protection**-Employees who are working with hazardous chemicals should check the MSDS for the proper personal protective equipment. Safety glasses and goggles should be worn when the possibility of a splash is present.
- b. Gloves**-Gloves must be worn when the potential for contact with toxic materials exists. Before gloves are used, they should be inspected for discoloration, punctures, and tears. Any gloves that show wear or defects should be disposed of and not used.
- c. Foot Protection**-No open-toed shoes will be allowed in the area where hazardous chemicals are stored or used.

C. Integrated Pest Management (IPM)

IPM is governed by the Structural Pest Control Board. Notifications of pesticide applications are posted a minimum of 48 hours prior to application. Fees and fines can be issued through the Structural Pest Control Board to any non-licensed person applying pesticides.

D. Asbestos Management Plan

The District's Asbestos Management Plan is designed to follow state and federal regulations. The plan is available for anyone's review in the Maintenance Department office. In addition, this plan can also be reviewed in each main office of each campus during normal business hours. If you have any questions, please contact Marion Godeaux at (409) 916-0141.

E. Accident Reporting Policy *CKB*

1. Reporting Requirements

Employees must report all incidents that **result in or MAY have resulted in:**

- a.** Injury
- b.** Illness
- c.** Property damage, or

- d. Disruption of planned operations, including student or faculty violence.

2. Incidents Involving No Injury

- a. Employee:
 - i. Complete top section and Employee's Description of "INCIDENT INVESTIGATION REPORT;"
 - ii. Submit to Campus Safety Officer.
- a. Campus Safety Officer:
 - i. Complete the form;
 - ii. Forward to HR Coordinator, Campus Principal or Department Director;
 - iii. Inform Risk Manager of completion date on corrections.
- b. Campus Principal or Department Director:
 - i. Ensure corrective action is taken to correct the hazard.
 - ii. Inform employee of action taken
- c. HR Coordinator:
 - i. Track activity on corrective measures
 - ii. Assist Campus Principals or Department Directors as needed.

3. Incidents Involving Injuries

Employee:

- i. Notify Campus Principal/Director and Campus Safety Officer immediately.
- ii. Seek medical care from campus nurse immediately, or as directed by supervisor.

a.

Campus Nurse:

- i. Notify the HR Coordinator if outside medical care is needed immediately.
- ii. If outside medical care is not needed, the nurse will instruct the employee to see Risk Manager if condition changes.

b.

Campus Safety Officer:

- i. Complete the investigation form listing corrective action.
- ii. Forward copies of the investigation report to the Risk Manager, and the Campus Principal or Department Director.
- iii. Inform HR Coordinator of completion date on corrections.

c.

Campus Principal or Department Director:

- i. Complete the "Employee Accident Report" and forward by fax and school mail to HR Coordinator **immediately**. Do not delay notification to HR Coordinator if some information is not available (such as supervisor signature).
- ii. Ensure corrective action is taken to correct the hazard.

d.

HR Coordinator:

- i. Complete documents required by Texas Workers Compensation Act.
- ii. Arrange for team accident investigation within 24 hours.
- iii. Team should include HR Coordinator, Campus Safety Officer and area supervisor.
- iv. Maintain records of all investigations.
- v. Track activity on corrective action.
- vi. Conduct quarterly analysis to detect trends.

- vii. Communicate results of the analysis to the Assistant Superintendent of Business and Operations, campus Principals and departmental directors.

F. Student Safety Issues (11 Student Issues)

To reduce employee injuries while dealing with difficult student situations, the District has developed the following guidelines that all employees are required to follow:

1. Fights

- a. Order students to stop fighting.
- b. Call/send for assistance from identified staff.
- c. Keep other students away from the fight.
- d. Only after these steps have been exercised should an employee consider physical intervention.
- e. Only as a last resort should physical intervention be exercised and only if, in the employee's professional judgment, doing so would be an effort to prevent potential serious injury to a student or another individual.
- f. Debrief Campus Crisis Management Team at the end of the day if needed.

2. Student Running in School

- a. Employees will not chase students.
- b. Instead employee will make every effort to keep student within eyesight.
 - i. On elementary campuses (Early Childhood through Grade 4) an administrator *may* monitor the student beyond the campus property line, if deemed necessary.

3. Biting/Spitting Student

- a. A student with a history of this behavior will be dealt with by trained personnel. Any employee that will have contact with this student will be informed of this behavior. Protocol policies will be followed for possible exposure to bodily fluids.
- b. For a student with no history of this behavior, staff will call for an Administrator to assist. The Administrator will follow the Student Code of Conduct.

Specialized training will be provided for this behavior.

4. Student Hitting/Kicking

- a. Staff training - "How to avoid confrontations with students"
 - i. If employee is hit, what to do — defending yourself is not an option, but protecting yourself is.
 - ii. Consequences for hitting staff, the Administrator will follow the Student Code of Conduct.
 - iii. Communication — employees have to feel safe to perform necessary duties. Administration will convey the "how to" training, enforcement, and consequences for this type of issue.

5. Severe Class Disruptions

- a. If student continues behavior, the teacher will complete the referral and send the student to the office.

- b. If the student refuses to go to the office, the teacher will then call for Administrator or security for removal.
- c. The Administrator will follow the Student Code of Conduct for consequences.

6. Student Restraints

- a. Only employees that have been CPI trained will be allowed to restrain a student. Non CPI trained staff will call for an Administrator or Security.

7. Students Leaving Class/Campus

- a. The employee will notify an administrator immediately.
- b. The employee should not pursue student beyond campus property boundary but should keep an eye on the student and get help to call the police.
- c. On the elementary campuses (Early Childhood through grade 4) an administrator *may* monitor the student beyond the campus property line, if deemed necessary.
- d. If student cannot be located, parent and SLO will be notified.
- e. Following this, the city police will be notified to begin search process.

8. Staff Lifting Students

- a. This should be restricted to only trained employees (Special Education). Untrained employees shall not lift students.

9. Students Refusing Medication

- a. Teacher or school nurse notifies the Administrator. The Administrator will contact parents.

10. Student Throwing Objects

- a. Employee will ensure that classroom is vacated to prevent injuries to others.
- b. Employee will vacate room while keeping an eye on the student through the door window.
- c. Employee will notify Administrator immediately for intervention. Administrator will also follow discipline management plan for consequences.

11. Student Lying on Floor Refusing to Get Up

- a. Unless stated in students BIP, an employee should not attempt to remove or pick up a student.
- b. A campus Administrator should be notified immediately.
- c. If this is not effective, the District security should be contacted for assistance.
- d. Otherwise, employees should not attempt to force a student to get up.
- e. If student is disruptive, then only trained personnel can remove the student.

VIII. EMPLOYEE PAYROLL, BENEFITS and COMPENSATION

A. General Overview

1. Payroll is issued semimonthly, paying on the 1st and 15th of each month. If the pay date falls on a holiday or a weekend, the employee will be paid on the preceding Friday.
2. Due to the number of employees in the Texas City Independent School District, the volume of documents received in the Payroll Department is significant; therefore, it is necessary for all documents sent to the Payroll Department to have the **employee's name, as it appears on his/her paycheck (no nicknames), along with his/her social security number**. When documents reach the Payroll Department without this information, the requests will be routed back to the campus / department for the information to be added.

B. Employee Hours

Employee duty schedules are established by the employee's department with regard to work hours, and they are governed by the approved school calendar, in many cases, with regard to days worked. Hours can change during the year to meet the needs of the District. The work location of an employee may also be changed during the year, as the need arises.

1. Contract Personnel

Teacher/employee hours will be established by the principal based on the duties and job assignments of the employee. Adjustments may be made to employee or student hours based on individual campus needs. Employees will be notified if a change is activated. This a general guide only, and contract employees are required, by contract, to work the number of hours needed to successfully fulfill their responsibilities.

2. Non-Contract Personnel

Non-contract personnel are scheduled to work up to 40 hours as needed. TCISD uses Skyward to record time for hourly employees. Non-contract employees may not work beyond 40 hours without prior approval from their supervisor.

C. Payroll Direct Deposit

The District requires all employees participate in direct deposit for Payroll. Employees can have their paycheck electronically deposited into a checking or savings account at a bank or credit union. With direct deposit, your paycheck is immediately available on the pay date. All forms necessary to enroll in direct deposit are available on the TCISD website under the link Job Seekers >Payroll.

If you make any changes on your bank account that will affect direct deposit, you

must notify the Payroll Office immediately. Changes to banking information must be made in person.

D. Compensation

The salaries for professional employees will be based upon the creditable experience completed as of the beginning of the contract period and the degree held. Credit for degrees earned after the start of the contract period will be granted as of the first duty day following conferral of the degree. In order for credit to be considered, the degree and date of conferral must be shown on an official transcript. It is the employee's responsibility to notify the Human Resources Department of degrees earned and to supply official transcripts verifying the degree. If the degree requirements have been fulfilled, but the degree will not be conferred until a graduation date at least one month after completion of the degree requirements, credit will be granted as of the first duty day after the date the degree requirements were completed. This credit will only be granted when conferral of the degree has been documented on an official transcript and the transcript is accompanied by a letter from the appropriate college official stating the date on which the degree requirements were fulfilled. Retroactive payments for advanced degrees will not be made after the final paycheck for the school year has been processed.

1. Overpayments

Employees may be overpaid if annualized payments to the employee exceed the amount earned based on the employees' daily rate and number of days worked. Employees may be also over paid if they use more leave than earned. Employees must inform the Texas City ISD Payroll Department of known overpayments on any pay checks received. Texas City ISD will pursue all legal means necessary to recover overpayments.

2. Part-Time Employees

Pay, for part-time employees, is based on the amount of time for which they are contracted. The amount of time and daily rate of pay are determined and approved by the Human Resources Department. Part-time employees must work the equivalent of 90 full-time days on contract to receive credit for a full year of experience. State regulations concerning areas such as mandatory conference periods and duty-free lunch period apply to full-time teachers only.

E. Required Deductions

1. Income Tax Withholding

This deduction is based on individual salary and dependents. Contact the Payroll Department for any changes in withholding status. Form W-4 can be downloaded from the TCISD website and sent to the Payroll Office for changes.

2. Teacher Retirement

A required deduction for a full-time Texas public school employee, the Retirement Program is based on an employee's contribution of 8 percent of his/her gross salary, with the state adding an additional sum. A deduction of 0.65% of gross salary is also required for TRS-Care, the medical insurance plan

administered by TRS.

3. Medicare

Employees hired by Texas City ISD on or after April 1, 1986, are required to contribute to the Medicare Program operated by the Social Security Administration. The deduction for Medicare is 1.45% of gross salary. Employees who contribute to Medicare for a sufficient number of calendar quarters (of a year) will become eligible for this coverage at age 65 on the same basis as participants in Social Security. Employees who do not contribute to Medicare for enough calendar quarters must purchase this coverage at an additional cost upon reaching age 65 or they may qualify for Medicare coverage based on their spouse's work record.

F. District Benefits

All Benefits are completed online through www.BenefitSolver.com. Benefits can begin either the first day of employment or the first day of the following month. At no time will benefits begin prior to the employment date. If an employee does not enroll in benefits within 30 days, that employee will be considered a late enrollee and subject to limitations. For detailed benefit information, please call Benefits at (409) 916-0133 during normal working hours. The plan year for all benefits is September 1st through August 31st.

1. **Medical Benefit.** Texas City ISD offers medical group coverage to its employees through TRS Active Care. There are four plans to choose from. These plans and premium rates can be found on the TCISD website under Staff/Benefits.
2. **Dental Benefit.** Texas City ISD offers dental group coverage to its employees through Aetna. There are two plans to choose from. Employees who decline medical the district will pay his/her dental premium. These plans and the premiums can be found on the TCISD website under Employee/Benefits.
3. **Vision Benefit.** Texas City ISD offers vision coverage to its employees through Block Vision. This plan and its premiums can be found on the TCISD website under Employee/Benefits. Employee pays the premiums for coverage selected.
4. **Life Benefit.** Texas City ISD offers life and accidental death insurance coverage to its employees through Assurant Life. The District pays the premium for the employee. An additional life insurance amount is available to employees who decline the medical plan, also paid by the district. This benefit can be found on the TCISD website.
5. **Employee Assistance Program.** Texas City ISD offers the Employee Assistance Program to all its employees and their dependents, whether covered under TCISD or not. The District pays the cost for this program. It is designed to help you and your

family members successfully manage life's challenges by identifying options and making informed choices. The Employee Assistance Program is completely free and confidential. Call toll free at 1-800-324-2490 (open 24 hours a day/7days a week/365 days a year).

G. Benefit (Voluntary) Deductions

1. Tax-deferred Investment – 403b and 457 Plans

In addition to the required Teacher Retirement System contribution, voluntary retirement investment plans are available under Sections 403(b) and 457(b) of the Internal Revenue Code. Contributions to these plans are made before an income tax withholding is calculated and can significantly reduce current taxes. Because specific investments under these plans may vary, details are made available during the school year at appropriate times.

2. Flexible Spending Accounts – Section 125 Cafeteria Plan

Most of the above Texas City ISD benefits are offered on a pre-tax basis only. With this IRS approved method, an employee pays less federal income tax because taxable income is reduced by the amount of the premiums paid. Flexible spending accounts are available for un-reimbursed medical expenses and childcare expenses. Recent changes in IRS rules allow certain amounts elected in these plans, and not spent during the year, to be carried over to the next year.

