

**Bandera ISD**

# **2011-2012 EMPLOYEE HANDBOOK**



**[www.banderaisd.net](http://www.banderaisd.net)**

**IMPORTANT**

*The Bandera ISD 2011-2012  
Employee Handbook is  
available on-line at  
[www.banderaisd.net](http://www.banderaisd.net).*

*Each campus/department  
office will have a printed  
copy available for employee  
checkout.*

*Contact your Principal/Supervisor if you  
require assistance with the on-line version.*

# **BANDERA INDEPENDENT SCHOOL DISTRICT 2011-2012 EMPLOYEE HANDBOOK**

Bandera Independent School District • P.O. Box 727 • Bandera, Texas 78003  
(830) 796-3313 • www.banderaisd.net

## **Non-Discrimination Statement:**

- This school district and its career and technology education program does not discriminate on the basis of sex, disability, race, color, age or national origin in its educational programs, activities, or employment as required by Title IX, Section 504 and Title VI.
- Este distrito escolar y su programa educacional de carrera y tecnología no discriminan en base a sexo, discapacidad, raza, color, edad u origen nacional en sus programas educativos, actividades, o empleo como lo requiere el Título IX, Sección 504, y Título VI.

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## **Mission Statement**

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The mission of the Bandera ISD is to provide ALL students with the opportunity to succeed at their highest levels; academically, ethically, and socially, allowing students to advance successfully throughout their lifetimes.

## **District Goals and Objectives**

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District goals and policies are posted annually on-line at [www.banderaisd.net](http://www.banderaisd.net).

## **Board of Trustees**

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*Policies BB, BD, and BE Series*

Texas law grants the board of trustees the power to govern and oversee the management of the district's schools. The board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, facilities, and expansions. The board has complete and final control over school matters within limits established by state and federal law and regulations. The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees are elected annually and serve three-year terms. Trustees serve without compensation, must be registered voters, and must reside in the district.

Board members: Trustees usually meet monthly at the designated posted site. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice. All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session. During a closed session, the public is not present. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, personnel issues including conferences with employees and employee complaints, security matters, student discipline, or to consult with attorneys regarding pending litigation.

## **School Calendar**

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A copy of the school calendar is posted annually on the website at [www.banderaisd.net](http://www.banderaisd.net).

## **Helpful Contacts**

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

- *Interim Superintendent:* Regina Howell
- *Curriculum & Instruction:* Renee Cadena
- *Federal Programs:* Tracy Thayer
- *Special Education:* Patricia Galm
- *Technology:* David Brown
- *Business Office:* Tish Grill
- *Public Relations:* Tracy Thayer
- *Testing & At-Risk Services:* Bonnie Hale
- *Central Office Duties:* Gary Bitzkie
- *Maintenance:* Ed Barnes
- *Transportation:* Kay Miller
- *Food Service:* Felicia Bell
- *High School Principal:* Gary Bitzkie
- *Middle School Principal:* TBD
- *Alkek Elementary Principal:* Scott Tipton
- *Hill Country Elementary Principal:* Angela Pofahl

## **Equal Employment Opportunity**

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*Policy DAA, DIA*

The Bandera ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, military status, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. Employees with questions or concerns about discrimination on the basis of race, color, religion, sex, national origin, age, or military status should contact the Human Resources office. Employees with questions or concerns about discrimination on the basis of a disability should contact the Human Resources office..

## **Job Vacancy Announcements**

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*Policy DC*

To the extent possible, announcements of job vacancies by position and location are distributed on a regular basis and posted at the central administration building.

## **Employment After Retirement**

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Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in limited circumstances or on a part-time basis without affecting their benefits, according to TRS rules and state law if the position is in an acute shortage area. Service retirees who retire before May 31 may return to work in a Texas public school if they meet certain strict conditions imposed by TRS one month after the retirement date and if the position is available by the district for rehire. Employees can contact the personnel office for additional information or contact TRS by calling 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Contract and Non-Contract Employment**

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*Policies DC, DCA, DCB, DCD, DCE*

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

**Probationary contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive probationary contracts during their first year of employment. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years, with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

**Term contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. Campus principals and central office administrators are employed under two-year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract and employment policies.

**Non-certified professional and administrative employees.** Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

**Paraprofessional and auxiliary employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district. Additional employment requirements can be required due to No Child Left Behind legislation for campus's that receive Title I funding.

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

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### *Policy DHE*

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

**Driver's License Checks.** Employees that drive district vehicles (i.e. maintenance trucks/vans, suburban, school buses, etc) must have a driver's information record on file [license check with the district.] Employees who sponsor extra-curricular activities such as athletics, music, UIL, etc are expected to complete the school bus driver requirements. Any employee who is required to have a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving. Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted when an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs returns to duty. All employees required to have a CDL who are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs. Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the director of transportation.

## **First Aid, CPR, and AED Certification**

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### *Policy DBA, DMA*

Head marching band directors, head coaches, or chief sponsors of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or University Interscholastic League (UIL) must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation (CPR). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to human resources by September 1<sup>st</sup> annually.

## **Reassignments and Transfers**

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### *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. The principal at the receiving campus must approve campus reassignments. When reassignments are due to enrollment shifts or program changes, the superintendent has final placement authority. Extracurricular or supplemental duty assignments may be reassigned at any time. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Employees with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. Teachers requesting a transfer to another campus before the school year begins must submit their request in writing to the personnel office. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the personnel office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

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*Policy DL, DEA*

**Professional employees.** Professional and administrative employees are exempt from overtime pay and are employed on a 10-, 10 ½, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including required days of service and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation and conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students one day a week when no other personnel are available.

