

# WEST OSO

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## INDEPENDENT SCHOOL DISTRICT



# EMPLOYEE HANDBOOK

## 2020 – 2021

# SCHOOL YEAR



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*Personalization. Collaboration. Trust.*

*Every Student. Every Hour. Every Day.*

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# EMPLOYEE HANDBOOK RECEIPT

Name \_\_\_\_\_

Campus/Department \_\_\_\_\_

I hereby acknowledge receipt of a copy of the West Oso ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy. Employee Handbook may be accessed at [www.westosoid.net](http://www.westosoid.net)

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- I choose to receive a hard copy of the employee handbook.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this book. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources Department if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please sign and date this receipt and forward it to your immediate supervisor.

# INTRODUCTION

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are, have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to RJ Alvarado, Executive Director of Special Education and Student Services.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change.

For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed online at <https://pol.tasb.org/Home/Index/957>.

# DISTRICT INFORMATION

## Description of the District

### Mission Statement, Goals, and Objectives

*Policy AE*

#### Mission Statement

Empowering our community with college/career readiness for global opportunities

#### Board of Trustees

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

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

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

Current board members include:

- Cella Boyd
- Rose Soto
- Velma Rodriguez
- Lonie Alexander
- Oscar Arredondo
- Liz Gutierrez
- Shirley Jordan

The board usually meets 5050 Rockford Dr. at 5:30PM on the last Monday of each month. In the event that large attendance is anticipated, the board may meet at West Oso Elementary School, 1526 Cliff Maus, Corpus Christi, TX. Special meetings may be called when necessary.

A written notice of regular and special meetings will be posted on the district website and at the West Oso ISD Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

# WEST OSO INDEPENDENT SCHOOL DISTRICT

## BOARD MEETING CALENDAR

### 2020-2021

August 24, 2020 – Regular Board Meeting

September 28, 2020 – Regular Board Meeting

October 26, 2020 – Regular Board Meeting

November 16, 2020 – Regular Board Meeting\* (Holiday)

December 14, 2020 – Regular Board Meeting\* (Holiday)

January 19, 2021 – Regular Board Meeting & Supt Evaluation\*

(TASA MidWinter & MLK Holiday)

February 22, 2021 – Regular Board Meeting

March 22, 2021 – Regular Board Meeting

April 26, 2021 – Regular Board Meeting

May 24, 2021 – Regular Board Meeting

June 21, 2021 – Regular Board Meeting \* (Summer Break)

July 19, 2021 – Regular Board Meeting

(Special Board Meeting on July 26, 2021)

July 26, 2021 – Special Board Meeting (Supt Evaluation)



\* Dates changed due to conflicts with Holidays or Conferences

Board Approved: July 27, 2020

## Central Office Administration

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.

<b>Superintendent of Schools</b>	Conrado Garcia
<b>Assistant Superintendent Curriculum</b>	Dr. Cissy Perez
<b>Assistant Superintendent Business/Finance/School Operations</b>	David Palacios
<b>Executive Director of Special Education and Student Services</b>	RJ Alvarado
<b>Superintendent Assistant, Assessment &amp; Accountability</b>	Isabel Olivarez
<b>Director of STEM, CTE, Adv. Academics</b>	Kim Moore
<b>PEIMS Coordinator</b>	Amanda Chavarria
<b>Director of Technology</b>	Andrew Martinez
<b>Director of Maintenance</b>	Denise Hernandez
<b>Director of Athletics</b>	Cheryl Fillmore

## EMPLOYMENT

### Equal Employment Opportunity

*Policies DAA, DIA*

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

Employees with questions or concerns about discrimination based on sex, including sexual harassment should contact RJ Alvarado, the District Title IX coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact RJ Alvarado, the district ADA/Section 504 coordinator. Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## **Job Vacancy Announcements**

### *Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the district's website.

## **Employment after Retirement**

### *Policy DC*

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

## **Contract and Noncontract Employment**

### *Policy DC series*

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

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year.

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

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

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require SBEC certification (such as 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.

## **Certification and Licenses**

*Policies DBA, DF*

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

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

## **Recertification of Employment Authorization**

*Policy DC*

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

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the WOISD Business Office if you have any questions regarding re-verification of employment authorization.

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

*Policy CQ, DHE*

Non-investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places.

In addition, the district reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business.

**Employees Required to Have a Commercial Driver's License.** Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle.

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

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

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Office of the Superintendent.

## **Health Safety Training**

*Policies DBA, DMA*

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to Cheryl Fillmore, Athletic Director by September 2020.

## **Reassignments and Transfers**

*Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be

approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by August 2020. 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 Office of the Superintendent office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

*Policies DEAB, DK, DL*

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

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

**Paraprofessional and Auxiliary Employees.** Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See Overtime Compensation on page 19 for additional information.

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

*Policies DEAB, DG*

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

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

## **Notification to Parents Regarding Qualifications**

*Policies DK, DBA*

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

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call Diane Jackson, Human Resources Department.

## **Outside Employment and Tutoring**

*Policy DBD*

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

## **Performance Evaluation**

*Policy DN series*

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

## **Employee Involvement**

*Policies BQA, BQB*

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

## **Staff Development**

### *Policy DMA*

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

Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

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

# COMPENSATION AND BENEFITS

## Salaries, Wages, and Stipends

*Policies DEA, DEAA, DEAB*

Employees are paid in accordance with administrative guidelines and an established pay structure. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or annualized salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 19)

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

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

## Paychecks

All professional and salaried employees are paid bi-monthly on the 15<sup>th</sup> and 30<sup>th</sup> of each month.. Hourly employees are paid every two weeks. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. The schedule of pay dates for the 2020-2021 school year follows:

WEST OSO INDEPENDENT SCHOOL DISTRICT			
2020-2021			
BI-WEEKLY PAYROLL SCHEDULE			
MAINTENANCE, CUSTODIAL & CAFETERIA STAFF			
PAY PERIOD			PAY DATE
08/16/20	~	08/29/20	09/04/20
08/30/20	~	09/12/20	09/18/20
09/13/20	~	09/26/20	10/02/20
09/27/20	~	10/10/20	10/16/20
10/11/20	~	10/24/20	10/30/20
10/25/20	~	11/07/20	11/13/20
11/08/20	~	11/21/20	11/27/20
11/22/20	~	12/05/20	12/11/20
12/06/20	~	12/19/20	12/23/20
12/20/20	~	01/02/21	01/08/21
01/03/21	~	01/16/21	01/22/21
01/17/21	~	01/30/21	02/05/21
01/31/21	~	02/13/21	02/19/21
02/14/21	~	02/27/21	03/05/21
02/28/21	~	03/13/21	03/19/21
03/14/21	~	03/27/21	04/01/21
03/28/21	~	04/10/21	04/16/21
04/11/21	~	04/24/21	04/30/21
04/25/21	~	05/08/21	05/14/21
05/09/21	~	05/22/21	05/28/21
05/23/21	~	06/05/21	06/11/21
06/06/21	~	06/20/21	06/26/21
06/21/21	~	07/03/21	07/09/21
07/04/21	~	07/17/21	07/23/21
07/18/21		07/31/21	08/06/21
08/01/21	~	08/14/21	08/20/21

Subject to Change  
07/21/20

WEST OSO INDEPENDENT SCHOOL DISTRICT			
2020-2021			
SEMI-MONTHLY (P-5) PAYROLL SCHEDULE			
PROFESSIONALS, TEACHERS, AIDES, CLERKS & SUBSTITUTES			
PAY PERIOD			PAY DATE
08-16-2020	~	08-29-2020	09-15-2020
08-30-2020	~	09-12-2020	09-30-2020
09-13-2020	~	09-26-2020	10-15-2020
09-29-2020	~	10-12-2020	10-31-2020
10-11-2020	~	10-24-2020	11-13-2020
10-25-2020	~	11-07-2020	11-30-2020
11-08-2020	~	11-21-2020	12-11-2020
11-22-2020	~	12-05-2020	12-18-2020
12-06-2020	~	12-26-2020	01-15-2021
01-03-2021	~	01-09-2021	01-29-2021
01-10-2021	~	01-23-2021	02-15-2021
01-24-2021	~	02-06-2021	02-26-2021
02-07-2021	~	02-20-2021	03-15-2021
02-21-2021	~	03-06-2021	03-31-2021
03-07-2021	~	03-27-2021	04-15-2021
03-28-2021	~	04-10-2021	04-30-2021
04-11-2021	~	04-24-2021	05-14-2021
04-25-2021	~	05-08-2021	05-28-2021
05-09-2021	~	05-29-2021	06-15-2021
05-30-2021	~	06-12-2021	06-30-2021
06-13-2021	~	06-26-2021	07-15-2021
06-27-2021	~	07-10-2021	07-30-2021
07-11-2021	~	07-31-2021	08-13-2021
08-01-2021	~	08-14-2021	08-31-2021

Subject to Change  
07/21/20

## **Automatic Payroll Deposit**

Employees can have their paychecks electronically deposited into a designated account. A notification period of 3 weeks is necessary to activate this service. Contact the WOISD Business Office for more information about the automatic payroll deposit service.

## **Payroll Deductions**

### *Policy CFEA*

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

- Teacher Retirement System of Texas (TRS) or 457 Deferred Compensation Plan contributions
- Federal income tax required for all employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. 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**

### *Policy DEAB*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at Sunday and ends at Saturday.

Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours.

## **Travel Expense Reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor and the WOISD Business Manager 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. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage.

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

### *Policy CRD*

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

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are employed for 10 or more regularly scheduled hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) 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 year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees via email. Employees should contact the WOISD Business Department for more information.

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

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, and dental). 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 open enrollment time period.

## **Workers' Compensation Insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Texas Mutual.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to Principal/Director. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits*, page 32 for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

### *Policy CRF*

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

## **Teacher Retirement**

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

Employees who plan to retire under TRS should notify the Office of the Superintendent as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web ([www.trs.texas.gov](http://www.trs.texas.gov)). See pages 27-38 for information on restrictions of employment of retirees in Texas public schools.

## **LEAVES AND ABSENCES**

### *Policies DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than five days should call their immediate supervisor for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

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

- Local leave \_\_\_\_\_
- State sick leave \_\_\_\_\_
- State personal leave \_\_\_\_\_

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

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

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

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

**Medical Certification.** Any employee, who is absent more than 3 consecutive days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee’s fitness to return to work.

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

**Continuation of Health Insurance.** Employees, on an approved leave of absence other than family and medical leave, may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee's unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

## **Personal Leave**

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

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

**Discretionary.** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor 5 days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

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

## **State Sick Leave**

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

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

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

## **Local Leave**

All full-time employees shall earn five paid local sick leave days per school year in accordance with administrative regulations.

Local sick leave, including any local personal leave converted to local sick leave, shall accumulate to a maximum of 60 leave days.

Local sick leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year. [See DEC(LEGAL)]

## **Local Personal Leave**

All full-time employees shall earn one paid local personal leave day per school year in accordance with administrative regulations.

Local personal leave shall be noncumulative.

Local personal leave shall be used according to the terms and conditions of state personal leave during the year in which it is earned. [See STATE PERSONAL LEAVE, above]

If the local personal leave day is not used in the duty year in which it is earned, the unused day shall be added to the employee's local sick leave balance and must then be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year. [See DEC(LEGAL)]

## **Sick Leave Bank (or Pool)**

An employee who has exhausted all paid leave and who suffers from a catastrophic illness or injury may request the establishment of a sick leave pool, to which District employees may donate only local leave for use by the eligible employee.

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

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

The Superintendent or designee shall develop regulations for the implementation of the sick leave pool that address the following:

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per school year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

## **Appeal**

All decisions regarding the establishment or implementation of the District's sick leave pool may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

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

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

### Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

### Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

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

## **Requesting Leave**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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

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

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

## **Local Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period measured backward from the date an employee uses FMLA.

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

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

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

**Fitness for Duty.** An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee's ability to perform essential job function is required, the district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider.

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

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester.

The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according the procedures outlined in policy (see DECA (LEGAL)).

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

**District Contact.** Employees that require FMLA or have questions should contact the Office of the Superintendent for details on eligibility, requirements, and limitations.

## **Temporary Disability Leave**

**Certified Employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

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

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

When an employee is ready to return to work, the Office of the Superintendent should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties.

Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

## **Workers' Compensation Benefits**

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

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use available, partial-day increments of sick leave or any other paid leave benefits to make up the difference between wage benefits and pre-injury or -illness wages. While an employee is receiving workers' compensation wage benefits, the district will charge available leave proportionately so that the employee receives an amount equal to the employee's regular salary.