The Flexible Spending Account (IRS Section 125) affords participants the opportunity to tax shelter a portion of their income to pay for out-of-pocket medical expenses and/or childcare expenses. The plan allows the participant to shelter up to \$2,500 in the medical expense account and \$5,000 in the childcare account each year. Employee must annually sign an agreement.

3. Other Payroll Deduction Benefits

Refer to the TCISD website for more information about these benefits. The following plans are not previously discussed and are available to eligible Texas City ISD employees through regular payroll deduction:

- a. Supplemental Life Insurance
- b. Disability Insurance

H. Additional District Benefits

1. Unemployment Compensation Insurance

In accordance with federal law, each employee of Texas City ISD is covered by unemployment insurance. School employees are not entitled, however, to benefits during the time between two (2) successive academic years or terms, or during an established and customary vacation or holiday period. (TWC 207.041)

2. Worker's Compensation Insurance

Each employee of Texas City ISD is insured under the Texas Worker's Compensation Law, unless the employee waives this right, which provides that benefits are payable to any employee who has been injured in a work related

accident or who has been disabled by an occupational disease. **Work-related accidents must be reported immediately to the Principal/Supervisor, who must then notify the District's Risk Manager at 409-916-0124. See "Accident Reporting" in this handbook.**

I. Miscellaneous

The employee's paycheck stub reflects actual leave balances through the end of the reporting pay period. Call the Receptionist's desk in Human Resources at Ext. #1100 to get actual up-to-date leave balances.

IX. TECHNOLOGY, MEDIA and DISTRICT RESOURCES

A. Network and Internet Acceptable Use Policy for Staff Members

Internet and Network access are privileges that are available to employees and other designated individuals of Texas City ISD. The goal in providing this service is to promote educational excellence at Texas City ISD by facilitating communications for resource sharing, collaborative work, and innovations. The Internet is not meant to replace education, but rather, to facilitate the educational process. It should be used as an adjunct to teach.

The District has taken precautions to restrict access to controversial material; however, on a global network it is impossible to control all material. The successful operation of the network relies upon the proper conduct of the users who must adhere to strict guidelines. The following rules of acceptable use are provided so that users are aware of the ethical and legal responsibilities associated with the use of network resources:

1. Definition of District Technology Resources

The District's computer systems and networks are any configuration of hardware and software. The systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files. This includes electronic mail, local databases, externally accessed databases (such as the Internet), CD-ROM, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.

2. Access to Network/Internet. Network/Internet access is available to all Texas City ISD staff members as granted by their supervisors.

3. Subject to Monitoring. All Texas City ISD Network/Internet usage shall not be considered confidential and is subject to monitoring by designated staff at any time to ensure appropriate use. Web filtering reports can be generated for any Texas City ISD employee or user assigned to use District computers.

B. Rules of Acceptable Use:

(See "Employee, Substitute, and Volunteer Agreement Form for the Acceptable Use of the Network and Internet" located in the Appendix.)

1. General Use

Access to the District's electronic communications system is a privilege, not a right. The District has the right to determine who is, or is not given access to the Texas City ISD electronic communications system. Only employees who have returned and signed the Acceptable Use Policy signature page, which states that they have read, understand, and agree to adhere to the principles and procedures detailed within, are permitted to use a District computer.

Employees are prohibited from changing any computer configurations and/or settings. Employees may not install any software including, but not limited to: commercial software, shareware, freeware, original software, and/or utilities on school computers or networks. Noncompliance with acceptable use policy may result in suspension or termination of privileges and other disciplinary action consistent with District policies. Users are required to maintain password confidentiality by not sharing passwords with others. Employees may not move computer equipment or peripheral devices or make modifications to computer hardware or configurations without notifying the campus technology liaison and/or the TCISD Department of Technology

2. Internet/Network Use

Access to the District's Network/Internet shall be made available to employees exclusively for instructional and administrative purposes and in accordance with District policies.

Use of Texas City ISD electronic communications systems shall not be considered confidential and is monitored 24 hours a day. There is no expectation of privacy. All Internet activity is monitored.

Participating in on-line auctions, shopping, trading, selling or gambling is prohibited. Employees are not allowed to access the Internet through a modem. Accessing the Internet through an outside provider is prohibited. Any activity that is immoral or contrary to the high moral standards, which must be maintained in an educational setting, is prohibited.

System users may not disable, or attempt to disable, a filtering device on the District's network. Communications may not be encrypted so as to avoid security review by system administrators. Access, copying, or transmission of any material in violation of any U.S. or state regulation is prohibited.

Employees are prohibited from using computers and the network in a way that would harm another person or disrupt use of others (hacking, uploading/creating viruses, and/or committing any type of electronic or physical vandalism/theft).

3. Security

All users of District financial software, student management software (including on-line grade books), and time-clock manager software are required to change the password on their user accounts every 90 days, beginning September 1st of each school year. The changing of passwords will be monitored and if a quarterly password report indicates no change, the

user will be notified by the Technology Department to change their password or risk having their account inactivated until it is changed. These passwords are not to be shared with others.

Teachers are not allowed to let students use their network account. Account owners are responsible for all activity under their account. Users should protect their password to ensure system security and their own privilege and ability to continue use of the system. Staff members are required to report to the Technology Department any information on the network/Internet that is inappropriate.

C. Consequences of Agreement Violation:

Any attempt to violate the provisions of this agreement may result in revocation of the employee's access to the Network/Internet. In addition, school disciplinary action and/or appropriate legal action may be taken. With just cause, the building principal and/or designee, may deny, revoke, or suspend Network/Internet access as required, pending an investigation. Prosecution and/or termination of user privileges will occur without warning. Any attempt to break the law through the use of a Texas City ISD Network/Internet account, may result in litigation against the offender by the proper authorities. If such an event occurs, Texas City ISD will fully comply with the proper authorities to provide any information necessary for the litigation process.

D. Disclaimer of Liability:

The District shall not be liable for a user's inappropriate use of electronic communication resources or violations of copyright restriction, a user's mistakes or negligence, or costs incurred by the user. The District shall not be responsible for ensuring the accuracy or usability of any information found on the Internet.

E. E-Mail Guidelines:

1. Proper Use of E-Mail—electronic mail is a service provided to employees of the District to assist them in the performance of their duties. Communication that is job-related fulfills this purpose and constitutes proper use. District employees bear the responsibility and liability that arises from the use of District e-mail systems for personal reasons. General rules and standards for professional behavior and communications apply to all use of electronic communication.
2. Network administrators may review files and communications to maintain system integrity and to ensure that staff members are using the system responsibly. Users are not to expect that files stored on District servers will be private. **E-mails are not archived by the District and are the users' responsibility to maintain for future use.**

F. Prohibited Network Behavior:

1. Sending or forwarding mass e-mail messages (all campus or all District lists) without a legitimate District business.
2. Electronic mail is not to be utilized by employees to share confidential information about students or other employees because messages are not entirely secure.
 - a. **Sensitive information, such as full student names, should be left out of e-mail communications. Use first initial-last name. "Initials only" are**

used to attempt to maintain a high degree of confidentiality-but they are not legally required in communications between staff members for legitimate educational purposes.

3. Sending or soliciting messages or pictures that are obscene, that harass, insult or attack others.
4. Sending messages to promote a religious, political or other personal position not associated with duties as an employee of District.
5. Use for the purpose of product advertisement, commercial, income generating of "for profit" activities are prohibited.
6. Conducting personal business.
7. Use of District e-mail should not be extended to non-District employees without authorization by the Executive Director of Technology Services and/or Campus Administrator.
8. Engaging in practices that threaten the network (i.e. loading files that may introduce a virus).
9. Sending copies of documents in violation of copyright laws.
10. Using passwords of other users without permission.
11. Trespassing in folders, documents, or files of other users.
12. Intentionally wasting limited network resources.
13. Forgery of electronic mail messages is prohibited. Reading, deleting, copying, or modifying the electronic mail of other users, without their permission, is prohibited.
14. Sending or forwarding unsolicited junk mail, chain letters, political lobbying, and/or transmitting obscene messages or pictures is prohibited.

G. E-mail Etiquette:

The use of e-mail works best when each user is considerate of others on the network. The following suggestions are provided to make users aware of what is called good "Netiquette."

The following standards apply:

1. Always include a concise and descriptive summary of the message content on the "subject" line.
2. Keep paragraphs and messages short and to the point.
3. Keep the message simple - use attachments or shared drives for lengthy documents.
4. Do not send campus/District-wide e-mails without supervisor's approval.
5. Be professional and careful about what you say to others.
6. Use humor with care. Without face-to-face communication, a joke may be viewed as a criticism if the sender is not well known to the recipient.
7. Observe organizational relationships when corresponding.
8. Send replies only to the specific person or persons who need to see them.
9. Not every communication is appropriate for e-mail. Difficult or negative messages are best conveyed person-to-person.
10. Proofread your message before pushing SEND, and think about how the message will be interpreted by the recipient.
11. Keep messages remaining in your mailbox at a minimum level.

H. Legal Responsibilities:

Texas City ISD staff members must comply with all State, federal and international laws concerning copyright, intellectual property rights, privacy laws as well as District policies and guidelines.

I. Disclaimer:

The District shall not be held liable for the following:

1. Author's inappropriate use of District's electronic communication resources.
2. Negligence or violation of policies and/or IAUP.
3. Author's abridgement of copyright.
4. Unauthorized costs incurred by authors.

The Chief Technology Officer will report inappropriate behaviors, complaints, and/or violations to the employee's supervisor who will take appropriate disciplinary action, including possible termination. Violations may result in a loss of access and/or disciplinary action. When applicable, law enforcement agencies may be involved.

Computers suspected of user misuse of the Internet or network resources will be removed from their locations, and their contents will be researched in order to determine if inappropriate use has occurred.

J. Copyrighted Material Policy *EFE*

Federal copyright law found in 17 USC 107 protects "original works of authorship fixed in any tangible medium of expression..." The types of works that are protected include but are not limited to:

1. Literary works
2. Musical works, including any lyrics
3. Dramatic works, including any musical accompaniment
4. Sound recording
5. Pictorial, graphic and sculptural works

If employees use a protected work in an inappropriate manner, the action constitutes an "infringement" of the Copyright Act. Infringement is similar to theft, and there are both civil and criminal penalties for such action. Under what is called the "Fair Use Doctrine," school employees may use portions of copyrighted works without the owner's permission if the use "serves a public purpose." Factors to be considered in determining fair use are found on page 1 of Board Policy. The exhibit in this same code provides guidance regarding fair use of specific types of protected works. Every employee can review these two documents on the District's web site at Polices-Online. A copy of Texas City ISD Board Policy Manual is also available on each campus.

K. Textbooks

1. Students and employees should exercise care in handling Texas City ISD and state-owned textbooks. Teachers inspect textbooks periodically and report damages to the principal's office. Fines will be assessed for damages.

2. Free textbook covers are furnished to schools by different business firms. Teachers should check to see that pupils have their books covered at all times.
3. Textbook adoption occurs on a schedule created by the state.
4. Teachers should continually evaluate texts being used as well as those proposed for adoption. The state furnishes proposed texts for inspection.
5. State-owned teachers' editions, manuals, and supplementary materials are checked-out to teachers who are fully accountable for them. These materials are in short supply, particularly in the later years of the adoption period. Please exercise care in the use of these books. Employee assistance in administering the textbook program on each campus is necessary and sincerely appreciated.

Disclaimer Statement

The “Employee Handbook” is a general guide. The provisions of this handbook do not constitute an employment agreement or a guarantee of continued employment.

The Texas City Independent School District reserves the right to change or add any provision herein, when deemed in the best interest of the District and its students.