**Paraprofessional and auxiliary employees.** Support employees are employed at-will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule, which is 7.5 hours with a 30-minute lunch without prior approval from their supervisor.

## **Notification of Parents Regarding Qualifications**

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*Policy DK, DBA*

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive days to a teacher who does not hold an appropriate teaching certificate. Inappropriately certified or uncertified teachers include individuals serving with an emergency permit (including individuals waiting to take the EXCET exam) or individuals who do not hold any certificate or permit. No later than the 30th instructional day after the date of assignment the superintendent or designee will send a written notice to parents. Information relating to teacher certification will be made available to the public upon request.

In schools receiving Title I funds, the district is also required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified. Employees who have questions about their certification status can call the personnel office.

## **Outside Employment and Tutoring**

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*Policy DBD*

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

## **Early Release**

Bandera ISD has established employee guidelines for early release days. Unless the Superintendent gives different guidelines for employee leave, the following is the district standard:

The district dismisses for employees only one hour earlier than their regular scheduled time for that day. An employee should sign out at the actual time that he or she leaves, NOT the time that he or she would have normally left for the day. When the district allows an early release, the one hour is not deducted from the employee's pay but is paid for when it is received in payroll process.

If a para-professional or auxiliary employee chooses to stay later than the early release or leave earlier than the approved time, the employee is not paid additionally for the one hour unless previously approved by the supervisor and if it is earlier than the one hour, the employee should plan to take sick, vacation, or comp time or be docked. In addition, professional employees also must take leave time if time is taken off past the one hour release time.

## **Performance Evaluation**

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*Policy DN, DNA, DNB*

Evaluation of an employee's job performance is to be a continual process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

## **Employee Involvement**

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*Policy BQA, BQB*

At both the campus and district levels, Bandera ISD offers opportunities for involvement in matters that affect employees. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office.

## **Fraud and Financial Impropriety**

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*Policy DG, CAA*

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes, but is not limited to, the following:

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

## **Conflict of Interest**

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*Policy BFAA, DBD*

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

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

Any employee with a substantial interest in a business entity or interest in real property must disclose the interest to the district prior to the award of a contract or authorization of payment. This is done by filing an affidavit with the Superintendent.

## **Staff Development**

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### *Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development. Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

Annually the Bandera ISD administration will submit to the BISD board of trustees a school calendar that indicates the number of staff development days to be used for the following school year. The number of days recommended will vary annually. In the event that a day, or more than one day is chosen on the school calendar for staff to participate in out-of-school staff development to be used on designated staff development days during the school year, the following procedures will apply:

- Annual goals will be established.
- Staff members collaborate with their campus principal/designee on their plan.
- Days should be assigned after the last school day and be completed prior to the day of the use of equivalent time.
- Campus administration must provide documentation to the personnel office that the equivalent time has been earned.
- Any additional equivalent time earned by a professional employee is considered professional development for the purpose of the annual employee appraisal.
- Equivalent time not earned will be a payroll deduction.
- Equivalent time is defined as no less than six hours for a workshop. District workshops will be arranged on a 6-hour day schedule. However, some staff development offered by other sources could be more than the 6 hour required minimum.

## **Salaries, Wages, and Stipends**

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### *Policy DEA, DEAA*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or non-exempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid based on hourly wages or salary and receive compensatory time for each overtime hour worked beyond a 40 hour workweek.

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

Employees should contact the business office for more information about the district's pay schedules or their own pay.

## **Annualized Compensation**

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### *Policy DEA*

The district pays all salaried employees over 12 months regardless of the number of months employed during the school year. Salaried employees will be paid in equal or monthly or bimonthly payments, beginning with the first pay period of the school year. An employee, who separates from service before the last day of instruction or retires under TRS, will receive in his or her final paycheck, a lump sum payment for wages actually earned from the beginning of the school year to the date of separation. Employees that separate after the last day of instruction will continue to receive paychecks through the end of the summer.

## **Paychecks**

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All professional employees, para-professionals and bus drivers are paid monthly. During the school year, paychecks are delivered to each campus. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. During summer breaks, paychecks will be mailed unless otherwise indicated by the employee. An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated.

## **Automatic Payroll Deposit**

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Employees can have their paychecks electronically deposited into a bank account.

## **Payroll Deductions**

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### *Policy CFEA*

Automatic payroll deductions for the Teacher Retirement System of Texas (TRS) and federal income tax are required for all employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Temporary and part-time employees who are not eligible for TRS membership must have their Social Security contributions deducted.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and savings deposits; credit unions and loan payments through the payroll department. Employees also may request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime Compensation**

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### *Policy DEA*

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

Overtime is legally defined as all hours worked in excess of 40 hours weekly and is not measured by the day or by the employee's regular work schedule. Employees who must work beyond their normal schedule but less than 40 hours per week will be compensated in straight-time pay or equivalent time off in the same workweek. Employees must work more than 40 total hours in a week to earn overtime compensation. For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Saturday and ends at midnight Friday.

## **Identify the Transactions that Employees Can Elect**

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

- Employees can accumulate up to 60 hours of compensatory time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval as workload permits, or at the supervisor's direction.
- An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal, vacation).
- Weekly time cards will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel Expense Reimbursement**

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### *Policy DEE*

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

## **Health Insurance**

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### *Policy CRD*

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees.