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury, and should be immediately reported to the immediate Director/Principal supervisor.

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

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

## **Bereavement Leave**

Use of state leave and/or local leave for death in the immediate family shall not exceed five (5) workdays per occurrence, subject to the approval by the district.

## **Jury Duty**

The district provides paid leave to employees who are summoned to jury duty. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

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

## **Compliance with a Subpoena**

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

## **Truancy Court Appearances**

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

## **Religious Observance**

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

## **Military Leave**

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

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

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

# EMPLOYEE RELATIONS AND COMMUNICATIONS

## Employee Recognition and Appreciation

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

## District Communications

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

1. WOISD Bear Nation Newsletter (Published several times a year)
2. WOISD Supt Bear Nation Weekly Update (Sent out on Fridays to all staff)
3. WOISD Facebook Page
4. WOISD Twitter Page
5. WOISD Webpage

# COMPLAINTS AND GRIEVANCES

## *Policy DGBA*

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

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints is reprinted as follows:

*<https://pol.tasb.org/Policy/Code/957>*

# EMPLOYEE CONDUCT AND WELFARE

## Standards of Conduct

### *Policy DH*

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

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

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency* for additional information. The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

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

### **Statement of Purpose**

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

## **Professional Standards**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Protected Health Information**

### **Health Plan Summary for Protected Health Information (PHI) Notice of Privacy Rights**

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

### **Uses and Disclosure of Health Information**

We use health information about you for treatment, to pay for treatment, and for other allowable healthcare purposes. Health care providers submit claims for payment for treatment that may be covered by the group health plan. Part of payment includes ascertaining the medical necessity of the treatment and the details of the treatment or service to determine if the group health plan is obligated to pay. Information may be shared by paper mail, electronic mail, fax, or other methods.

We may use or disclose identifiable health information about you without your authorization for several reasons. Subject to certain requirements, we may give out health information without your authorization for public health purposes, for auditing purposes, for research studies, and for emergencies. We provide information when otherwise required by law, such as for law enforcement in specific circumstances.

In any other situation, we will ask for your written authorization before using or disclosing any identifiable health information about you.

If you choose to sign an authorization to disclose information, you can later revoke that authorization to stop any future uses and disclosures. We may change our policies at any time. Before we make a significant change in our policies, we will change our notice and distribute the new notice. You can also request a copy of our full notice at any time. For more information about our privacy practices, contact the office of the privacy officer listed below.

## **Individual Rights**

In most cases, you have the right to look at or get a copy of health information about you that we use to make decisions about you. If you request copies we will charge you the normal copy fees that reflect the actual costs of producing the copies including such items as labor and materials. You also have the right to receive a list of instances where we have disclosed health information about you for reasons other than treatment, payment, healthcare operations, related administrative purposes, and when you explicitly authorized it.

If you believe that information in your record is incorrect or if important information is missing, you have the right to request that we correct the existing information or add the missing information. You have the right to request that we restrict the use and disclosure of your health information above what is required by law. If we accept your request for restricted use and disclosure then we must abide by the request and may only reverse the position after you have been appropriately notified.

You have the right to request an alternative means of communications with us. You are not required to explain why you want the alternative means of communication.

## **Complaints**

If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact the office of the privacy officer listed below.

You also may send a written complaint to the U.S. Department of Health and Human Services. The person listed below can provide you with the appropriate address upon request.

## **Legal Duty**

We are required by law to protect the privacy of your information, provide this notice about our information practices, follow the information practices that are described in this notice, and obtain your acknowledgement of receipt of this notice.

## **Detailed Notice of Privacy Practices**

For further details about your rights and the federal Privacy Rule, refer to the detailed statement of this notice. You can ask for a written copy of the detailed notice by contacting the Office of the Superintendent listed below. If you have any questions or complaints, please contact the West Oso ISD Office of the Superintendent, 5050 Rockford Dr., Corpus Christi, Texas 78416.

## **Dress Code**

### *Rules for Dress Policy DH*

West Oso ISD is committed to being a high performance organization focused on outstanding student performance, achievement and preparation for a lifetime of success. The District believes that student performance, achievement and preparation for a lifetime of success are positively affected by the professional appearance of the District's staff. The professional appearance (which includes dress, accessories and other body adornments and grooming) of staff members not only reinforces their own shared vision of the District and their identity as highly motivated professionals working toward a common mission but also strengthens their morale, sense of

professionalism, dignity and self-worth; the community's attitude toward the District, public schools and the teaching profession in general and, directly and indirectly, the conduct, morale, and performance of the District's students.

Board Policy DH (LOCAL) states that 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 his or her supervisor and approved by the superintendent.

**Professional Dress is required of all District employees.**

All employees must exercise good judgment in their choice of professional appearance for work and work-related activities by always appearing in a way that is appropriate to the situation and that will invoke a positive impression from the community; provide appropriate role modeling for students; promote a working and learning environment that is free from unnecessary disruption; and, be conducive to high student and staff performance.

Examples of professional attire include, but are not limited to:

- Collared shirts, polo style shirts, sport shirts
- Dress slacks
- Hosiery (stockings, socks, and tights)
- Dress shoes, casual shoes, boots, canvas shoes, athletic shoes
- Dress coordinates
- Suits
- Ties
- Blouses and shirts
- Professional dresses
- Sleeveless dresses and blouses (if undergarments are not exposed)
- Dressy capris pants
- Blue jeans are discouraged unless designated administratively for specific circumstances
- Staff is not permitted to wear any clothing, paraphernalia, grooming, jewelry, accessories or body adornments that are disruptive or potentially disruptive to the educational environment as determined by the principal or supervisor.

Examples of clothing, accessories or body adornments that are **NOT considered** professional are as follows:

- Exposed undergarments
- Sleepwear
- See-through apparel
- Any articles of clothing or footwear that are not neat and clean
- Flip-flops (typically a light sandal made of plastic or rubber with a thong between the big toe and second toe; slides or slippers)
- Visible tattoos/body art that is obscene, sexual, satanic, gang-related or depict drugs, drugs, alcohol or tobacco

- Body piercings **shall not** be distracting to the general population
- Hairstyles and/or hair color **shall not** be distracting to the general population
- Leggings up under a shirt. Leggings up under a dress will be acceptable as long as the dress is an appropriate length.