Appendices

- A. Policy References/ Board Policies and Administrative Regulations
- B. Employee Notification: 2021-2022 School Year
- C. Education Code – Chapter 37. Discipline; Law and Order
- D. Acceptable Use of the Network and Internet Form
- E. Employee Handbook Receipt

Appendix A

Policy References/ Board Policies and Administrative Regulations

In accordance with TEC 21.204(d) and local practices, the following Texas City ISD policies concerning employment and other pertinent areas important to employees in Texas City ISD are included in the TCISD Supplemental Handbook and may be accessed online at www.tcisd.org :

| | |
|---|--|
| CQ (<i>Legal</i>) | Electronic Communication and Data Management |
| DAA (<i>Legal</i>) | Employment Objectives: Equal Employment Opportunity |
| DBAA (<i>Legal</i>) | Employment Requirements and Restrictions: Criminal History and Credit Reports |
| DBD (<i>Legal & Local</i>) | Employment Requirements and Restrictions: Conflict of Interest |
| DC (<i>Legal & Local</i>) | Employment Practices |
| DCB (<i>Legal & Local</i>) | Employment Practices: Educator Term Contracts |
| DEA (<i>Legal & Local</i>) | Compensation and Benefits: Salaries and Wages |
| DEAA (<i>Legal & Local</i>) | Compensation and Benefits: Incentives and Stipends |
| DEC (<i>Local</i>) | Compensation and Benefits: Leaves and Absences |
| DFAC (<i>Legal</i>) | Probationary Contracts: Return to Probationary Status |
| DFBA (<i>Legal & Local</i>) | Term Contracts: Suspension/Termination of Term Contract |
| DFD (<i>Legal & Local</i>) | Termination of Contract: Hearings before Hearing Examiner |
| DFE (<i>Legal & Local</i>) | Termination of Contract: Resignation |
| DFF (<i>Local</i>) | Termination of Contract: Reduction in Force |
| DG (<i>Legal</i>) | Employee Rights and Privileges |
| DGBA (<i>Legal & Local</i>) | Personnel-Management Relations: Employee Complaints/Grievances |
| DH (<i>Legal, Local & Exhibit</i>) | Employee Standards of Conduct |
| DHE (<i>Legal & Exhibit</i>) | Employee Standards of Conduct: Searches and Alcohol/Drug Testing |
| DI (<i>Legal, Local & Exhibit</i>) | Employee Welfare |
| DIA (<i>Legal & Local</i>) | Employee Welfare: Freedom from Harassment |
| DK (<i>Legal & Local</i>) | Assignment and Schedules |
| DN (<i>Local</i>) | Performance Appraisal |
| DNA (<i>Legal & Local</i>) | Performance Appraisal: Evaluation of Teachers |
| DPB (<i>Local</i>) | Personnel Positions: Substitute, Temporary and Part-Time Positions |
| FFF (<i>Local</i>) | Student Welfare: Student Safety |
| FFG (<i>Legal & Exhibit</i>) | Student Welfare: Child Abuse and Neglect |
| FFH (<i>Legal & Local</i>) | Student Welfare: Freedom from Harassment |
| FFI (<i>Local</i>) | Student Bullying |
| FN (<i>Legal and Local</i>) | Student Rights and Responsibilities |
| FO (<i>Legal & Local</i>) | Student Discipline |
| GRA (<i>Legal, Local & Exhibit</i>) | Relations with Governmental Entities: Local Governmental Authorities |

Appendix B

EMPLOYEE NOTIFICATION: 2021-2022 SCHOOL YEAR

State and federal laws require certain information to be disseminated to school district employees. In some cases, the law specifically requires that employees be given copies of policies or notices; in other cases, notices must be posted; and yet in others, conveying the information in staff meetings, employee handbooks, or staff newsletters may suffice.

Distributing the information:

The district should distribute the policies discussed in this *Policy Alert* to employees at the beginning of the school year or upon hire. Information about policy changes should be distributed as soon as possible after the change.

Policy changes pertaining to employee rights, pay, benefits, etc., that may be construed by a court of law or the Commissioner of Education to “*materially affect the terms of the contract*” should be disseminated prior to the penalty-free resignation date established by law (45 calendar days before the first day of instruction of the next school year).

What about electronic dissemination?

Electronic dissemination may include sending an e-mail with imbedded Internet links or providing URLs to the information. Electronic dissemination of required policies is permissible, so long as the following conditions are met:

- If employees are entitled to a copy of the policies, the employees must have easy access to both a computer and a printer and sufficient training to open and print the documents; and
- The district must document that it has offered individual employees the option of hard copy or electronic access. To accomplish this, the district might provide each affected employee with a sign-off sheet whereby the employee elects to receive hard copy of the policies or to accept responsibility for accessing the policies electronically. The sign-off sheet should list the policies and instructions for electronic access. A sample sign-off sheet may be found at DC(EXHIBIT)—“Exhibit B”—in the *TASB Regulations Resource Manual*, available on myTASB to superintendents, superintendents’ secretaries, and policy contacts.

Required Information . . .

1. For all employees

Discrimination, harassment, and retaliation: OCR complaints and lawsuits alleging discrimination, harassment, and retaliation have underscored the need to disseminate district policies prohibiting all such behavior. It is imperative that those who interact with students be aware of their responsibility to respond immediately and appropriately to allegations. Relevant policies include:

- DH* and FNC*—Policies and exhibits addressing standards of conduct for employees and students.
- DIA(LOCAL) and FFH(LOCAL)—Policies regarding discrimination, harassment, and retaliation, including contact information for reporting such behavior, for employees and students.

These policies should be distributed annually to employees and be available at each campus and at the district’s administrative offices.

Bullying: A separate policy, FFI(LOCAL), addresses student bullying. Because this conduct may rise to the level of discrimination or harassment, if based on a protected characteristic, this policy should also be distributed annually to employees and be available at each campus and at the district’s administrative offices.

Child abuse and neglect: At the beginning of each school year, districts must also provide all employees with policies pertaining to child abuse and neglect. Commissioner rules require that districts regularly review in staff development programs the procedures for reporting suspected child abuse or neglect. See 19 TAC 61.1051. As part of the staff development programs, districts should review with employees the plan for addressing sexual abuse of children that must be included in the district improvement plan and in the student handbook. Policy information related to these concerns may be found at:

- BQ(LEGAL), referring to the district plan for addressing child abuse;
- DH(LOCAL) and (EXHIBIT)*, addressing employee standards of conduct;
- FFG(LEGAL) and (EXHIBIT), addressing child abuse and neglect; and
- GRA(LEGAL)* and (LOCAL), addressing child abuse investigations.

If the information required in FFG(EXHIBIT) is incomplete or inaccurate, please contact your policy consultant so that an up-to-date exhibit can be prepared.

Drug-free workplace: Federal law requires districts to provide all new employees with copies of policies establishing a drug-free workplace, including DH(LOCAL) and DI(LOCAL) and (EXHIBIT).

*Indicates a policy affected by Update 90, to be issued in May 2011.

2. For teachers and administrators: documents pertaining to student discipline

Education Code 37.018 requires districts to provide each teacher and administrator with a copy of Chapter 37, sections 37.001 through 37.021, dealing with student discipline, as well as a copy of relevant local district policies. Therefore, in addition to the Chapter 37 sections, we recommend that districts make all (LOCAL) policies in the FN and FO series available to teachers and administrators.

We also recommend that districts make the district's student code of conduct and the applicable student handbook available to teachers and administrators by posting the documents on the district's Web site or providing hard copies. Policy changes or amendments to these documents made during the school year should be provided to all teachers and administrators through the same methods. Education Code 37.001 requires the student code of conduct to be posted and prominently displayed at each school campus or to be made available for review in the campus principal's office.

On March 22, 2011, Policy Service released its annual update to the *TASB Model Student Handbook*. The *TASB Model Student Code of Conduct*, which is updated following the end of each legislative session, will be issued in summer 2011. Both documents are made available on myTASB.

3. For term contract employees: "Employment Policies"

Education Code 21.204(d) requires the board to provide each teacher with a copy of the teacher's contract and, at the teacher's request, a copy of the board's employment policies. This section also requires the district to post its employment policies on the Web, if the district has a Web site. In addition, upon request the board must make a copy of the employment policies available for inspection at each school within a reasonable time. The law does not specify which policies are considered "employment policies."

Although this statute applies only to employees who hold educator term contracts, TASB Policy and Legal Services recommend that the district also apply these requirements to those employed under probationary and continuing contracts.

In the absence of a statutory definition of the term, TASB Policy and Legal Services suggest that "employment policies" might include (LEGAL) and (LOCAL) policies and exhibits found at the following codes in your local policy manual:

| Policy Code | Policy Title |
|--------------------|---|
| DAA | Equal employment opportunity |
| DBAA* | Criminal history and credit reports |
| DBD | Conflict of interest |
| DC | Employment practices |
| DCB | Term contracts |
| DEA series | Salaries and wages; incentives and stipends |
| DEC series | Leaves and absences |

| Policy Code | Policy Title |
|--------------------|--|
| DF* | Termination of employment |
| DFAC | Return to probationary status |
| DFB series | Termination of term contracts |
| DFD | Hearings before hearing examiner |
| DFE* | Resignation |
| DFF | Reduction in force |
| DG | Employee rights and privileges |
| DGBA | Employee complaints/grievances |
| DH* | Employee standards of conduct |
| DHE | Searches and alcohol/drug testing |
| DI | Employee welfare |
| DIA | Freedom from discrimination, harassment, and retaliation |
| DK | Assignment and schedules |
| DN series | Performance appraisal (In 2010 the Administrative Code was amended to require districts to provide all teachers with an annual review of the district's teacher appraisal policy.) |

If a "series" is indicated, copy all documents with a policy code identifier that begins with the two or three letters shown.

* Indicates a policy affected by Update 90, to be issued in May 2011.

4. Mandated postings

A number of worksite notices—on topics ranging from workers' compensation rights to pest control treatments—must be posted. Posted information should be placed in areas that are accessible, perhaps in several different places at each worksite (e.g., teacher workrooms, kitchens, transportation offices, and adjacent to mailboxes) where employees are most likely to see them. For further information regarding required notices, consult any of the following TASB publications:

- The HR Services Resource Library is available to TASB HR Services subscribers on myTASB. A description of posting requirements and checklists may be found in the HR Library under the "HR Department" topic.
- The *TASB Regulations Resource Manual*, available to superintendents and policy contacts through the Policy Service Resource Library on myTASB, includes some of the required notices.
- *Federal and State Work-Site Posters* are available in English and Spanish from the TASB Store (cataloged under the "District Operations" topic or search on "postings").

Other Important Information . . .

While the law does not require distribution of the key policies and administrative procedures listed below, the information in these documents should be reviewed periodically in staff training or included in the employee handbook. TASB HR Services members annually receive an updated *Model Employee Handbook*, next issued in mid-May, to assist districts in developing a handbook.

| Policy code | Topic |
|------------------------------------|---|
| District Goals and Planning | |
| AE | District educational philosophy |
| BQ series | District- and campus-level planning |
| Instruction and Students | |
| EFA | Handling complaints regarding instructional materials |
| EIA*† | Grading standards and grade reporting |
| EIE† | Promoting and retaining students |
| FB series*‡ | Protection of students from unlawful discrimination |
| FFAC | Providing medical treatment or medication to students |
| FFAD | Excluding students with communicable diseases |
| FFG | Mandated reporting of child abuse and neglect |
| FFH | Freedom from discrimination, harassment, and retaliation |
| FFI | Freedom from bullying |
| FL* | Safeguarding privacy of student records |
| FNA | Student expression |
| FNAA | Distribution of nonschool literature |
| FNAB | Use of school facilities for nonschool purposes |
| FNC* | Student conduct |
| FNG | Handling student/parent complaints; parents' rights |
| GRA* | Interaction of police and child protective services with students on campus |
| Personnel | |
| CAA | Financial ethics |
| CK series | Employee safety practices and crisis management |
| CQ* | District computers and electronic communications |
| CRD | Health and life insurance |
| CY* | Intellectual property and copyright |
| DAA | Protection of employees from unlawful discrimination |
| DBAA* | Criminal history and credit reports |

| Policy code | Topic |
|--------------------|--|
| DBD | Conflict of interest |
| DC series | Employment practices |
| DEA | Salaries and wages |
| DEAA | Incentives and stipends |
| DEC | Employee leaves and absences |
| DECA | Family and medical leave |
| DECB | Military leave |
| DEE | Requirements for expense reimbursement |
| DF series* | Termination of employment |
| DGBA | Process for employee complaints and grievances |
| DH* | Employee standards of conduct |
| DHE | Alcohol/drug screening and other searches of employees |
| DI | Drug-free workplace |
| DIA | Freedom from discrimination, harassment, and retaliation |
| DK | Assignment to positions; transfers |
| DMD* | Attendance at professional meetings on school time |
| DN series | Employee evaluation/appraisal (In 2010 the Administrative Code was amended to require districts to provide all teachers with an annual review of the district's teacher appraisal policy.) |
| GBA series* | Confidentiality of personnel records; public and nonpublic information |

* Indicates a policy affected by Update 90, to be issued in May 2011.

† On March 30, 2011, TASB Policy Service released a *Starting Points* policy development toolkit to assist districts in making policy decisions related to the new STAAR program. The *Starting Points* affects EIA, EIC, and EIE, and is available at http://www.tasb.org/services/policy/mytasb/starting_points/staar/index.aspx.

‡ On March 14, 2011, TASB Policy Service released a *Policy Alert* and a sample administrative regulation addressing student use of service and assistance animals, available at http://www.tasb.org/services/policy/mytasb/alerts/service_animals.aspx.

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This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for you to consult with the district's attorneys in order to apply these legal principles to specific fact situations.

Appendix C

EDUCATION CODE

TITLE 2. PUBLIC EDUCATION

SUBTITLE G. SAFE SCHOOLS

CHAPTER 37. DISCIPLINE; LAW AND ORDER

SUBCHAPTER A. ALTERNATIVE SETTINGS FOR BEHAVIOR MANAGEMENT

Sec. 37.001. STUDENT CODE OF CONDUCT. (a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or
(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

(b) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(3) "Hit list" means a list of people targeted to be harmed, using:

(A) a firearm, as defined by Section 46.01(3), Penal Code;

(B) a knife, as defined by Section 46.01(7), Penal Code; or

(C) any other object to be used with intent to cause bodily harm.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 2, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 4, 30, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [504](#), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. [920](#), Sec. 3, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. [897](#), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. [776](#), Sec. 5, eff. June 17, 2011.