### **Employees Eligibility:**

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are regularly scheduled are not eligible to participate in TRS Active Care.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the payroll department for more information.

## **Supplemental Insurance Benefits**

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### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs as designated by the district. Premiums for these programs can be paid by payroll deduction. Employees should contact the payroll department for more information.

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

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

## **Workers' Compensation Insurance**

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### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from TASB. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Law depending on the circumstances of each case prescribes specific benefits.

All work-related accidents or injuries should be reported immediately to the campus administrator. Employees who are unable to work due to a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. [Note: an employee will need to use available leave before worker's compensation benefits begin or their pay could be docked if no leave is available.]

## **Unemployment Compensation Insurance**

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### *Policy CRF*

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

## **Teacher Retirement**

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All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits. Employees who plan to retire under TRS should notify the personnel office as soon as possible. Information on the application procedures for TRS benefits are available in the payroll department. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Other Bandera ISD Benefit Programs**

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- College Tuition/Partial Fee Exemption for Educational Aides (Personnel Office)
- Staff athletic passes (Business Office)
- Tuition-free attendance for children of nonresident employees (Personnel Office)
- CRG (Local) - Tax-sheltered annuities (Business Office)
- DEC (Local) - Professional sick leave (FMLA/sick pool) (Personnel Office)

## **Leaves and Absences**

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### *Policy DEC*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call the personnel office for counseling about leave options, continuation of benefits, and communicating with the district. Employees who take an unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district as they were when they were working. Otherwise, the district does not make benefit contributions for employees who are not on unpaid leave. Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than **THREE CONSECUTIVE** days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and in the case of personal illness - the employee's fitness to return to work. Personal and local sick leave is earned on a ½ day for 18-work days basis. Leave is available for the employee's use at the beginning of the school year. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

## **Chronic Absenteeism**

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Chronic, repeated absenteeism is a hindrance to the efficient operation of the campus or a BISD department. Excessive absenteeism beyond approved vacation requests, FMLA or days that are covered by local and state and personal days are addressed by the administrator/supervisor. Additional information for employees of maintenance, custodial, food service or bus drivers will be provided by their supervisors.

## Personal Leave

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State law entitles all employees to five days of paid personal leave per year. Personal leave is earned at a rate of ½ day for 18 workdays. A day of earned personal leave is equivalent to an assigned workday. There is no limit on the accumulation of state personal leave, and it can be transferred to other Texas school districts and is generally transferable to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

**Nondiscretionary.** Leave that is taken for personal or family illness, emergency, a death in the family, or active military service is considered nondiscretionary leave. This type of leave allows very little or no advance planning and will be granted to employees in the same manner as sick leave.

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

## Sick Leave

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Previously accumulated state sick leave is available for use and may be transferred to other school districts in Texas. Sick leave can be used only in whole day or ½ day increments. If an employee uses more sick leave than he or she has earned, the cost of unearned sick leave will be deducted from the employee's next paycheck. An employee absent more than three consecutive workdays because of personal illness or illness in the immediate family shall submit medical certification of the illness.

## Professional Employees

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*DEC Local*

Sick leave may be used for the following reasons only:

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

## Local Leave [Additional information]

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Local policy contains provisions for use of sick leave including rates of use, definition of immediate family, etc. (DEC local)

## Temporary Disability

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

Employees must request approval for temporary disability leave. The leave request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than twelve weeks. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work. When an employee is ready to return to work, the personnel office should be notified in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to do the job. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available.

## **Family and Medical Leave**

*Senate Bill 1669 of the 78th Legislative Session*

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Employees who have been employed by the district for at least 12 months and have worked at least 1,250 hours in the 12 months immediately preceding the need for leave are eligible for family and medical leave. Eligible employees can take up to 12 weeks of unpaid leave.

- The birth, adoption, or foster placement of a child
- To care for a spouse, parent, or child with a serious health condition
- An employee's serious health condition
- A qualifying exigency resulting from active military service of a spouse, child, or parent.

A husband and wife who are both employed by the district are subject to limits in the amount of leave that they can take to care for a parent with a serious health condition or for the birth, adoption, or foster placement of a child, or to care for a covered military service member. Eligible employees are entitled to continue their health care benefits under the same terms and conditions as when they were on the job and are entitled to return to their previous job or an equivalent job at the end of their leave. Under some circumstances, teachers who are able to return to work at or near the conclusion of a semester may be required to continue their leave until the end of the semester. Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, and absences due to a work-related illness or injury. The district will designate the leave as family and medical leave, if applicable, and notify the employee that accumulated leave will run concurrently., employees may take family and When the need for family and medical leave is foreseeable, employees who want to use it must provide 30-day advance notice of their need if possible. When the need for leave is not foreseeable, employees must contact the personnel office as soon as possible. Employees may be required to provide the following:

- Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member.
- Second or third medical opinions and periodic recertification of the need for leave
- Periodic reports during the leave regarding the employee's status and intent to return to work
- Medical certification from a qualified health care provider at the conclusion of leave of an employee's ability to return to work

Employees requiring family and medical leave should contact the personnel office for details on eligibility, requirements, and limitations.

## **Military Service Family Leave**

An eligible employee is entitled to leave to care for an active duty military service member who incurs a serious illness or injury in the line of duty. The service member must be the employee's spouse, child, parent, or next of kin. An eligible employee may take up to 26 weeks on a one-time basis to provide care to a covered service member.