### Exceptions

- ❖ Spirit Day and/or College Awareness Day will be limited to one day per week as designated by the Principal.
- ❖ Additional days will require approval by the Principal. On those designated days, denim jeans, tennis shoes or athletic shoes may be worn only if accompanied by a spirit shirt or college awareness shirt. Denim clothing shall be clean and neat with no holes, no extreme fading, frayed hems or worn-out look and not multi-toned.
- ❖ Physical Education staff may choose to wear appropriate attire, approved by campus administration, during the physical education period.
- ❖ Teachers who have lab or shop courses may wear aprons, smocks, or overalls during the instructional period, since this attire may be deemed necessary for safety purposes.
- ❖ Other specialized campus employees may choose appropriate attire, approved by the department and/or campus administration.
- ❖ Auxiliary employees in maintenance, custodial, transportation, child nutrition, and positions requiring uniforms are exempted from the general guidelines, but shall comply with dress and grooming guidelines specified by their supervisors in the department handbook.

Principals and other administrative supervisors are delegated the authority and bear the responsibility for ensuring compliance with this policy and are expected to counsel and/or discipline employees whom they supervise on professional appearance in conformance with this policy.

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

*Policies DH, DIA*

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

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

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

<https://pol.tasb.org/Home/Index/957>

## **Harassment of Students**

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

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, page 41 and *Bullying*, page 58 for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

<https://pol.tasb.org/Home/Index/957>

## **Reporting Suspected Child Abuse**

*Policies DG, DH, FFG, GRA*

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §26.001, 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.

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

Reports to Child Protective Services can be made to [www.txabusehotline.com](http://www.txabusehotline.com) or call the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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

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

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

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

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

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at [www.westosoid.net](http://www.westosoid.net). As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

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

## **Reporting Crime**

### *Policy DG*

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

## **Technology Resources**

### *Policy CQ*

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

- Imposes no tangible cost to the district.
- Does not unduly burden the district's 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 technology resources are not confidential and can be monitored at any time to ensure appropriate use.

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

## **Personal Use of Electronic Communications**

### *Policy DH*

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

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct.

If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:  
The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.

- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law [See Policy DH (EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]
  - Copyright law [See Policy CY]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

See *Use of Electronic Communications with Students*, below, for regulations on employee communication with students.

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

### *Policy DH*

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are

currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or e-mail address.

An employee is not subject to provisions regarding electronic communications with a student to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

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

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

- *Electronic communications* means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mail, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*. However, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who

communicates with a student using text messaging shall comply with the following protocol:

- The employee shall include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
- The employee shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page ("professional page") for the purpose of communicating with students. The employee must enable administration and parents to access the employee's professional page.
- The employee shall not communicate directly with any student between the hours of 9:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DHB]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- An employee shall notify his or supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

## **Criminal History Background Checks**

### *Policy DBAA*

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

with access to an employee's current national criminal history and updates to the employee's subsequent criminal history.

## **Employee Arrests and Convictions**

### *Policy DH*

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

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

Moral turpitude includes the following:

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

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

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

### *Policy DH*

West Oso ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use follows:

*<https://pol.tasb.org/Home/Index/957>*

## **Tobacco Products and E-Cigarette Use**

*Policies DH, FNCD, GKA*

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

## **Fraud and Financial Impropriety**

*Policy CAA*

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

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

## **Conflict of Interest**

*Policy CB, DBD*

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

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

Employees should contact their supervisor for additional information.

## **Gifts and Favors**

### *Policy DBD*

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

## **Copyrighted Materials**

### *Policy CY*

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

## **Associations and Political Activities**

### *Policy DGA*

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

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

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

## **Charitable Contributions**

### *Policy DG*

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

## **Safety**

### *Policy CK series*

The district 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.

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

Employees with questions or concerns relating to safety programs and issues can contact the WOISD Director of Student Services.

## **Possession of Firearms and Weapons**

### *Policies DH, FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor or call 911 immediately.

## **Visitors in the Workplace**

### *Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **Asbestos Management Plan**

### *Policy CKA*

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

## **Pest Control Treatment**

### *Policies CLB, DI*

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on the front door of the building plus 2-3 other locations around the building.

In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

## **Other Topics**

# GENERAL PROCEDURES

## Bad Weather Closing

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's website and notify the radio and television stations. For additional information about inclement weather plans, visit [www.westosoid.net](http://www.westosoid.net).

## Emergencies

*Policies CKC, CKD*

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

## Purchasing Procedures

*Policy CH*

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

## Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the WOISD Human Resources Department office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from the Office of the Superintendent.

## Personnel Records

*Policy DBA, GBA*

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

Employees may choose to have the following personal information withheld:

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

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

### **Building Use**

*Policies DGA, GKD*

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

# TERMINATION OF EMPLOYMENT

## **Resignations**

*Policy DFE*

### **Contract Employees.**

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

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

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

## **Dismissal or Nonrenewal of Contract Employees**

*Policies DF Series*

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available online.

## **Dismissal of Noncontract Employees**

*Policy DCD*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination.

The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*, page 31.)

### **Exit Interviews and Procedures**

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

### **Reports to Texas Education Agency**

*Policy DF, DHB*

The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is evidence that the employee was involved in any of the following:

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

The reporting requirements above are in addition to the superintendent’s ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history. “Reported criminal history” means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

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

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

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

# STUDENT ISSUES

## **Equal Educational Opportunities**

*Policies FB, FFH*

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

Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to Isabel Olivarez, the district Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to RJ Alvarado, the district ADA/Section 504 coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

## **Student Records**

*Policy FL*

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

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

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

## **Parent and Student Complaints**

*Policy FNG*

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

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## **Administering Medication to Students**

### *Policy FFAC*

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

## **Dietary Supplements**

### *Policies DH, FFAC*

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

## **Psychotropic Drugs**

### *Policy FFAC*

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

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

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

## **Student Conduct and Discipline**

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

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

## **Student Attendance**

### *Policy FEB*

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

## **Bullying**

### *Policy FFI*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyber bullying, to the campus principal or the Director of Student Services. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

#### **Examples**

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

## **Retaliation**

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

#### **Examples**

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

## **False Claim**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

## **Timely Reporting**

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

## **Reporting Procedures**

### **Student Report**

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

### **Employee Report**

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

### **Report Format**

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

### **Notice of Report**

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

### **Prohibited Conduct**

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

### **Investigation of Report**

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

### **Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

**Notice to Parents**

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

**District Action****Bullying**

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

*Discipline*

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

*Corrective Action*

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

*Transfers*

The principal or designee shall refer to FDB for transfer provisions.