Sec. 37.0011. USE OF CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include:

(1) physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education; or

(2) the use of restraint as authorized under Section 37.0021.

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline.

(c) To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board of trustees under Subsection (c) at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board.

Added by Acts 2011, 82nd Leg., R.S., Ch. [691](#), Sec. 1, eff. September 1, 2011.

Sec. 37.002. REMOVAL BY TEACHER. (a) A teacher may send a student to the principal's office to maintain

effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

(b) A teacher may remove from class a student:

(1) who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or

(2) whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the

student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 5, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [504](#), Sec. 2, eff. June 17, 2005.

Sec. 37.0021. USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT. (a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

(1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

(2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

(A) is designed solely to seclude a person;
and

(B) contains less than 50 square feet of space.

(3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

(A) that is not locked; and
(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(4) "Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

(c) A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which the following law, rules, or regulations apply:

(1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;

(2) 40 T.A.C. Sections 720.1001-720.1013; or

(3) 25 T.A.C. Section 412.308(e).

(d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards;
and

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a

district to be trained before using that practice or technique.

(e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

(f) For purposes of this subsection, "weapon" includes any weapon described under Section 37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

- (1) the student possesses a weapon; and
- (2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

(g) This section and any rules or procedures adopted under this section do not apply to:

- (1) a peace officer performing law enforcement duties, except as provided by Subsection (i);
- (2) juvenile probation, detention, or corrections personnel; or
- (3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

(h) This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

- (1) is employed or commissioned by a school district; or
- (2) provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

(i) A school district shall report electronically to the agency, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement

duties on school property or during a school-sponsored or school-related activity. A report submitted under this subsection must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Added by Acts 2001, 77th Leg., ch. 212, Sec. 1, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 6, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [691](#), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. [691](#), Sec. 3, eff. September 1, 2011.

Sec. 37.003. PLACEMENT REVIEW COMMITTEE. (a) Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

(1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

(2) the principal shall choose one member from the professional staff of a campus.

(b) The teacher refusing to readmit the student may not serve on the committee.

(c) The committee's placement determination regarding a student with a disability who receives special education services under Subchapter A, Chapter 29, is subject to the requirements of the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and federal regulations, state statutes, and agency requirements necessary to carry out federal law or regulations or state law relating to special education.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 7, eff. June 20, 2003.

Sec. 37.004. PLACEMENT OF STUDENTS WITH DISABILITIES.

(a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.

(b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) the manifestation determination review.

(c) A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

(d) A teacher in an alternative education program under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.

- (e) Expired.
- (f) Expired.
- (g) Expired.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 767, Sec.

6, eff. June 13, 2001; Acts 2001, 77th Leg., ch. 1225, Sec. 1, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 435, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 6.006, eff. Sept. 1, 2003.

Sec. 37.005. SUSPENSION. (a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended.

(b) A suspension under this section may not exceed three school days.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 8, eff. June 20, 2003.

Sec. 37.0051. PLACEMENT OF STUDENTS COMMITTING SEXUAL ASSAULT AGAINST ANOTHER STUDENT. (a) As provided by Section 25.0341(b)(2), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011.

(b) A limitation imposed by this subchapter on the length of a placement in a disciplinary alternative education program or a juvenile justice alternative education program does not apply to a placement under this section.

Added by Acts 2005, 79th Leg., Ch. [997](#), Sec. 2, eff. June 18, 2005.

Sec. 37.006. REMOVAL FOR CERTAIN CONDUCT. (a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code;

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code; or

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.

(b) Except as provided by Section 37.007(d), a student shall be removed from class and placed in a disciplinary alternative education program under Section

37.008 if the student engages in conduct on or off of school property that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

(c) In addition to Subsections (a) and (b), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as:

(A) a felony offense in Title 5, Penal Code; or

(B) the felony offense of aggravated robbery under Section 29.03, Penal Code;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:

(A) a felony offense in Title 5, Penal Code; or

(B) the felony offense of aggravated robbery under Section 29.03, Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as:

(A) a felony offense in Title 5, Penal Code; or

(B) the felony offense of aggravated robbery under Section 29.03, Penal Code.

(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and

(2) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. An elementary school student may not be placed in a disciplinary alternative education program with any other student who is not an elementary school student.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the

student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(i) The student or the student's parent or guardian may appeal the superintendent's decision under Subsection (h) to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee and confirm or reverse the decision under Subsection (h). The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (j).

(j) Notwithstanding Section 7.057(e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057(b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).

(l) Notwithstanding any other provision of this code, other than Section 37.007(e)(2), a student who is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.

(m) Removal to a disciplinary alternative education program under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.

(n) A principal or other appropriate administrator may but is not required to remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 3, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.15, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 486, Sec. 1, eff. June 11, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 9, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [504](#), Sec. 3, eff. June 17, 2005.

Acts 2011, 82nd Leg., R.S., Ch. [948](#), Sec. 1, eff. June 17, 2011.

Sec. 37.0061. FUNDING FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES. A school

district that provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board is entitled to count such students in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. If the district has a wealth per student greater than the guaranteed wealth level but less than the equalized wealth level, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between the average Foundation School Program costs per student of the district providing education services and the sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

Added by Acts 1997, 75th Leg., ch. 1015, Sec. 4, eff. June 19, 1997.

Sec. 37.0062. INSTRUCTIONAL REQUIREMENTS FOR ALTERNATIVE EDUCATION SERVICES IN JUVENILE RESIDENTIAL FACILITIES. (a) The commissioner shall determine the instructional requirements for education services provided by a school district or open-enrollment charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board or a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission, including requirements relating to:

- (1) the length of the school day;
- (2) the number of days of instruction provided to students each school year; and
- (3) the curriculum of the educational program.

(b) The commissioner shall coordinate with:

(1) the Texas Juvenile Probation Commission in determining the instructional requirements for education services provided under Subsection (a) in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board; and

(2) the Texas Youth Commission in determining the instructional requirements for education services provided under Subsection (a) in a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission.

(c) The commissioner shall adopt rules necessary to administer this section. The rules must ensure that:

(1) a student who receives education services in a pre-adjudication secure detention facility described by this section is offered courses that enable the student to maintain progress toward completing high school graduation requirements; and

(2) a student who receives education services in a post-adjudication secure correctional facility described by this section is offered, at a minimum, the courses necessary to enable the student to complete high school graduation requirements.

(d) The Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable, shall coordinate with the commissioner in establishing standards for:

(1) ensuring security in the provision of education services in the facilities; and

(2) providing children in the custody of the facilities access to education services.

Added by Acts 2007, 80th Leg., R.S., Ch. [615](#), Sec. 1, eff. September 1, 2007.

Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES. (a) Except as provided by Subsection (k), a student shall be

expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) uses, exhibits, or possesses:

(A) a firearm as defined by Section 46.01(3), Penal Code;

(B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;

(C) a club as defined by Section 46.01(1), Penal Code; or

(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or

(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or

(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;

(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:

(A) engages in conduct specified by Subsection (a); or

(B) possesses a firearm, as defined by 18 U.S.C. Section 921;

(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property; or

(5) engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:

(A) the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and

(B) the student knowingly:

(i) alters, damages, or deletes school district property or information; or

(ii) commits a breach of any other computer, computer network, or computer system.

(c) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purposes of this subsection, "serious misbehavior" means:

(1) deliberate violent behavior that poses a direct threat to the health or safety of others;

(2) extortion, meaning the gaining of money or other property by force or threat;

(3) conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

(4) conduct that constitutes the offense of:

(A) public lewdness under Section 21.07, Penal Code;

(B) indecent exposure under Section 21.08,
Penal Code;

(C) criminal mischief under Section 28.03,
Penal Code;

(D) personal hazing under Section 37.152;
or

(E) harassment under Section 42.07(a)(1),
Penal Code, of a student or district employee.

(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.

(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:

(1) on school property of another district in this state; or

(2) while attending a school-sponsored or school-related activity of a school in another district in this state.

(k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

(1) at an approved target range facility that is not located on a school campus; and

(2) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

(l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 5, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 542, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 486, Sec. 2, eff. June 11, 2001; Acts 2003, 78th Leg., ch. 225, Sec. 1, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 443, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1055, Sec. 10, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [504](#), Sec. 4, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. [728](#), Sec. 5.004, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. [593](#), Sec. 3.26, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. [338](#), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. [948](#), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. [963](#), Sec. 1, eff. June 17, 2011.

Sec. 37.008. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS. (a) Each school district shall provide a disciplinary alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

(5) provides for students' educational and behavioral needs;

(6) provides supervision and counseling;

(7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and

(8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

(a-1) The agency shall adopt minimum standards for the operation of disciplinary alternative education programs, including standards relating to:

(1) student/teacher ratios;

(2) student health and safety;

(3) reporting of abuse, neglect, or exploitation of students;

(4) training for teachers in behavior management and safety procedures; and

(5) planning for a student's transition from a disciplinary alternative education program to a regular campus.

(a-2) Expired.

(a-3) Expired.

(b) A disciplinary alternative education program may provide for a student's transfer to:

(1) a different campus;

(2) a school-community guidance center; or

(3) a community-based alternative school.

(c) An off-campus disciplinary alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39.

(d) A school district may provide a disciplinary alternative education program jointly with one or more other districts.

(e) Each school district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a disciplinary alternative education program.

(f) A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program.

(g) A school district shall allocate to a disciplinary alternative education program the same expenditure per student attending the disciplinary alternative education program, including federal, state, and local funds, that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program.

(h) A school district may not place a student, other than a student suspended as provided under Section 37.005 or expelled as provided under Section 37.007, in an

unsupervised setting as a result of conduct for which a student may be placed in a disciplinary alternative education program.

(i) On request of a school district, a regional education service center may provide to the district information on developing a disciplinary alternative education program that takes into consideration the district's size, wealth, and existing facilities in determining the program best suited to the district.

(j) If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. A district may take any action permitted by this subsection if:

(1) the student was placed in a disciplinary alternative education program by an open-enrollment charter school under Section 12.131 and the charter school provides to the district a copy of the placement order; or

(2) the student was placed in a disciplinary alternative education program by a school district in another state and:

(A) the out-of-state district provides to the district a copy of the placement order; and

(B) the grounds for the placement by the out-of-state district are grounds for placement in the district in which the student is enrolling.

(j-1) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and a school district in this state in which the student enrolls continues the placement under Subsection (j), the district shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student.

(k) A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Section 37.006 or 37.007. A disciplinary alternative education program that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

(l) A school district is required to provide in the district's disciplinary alternative education program a course necessary to fulfill a student's high school graduation requirements only as provided by this subsection. A school district shall offer a student removed to a disciplinary alternative education program an opportunity to complete coursework before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course,

distance learning, or summer school. The district may not charge the student for a course provided under this subsection.

(l-1) A school district shall provide the parents of a student removed to a disciplinary alternative education program with written notice of the district's obligation under Subsection (l) to provide the student with an opportunity to complete coursework required for graduation. The notice must:

(1) include information regarding all methods available for completing the coursework; and

(2) state that the methods are available at no cost to the student.

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district's disciplinary alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on assessment instruments required under Sections 39.023(a) and (c). Academically, the mission of disciplinary alternative education programs shall be to enable students to perform at grade level.

(m-1) The commissioner shall develop a process for evaluating a school district disciplinary alternative education program electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available at the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary alternative education program data or of failing to comply with disciplinary alternative education program requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district's disciplinary alternative education program data or of a violation of a law or rule revealed by the data, including any violation of disciplinary alternative

education program requirements, or of any recommendation by the commissioner concerning the data. If the data reflect that a penal law has been violated, the commissioner shall notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. The commissioner is entitled to access to all district records the commissioner considers necessary or appropriate for the review, analysis, or approval of disciplinary alternative education program data.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 6, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.16, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1112, Sec. 1, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 631, Sec. 2, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1055, Sec. 11, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [504](#), Sec. 5, eff. June 17, 2005.

Acts 2007, 80th Leg., R.S., Ch. [1171](#), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. [1316](#), Sec. 1, eff. June 17, 2011.

Sec. 37.0081. EXPULSION AND PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE SETTINGS. (a) Subject to Subsection (h), but notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and elect to place the student in an alternative setting as provided by Subsection (a-1) if:

(1) the student:

(A) has received deferred prosecution under Section 53.03, Family Code, for conduct defined as:

(i) a felony offense in Title 5, Penal Code; or

(ii) the felony offense of aggravated robbery under Section 29.03, Penal Code;

(B) has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as:

(i) a felony offense in Title 5, Penal Code; or

(ii) the felony offense of aggravated robbery under Section 29.03, Penal Code;

(C) is charged with engaging in conduct defined as:

(i) a felony offense in Title 5, Penal Code; or

(ii) the felony offense of aggravated robbery under Section 29.03, Penal Code;

(D) has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as:

(i) a felony offense in Title 5, Penal Code; or

(ii) the felony offense of aggravated robbery under Section 29.03, Penal Code;

(E) has received probation or deferred adjudication for a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code;

(F) has been convicted of a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; or

(G) has been arrested for or charged with a felony offense under Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code; and

(2) the board or the board's designee determines that the student's presence in the regular classroom:

(A) threatens the safety of other students or teachers;

(B) will be detrimental to the educational process; or

(C) is not in the best interests of the district's students.