## **Workers' Compensation Benefits**

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An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days. An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or pre-injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or pre-injury wage. The Bandera ISD business office can be contacted for additional information.

## **Assault Leave**

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An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-responsible for purposes of criminal liability. The employee must request assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## **Jury Duty**

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Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service. However, employees who do not serve should return to work unless more than ½ day has been used for the jury selection process.

## **Other Court Appearances**

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Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding related to school business. Personal court appearances must be used with personal leave. Other absences for court appearances related to an employee's personal business must be taken as personal leave or leave without pay (if no personal leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

## **Military Leave**

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Paid leave for military service. Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the armed forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days per year. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after military leave.** Employees who leave the district to enter into the United States uniformed services or ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they are still qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to Bandera ISD personnel office.

The District is not required to reemploy a person if:

- The District's circumstances have so changed as to make reemployment impossible or unreasonable;
- The reemployment of such person would impose an undue hardship on the District, or;

- The employment from which the person leaves to serve in the uniformed services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact Bandera ISD payroll department for details on eligibility, requirements, and limitations.

## **Employee Recognition and Appreciation**

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Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the district newsletter, and through special events and activities.

## **District Communications**

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Throughout the school year, the Bandera ISD public relations office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements.

## **Complaints/Grievances**

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### *Policy DGBA*

In an effort to hear and resolve employee “concerns” or “complaints” in a timely manner and at the lowest administrative level possible, the board has adopted an orderly process. Employees are encouraged to discuss problems or complaints with their supervisors or an appropriate administrator at any time.

The formal grievance process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative grievance procedures are exhausted, employees can bring grievances to the board of trustees. For ease of reference, the district’s policy concerning the process of bringing complaints and grievances is located at the Bandera ISD website ([www.banderaisd.net](http://www.banderaisd.net)).

## **Standards of Conduct**

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### *Policy DH*

All employees, parents and members of the community are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public.

Employees are expected to observe the following standards of conduct:

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

All district employees should perform their duties in accordance with state and federal law, district policy, and ethical standards for professional educators. Violation of Policy, regulations, and guidelines could result in disciplinary action, including termination. The Code of Ethics and Standard Practices for Texas Educators is reprinted below:

## **Code of Ethics and Standard Practices for Texas Educators**

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**Statement of Purpose.** The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. 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.

### **Professional Standards:**

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

- Standard 1.1 The educator shall not knowingly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board of Educator Certification (SBEC) and its certification process.
- Standard 1.2 The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3 The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- Standard 1.4 The educator shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage.
- This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.
- Standard 1.6 The educator shall not falsify records, or direct or coerce others to do so.

#### 6/30/2003 Employee conduct and welfare 43:

- Standard 1.7 The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws.
- Standard 1.8 The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- Standard 1.9 The educator shall not make threats of violence against school district employees, school board members, students or parents of students.
- Standard 1.10 The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.
- Standard 1.11 The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- Standard 1.12 The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.
- Standard 1.13 The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

#### 2. Ethical Conduct toward Professional Colleagues

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

- Standard 2.2 The educator shall not harm others by knowingly making false statements about a colleague or the school system.
- Standard 2.3 The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- Standard 2.4 The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5 The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, family status, or sexual orientation.
- Standard 2.6 The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- Standard 2.7 The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

### 3. Ethical Conduct toward Students

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

#### 6/30/2003 Employee conduct and welfare 44:

- Standard 3.2 The educator shall not intentionally, knowingly or recklessly treat a student or a minor in a manner that adversely affects or endangers the student's learning, physical health, mental health, or safety of that student or minor.
- Standard 3.3 The educator shall not intentionally, knowingly or recklessly misrepresent facts regarding a student.
- Standard 3.4 The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, family status or sexual orientation.
- Standard 3.5 The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- Standard 3.6 The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- Standard 3.7 The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- Standard 3.8 The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
- Standard 3.9 The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication.

### **Discrimination, Harassment, and Retaliation**

#### *Policies DH, DIA*

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

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

A copy of DIA (Local) can be found on the Bandera ISD web site in the policy on line.

## **Harassment of Students**

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*Policies DH, FFG, FFH, DF*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment or abuse of a student will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See: Reporting suspected child abuse. The district's policy that includes definitions and procedures for reporting and investigation harassment of students including solicitation of a romantic relationship is located on the Bandera ISD web page at [www.banderaisd.net](http://www.banderaisd.net).

## **Drug-Abuse Prevention**

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*Policies DH, DI*

Bandera ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the workplace. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug and alcohol use is listed on the district's web site at [www.banderaisd.net](http://www.banderaisd.net).

## **Reporting Suspected Child Abuse**

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*Policy DG, DH, FFG, GRA, DF*

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g.: state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Abuse is defined by Texas Family Code and includes any sexual conduct involving an educator and a student or minor. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect. An employee's failure to report suspected child abuse may result in prosecution for the commission of a Class B misdemeanor. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Educators Code of Ethics. Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Fraud and Financial Impropriety**

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*Policy CAA*

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

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document

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

## **Conflict of Interest**

*Policies BBFA, DBD*

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

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

## **Associations and Political Activities**

*Policy DGA*

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The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization. An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

## **Safety**

*Policy CK*

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The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

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

Employees with questions or concerns relating to safety programs and issues can contact the Superintendent.