*Counseling*

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

**Improper Conduct**

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

**Confidentiality**

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

**Appeal**

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

**Records Retention**

Retention of records shall be in accordance with CPC (LOCAL).

**Access to Policy and Procedures**

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

**Hazing***Policy FNCC*

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

# TECHNOLOGY RESOURCES

## *Policy CQ*

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

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

Electronic mail transmissions and other use of technology resources 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 acceptable use policy and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact the Director of Technology at 361-806-5900.

## **Employee Technology Resources and Acceptable Use Agreement**

### *Policy CQ*

The district provides technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the schools by facilitating resource sharing, innovation and communication with the support and supervision of parents, teachers, and support staff. The use of these technology resources is a privilege, not a right.

Proper behavior, as it relates to the use of computers, is no different than proper behavior in all other aspects of district activities. All users are expected to use the district technology resources in a legal, responsible, ethical, and polite manner. This section is intended to clarify those expectations as they apply to computer and network usage and is consistent with district Policy CQ (Local).

### **Definition of District Technology Resources**

The district's computer systems and networks are any configuration of hardware and software owned by West Oso ISD. The systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files.

This includes electronic mail, local databases, externally accessed databases (such as the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available. The district reserves the right to monitor all access to these technology resources.

### **Ownership of Electronic Files**

Electronic files created, sent, received, or stored on district technology resources owned, leased, administered, or otherwise under the custody and control of the district are the property of the district.

### **Privacy**

Electronic files created, sent, received, or stored on district technology resources owned, leased, administered, or otherwise under the custody and control of the district are not private and may be accessed or monitored by the executive director of technology or designee at any time without knowledge of the user or owner.

### **Special Notation**

Employees that resign or retire from the district will have all WOISD and related academic accounts terminated after the last contractual day with the district. It is the employee's responsibility to retrieve any necessary information from these accounts **prior** to the official last day of work.

If a letter of resignation is submitted after the school year has ended, all accounts will be deleted within a week. The employee needs to extract desired information no later than 7 days of the letter submission.

## District Technology Resources: Employee Acceptable Use Agreement

1. System users must report any weaknesses in district computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the appropriate management. This security weakness should not be disclosed to other users.
2. System users must not share their district account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), or similar information or devices used for identification and authorization purposes. The user is responsible for the proper use of the above information at all times.
3. Passwords should not be written down. If it must be written down, try to write it in a way that cannot be deciphered (such as using a hint) and store it securely in a safe, unlikely-to-be discovered location (e.g. not under the keyboard or on the monitor).
4. Attempting to log on or logging on to a computer or email system by using another's password is prohibited. Assisting others in violating this rule by sharing information or passwords is unacceptable.
5. Student use of the district technology resources is allowed when granted permission and supervised by a staff member.
6. Student Directory Information such as but not limited to photographs, names, student work, etc. should not be shared via electronic communications without written parental consent on file
7. Participation in any unauthorized chat room accessed on the Internet is not allowed for students or employees unless special permission is arranged through the chief technology officer or designee.
8. Non-educational online communication tools such as but not limited to blogs, wikis, etc. should not be accessed at school. Educational online communication tools may be accessed in compliance with the Internet Safety Guidelines.
9. System users must insure all communications/postings on electronic resources provided by the district / state are consistent with district policies and guidelines.
10. Staff should never put student information such as but not limited to student pictures, class field trips, etc. on personal websites or personal Web 2.0 tools such as but not limited to sites such as Facebook, Flickr, etc.
11. An employee who uses a social networking site or similar media for personal purposes is responsible for the content of his/her page including the content added by the employee's friends or members of the public who can access the employee's page and for web links linked to his/her page.
12. Improper use of any district technology resource is prohibited. This includes the following:
  - Using racist, profane, pornographic, sexually oriented, or obscene language or materials
  - Using the network for political activity
  - Attempting to harm or harming equipment, materials or data
  - Attempting to send or sending anonymous messages of any kind
  - Using the network to access inappropriate and / or harmful materials
  - Knowingly placing a computer virus on a computer or the network
  - Streaming media, such as radio, games, video, etc., for non-educational purposes
  - Using the network to provide addresses or other personal information that others may use inappropriately

- Purposely engaging in activity that may: harass, threaten, defame, slander, libel, malign, or abuse another individual or group.
  - Using the network for illegal purposes, in support of illegal activities, or for any other activity prohibited by district policy or guidelines
  - Proxy sites - Attempting to bypass or bypassing, the filtering device by using sites such as but not limited to proxy sites on the district's electronic communications system
13. System users must not intentionally access, create, store or transmit material, which the district may deem to be offensive, indecent or obscene (other than in the course of academic research where this aspect of the research has the explicit approval of the district's official processes for dealing with academic ethical issues).
  14. Non-district email accounts are not provided or supported by the technology department.
  15. System users are asked to delete electronic mail or outdated files on a regular basis.
  16. System users must not encrypt communications so as to avoid security review or monitoring by the system administrator.
  17. System users must not waste district technology resources for non-educational purposes. (Distribution of video or photos, listening to web radio, etc.)
  18. Copyright: All users are expected to follow existing copyright laws, copies of which may be found in each campus library. Users must not make unauthorized copies of copyrighted software.
  19. Software applications may not be placed on any computer or district mobile device, whether stand-alone or networked to the district's system, without permission from the chief technology officer or designee.
  20. System users must not use non-standard shareware or freeware software without the district technology designee's approval.
  21. System users may not download any type of file sharing software without the district technology designee's approval.
  22. System users must not degrade the performance of the district technology resources; deprive an authorized district user access to a district resource; obtain extra resources beyond those allocated; circumvent the district computer security measures.
  23. System users must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of a system. For example, the district users must not run password cracking programs, packet sniffers, or port scanners or any other non-approved programs on the district technology resources.
  24. System users must not plug unauthorized hardware into the district network such as but not limited to wireless access points, routers, external storage devices, or any non-district supported hardware.
  25. System users must not otherwise engage in acts against the aims and purposes of the district as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
  26. System users must logout of their remote access account such as but not limited to VPN or Virtual Private Network, Stoneware-web Network portal, etc. when not in use.
  27. To help maintain an accurate inventory, system users must not move computer hardware. Users may submit a technology work order to have a computer system moved or submit a Computer and Printer Move Request.