(a-1) The student must be placed in:

(1) a juvenile justice alternative education program, if the school district is located in a county that operates a juvenile justice alternative education program or the school district contracts with the juvenile board of another county for the provision of a juvenile justice alternative education program; or

(2) a disciplinary alternative education program.

(b) Any decision of the board of trustees or the board's designee under this section is final and may not be appealed.

(c) The board of trustees or the board's designee may expel the student and order placement in accordance with this section regardless of:

(1) the date on which the student's conduct occurred;

(2) the location at which the conduct occurred;

(3) whether the conduct occurred while the student was enrolled in the district; or

(4) whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

(d) Notwithstanding Section 37.009(c) or (d) or any other provision of this subchapter, a student expelled and ordered placed in an alternative setting by the board of trustees or the board's designee is subject to that placement until:

(1) the student graduates from high school;

(2) the charges described by Subsection (a)(1) are dismissed or reduced to a misdemeanor offense; or

(3) the student completes the term of the placement or is assigned to another program.

(e) A student placed in an alternative setting in accordance with this section is entitled to the periodic review prescribed by Section 37.009(e).

(f) Subsection (d) continues to apply to the student if the student transfers to another school district in the state.

(g) The board of trustees shall reimburse a juvenile justice alternative education program in which a student is placed under this section for the actual cost incurred each day for the student while the student is enrolled in the program. For purposes of this subsection:

(1) the actual cost incurred each day for the student is determined by the juvenile board of the county operating the program; and

(2) the juvenile board shall determine the actual cost each day of the program based on the board's annual audit.

(h) To the extent of a conflict between this section and Section 37.007, Section 37.007 prevails.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 12, eff. June 20, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. [948](#), Sec. 3, eff. June 17, 2011.

Sec. 37.0082. ASSESSMENT OF ACADEMIC GROWTH OF STUDENTS IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS.

(a) To assess a student's academic growth during placement in a disciplinary alternative education program, a school district shall administer to a student placed in a program for a period of 90 school days or longer an assessment

instrument approved by the commissioner for that purpose. The instrument shall be administered:

(1) initially on placement of the student in the program; and

(2) subsequently on the date of the student's departure from the program, or as near that date as possible.

(b) The assessment instrument required by this section:

(1) must be designed to assess at least a student's basic skills in reading and mathematics;

(2) may be:

(A) comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or

(B) based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and

(3) is in addition to the assessment instruments required to be administered under Chapter 39.

(c) The commissioner shall adopt rules necessary to implement this section.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 2, eff. June 15, 2007.

Sec. 37.009. CONFERENCE; HEARING; REVIEW. (a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2) or 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is

entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the student code of conduct. If school district policy allows a student to appeal to the board of trustees or the board's designee a decision of the principal or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student.

(b) If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

(c) Before it may place a student in a disciplinary alternative education program for a period that extends

beyond the end of the school year, the board or the board's designee must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

(d) The board or the board's designee shall set a term for a student's placement in a disciplinary alternative education program. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student.

(e) A student placed in a disciplinary alternative education program shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide a course in the district's disciplinary alternative education program except as required by Section 37.008(1). At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher

who removed the student without that teacher's consent. The teacher may not be coerced to consent.

(f) Before a student may be expelled under Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

(g) The board or the board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program under Section 37.001, 37.002, or 37.006 or expelling the student under Section 37.007.

(h) If the period of an expulsion is inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5), the order must give notice of the inconsistency. The period of an expulsion may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student. After a school district notifies the

parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

(i) If a student withdraws from the district before an order for placement in a disciplinary alternative education program or expulsion is entered under this section, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time except for any period of the placement or expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

(j) If, during the term of a placement or expulsion ordered under this section, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted under this section regarding that conduct and the principal or board, as appropriate, may enter an additional order as a result of those proceedings.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 7, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 13, eff. June 20, 2003.

Sec. 37.0091. NOTICE TO NONCUSTODIAL PARENT. (a) A noncustodial parent may request in writing that a school district or school, for the remainder of the school year in which the request is received, provide that parent with a copy of any written notification relating to student misconduct under Section 37.006 or 37.007 that is generally

provided by the district or school to a student's parent or guardian.

(b) A school district or school may not unreasonably deny a request authorized by Subsection (a).

(c) Notwithstanding any other provision of this section, a school district or school shall comply with any applicable court order of which the district or school has knowledge.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 14, eff. June 20, 2003.

Sec. 37.010. COURT INVOLVEMENT. (a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the educational program from the date of expulsion, except that in a county with a population greater than 125,000, every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

(b) If a student is expelled under Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Family Code.

(c) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding with the district's board of trustees concerning the juvenile

probation department's role in supervising and providing other support services for students in disciplinary alternative education programs, a court may not order a student expelled under Section 37.007 to attend a regular classroom, a regular campus, or a school district disciplinary alternative education program as a condition of probation.

(d) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding as described by Subsection (c), if a court orders a student to attend a disciplinary alternative education program as a condition of probation once during a school year and the student is referred to juvenile court again during that school year, the juvenile court may not order the student to attend a disciplinary alternative education program in a district without the district's consent until the student has successfully completed any sentencing requirements the court imposes.

(e) Any placement in a disciplinary alternative education program by a court under this section must prohibit the student from attending or participating in school-sponsored or school-related activities.

(f) If a student is expelled under Section 37.007, on the recommendation of the committee established under Section 37.003 or on its own initiative, a district may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department, if the student meets the requirements for admission into the public schools established by this title, a district may not refuse to admit the student, but the district may place the student in the disciplinary alternative education program. Notwithstanding Section

37.002(d), the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

(g) If an expelled student enrolls in another school district, the board of trustees of the district that expelled the student shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a disciplinary alternative education program for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion. A district may take any action permitted by this subsection if the student was expelled by a school district in another state if:

(1) the out-of-state district provides to the district a copy of the expulsion order; and

(2) the grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.

(g-1) If a student was expelled by a school district in another state for a period that exceeds one year and a school district in this state continues the expulsion or places the student in a disciplinary alternative education program under Subsection (g), the district shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student.

(h) A person is not liable in civil damages for a referral to juvenile court as required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 8, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 15, eff. June 20, 2003.

Sec. 37.011. JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program. For the purposes of this subchapter, only a disciplinary alternative education program operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 125,000 or less:

(1) is not required to be approved by the Texas Juvenile Probation Commission; and

(2) is not subject to Subsection (c), (d), (f), or (g).

(a-1) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if:

(1) the county had a population of 125,000 or less according to the 2000 federal census; and

(2) the juvenile board of the county enters into, with the approval of the Texas Juvenile Probation Commission, a memorandum of understanding with each school district within the county that:

(A) outlines the responsibilities of the board and school districts in minimizing the number of students expelled without receiving alternative educational services; and

(B) includes the coordination procedures required by Section 37.013.

(a-2) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

- (1) has a population of 180,000 or less;
- (2) is adjacent to two counties, each of which has a population of more than 1.7 million; and
- (3) has seven or more school districts located wholly within the county's boundaries.

(a-3) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

- (1) has a population of more than 200,000 and less than 220,000;
- (2) has five or more school districts located wholly within the county's boundaries; and
- (3) has located in the county a juvenile justice alternative education program that, on May 1, 2011, served fewer than 15 students.

(a-4) A school district located in a county considered to be a county with a population of 125,000 or less under Subsection (a-3) shall provide educational services to a student who is expelled from school under this chapter. The district is entitled to count the student in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. An educational placement under this section may include:

- (1) the district's disciplinary alternative education program; or
- (2) a contracted placement with:
 - (A) another school district;
 - (B) an open-enrollment charter school;
 - (C) an institution of higher education;

(D) an adult literacy council; or

(E) a community organization that can provide an educational program that allows the student to complete the credits required for high school graduation.

(a-5) For purposes of Subsection (a-4), an educational placement other than a school district's disciplinary alternative education program is subject to the educational and certification requirements applicable to an open-enrollment charter school under Subchapter D, Chapter 12.

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a), (d), or (e), the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

(1) if the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

(2) if the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

(3) in determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student; and

(4) provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides,

regardless of the student's age or whether the juvenile court has jurisdiction over the student.

(b-1) Subsection (b)(4) does not require that educational services be provided to a student who is not entitled to admission into the public schools of a school district under Section 25.001(b).

(c) A juvenile justice alternative education program shall adopt a student code of conduct in accordance with Section 37.001.

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under Subchapter B, Chapter 39, and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(e) A juvenile justice alternative education program may be provided in a facility owned by a school district. A school district may provide personnel and services for a juvenile justice alternative education program under a contract with the juvenile board.

(f) A juvenile justice alternative education program must operate at least seven hours per day and 180 days per year, except that a program may apply to the Texas Juvenile Probation Commission for a waiver of the 180-day

requirement. The commission may not grant a waiver to a program under this subsection for a number of days that exceeds the highest number of instructional days waived by the commissioner during the same school year for a school district served by the program.

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Probation Commission for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Probation Commission, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The Texas Juvenile Probation Commission shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31 if the juvenile justice alternative

education program receives funding from the Texas Juvenile Probation Commission under this subchapter.

(i) A student transferred to a juvenile justice alternative education program must participate in the program for the full period ordered by the juvenile court unless the student's school district agrees to accept the student before the date ordered by the juvenile court. The juvenile court may not order a period of transfer under this section that exceeds the term of any probation ordered by the juvenile court.

(j) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's professional employees and volunteers are immune from liability to the same extent as a school district's professional employees and volunteers.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of an expulsion required under Section 37.007(a), (d), or (e);

(3) establishes that a student may be placed in the juvenile justice alternative education program if the student engages in serious misbehavior, as defined by Section 37.007(c);

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for

whom the school district has received a notice under Section 52.041(d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

(l) The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion under Section 37.007(b) and (f) but who are not eligible for admission into the juvenile justice alternative education program in accordance with the memorandum of understanding required under this section. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. The memorandum of understanding shall address the circumstances under which such students who continue to engage in serious misbehavior, as defined by Section 37.007(c), shall be admitted into the juvenile justice alternative education program.

(m) Each school district in a county with a population greater than 125,000 and the county juvenile board shall adopt a joint memorandum of understanding as required by this section not later than September 1 of each school year.

(n) If a student who is ordered to attend a juvenile justice alternative education program moves from one county to another, the juvenile court may request the juvenile justice alternative education program in the county to which the student moves to provide educational services to the student in accordance with the local memorandum of understanding between the school district and juvenile board in the receiving county.

(o) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's employees and volunteers are immune from liability to the same extent as a school district's employees and volunteers.

(p) If a district elects to contract with the juvenile board for placement in the juvenile justice alternative education program of students expelled under Section 37.007(b), (c), and (f) and the juvenile board and district are unable to reach an agreement in the memorandum of understanding, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator in which each party will pay its pro rata share of the arbitration costs. Each party must submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the school districts shall select an arbitrator, and those two arbitrators shall select an arbitrator who will decide the issues in dispute. An arbitration decision issued under this subsection is enforceable in a court in the county in which the juvenile justice alternative education program is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a juvenile justice alternative education program must provide an amount sufficient based on operation of the juvenile

justice alternative education program in accordance with this chapter. In determining the amount to be paid by a school district for an expelled student enrolled in a juvenile justice alternative education program, the arbitrator shall consider the relevant factors, including evidence of:

(1) the actual average total per student expenditure in the district's alternative education setting;

(2) the expected per student cost in the juvenile justice alternative education program as described and agreed on in the memorandum of understanding and in compliance with this chapter; and

(3) the costs necessary to achieve the accountability goals under this chapter.

(q) In accordance with rules adopted by the board of trustees for the Teacher Retirement System of Texas, a certified educator employed by a juvenile board in a juvenile justice alternative education program shall be eligible for membership and participation in the system to the same extent that an employee of a public school district is eligible. The juvenile board shall make any contribution that otherwise would be the responsibility of the school district if the person were employed by the school district, and the state shall make any contribution to the same extent as if the person were employed by a school district.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 9, eff. June 19, 1997; Acts 1997, 75th Leg., ch. 1282, Sec. 1, eff. June 20, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.17, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1225, Sec. 2, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 16, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [376](#), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. [235](#), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. [948](#), Sec. 4, eff. June 17, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. [4](#), Sec. 70.01, eff. September 28, 2011.

Sec. 37.012. FUNDING OF JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS. (a) Subject to Section 37.011(n), the school district in which a student is enrolled on the date the student is expelled for conduct for which expulsion is permitted but not required under Section 37.007 shall, if the student is served by the juvenile justice alternative education program, provide funding to the juvenile board for the portion of the school year for which the juvenile justice alternative education program provides educational services in an amount determined by the memorandum of understanding under Section 37.011(k)(2).

(b) Funds received under this section must be expended on juvenile justice alternative education programs.

(c) The Office of State-Federal Relations shall assist a local juvenile probation department in identifying additional state or federal funds to assist local juvenile probation departments conducting educational or job training programs within juvenile justice alternative education programs.

(d) A school district is not required to provide funding to a juvenile board for a student who is assigned by a court to a juvenile justice alternative education program but who has not been expelled.