## **Tobacco Use**

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*Policies DH, GKA, FNCD*

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

## **Criminal History Background Checks**

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*Policy DBAA*

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

## **Employee Arrests and Convictions**

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*Policy DH*

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

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

Moral turpitude includes the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Drug-or alcohol-related offenses
- Acts constituting abuse or neglect under the Texas Family Code

## **Possession of Firearms and Weapons**

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*Policies FNCG, GKA*

Employees, visitors, and students are prohibited from bringing firearms, illegal knives, or other weapons onto school premises or any grounds or building where a school sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisors or call immediately.

## **Visitors in the Workplace**

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### *Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge. Volunteers or guest speakers in your classroom must be approved by the campus administration and could fall into district guidelines requiring background checks.

## **Copyrighted Materials**

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### *Policy EFE*

Employees are expected to comply with the provisions of copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Rented videotapes are to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

## **Computer Use and Data Management**

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### *Policy CQ*

The district's electronic communications systems, including its network access to the Internet, is primarily for administrative and instructional purposes. Limited personal use of the system is permitted if the use:

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

Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use. Employees who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact the director of technology.

## **Gifts and Favors**

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### *Policy DBD*

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

## **Asbestos Management Plan**

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### *Policy CKA*

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

## **Pest Control Treatment**

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### *Policy DI*

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

## **Bad Weather Closing**

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The district may close schools because of bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early radio and television stations will be notified by school officials.

## **Emergencies**

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### *Policy CKC*

All employees should be familiar with the evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all district buildings. Employees should know the location of the extinguishers nearest their place of work and how to use them.

## **Purchasing Procedures**

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### *Policy CH*

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

## **Name and Address Changes**

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

## **Personnel Records**

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### *Policy GBA*

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

- Address
- Phone number
- Social Security number
- Information that reveals whether they have family members

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

## **Building Use**

*Policy DGA, GKD*

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Building principals are responsible for scheduling the use of facilities after school hours. See the Bandera ISD website to request to use school facilities and to obtain information on the fees charged.

## **Resignations**

*Policy DFE*

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**Contract employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Superintendent. Contract employees may resign at any other time only with the approval of the board of trustees. Resignation without the consent of the board may result in disciplinary action by the State Board for Educator Certification (SBEC). The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in Reports to the State Board for Educator Certification.

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

## **Dismissal or Non-Renewal of Contract Employees**

*Policies DFAA, DFAB, DFBA, DFBB, DFD, DFF, DFCA*

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Employees on probationary, term, and continuing contracts can be dismissed during the school year or non-renewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The time lines and procedures to be followed when a suspension, termination, or non-renewal occurs will be provided when a written notice is given to an employee. Information on the time lines and procedures can be found in the DF policies that are provided to employees or in the policy manuals located at [www.banderaisd.net/policy-on-line](http://www.banderaisd.net/policy-on-line).

## **Dismissal of Non-Contract Employees**

*Policy DCD*

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Non-contract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, sex, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Non-contract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance.

## **Exit Interviews and Procedures**

*Policy DC*

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Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, and equipment must be returned upon separation from employment.

## **Reports to the State Board for Educator Certification**

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### *Policy DF*

The dismissal or resignation of a certified employee will be reported to the SBEC if there is reasonable evidence that the employee's conduct involves the following:

- A reported criminal history
- Any form of sexual or physical abuse of a minor or any other illegal conduct with a student or a minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position
- Committing a crime on school property or at a school-sponsored event
- Soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

## **Reports Concerning Court-Ordered Withholding**

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

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

## **Equal Educational Opportunities**

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### *Policy FB, FFH*

The Bandera ISD does not discriminate on the basis of race, color, religion, national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Questions or concerns about discrimination of students on the basis of race, color, religion, sex, or national origin should be directed to the superintendent. Questions or concerns about discrimination on the basis of a disability should be directed to the director of special education.

## **Student Records**

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### *Policy FL*

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

- Parents: Married, separated or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights.
- The student (if 18 or older or attending an institution of postsecondary education)
- School officials with legitimate educational interests

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

## **Parent and Student Complaints**

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### *Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling complaints on different

issues. Any campus office or the superintendent's office can provide parents and students with information on filing a complaint. Parents are encouraged to discuss problems or complaints with the teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response. Once all administrative complaint procedures are exhausted, parents and students can bring complaints to the board of trustees.

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### **Administering Medication to Students**

*Policy FFAC*

Only designated employees can administer medication to students. A student who must take prescription medication during the school day must bring a written request from his or her parent and the medicine, in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students. Medication includes prescription medication, nonprescription medication and herbal or dietary supplements.

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### **Dietary Supplements**

*Policy DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

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### **Psychotropic Drugs**

*Policy FFAC*

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

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

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

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### **Student Discipline**

*Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Code of Conduct and Student Handbook. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal. Teachers must file a written report with the principal or another appropriate administrator when they have knowledge that a student has violated the Student Code of Conduct. The principal or administrator will send a copy of this report to the student's parents within 24 hours.

## **Student Attendance**

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### *Policy FEB*

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

## **Bullying**

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### *Policy FFI*

All employees are required to report student complaints of bullying to the campus administrator. The district's policy that includes definitions and procedures for reporting and investigating bullying of students is available in FFI (Local) located on the BISD website [www.banderaisd.net](http://www.banderaisd.net) in policy-on-line.