28. System users will be responsible for the care and maintenance of their systems. Maintenance issues should be reported to the campus or department designee via a technology work order.
29. Access to the Internet from a district owned, home-based computer must adhere to the same policies that apply to computers within district facilities. Employees will be responsible for any family member or other non-employee who accesses district computer system via the employee's home based machine.

### **User Back Up**

The user is responsible for backing up data stored on their individual user network drive.

- Individual backups should occur at least once each six weeks during the school year.
- Backups should be placed on a secondary storage device such as a CD, USB memory stick, external hard drive, or web-based storage.

### **Incidental Use**

As a convenience to the district user community, incidental use of district technology resources is permitted. The following restrictions apply:

- Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, and so on, is restricted to West Oso ISD approved users.
- Incidental use must not result in direct costs to the district.
- Incidental use must not interfere with the normal performance of an employee's work duties.
- No files or documents may be sent or received that may cause legal action against, or embarrassment to the district.
- Storage of personal email messages, voice messages, files and documents within district technology resources must be nominal.
- All messages, files and documents – including personal messages, files and documents – located on West Oso ISD district technology resources are owned by West Oso ISD, may be subject to open records requests, and may be accessed in accordance with this policy.

### **Vandalism Prohibited**

Any malicious attempt to harm or destroy the district's equipment or materials, data of another user of the district's system, or any of the agencies or other networks to which the district has access, is prohibited. Deliberate attempts to degrade or disrupt system performance may be viewed as violation of district guidelines and possibly, as criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, Chapter 33. This 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 possible prosecution. The party will be responsible for restitution of costs associated with cleanup, system restoration, hardware, or software costs.

### **Forgery Prohibited**

Forgery or attempted forgery of electronic messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users or deliberate interference with the ability of other system users to send/receive electronic mail is prohibited.

## **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 outside the district's networks that may contain inaccurate and/or objectionable material.

## **Safe Environment**

The district is making every effort to insure that the learning environment is a safe one. The district is in compliance with the Children's Internet Protection Act (CIPA), which provides additional filtering for Internet security and safety.

If you have questions or concerns regarding this policy, please contact the campus principal. An employee knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with district policies. [See DH]

## **Disciplinary Actions**

West Oso ISD may suspend or revoke a system user's access to the District's system upon violation of this acceptable use agreement. Improper or unethical use may result in disciplinary actions consistent with the existing student code of conduct or district policy. This may also require restitution for costs associated with system restoration, hardware or software.

Violation of this agreement may result in disciplinary action that may include termination for employees and temporaries; a termination of employment relations in the case of contractors or consultants; dismissal for interns and volunteers; or suspension or expulsion in the case of a student. Additionally, individuals are subject to loss of district technology resources access privileges, civil, and criminal prosecution.

## **Employee Email Usage Agreement**

### **Purpose**

The purpose of the West Oso ISD email agreement is to establish the rules for the use of district email for the sending, receiving, or storing of electronic mail.

The district's electronic communications system is property of district. Therefore, the district owns all email. Employees have no right to privacy with regards to district email and can be monitored at any time to ensure appropriate use.

West Oso ISD technology resources are strategic, valuable assets that must be managed as such. Thus, this agreement is established to achieve the following:

- To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources.
- To establish prudent and acceptable practices regarding the use of email.
- To educate individuals using email with respect to their responsibilities associated with such use.

### **Audience**

The district email agreement applies equally to all individuals granted access privileges to any West Oso ISD information resource with the capacity to send, receive, or store electronic mail.

## **Employee Email Activities NOT Permitted**

1. Inappropriately distributing protected or copyrighted works.
2. Using district email to operate a personal business.
3. Sending, forwarding or posting an email anonymously.
4. Sending, forwarding or posting email that contains any items involving partisan party politics, political lobbying or campaigning.
5. Sending, forwarding or posting email that is intimidating or harassing including that of a racist, sexist, threatening, obscene, pornographic or otherwise objectionable nature or language is strictly prohibited.
6. Impeding the conduct of school business by sending, forwarding or posting and receiving personal email other than stated in the email usage guidelines.

## **Prohibited Activities**

**Activities prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:**

1. Sending, forwarding, or posting chain letters.
2. Sending, forwarding or posting unsolicited messages to large groups of 10 or more except as required to conduct District business.
3. (District permission must be received to send out a message to everyone's mailbox district-wide. West Oso ISD has established email distribution groups for the convenience of employees. All campus employees must gain the approval of their campus principal to disseminate information, other than district business, using the campus distribution groups.
4. Sending, forwarding or posting excessively large messages/attachments.
5. Sending, forwarding or posting email that is likely to contain computer viruses.
6. The use of unauthorized communication software such as but not limited to instant messaging and other non-educational online communication tools.

## **Email Usage Guidelines**

1. Staff members should set aside time to check and respond to email messages at least once per work day.
2. Personal use of email is a privilege granted by the district and as such, must be limited to personal time and must be content appropriate. Access to the district's email is primarily for instructional and administrative purposes and in accordance with administrative regulations.  
Limited personal use of the system shall be permitted if the use:
  - Imposes no tangible cost on the district;
  - Does not unduly burden the district's technology resources; and
  - Has no adverse effect on an employee's job performance or on a student's academic performance.
3. Your email address identifies you as a West Oso ISD employee. Therefore, the employee is responsible for sending emails that are consistent with district policies and guidelines.
4. Employees need to keep in mind that all email is recorded and stored along with the source and destination.

5. Employees have no right to privacy with regard to email. The district has the ability and right to view employees' email. Employees need to be aware that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail can form the basis of various legal claims against the individual author. Messages relating to or in support of illegal activities will be reported to the authorities.
6. In order to maintain an efficient email system, a disk size limitation will be set for each user. Archiving is recommended to employees wanting to preserve mail and to stay within the designated disk size limitation.
7. Subscriptions to an Internet listserv should be limited to professional digests due to the amount of email traffic generated by subscriptions.
8. All user activity on the West Oso ISD information resources assets is subject to logging and review.
9. The Family Rights and Privacy Act (FERPA) govern disclosure of confidential student records. Therefore, sharing student records or other confidential information with persons or agencies outside the school district via email is prohibited without prior written consent of the student's parent/guardian.
10. Users may not have their email set for "automatic sign on."  
(i.e. saved username and password)
11. All sensitive district material transmitted over external network must be encrypted.
12. Individuals must not send, forward or receive confidential or sensitive district information through non-district email accounts. Examples of non-district email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, and email provided by other Internet Service Providers (ISP).
13. District employees are prohibited from accessing another employee's electronic mail without the expressed consent of the employee. An exception would be designated district personnel with just cause for review.
14. System users should avoid actions that are likely to increase the risk of introducing viruses to the system, such as opening email messages from unknown senders and loading data from unprotected computers.
15. Notify your immediate supervisor if you receive email of a threatening nature. The technology department will attempt to track down the source of that email and prevent you from receiving any additional unsolicited mail.