(e) Except as otherwise authorized by law, a juvenile justice alternative education program may not require a student or the parent or guardian of a student to pay any

fee, including an entrance fee or supply fee, for participating in the program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1015, Sec. 10, eff. June 19, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 17, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [964](#), Sec. 1, eff. June 18, 2005.

Sec. 37.013. COORDINATION BETWEEN SCHOOL DISTRICTS AND JUVENILE BOARDS. The board of trustees of the school district or the board's designee shall at the call of the president of the board of trustees regularly meet with the juvenile board for the county in which the district's central administrative office is located or the juvenile board's designee concerning supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs. Matters for discussion shall include service by probation officers at the disciplinary alternative education program site, recruitment of volunteers to serve as mentors and provide tutoring services, and coordination with other social service agencies.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 18, eff. June 20, 2003.

Sec. 37.014. COURT-RELATED CHILDREN--LIAISON OFFICERS. Each school district shall appoint at least one educator to act as liaison officer for court-related children who are enrolled in the district. The liaison officer shall provide counselling and services for each court-related child and the child's parents to establish or

reestablish normal attendance and progress of the child in the school.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.015. REPORTS TO LOCAL LAW ENFORCEMENT; LIABILITY. (a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

- (1) conduct that may constitute an offense listed under Section 508.149, Government Code;
- (2) deadly conduct under Section 22.05, Penal Code;
- (3) a terroristic threat under Section 22.07, Penal Code;
- (4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;
- (5) the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code;
- (6) conduct that may constitute a criminal offense under Section 71.02, Penal Code; or
- (7) conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d), or (e).

(b) A person who makes a notification under this section shall include the name and address of each student the person believes may have participated in the activity.

(c) A notification is not required under Subsection (a) if the person reasonably believes that the activity does not constitute a criminal offense.

(d) The principal of a public or private primary or secondary school may designate a school employee who is under the supervision of the principal to make the reports required by this section.

(e) The person who makes the notification required under Subsection (a) shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

(f) A person is not liable in civil damages for reporting in good faith as required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 12.05, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1055, Sec. 19, eff. June 20, 2003.

Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property:

(1) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;

(2) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(3) an abusable glue or aerosol paint, as defined by Chapter 485, Health and Safety Code, or a volatile chemical, as listed in Chapter 484, Health and

Safety Code, if the substance is used or sold for the purpose of inhaling its fumes or vapors; or

(4) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.017. DESTRUCTION OF CERTAIN RECORDS.

Information received by a school district under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.018. INFORMATION FOR EDUCATORS. Each school district shall provide each teacher and administrator with a copy of this subchapter and with a copy of the local policy relating to this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.019. EMERGENCY PLACEMENT OR EXPULSION. (a)

This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in a disciplinary alternative education program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's

classmates to learn, or with the operation of school or a school-sponsored activity.

(b) This subchapter does not prevent the principal or the principal's designee from ordering the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10th day after the date of the placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the emergency placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply under this subchapter to a student without a disability.

(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 767, Sec. 7, eff. June 13, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 20, eff. June 20, 2003.

Sec. 37.020. REPORTS RELATING TO EXPULSIONS AND DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM PLACEMENTS. (a) In the manner required by the commissioner, each school district shall annually report to the commissioner the information required by this section.

(b) For each placement in a disciplinary alternative education program established under Section 37.008, the district shall report:

(1) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) information indicating whether the placement was based on:

(A) conduct violating the student code of conduct adopted under Section 37.001;

(B) conduct for which a student may be removed from class under Section 37.002(b);

(C) conduct for which placement in a disciplinary alternative education program is required by Section 37.006; or

(D) conduct occurring while a student was enrolled in another district and for which placement in a disciplinary alternative education program is permitted by Section 37.008(j);

(3) the number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

(4) the number of placements that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(c) For each expulsion under Section 37.007, the district shall report:

(1) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(2) information indicating whether the expulsion was based on:

(A) conduct for which expulsion is required under Section 37.007, including information specifically

indicating whether a student was expelled on the basis of Section 37.007(e); or

(B) conduct for which expulsion is permitted under Section 37.007;

(3) the number of full or partial days the student was expelled;

(4) information indicating whether:

(A) the student was placed in a juvenile justice alternative education program under Section 37.011;

(B) the student was placed in a disciplinary alternative education program; or

(C) the student was not placed in a juvenile justice or other disciplinary alternative education program; and

(5) the number of expulsions that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

Added by Acts 1997, 75th Leg., ch. 1015, Sec. 11, eff. June 19, 1997. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 21, eff. June 20, 2003.

Sec. 37.021. OPPORTUNITY TO COMPLETE COURSES DURING IN-SCHOOL AND CERTAIN OTHER PLACEMENTS. (a) If a school district removes a student from the regular classroom and places the student in in-school suspension or another setting other than a disciplinary alternative education program, the district shall offer the student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.

(b) The district may provide the opportunity to complete courses by any method available, including a correspondence course, distance learning, or summer school.

Added by Acts 2003, 78th Leg., ch. 1055, Sec. 22, eff. June 20, 2003.

Sec. 37.022. NOTICE OF DISCIPLINARY ACTION. (a) In this section:

(1) "Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student by a district or school.

(2) "District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

(b) If a district or school takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the governing body of the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

(c) Subject to Section 37.007(e), the district or school in which the student enrolls may continue the disciplinary action under the terms of the order or may allow the student to attend regular classes without completing the period of disciplinary action.

Added by Acts 2003, 78th Leg., ch. 631, Sec. 1, eff. June 20, 2003.

Renumbered from Education Code, Section 37.021 by Acts 2005, 79th Leg., Ch. [728](#), Sec. 23.001(16), eff. September 1, 2005.

SUBCHAPTER B. SCHOOL-COMMUNITY GUIDANCE CENTERS

Sec. 37.051. ESTABLISHMENT. Each school district may establish a school-community guidance center designed to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate the efforts of school district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.052. COOPERATIVE PROGRAMS. The board of trustees of a school district may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.053. COOPERATION OF GOVERNMENTAL AGENCIES.
(a) Each governmental agency that is concerned with children and that has jurisdiction in the school district shall cooperate with the school-community guidance centers on the request of the superintendent of the district and shall designate a liaison to work with the centers in identifying and correcting problems affecting school-age children in the district.

(b) The governmental agency may establish or finance a school-community guidance center jointly with the school district according to terms approved by the governing body of each entity participating in the joint establishment or financing of the center.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.054. PARENTAL NOTICE, CONSENT, AND ACCESS TO INFORMATION. (a) Before a student is admitted to a school-community guidance center, the administrator of the

center must notify the student's parent or guardian that the student has been assigned to attend the center.

(b) The notification must include:

(1) the reason that the student has been assigned to the center;

(2) a statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and

(3) a statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

(c) If, after notification, a parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

(d) A parent or guardian of a student attending a center is entitled to inspect:

(1) any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and

(2) the results of any treatment, testing, or guidance method involving the student.

(e) The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.055. PARENTAL INVOLVEMENT. (a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies

the responsibilities of the parent and the student. The agreement must include:

(1) a statement of the student's behavioral and learning objectives;

(2) a requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

(3) the parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation.

(b) The superintendent of the school district may obtain a court order from a district court in the school district requiring a parent to comply with an agreement made under this section. A parent who violates a court order issued under this subsection may be punished for contempt of court.

(c) In this section, "parent" includes a legal guardian.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.056. COURT SUPERVISION. (a) In this section, "court" means a juvenile court or alternate juvenile court designated under Chapter 51, Family Code. The court may delegate responsibility under this section to a referee appointed under Section 51.04, Family Code.

(b) If a representative of the school district, the student, and the parent or guardian for any reason fail to reach an agreement under Section 37.055, the court may, on the request of any party and after a hearing, enter an order establishing the responsibilities and duties of each of the parties as the court considers appropriate.

(c) The court may compel attendance at any hearing held under this section through any legal process, including subpoena and habeas corpus.

(d) If the parties reach an agreement under Section 37.055, and if the written agreement so provides, the court may enter an order that incorporates the terms of the agreement.

(e) Any party who violates an order issued under this section may be punished for contempt of court.

(f) A school district may enter into an agreement to share the costs incurred by a county under this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

SUBCHAPTER C. LAW AND ORDER

Sec. 37.081. SCHOOL DISTRICT PEACE OFFICERS AND SECURITY PERSONNEL. (a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel.

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1) has the powers, privileges, and immunities of peace officers;

(2) may enforce all laws, including municipal ordinances, county ordinances, and state laws; and

(3) may, in accordance with Chapter 52, Family Code, take a juvenile into custody.

(c) A school district peace officer may provide assistance to another law enforcement agency. A school district may contract with a political subdivision for the jurisdiction of a school district peace officer to include all territory in the jurisdiction of the political subdivision.

(d) A school district peace officer shall perform administrative and law enforcement duties for the school district as determined by the board of trustees of the school district. Those duties must include protecting:

(1) the safety and welfare of any person in the jurisdiction of the peace officer; and

(2) the property of the school district.

(e) The board of trustees of the district shall determine the scope of the on-duty and off-duty law enforcement activities of school district peace officers. A school district must authorize in writing any off-duty law enforcement activities performed by a school district peace officer.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent or the superintendent's designee. School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Commission on Law Enforcement Officer Standards and Education.

(g) A school district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies.

(h) A peace officer assigned to duty and commissioned under this section shall take and file the oath required of peace officers and shall execute and file a bond in the sum

of \$1,000, payable to the board of trustees, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. The bond may be sued on in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Commission on Law Enforcement Officer Standards and Education.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

For expiration of this section, see Subsection (d).

Sec. 37.0815. CONSIDERATION OF COUNTYWIDE EMPLOYMENT OF SCHOOL DISTRICT PEACE OFFICERS AND SECURITY PERSONNEL.

(a) This section applies only to a county with a population of 800,000 or more that is located adjacent to an international border.

(b) Not later than January 1, 2012, the school districts in a county subject to this section shall meet and discuss countywide consolidation of school district employment of peace officers and security personnel. The districts shall collect and review information related to the employment of peace officers and security personnel by each district and discuss the feasibility and advisability of consolidating that employment.

(c) Not later than May 1, 2012, the school districts shall provide a joint report to the commissioner:

(1) summarizing the information collected and reviewed under Subsection (b); and

(2) providing recommendations concerning the feasibility and advisability of countywide consolidation of school district employment of peace officers and security personnel based on the discussions under Subsection (b).

(d) This section expires September 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. [151](#), Sec. 1, eff. May 28, 2011.

Sec. 37.082. POSSESSION OF PAGING DEVICES. (a) The board of trustees of a school district may adopt a policy prohibiting a student from possessing a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property. The policy may establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the paging device.

(b) The policy may provide for the district to:

(1) dispose of a confiscated paging device in any reasonable manner after having provided the student's parent and the company whose name and address or telephone number appear on the device 30 days' prior notice of its intent to dispose of that device. The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and

(2) charge the owner of the device or the student's parent an administrative fee not to exceed \$15 before it releases the device.

(c) In this section, "paging device" means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The term does not include an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [258](#), Sec. 2.02, eff. September 1, 2007.

Sec. 37.083. DISCIPLINE MANAGEMENT PROGRAMS; SEXUAL HARASSMENT POLICIES. (a) Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. The program must provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles.

(b) Each school district may develop and implement a sexual harassment policy to be included in the district improvement plan under Section 11.252.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. [920](#), Sec. 4, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. [776](#), Sec. 6, eff. June 17, 2011.

Sec. 37.0831. DATING VIOLENCE POLICIES. (a) Each school district shall adopt and implement a dating violence policy to be included in the district improvement plan under Section 11.252.

(b) A dating violence policy must:

(1) include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and

(2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Added by Acts 2007, 80th Leg., R.S., Ch. [131](#), Sec. 1, eff. May 18, 2007.

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES. (a) In this section, "bullying" means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

(1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

(2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) Conduct described by Subsection (a) is considered bullying if that conduct:

(1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and

(2) interferes with a student's education or substantially disrupts the operation of a school.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) prohibits the bullying of a student;

(2) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(3) establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the

victim and a parent or guardian of the bully within a reasonable amount of time after the incident;

(4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;

(5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(6) establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(d) The policy and any necessary procedures adopted under Subsection (c) must be included:

(1) annually, in the student and employee school district handbooks; and

(2) in the district improvement plan under Section 11.252.

(e) The procedure for reporting bullying established under Subsection (c) must be posted on the district's Internet website to the extent practicable.

Added by Acts 2011, 82nd Leg., R.S., Ch. [776](#), Sec. 7, eff. June 17, 2011.

Sec. 37.084. INTERAGENCY SHARING OF RECORDS. (a) A school district superintendent or the superintendent's

designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Section 58.0051, Family Code.

(b) The commissioner may enter into an interagency agreement to share educational information for research and analytical purposes with the:

- (1) Texas Juvenile Probation Commission;
- (2) Texas Youth Commission;
- (3) Texas Department of Criminal Justice; and
- (4) Criminal Justice Policy Council.

(c) This section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

Added by Acts 1999, 76th Leg., ch. 217, Sec. 2, eff. May 24, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [653](#), Sec. 1, eff. June 17, 2011.