## **Hazing**

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### *Policy FNCC, FO*

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

## **Professional Dress and Grooming**

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The dress and grooming of District employees shall be clean, neat in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors. All employees shall follow a dress code that does not include shorts, baseball caps, jeans, and t-shirts. Appropriate jeans, T-shirts, and shorts may be worn only on days designated by the principal; specific special occasions and teacher staff development and workdays. **All employees are role models and should dress accordingly. The campus administrator or supervisor is the authority to make determinations when dress or grooming is not appropriate for the staff assignment.** Physical education staff may choose to wear appropriate attire, approved by the administration during the physical education instruction period. However, warm-ups should be worn in the areas of the school outside the gym.

Auxiliary employees in maintenance, custodial, transportation, food service and other positions requiring uniforms shall comply with guidelines specified by their supervisors. Exceptions to the general guidelines shall be made to allow staff to observe religious customs or beliefs, and as necessary, to accommodate medical needs. In addition, special activities such as field trips, field days, etc. that may allow a staff member to dress outside the scope of the general guidelines would be approved by their principal or supervisor.

## **Testing Security**

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All district employees who work with students or testing materials will be required by the district to sign an oath of security annually. It is very important that all staff understand the legal requirements for testing and ask follow up questions of their campus administration or campus testing coordinator. Attending testing administration training as well as reading the testing manual is an annual training requirement.

***The following is a list of employment policies, including (Legal) and (Local) policies and exhibits located on the district web page:***

DAA - Equal employment opportunity  
DBD - Conflict of interest  
DC Series - Employment practices  
DCB – Term Contracts  
DEA - Salaries, wages, and stipends  
DEAA – Incentives and Stipends  
DEC - Leaves and absences  
DFAC - Return to probationary status  
DFB Series - Termination of term contracts  
DFD - Hearings before hearing examiner  
DFE - Resignations  
DFF - Reduction in force  
DG – Employee rights and privileges  
DGBA - Employee complaints  
DH - Employee standards of conduct  
DHE - Searches and Drug/Alcohol Testing  
DI - Employee welfare  
DIA – Discrimination, harassment, and retaliation  
DK - Assignments and schedules  
DN Series - Performance appraisal

A copy of information that deals with student discipline is located in the Bandera ISD student handbook distributed annually to staff along with the Bandera ISD student code of conduct.

## APPENDIX I

### **Bandera ISD Electronic Communication and Data Management System Acceptable Use Policy**

#### **GENERAL REQUIREMENTS**

The Superintendent and the Superintendent's designee will oversee the District's electronic communications system. The Superintendent's designee is the District's Technology Director who can be reached at (830) 796-6296.

The District will provide training in proper use of the system and will provide all users with copies of acceptable use guidelines. All training in the use of the District's system will emphasize the ethical use of this resource.

The terms "District's system" and "computer resources" include all networking infrastructure, computers and any portable hardware devices and their associated software, including, but not limited to: video conferencing equipment, digital cameras, projection systems, scanners, fax equipment, laptop computers and digital organizers.

Access to the Bandera ISD computer resources is a privilege, not a right. Failure to comply with the guidelines set out in this Acceptable Use Policy may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. Students should refer to the Student Code of Conduct for a detailed description of the consequences of improper use of the computer system. Employees should refer to policy DH (Local), and DH (Exhibit) and the Employee Handbook for a detailed description of the consequences of improper use of the computer system.

Copyrighted software or data may not be placed on any system connected to the District's system without permission from the holder of the copyright and the Technology Department. Educational software licenses will be required for all software or data placed on any system connected to the District's system. Personal software or data may not be placed on any system connected to the District's system. All disks used on a District computer must be scanned for viruses prior to use.

Hardware and software are not to be altered, installed or removed in any manner, including system settings.

Bandera ISD copyrights the contents of the Bandera ISD Internet Web Site and maintains that site for educational purposes only. Viewing of material on that Site does not imply any right to reproduce, retransmit or redisplay it. That Site is protected by copyright and other applicable federal and state laws. No text, image, or other materials on the District Web Site may be copied, retransmitted, redisplayed or modified without the express written consent of Bandera ISD. Unauthorized use, copying, or access will be prosecuted under Title 17 of the United States Code and/or Texas Penal Code Chapter 33.

Electronic mail transmissions and other use of the electronic communications system are not private and may be monitored at any time by Internet service providers, operators of system file servers, and designated District staff to ensure appropriate use. Each person who wishes to use the District's electronic mail or communications system must execute a written consent form acknowledging the person's awareness of the District's monitoring of electronic mail and other forms of electronic communications and consenting to such monitoring. If any person refuses to consent to the monitoring of electronic mail or electronic communications, that person will not be granted the privilege of using the District's electronic mail and communications system.

No original work created by any District employee or student outside the District's system shall be posted on a web page, either Internet or Intranet, under the District's control unless the District has received written consent from the employee or student (and the student's parent or guardian) who created the work. All original work must be reported as such before it is incorporated into a District publication. The owner must agree to allow the District to use it free of charge for as long as it desires.

All Internet and Intranet web pages created or edited by students and student organizations on the District's computer system will be subject to treatment as District sponsored publications. Accordingly, Bandera ISD

reserves the right to exercise editorial control to the same extent as other student publications. (See Board policies FMA (Legal) and FMA (Local).)

No personally identifiable information about or picture of a District student will be posted on the Bandera ISD Internet or Intranet Web Site unless the District has received written consent from the student's parent or guardian.

No personally identifiable information about or picture of a District employee or official will be posted on the Bandera ISD Internet or Intranet Website unless the District has received written consent from the employee or official.