### **Disciplinary Actions**

Access to the district's electronic communications system is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with district policies. [See DH, FN series, FO series, and the student code of conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the district.

Violation of this policy may result in disciplinary action that may include termination for employees and temporaries; a termination of employment relations in the case of contractors or consultants; dismissal for interns and volunteers; or suspension or expulsion in the case of a

student.

Additionally, individuals are subject to loss of West Oso ISD Information Resources access privileges, civil, and criminal prosecution.

### **Internet Safety Guidelines**

The district provides technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the schools by facilitating resource sharing, innovation and communication with the support and supervision of parents, teachers, and support staff. The use of these technology resources is a privilege, not a right.

Proper behavior, as it relates to the use of computers, is no different than proper behavior in all other aspects of district activities. All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. This section is intended to clarify provisions and procedures in place to address staff and student internet safety as required by the Children's Internet Protection Act (CIPA), Neighborhood Children's Internet Protection Act (NCIPA) and The Protecting Children in the 21st Century Act.

### **Access to Inappropriate Materials**

- Control student and staff access to inappropriate materials, on the Internet and the World Wide Web.
- Measures designed to restrict minors' access to harmful materials on the Internet or World Wide Web.

### **Filtering**

District Internet filtering (Technology Protection Measure) blocks access to at least, but not limited to the three categories of visual depictions specified by CIPA – obscene, child pornography, and harmful to minors. A staff member can request access to a specific URL for bona fide research or other lawful purpose via a technology work order. All requests will be reviewed by the executive director of technology or an appointed designee. Students may have a less or more restrictive filter depending on their age group.

Procedures for the disabling or otherwise modifying any technology protection measure shall be the responsibility of the executive director of technology or designated representative.

### **Supervising / Monitoring**

- Staff members must supervise and monitor student online activities.
- Online activities may be monitored with district computer monitoring software.

### **Educating**

Educate students and staff on proper procedure for:

- An inappropriate or harmful site coming up on the screen  
Student:
  - Turn off monitor
  - Raise your hand
  - Wait for an adult to address the problem

### Staff:

- Turn off monitor and/or close browser
- Report via a work order
- Request site to be blocked
- Searching for information on the Internet
  - Do not type specific web address (if uncertain of the site address)
  - Use age-appropriate search engines when looking for specific sites
- Create and use link pages for Internet access when appropriate

### **Inappropriate Network Usage**

Ensure student safety and security when using online communications tools (OCT) such as email, chat rooms, blogs, and /or other forms of direct electronic communication.

### **Digital Citizenship Expectations**

Proper behavior, as it relates to the use of technology, is no different than proper behavior in all other aspects of district activities. All users are expected to use the district technology resources in a legal, responsible, ethical, and polite manner. The Digital Citizenship Guidelines are intended to clarify those expectations as they apply to computer and network usage and is consistent with the Administrative Procedures for Electronic Communication and Data Management and District Policy CQ (Local). A student who knowingly violates any portion of the Digital Citizenship Expectations will be subject to suspension of access and or revocation of privileges on the District's system and will be subject to disciplinary action in accordance with the Student Code of Conduct.

1. Students will practice responsible use of digital information regarding intellectual property including complying with software licenses, copyright laws, and all other state and federal laws governing intellectual property. See district fair use and copyright guidelines for more information.
2. Students will practice safe and appropriate online behavior including using professional etiquette while communicating online. Improper use of district technology resources is prohibited including but not limited to:
  - a. Using racist, profane, pornographic, sexually oriented, or obscene language or materials
  - b. Attempting to send or sending anonymous messages of any kind
  - c. Using the network to access inappropriate and / or harmful materials
  - d. Bypassing the district's security measures to access sites that are filtered on the district network.
  - e. Encrypting communications so as to avoid security review or monitoring by the system administrator.
  - f. Using the network to provide addresses or other personal information that others may use inappropriately
  - g. Purposely engaging in activity that may: harass, threaten, defame, slander, libel, malign, or abuse another individual or group.
  - h. Using the network for illegal purposes, in support of illegal activities, or for any other activity prohibited by district policy or guidelines

- i. Forgery or attempted forgery of electronic messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users or deliberate interference with the ability of other system users to send/receive electronic mail is prohibited.
3. Students will use the technology resources in a positive and responsible manner that promotes productivity, collaboration and learning. Improper use of the districts technology resources is prohibited including but not limited to:
  - a. Using the network for political activity, financial gain, or commercial activity
  - b. Attempting to harm or harming equipment, materials or data
  - c. Changing any computer configurations and/or settings.
  - d. Installing software, including freeware and file sharing services, without permission from the executive director of technology or designee.
  - e. Deliberate attempts to degrade or disrupt system performance may be viewed as violation of district guidelines and possibly, as criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, Chapter 33. This includes, but is not limited to, the uploading or creating of computer viruses
  - f. Streaming media, such as radio, games, video, etc., for non-educational purposes
  - g. Proxy sites - Attempting to bypass or bypassing, the filtering device by using sites such as but not limited to proxy sites on the district's electronic communications system
  - h. Running security programs or utilities that reveal or exploit weaknesses in the security of a system such as password cracking programs, packet sniffers, or port scanners or any other non-approved programs on district technology resources.
  - i. System users must not otherwise engage in acts against the aims and purposes of the district as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
4. Students will understand the negative impact of inappropriate technology use including online bullying and harassment, hacking, intentional virus setting, invasion of privacy, and piracy such as software, music, video and other media.
5. Students will log into the district network using their own login credentials. Account information and passwords, or similar information used for identification and authorization purposes, must be kept private. Passwords should not be written down and left in a location others may find it. The individual in whose name a system account is issued will be responsible at all times for its proper use.
6. Prior to recording audio or video, students will obtain consent of both the person(s) being recorded and the teacher/administrator.
7. Students will use technology resources cautiously to prevent damage.
8. System users are asked to maintain their personal files including backing up files and deleting outdated files on a regular basis.
9. Students are asked to conserve district technology resources (such as network bandwidth and storage) by limiting usage to educational purposes. System users must not: degrade the performance of district technology resources (i.e. streaming video, streaming audio, and Internet radio); deprive an authorized district user access to a district resource; obtain extra resources beyond those allocated; circumvent district computer security measures.