SUBCHAPTER D. PROTECTION OF BUILDINGS AND GROUNDS

Sec. 37.101. APPLICABILITY OF CRIMINAL LAWS. The criminal laws of the state apply in the areas under the control and jurisdiction of the board of trustees of any school district in this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.102. RULES; PENALTY. (a) The board of trustees of a school district may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out this subchapter and the governance of the district, including rules providing for the operation and parking of vehicles on school property. The board may adopt and charge a

reasonable fee for parking and for providing traffic control.

(b) A law or ordinance regulating traffic on a public highway or street applies to the operation of a vehicle on school property, except as modified by this subchapter.

(c) A person who violates any rule adopted under this subchapter providing for the operation and parking of vehicles on school property commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [1167](#), Sec. 1, eff. September 1, 2007.

Sec. 37.103. ENFORCEMENT OF RULES. Notwithstanding any other provision of this subchapter, the board of trustees of a school district may authorize any officer commissioned by the board to enforce rules adopted by the board. This subchapter is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.104. COURTS HAVING JURISDICTION. The judge of a municipal court of a municipality in which, or any justice of the peace of a county in which, property under the control and jurisdiction of a school district is located may hear and determine criminal cases involving violations of this subchapter or rules adopted under this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. The board of trustees of a school district or its authorized representative may refuse to allow a person without legitimate business to enter on property under the board's control and may eject any undesirable person from the property on the person's refusal to leave peaceably on request. Identification may be required of any person on the property.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.106. VEHICLE IDENTIFICATION INSIGNIA. The board of trustees of a school district may provide for the issuance and use of suitable vehicle identification insignia. The board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule adopted by the board or of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.107. TRESPASS ON SCHOOL GROUNDS. An unauthorized person who trespasses on the grounds of any school district of this state commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT. (a) Each school district or

public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address mitigation, preparedness, response, and recovery as defined by the commissioner of education or commissioner of higher education in conjunction with the governor's office of homeland security. The plan must provide for:

(1) district employee training in responding to an emergency;

(2) if the plan applies to a school district, mandatory school drills and exercises to prepare district students and employees for responding to an emergency;

(3) measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(4) the implementation of a safety and security audit as required by Subsection (b).

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

(c) A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center.

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under Chapter 552, Government Code.

(c-2) A document relating to a school district's or public junior college district's multihazard emergency

operations plan is subject to disclosure if the document enables a person to:

(1) verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;

(2) verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;

(3) verify that the plan addresses the four phases of emergency management under Subsection (a);

(4) verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

(5) verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

(6) if the district is a school district, verify that the district has established a plan for responding to a train derailment if required under Subsection (d);

(7) verify that the district has completed a safety and security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees;

(8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and

(9) if the district is a school district, verify that the district has established a visitor policy and

identify the provisions governing access to a district building or other district property.

(d) A school district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A school district is only required to adopt the policy described by this subsection if a district school is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. The school district may use any available community resources in developing the policy described by this subsection.

Added by Acts 2005, 79th Leg., Ch. [780](#), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [258](#), Sec. 3.02, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. [1326](#), Sec. 2, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.01, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.02, eff. September 1, 2009.

Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE.

(a) In accordance with guidelines established by the Texas School Safety Center, each school district shall establish a school safety and security committee.

(b) The committee shall:

(1) participate on behalf of the district in developing and implementing emergency plans consistent with the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plans reflect specific campus, facility, or support service's needs.

(2) provide the district with any campus, facility, or support services information required in

connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the Texas School Safety Center; and

(3) review each report required to be submitted by the district to the Texas School Safety Center to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center.

Added by Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.03, eff. September 1, 2009.

Sec. 37.110. INFORMATION REGARDING GANG-FREE ZONES. The superintendent of each public school district and the administrator of each private elementary or secondary school located in the public school district shall ensure that the student handbook for each campus in the public school district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

Added by Acts 2009, 81st Leg., R.S., Ch. [1130](#), Sec. 4, eff. June 19, 2009.

SUBCHAPTER E. PENAL PROVISIONS

Sec. 37.121. FRATERNITIES, SORORITIES, SECRET SOCIETIES, AND GANGS. (a) A person commits an offense if the person:

(1) is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or

(2) is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a

meeting at which membership in one of those groups is encouraged.

(b) A school district board of trustees or an educator shall recommend placing in a disciplinary alternative education program any student under the person's control who violates Subsection (a).

(c) An offense under this section is a Class C misdemeanor.

(d) In this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1055, Sec. 23, eff. June 20, 2003.

Sec. 37.122. POSSESSION OF INTOXICANTS ON PUBLIC SCHOOL GROUNDS. (a) A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

(1) on the grounds or in a building of a public school; or

(2) entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

(b) An officer of this state who sees a person violating this section shall immediately seize the intoxicating beverage and, within a reasonable time, deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor.

(c) An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.123. DISRUPTIVE ACTIVITIES. (a) A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.

(b) For purposes of this section, disruptive activity is:

(1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;

(2) seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;

(3) preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;

(4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress;
or

(5) obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or

by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

(c) An offense under this section is a Class B misdemeanor.

(d) Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from this state before the second anniversary of the third conviction.

(e) This section may not be construed to infringe on any right of free speech or expression guaranteed by the constitution of the United States or of this state.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.124. DISRUPTION OF CLASSES. (a) A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

(b) An offense under this section is a Class C misdemeanor.

(c) In this section:

(1) "Disrupting the conduct of classes or other school activities" includes:

(A) emitting noise of an intensity that prevents or hinders classroom instruction;

(B) enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;

(C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and

(D) entering a classroom without the consent of either the principal or the teacher and, through

either acts of misconduct or the use of loud or profane language, disrupting class activities.

(2) "Public property" includes a street, highway, alley, public park, or sidewalk.

(3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [691](#), Sec. 4, eff. September 1, 2011.

Sec. 37.125. EXHIBITION OF FIREARMS. (a) A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

(1) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

(2) on a school bus being used to transport children to or from school-sponsored activities of a private or public school.

(b) An offense under this section is a third degree felony.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [704](#), Sec. 1, eff. September 1, 2007.

Sec. 37.126. DISRUPTION OF TRANSPORTATION.

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

- (1) to or from school on a vehicle owned or operated by a county or independent school district; or
- (2) to or from an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(b) An offense under this section is a Class C misdemeanor.

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [691](#), Sec. 5, eff. September 1, 2011.

SUBCHAPTER F. HAZING

Sec. 37.151. DEFINITIONS. In this subchapter:

(1) "Educational institution" includes a public or private high school.

(2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

(3) "Pledging" means any action or activity related to becoming a member of an organization.

(4) "Student" means any person who:

(A) is registered in or in attendance at an educational institution;

(B) has been accepted for admission at the educational institution where the hazing incident occurs; or

(C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

(A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the

student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and

(E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.152. PERSONAL HAZING OFFENSE. (a) A person commits an offense if the person:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- (3) recklessly permits hazing to occur; or
- (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions

imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.153. ORGANIZATION HAZING OFFENSE. (a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than \$5,000 nor more than \$10,000; or

(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.154. CONSENT NOT A DEFENSE. It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.155. IMMUNITY FROM PROSECUTION AVAILABLE. In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.156. OFFENSES IN ADDITION TO OTHER PENAL PROVISIONS. This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Sec. 37.157. REPORTING BY MEDICAL AUTHORITIES. A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

- (1) may report the suspected hazing activities to police or other law enforcement officials; and
- (2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

SUBCHAPTER G. TEXAS SCHOOL SAFETY CENTER

Sec. 37.201. DEFINITION. In this subchapter, "center" means the Texas School Safety Center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.202. PURPOSE. The purpose of the center is to serve as:

(1) a central location for school safety and security information, including research, training, and technical assistance related to successful school safety and security programs;

(2) a central registry of persons providing school safety and security consulting services in the state; and

(3) a resource for the prevention of youth violence and the promotion of safety in the state.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.04, eff. September 1, 2009.

Sec. 37.203. BOARD.

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive commissioner of the Texas Youth Commission, or the executive commissioner's designee;

(5) the commissioner of the Department of State Health Services, or the commissioner's designee;

(6) the commissioner of higher education, or the commissioner's designee; and

(7) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

(F) a teacher from a public primary or secondary school;

(G) a public school superintendent who is a member of the Texas Association of School Administrators;

(H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and

(I) two members of the public.

(b) Members of the board appointed under Subsection (a)(7) serve staggered two-year terms, with the terms of the members described by Subsections (a)(7)(A)-(E) expiring on February 1 of each odd-numbered year and the terms of the members described by Subsections (a)(7)(F)-(I) expiring on February 1 of each even-numbered year. A member may serve more than one term.

(c) The board may form committees as necessary.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [780](#), Sec. 2, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. [258](#), Sec. 3.03, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. [263](#), Sec. 4, eff. June 8, 2007.

Acts 2009, 81st Leg., R.S., Ch. [87](#), Sec. 7.005, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.05, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.06, eff. September 1, 2009.

Sec. 37.204. OFFICERS; MEETINGS; COMPENSATION. (a) The board shall annually elect from among its members a chairperson and a vice chairperson.

(b) The board shall meet at least four times each year.

(c) A member of the board may not receive compensation but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the board as provided by the General Appropriations Act.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.205. SAFETY TRAINING PROGRAMS. The center shall conduct for school districts a safety training program that includes:

(1) development of a positive school environment and proactive safety measures designed to address local concerns;

(2) school safety courses for law enforcement officials, with a focus on school district police officers and school resource officers;

(3) discussion of school safety issues with parents and community members; and

(4) assistance in developing a multihazard emergency operations plan for adoption under Section 37.108.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [780](#), Sec. 3, eff. September 1, 2005.

Sec. 37.2051. SECURITY CRITERIA FOR INSTRUCTIONAL FACILITIES. The center shall develop security criteria that school districts may consider in the design of instructional facilities.

Added by Acts 2005, 79th Leg., Ch. [780](#), Sec. 4, eff. September 1, 2005.

Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE. (a) The center shall develop a model safety and security audit procedure for use by school districts and public junior college districts that includes:

(1) providing each district with guidelines showing proper audit procedures;

(2) reviewing elements of each district audit and making recommendations for improvements in the state based on that review; and

(3) incorporating the findings of district audits in a statewide report on school safety and security made available by the center to the public.

(b) Each school district shall report the results of its audits to the center in the manner required by the center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [258](#), Sec. 3.04, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.07, eff. September 1, 2009.

Sec. 37.208. ON-SITE ASSISTANCE. On request of a school district, the center may provide on-site technical assistance to the district for:

- (1) school safety and security audits; and
- (2) school safety and security information and presentations.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [780](#), Sec. 5, eff. September 1, 2005.

Sec. 37.209. CENTER WEBSITE. The center shall develop and maintain an interactive Internet website that includes:

- (1) quarterly news updates related to school safety and security and violence prevention;
 - (2) school crime data;
 - (3) a schedule of training and special events;
- and
- (4) a list of persons who provide school safety or security consulting services in this state and are registered in accordance with Section 37.2091.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.08, eff. September 1, 2009.

Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY OR SECURITY CONSULTING SERVICES. (a) In this section, "school safety or security consulting services" includes any service provided to a school district, institution of higher education, district facility, or campus by a person consisting of advice, information, recommendations, data collection, or safety and security audit services relevant to school safety and security, regardless of whether the person is paid for those services.

(b) The center shall establish a registry of persons providing school safety or security consulting services in this state.

(c) Each person providing school safety or security consulting services in this state shall register with the center in accordance with requirements established by the center. The requirements must include provisions requiring a person registering with the center to provide information regarding:

(1) the person's background, education, and experience that are relevant to the person's ability to provide knowledgeable and effective school safety or security consulting services; and

(2) any complaints or pending litigation relating to the person's provision of school safety or security consulting services.

(d) The registry is intended to serve only as an informational resource for school districts and institutions of higher education. The inclusion of a person in the registry is not an indication of the person's qualifications or ability to provide school safety or

security consulting services or that the center endorses the person's school safety or security consulting services.

(e) The center shall include information regarding the registry, including the number of persons registered and the general degree of school safety or security experience possessed by those persons, in the biennial report required by Section 37.216.

Added by Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.09, eff. September 1, 2009.

Sec. 37.211. RECOGNITION OF SCHOOLS. The center shall provide for the public recognition of schools that implement effective school safety measures and violence prevention.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.212. INTERAGENCY COOPERATION. The center shall promote cooperation between state agencies, institutions of higher education, and any local juvenile delinquency prevention councils to address discipline and safety issues in the state.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID AGREEMENTS. (a) The center shall identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety and security.

(b) The center shall develop guidelines regarding memoranda of understanding and mutual aid agreements between school districts and the entities identified in accordance with Subsection (a). The guidelines:

(1) must include descriptions of the provisions that should customarily be included in each memorandum or agreement with a particular type of entity;

(2) may include sample language for those provisions; and

(3) must be consistent with the Texas Statewide Mutual Aid System established under Subchapter E-1, Chapter 418, Government Code.

(c) The center shall encourage school districts to enter into memoranda of understanding and mutual aid agreements with entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

(d) Each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security shall, at the center's request, provide the following information to the center:

(1) the name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement;

(2) the effective date of each memorandum or agreement; and

(3) a summary of each memorandum or agreement.