## **SYSTEM ACCESS**

Access to the District's electronic communications system will be governed as follows:

1. As appropriate and with the written approval of the immediate supervisor, District employees will be granted access to the District's system.
2. As appropriate and with the approval of their teacher, students will be granted access to the District's system. Their teachers may assign students individual FTP accounts.
3. A teacher may apply for a class electronic mail account and, in doing so, shall be ultimately responsible for use of the account.
4. The District will require that all passwords be managed according to published guidelines.
5. Web Pages. Under the direct supervision of a sponsoring teacher, students may be permitted to create and edit Internet or Intranet web pages reporting on student educational activities, class projects, participation in officially recognized activities and sports, as well as honors and awards received. The District shall determine the subject matter of student created web pages, and students will not be permitted to establish personal web pages. No students will be permitted to create or edit web pages unless the District receives written consent from the student's parent or guardian. No personally identifiable information about or picture of a District student will be posted on a student created or edited web page unless the District has received written consent from the student's parent or guardian. No personally identifiable information about or picture of a District employee or official will be posted on a student created or edited web page unless the District has received written consent from the employee or official.
6. Any system user identified as a security risk or as having violated District and/or campus computer use guidelines may be denied access to the District's system.
7. Students completing required course work on the system will have priority of use over members of the public, even after school hours.
8. Personal computing devices, including laptops, PDAs, or other wireless devices, may not be connected to the District's system without the permission of the Technology Director.

## **ON-LINE CONDUCT**

The following standards will apply to all users of the District's electronic information/communications system:

1. The individual in whose name a system account is issued will be responsible at all times for its proper use.
2. The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by District policy or guidelines.

3. System users may not use another person's system account without written permission from the campus administrator or District Technology Director, as appropriate.
4. A system user is responsible for the proper use of the computer system for the duration of the system's use.
5. Students may not use the District's electronic communication system to distribute personal information about themselves or others.
6. System users may not redistribute copyrighted programs or data except with the written permission of the copyright holder or designee. Such permission may be specified in the document or must be obtained directly in accordance with applicable copyright laws, District policy, and administrative regulations.
7. System users may not download or install public domain programs to the system. System users may not download public domain programs for their own use or may not redistribute a public domain program.
8. System users may not send, purposely access, or post messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
9. The system may not be used for financial or commercial gain or business use.
10. System users shall not post personal communications without the original author's consent.
11. System users shall not post anonymous messages. Students shall not post messages to Blogs.
12. System users should be mindful that use of school-related electronic mail addresses might cause some recipients or other readers of that mail to assume they represent the District or school, whether or not that was the user's intention.
13. System users may not gain unauthorized access to resources or information.
14. System users shall not play games with others on the network or Internet. Non-educational Internet games are prohibited.
15. System users shall only download the information needed, and shall print only the information needed.
16. System users should use their access time efficiently, and be mindful of the fact that there are others who need to use the network.
17. Students may not use the system to copy, upload, download or post pictures, video images or voice recordings of other students, District employees or District officials without the written permission of the person whose picture, video image or voice recording is being copied, uploaded, downloaded or posted.
18. System users are prohibited from installing any device or software that will permit or facilitate the recording of any keystrokes, the acquisition of any passwords or the acquisition of any other security related information.
19. Administrative staff and teachers have priority use of the District's system. Students shall not use the District's system in such a way that would impede District operations.
20. System users are prohibited from bypassing the District's Internet content filter by any means including the use of Internet proxy sites.

If any system user believes there is a problem or is uncomfortable with the information someone is sending via the Internet, the system user should tell a teacher, campus staff member, or administrator immediately. Employees should notify their supervisor. If a system user asks another system user to no longer send them electronic mail or in any way contact them, the system user receiving such a request must stop all contact

immediately. Although a system user may have some right to freedom of expression, that right must be balanced with the rights others have to be free from harassment. No system user has an unfettered right to use the system to express himself or herself in any manner he or she wants.

### **VANDALISM PROHIBITED**

Any malicious attempt to harm or destroy District equipment or data, or data of another user of the District system, or any of the agencies or other networks that are connected to the Internet is prohibited, and will be considered to be an act of vandalism. Deliberate attempts to degrade or disrupt system performance are violations of District policy and administrative regulations, and may constitute criminal activity under applicable state and federal laws. Such prohibited activity includes, but is not limited to, the uploading or creating of computer viruses.

Vandalism as defined above will result in the cancellation of system use privileges and will require restitution for costs associated with system restoration, as well as other appropriate consequences. [See DH, FN series, FO series, and the Student Code of Conduct] The Bandera ISD Student Code of Conduct explicitly prohibits vandalism, and students may be disciplined accordingly.

### **FORGERY PROHIBITED**

Forgery or attempted forgery of electronic mail messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users, deliberate interference with the ability of other system users to send/receive electronic mail, or the use of another person's user ID and/or password is prohibited. Forgery or attempted forgery will result in the cancellation of system privileges, as well as other appropriate consequences. The Bandera ISD Student Code of Conduct and its Employee Handbook explicitly prohibits forgery, and students or employees may be disciplined accordingly.

### **INFORMATION CONTENT/THIRD-PARTY SUPPLIED INFORMATION**

System users and parents of students with access to the District's system should be aware that use of the system may provide access to other electronic communications systems in the global electronic network that may contain inaccurate and/or objectionable material. The Internet is a network of networks; through the District's system, users will have access to databases, libraries and computer services all over the world. With this opportunity to access and work with an incredible amount and variety of information comes great responsibility, and it is essential that all users of the District's system comply with the provisions of this Acceptable Use Policy.