(e) The center shall include information regarding the center's efforts under this section in the report required by Section 37.216.

Added by Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.09, eff. September 1, 2009.

Sec. 37.213. PUBLIC JUNIOR COLLEGES. (a) In this section, "public junior college" has the meaning assigned by Section 61.003.

(b) The center shall research best practices regarding emergency preparedness of public junior colleges and serve as a clearinghouse for that information.

(c) The center shall provide public junior colleges with training, technical assistance, and published guidelines or templates, as appropriate, in the following areas:

- (1) multihazard emergency operations plan development;
- (2) drill and exercise development and implementation;
- (3) mutual aid agreements;
- (4) identification of equipment and funds that may be used by public junior colleges in an emergency; and
- (5) reporting in accordance with 20 U.S.C. Section 1092(f).

Added by Acts 2007, 80th Leg., R.S., Ch. [258](#), Sec. 3.05, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.10, eff. September 1, 2009.

Sec. 37.214. AUTHORITY TO ACCEPT CERTAIN FUNDS. The center may solicit and accept gifts, grants, and donations from public and private entities to use for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Sec. 37.215. BUDGET. (a) The board shall annually approve a budget for the center.

(b) The center shall biannually prepare a budget request for submission to the legislature.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. [780](#), Sec. 6, eff. September 1, 2005.

Sec. 37.216. BIENNIAL REPORT. (a) Not later than January 1 of each odd-numbered year, the board shall provide a report to the governor, the legislature, the State Board of Education, and the agency.

(b) The biennial report must include any findings made by the center regarding school safety and security and the center's functions, budget information, and strategic planning initiatives of the center.

Added by Acts 2001, 77th Leg., ch. 923, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.11, eff. September 1, 2009.

Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT. (a) The center shall periodically provide a school safety and security progress report to the governor, the legislature, the State Board of Education, and the agency that contains current information regarding school safety and security in the school districts and public junior college districts of this state based on:

(1) elements of each district's multihazard emergency operations plan required by Section 37.108(a);

(2) elements of each district's safety and security audit required by Section 37.108(b); and

(3) any other report required to be submitted to the center.

(b) The center shall establish guidelines regarding the specific information to be included in the report required by this section.

(c) The center may provide the report required by this section in conjunction with the report required by Section 37.216.

Added by Acts 2009, 81st Leg., R.S., Ch. [1280](#), Sec. 6.12, eff. September 1, 2009.

Sec. 37.217. COMMUNITY EDUCATION RELATING TO INTERNET SAFETY. (a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:

(1) the potential dangers of allowing personal information to appear on an Internet website;

(2) the manner in which to report an inappropriate online solicitation; and

(3) the prevention, detection, and reporting of bullying or threats occurring over the Internet.

(b) In developing the program, the center shall:

(1) solicit input from interested stakeholders; and

(2) to the extent practicable, draw from existing resources and programs.

(c) The center shall make the program available to public schools.

Added by Acts 2007, 80th Leg., R.S., Ch. [343](#), Sec. 1, eff. June 15, 2007.

Sec. 37.218. PROGRAMS ON DANGERS OF STUDENTS SHARING VISUAL MATERIAL DEPICTING MINOR ENGAGED IN SEXUAL CONDUCT.

(a) In this section:

(1) "Bullying" has the meaning assigned by Section 25.0342.

(2) "Cyberbullying" means the use of any electronic communication device to engage in bullying or intimidation.

(3) "Harassment" has the meaning assigned by Section 37.001.

(4) "Sexual conduct" has the meaning assigned by Section 43.25, Penal Code.

(b) The center, in consultation with the office of the attorney general, shall develop programs for use by school districts that address:

(1) the possible legal consequences, including criminal penalties, of sharing visual material depicting a minor engaged in sexual conduct;

(2) other possible consequences of sharing visual material depicting a minor engaged in sexual conduct, including:

(A) negative effects on relationships;

(B) loss of educational and employment opportunities; and

(C) possible removal, if applicable, from certain school programs or extracurricular activities;

(3) the unique characteristics of the Internet and other communications networks that could affect visual material depicting a minor engaged in sexual conduct, including:

(A) search and replication capabilities;

and

(B) a potentially worldwide audience;

(4) the prevention of, identification of, responses to, and reporting of incidents of bullying; and

(5) the connection between bullying, cyberbullying, harassment, and a minor sharing visual material depicting a minor engaged in sexual conduct.

(c) Each school district shall annually provide or make available information on the programs developed under Subsection (b) to parents and students in a grade level the district considers appropriate. Each district shall

provide or make available the information by any means the district considers appropriate.

Added by Acts 2011, 82nd Leg., R.S., Ch. [1322](#), Sec. 22, eff. September 1, 2011.

SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS

Sec. 37.301. DEFINITION. In this subchapter, "board of trustees" includes the board's designee.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.302. APPLICABILITY. This subchapter:

(1) applies to a student who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) does not apply to a student who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a student who receives an exemption from registration under Subchapter H, Chapter 62, Code of Criminal Procedure, or a student who receives an early termination of the obligation to register under Subchapter I, Chapter 62, Code of Criminal Procedure.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM REGULAR CLASSROOM. Notwithstanding any provision of Subchapter A, on receiving notice under Article 15.27, Code of Criminal Procedure, or Chapter 62, Code of Criminal Procedure, that a student is required to register as a sex

offender under that chapter, a school district shall remove the student from the regular classroom and determine the appropriate placement of the student in the manner provided by this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS UNDER COURT SUPERVISION. (a) A school district shall place a student to whom this subchapter applies and who is under any form of court supervision, including probation, community supervision, or parole, in the appropriate alternative education program as provided by Section 37.309 for at least one semester.

(b) If a student transfers to another school district during the student's mandatory placement in an alternative education program under Subsection (a), the district to which the student transfers may:

(1) require the student to complete an additional semester in the appropriate alternative education program without conducting a review of the student's placement for that semester under Section 37.306; or

(2) count any time spent by the student in an alternative education program in the district from which the student transfers toward the mandatory placement requirement under Subsection (a).

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS NOT UNDER COURT SUPERVISION. A school district may place a student to whom this subchapter applies and who is not under any form of court supervision in the appropriate alternative education program as provided by Section 37.309 for one semester or in the regular classroom. The district may not place the student in the regular classroom if the district board of trustees determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION PROGRAM. (a) At the end of the first semester of a student's placement in an alternative education program under Section 37.304 or 37.305, the school district board of trustees shall convene a committee to review the student's placement in the alternative education program. The committee must be composed of:

(1) a classroom teacher from the campus to which the student would be assigned were the student not placed in an alternative education program;

(2) the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department;

(3) an instructor from the alternative education program to which the student is assigned;

(4) a school district designee selected by the board of trustees; and

(5) a counselor employed by the school district.

(b) The committee by majority vote shall determine and recommend to the school district board of trustees whether the student should be returned to the regular classroom or remain in the alternative education program.

(c) If the committee recommends that the student be returned to the regular classroom, the board of trustees shall return the student to the regular classroom unless the board determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

(d) If the committee recommends that the student remain in the alternative education program, the board of trustees shall continue the student's placement in the alternative education program unless the board determines that the student's presence in the regular classroom:

(1) does not threaten the safety of other students or teachers;

(2) will not be detrimental to the educational process; and

(3) is not contrary to the best interests of the district's students.

(e) If, after receiving a recommendation under Subsection (b), the school district board of trustees determines that the student should remain in an alternative education program, the board shall before the beginning of each school year convene the committee described by Subsection (a) to review, in the manner provided by Subsections (b), (c), and (d), the student's placement in an alternative education program.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.307. PLACEMENT AND REVIEW OF STUDENT WITH DISABILITY. (a) The placement under this subchapter of a student with a disability who receives special education services must be made in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(b) The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. The admission, review, and dismissal committee may request that the board of trustees convene a committee described by Section 37.306(a) to assist the admission, review, and dismissal committee in conducting the review.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Except as provided by Section 37.304(b), a school district shall determine whether to place a student to whom this subchapter applies and who transfers to the district in the appropriate alternative education program as provided by Section 37.309 or in a regular classroom. The school district shall follow the procedures specified under Section 37.306 in making the determination.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) Except as provided by Subsection (b), a school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a disciplinary alternative education program.

(b) A school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a juvenile justice alternative education program if:

(1) the memorandum of understanding entered into between the school district and juvenile board under Section 37.011(k) provides for the placement of students to whom this subchapter applies in the juvenile justice alternative education program; or

(2) a court orders the placement of the student in a juvenile justice alternative education program.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice alternative education program is entitled to funding for a student who is placed in the program under this subchapter in the same manner as a juvenile justice alternative education program is entitled to funding under Section 37.012 for a student who is expelled and placed in a juvenile justice alternative education program for conduct for which expulsion is permitted but not required under Section 37.007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.311. CONFERENCE. (a) A student or the student's parent or guardian may appeal a decision by a school district board of trustees to place the student in an alternative education program under this subchapter by requesting a conference among the board of trustees, the student's parent or guardian, and the student. The conference is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) If the school district board of trustees determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, the student is subject to placement in an alternative education program in the manner provided by this subchapter.

(c) A decision by the board of trustees under this section is final and may not be appealed.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.312. LIABILITY. This subchapter does not:

(1) waive any liability or immunity of a governmental entity or its officers or employees; or

(2) create any liability for or a cause of action against a governmental entity or its officers or employees.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007.

Sec. 37.313. CONFLICTS OF LAW. To the extent of any conflict between a provision of this subchapter and a provision of Subchapter A, this subchapter prevails.

Added by Acts 2007, 80th Leg., R.S., Ch. [1240](#), Sec. 3, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. [1291](#), Sec. 3, eff. September 1, 2007



EMPLOYEE AGREEMENT FOR ACCEPTABLE USE OF THE DISTRICT'S TECHNOLOGY RESOURCES

You are being given access to the District's technology resources, meaning electronic communication systems and electronic equipment. It is important that you read the applicable District policies, administrative regulations, and agreement form. [See policies CQ and DH, and provisions on use of electronic media in the employee handbook] Please contact the Executive Director of Technology if you have questions or need help understanding this material. Inappropriate use of the District's technology resources may result in suspension or revocation of the privilege of using these resources, as well as other disciplinary or legal action, in accordance with applicable District policies, administrative regulations, and laws.

As a user of the District's technology resources, you will be able to access:

- An unlimited number of databases, libraries, and resources.
- The Internet and other electronic information systems/networks, which can be used to communicate with schools, colleges, organizations, and individuals around the world.
- Shared electronic equipment, which may have stored temporary Internet and electronic files of other users

Please note that the Internet is a network of many types of communication and information networks. It is possible that you may run across some material you might find objectionable. While the District will use filtering technology to restrict access to such material, it is not possible to absolutely prevent such access. It will be your responsibility to follow the rules for appropriate use.

If you are being issued a District technology device that can be used off campus, you will be given additional materials addressing the proper use, care, and return of these devices.

RULES FOR APPROPRIATE USE

- You will be assigned an individual account for hardware and Internet access, and you are responsible for not sharing the password for that account with others.
- The account is to be used mainly for educational purposes, but some limited personal use is permitted.
- You must comply with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student and District records.
- You must maintain the confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law.
- Remember that people who receive e-mail from you with a school address might think your message represents the school's point of view.
- You will be held responsible at all times for the proper use of your account, and the District may suspend or revoke your access if you violate the rules.

INAPPROPRIATE USES

- Using the resources for any illegal purpose
- Damaging electronic communication systems or electronic equipment, including knowingly or intentionally introducing a virus to a device or network, or not taking proper security steps to prevent a device or network from becoming vulnerable
- Disabling or attempting to disable any Internet filtering device

Appendix E

Employee Handbook Receipt

Name: _____

Campus/Department: _____

I have read the Texas City ISD Employee Handbook and will abide by the standards, policies, and procedures defined or referenced in this document.

The information in this handbook is subject to change. I understand that changes in District policies may supersede, modify, or eliminate the information summarized in this booklet. As the District provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor, or the Human Resources Office, if I have questions, concerns, or need further explanation.

I hereby acknowledge receipt of a copy of the Texas City ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document. Employees have the option of receiving the handbook in electronic format or hard copy. If you choose to receive a hard copy of the handbook, you should receive it along with this receipt. If you choose to receive it through electronic form you may access it at <http://www.tcisd.org>. Please indicate your choice by checking the appropriate box below:

_____ I choose to receive the employee handbook in electronic format and accept responsibility for accessing according to the instructions provided.

_____ I choose to receive a hard copy of the employee handbook.

Print Name: _____

Signature: _____

Date: _____

Note: Please read, sign, date, and return this Employee Handbook Receipt to your Principal.

Texas City Independent School District does not discriminate against any student, employee, volunteer or applicant because of race, color, religion, gender, national origin, age, marital or veteran status or disability. Assistance for special needs as defined by the Americans with Disabilities Act may be requested by persons accessing TCISD programs and services by calling (409) 916-0106 at least 3 days before the aid or service is needed. Inquiries regarding this policy should be directed to Mr. Marcus Higgs, Assistant Superintendent of Human Resources/Title IX Coordinator, at the TCISD Administration Building, 1700 Ninth Avenue North, Texas City, TX 77590 or call (409) 916-0107.