1. A student who gains access to such materials is expected to discontinue the access as quickly as possible and to report the incident to the supervising teacher.
2. An employee who gains access to such materials is expected to discontinue the access as quickly as possible and to report the incident to his or her supervisor.
3. A student knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with the Student Code of Conduct.
4. An employee knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with District policies. [See Policy DH (Local) and DH (Exhibit), and the Employee Handbook]
5. Participation in chat rooms on the Internet using the District's system is not permissible.
6. Any student who substantially disrupts the educational process as a result of showing disrespect to District employees or officials by the use of a computer or the Internet shall be subject to discipline under the District's Student Code of Conduct. This includes substantial disruption caused by the posting of any comments about or images of District employees or officials on any Internet website that are demeaning, obscene, vulgar or profane, and which comments or images can be accessed using the District system.

7. Any student who substantially disrupts the educational process as a result of using pictures, images or voice recordings of any District employee or official without the written authorization of the campus principal and the District employee or official in the picture or image or on the recording shall be subject to discipline under the District's Student Code of Conduct.

## **NETWORK ETIQUETTE**

System users are expected to observe the following network etiquette:

1. Be polite.
2. Use appropriate language; swearing, vulgarity, ethnic or racial slurs and the use of any other inflammatory language are prohibited.
3. Refrain from pretending to be someone else when sending/receiving messages; this is considered inappropriate, and will not be permitted.
4. Refrain from transmitting obscene messages or pictures; this behavior is prohibited.
5. Refrain from using the network in such a way that would disrupt the use of the network by others; this conduct is also prohibited.
6. Refrain from "hacking" or other use of computers to gain unauthorized access to District or other data bases, including student, faculty or District data files without permission; this type of behavior is prohibited.
7. Students shall refrain from using the network for soliciting or purchasing commercial materials and/or services of any kind.

## **TERMINATION/REVOCAION OF SYSTEM USER ACCOUNT**

Termination, suspension or revocation of an employee's or student's system access for violation of District policies or regulations will be effective on the date the campus principal or District Technology Director receives notice of the suspension, termination or revocation of system privileges, or on a future date if so specified in the notice.

## **USE BY MEMBERS OF THE PUBLIC**

Access to the District's electronic communications system, including the Internet, shall also be made available to members of the public, in accordance with administrative regulations. Such use may be permitted so long as the use:

1. Imposes no significant or unrecoverable cost on the District;
2. Does not unduly burden the District's computer or network resources;
3. Does not take away resources from the student; and
4. Does not involve violating any of the provisions of this Acceptable Use Policy.

Members of the public who are granted access shall be required to comply with all District rules, regulations, and policies governing appropriate use of the system. Members of the public will be required to sign a form acknowledging that they have read and understood the Acceptable Use Policy, and agree to abide by its requirements. The District may suspend, revoke or terminate any person's access to the system upon any violation of District policy and/or administrative regulations regarding acceptable use.

## **INTELLECTUAL PROPERTY RIGHTS**

As agents of the District, employees shall have limited rights to work they create using the District's electronic communications system. The District shall retain the right to use any item or product created for its use by an employee even when the author is no longer an employee of the district.

Students who are being directed by teachers of the District to create work for the District's electronic communications system shall have limited rights to work they create using the District's electronic communications system. The District shall retain the right to use any item or product created for its use by a student even when the student is no longer enrolled.

## **DISCLAIMERS**

The District's system is provided on an "as is, as available" basis. The District does not make any warranties, whether express or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District does not warrant that the functions or services performed or provided by the system, or that the information or software contained on the system, will meet the system user's requirements, or that the system will be uninterrupted or error free, or that defects will be corrected.

Opinions, advice, services, and all other information expressed or provided by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not the District.

The Internet is a network of many types of communication and information networks. It is possible that the user may run across areas of adult content and some material objectionable to students, their parents or members of the public. Parents are encouraged to have a discussion with their children concerning access to appropriate materials, and all users are encouraged to report any objectionable material to the campus principal or the District Technology Director. While the District will take reasonable steps to restrict access to such material, it is not possible to absolutely prevent such access. It will be the responsibility of each user to follow the rules for appropriate use.

The District shall not be liable for users' inappropriate use of electronic communication resources, violations of copyright restrictions or other laws, users' mistakes or negligence, or costs incurred by users. The District shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the Internet.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's electronic communications system.

## **FINAL NOTE**

Every user of the District's system, including District employees, students and members of the public, will be required to sign an Agreement and Acknowledgment Form before they will be permitted to use the District's system. As noted above, violations of the Acceptable Use Policy may prompt termination, revocation, or suspension of the privilege of using the District's system, and other disciplinary action.

Each Agreement and Acknowledgment Form will contain, and in part, the following provisions:

"I have read the Bandera ISD Electronic Communication and Data Management System Acceptable Use Policy, and agree to abide by the provisions contained in that document. In consideration for the privilege of using the District's Electronic Communication and Data Management System, and in consideration for having access to the public networks, I hereby release the District, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from any use of, or an ability to use, the District's system, including, without limitation, the type of damages identified in the District's policy and administrative regulations. I also expressly acknowledge being aware that the District has a right to monitor electronic mail and other forms of electronic communications, and I expressly consent to such monitoring."