## Unauthorized Online Access

Prevent student and staff from unauthorized access, including “hacking,” and other unlawful activities.

- Personal Network Logins
  - Staff and students will be given specific rights based on their network login.
  - Staff and students are not to share their login or passwords.
  - Online activities may be monitored.
  - Activity on the network can be traced by the user’s login.
- Unauthorized software installs disallowed at the user level.
- Virus software installed on each desktop.
- Network measures in place to have a secure system.
- Copyright laws/proper citing of sites discussed.
- Personal electronic documents
  - Ownership of documents created.
  - Respect others’ documents.
  - Online documents may be monitored by administration.

## Unauthorized Disclosure of Personal Identification Information

Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students.

- Student’s full name, first and last, can be posted on the Internet as long as parental / guardian signed consent has been obtained and is on file, or the parent has not restricted the release of this directory information according to the procedures required by FERPA (the Family Educational Rights and Privacy Act), which is explained elsewhere in this handbook.
- Identifiable pictures of students can be posted to the Internet as long as parental / guardian signed consent has been obtained and is on file, or the parent has not restricted the release of this directory information according to the procedures required by FERPA (the Family Educational Rights and Privacy Act), which is explained elsewhere in this handbook.
- Staff should never put student information such as but not limited to student pictures, class field trips, etc., on personal websites or personal Web 2.0 tools such as but not limited to sites such as Facebook, Flickr, etc.
- Students should not give out personal information over the Internet such as:
  - Name
  - Address
  - Phone number
  - Age
- Students should not share information that could identify him or her.
  - Landmarks about where one lives
  - Where one goes to school
  - Where one “hangs out”
  - Where parents work
  - Similar information about friends or family

- Do not fill out forms on the Internet without parent or adult supervision. (Ex. membership forms, prize drawings, etc.)
- If someone on the Internet asks you for personal information, turn off the monitor, raise your hand, and wait on an adult for assistance.
- Never agree to meet someone “offline.”

## **Education, Supervision and Monitoring**

It shall be the responsibility of all members of district staff to educate, supervise, and monitor appropriate usage of the online computer network and access to the Internet in accordance with these guidelines, the CIPA, NCIPA, and the Protecting Children in the 21<sup>st</sup> Century Act.

The teacher or designated representatives will provide age-appropriate training for students who access the district’s Internet. The training will include:

- Discussion and review of the WOISD Digital Citizenship Expectations, Internet Safety Guidelines and Student Email Usage Agreement (if applicable);
- Student Internet safety with regard to:
  - Safety online
  - Appropriate behavior while on online, focusing on social networking Web sites, and chat rooms
  - Cyberbullying awareness and response

## **Internet Safety Sites**

<http://www.safekids.com/>

<https://disneyprivacycenter.com/internet-safety/>

<http://www.netsmartz.org/>

<https://txssc.txstate.edu/tools/courses/before-you-text/>

<http://www.stopcyberbullying.org>

<https://www.texasattorneygeneral.gov/cj/cyber-safety>

## **Personal Use of Electronic Media**

*Policy CQ, DH*

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

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

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

## **Use of Electronic Media with Students**

### *Policy DH*

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

- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to extracurricular activity).
- The employee shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as a cell phone, text messaging, e-mail, instant messaging, blogging, or other social network communication. It is recommended that an employee create a professional social networking page for the purpose of communicating with students and parents.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators.
  - Compliance with the Public Information Act and the Family Education Rights and Privacy Act (FERPA), including retention and confidentiality of student records [See Policies CPC and FL]
  - Copyright law
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DF]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently –enrolled students.

- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.

# **COPYRIGHT MATERIAL**

## **Guidelines for Educational Exemptions and Copyrighted Materials**

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

The information below is provided as an additional guide. It is composed of information gathered from the sources cited and does not represent legal advice.

## **Definitions**

### **Copyright**

The six exclusive property rights\* granted to the creator of an original, creative, and tangible expression of a work are reproduction, adaptation, distribution, public performance, public display and digital audio transmission. [Section 106, 17 US Code]

### **Fair Use Exemption**

The exemption provided for the educational use of copyrighted material that does not infringe, or violate the exclusive rights of the copyright holder. Section 107 allows for the reproduction of copyrighted works for the purposes of criticism, comment, news reporting, teaching, scholarship, or research. To qualify for the exemption, all four factors of the “fair use test” must be met. Those factors are:

1. Purpose and character of the use, including whether use is of a commercial nature or is for non-profit educational purposes
2. Nature of the copyrighted work;
3. Amount and importance of the portion used in relation to the copyrighted work as a whole; and
4. Effect of the use upon the potential market for or value of the copyrighted work.

Even though “fair use” allows an exception, guidelines define the number, portion of the work reproduced and other criteria. Single copies may be made of the following for scholarly use, for use in teaching, or in preparing to teach a class. Examples of single copy used include a chapter of a book, an article from a periodical or a short story. Multiple copies for classroom use must meet five criteria. Those criteria are: Brevity: limits on extent of work that can be copied; spontaneity: teacher’s decision to use material must be so close to time of use that timely request for permission could not be made; cumulative effect: must not have a negative effect on the market for the copyrighted work; no profit - students may not be charged more than actual copy cost; and, copyright notice and attribution must be included.

## First Sale Doctrine

The physical ownership of an item, such as a book or a CD, does not include the transfer of the copyright to the item. Under the first sale doctrine, ownership of a physical copy of a copyright-protected work permits lending, reselling, disposing, etc. of the item, but it does not permit reproducing the material, publicly displaying or performing it, or in any of the acts reserved for the copyright holder. (Section 109 of the Copyright Act)

## Public Performance and Domain

Any performances in a place open to the public, or at a place where a substantial number of persons outside the normal circle of family or its social acquaintance is a public performance. A gym, cafeteria and/or media room is an example of a public domain. Works with no copyright restrictions are considered public domain and include those not protected include facts and ideas, as well as most government documents. Although a writer’s distinctive word to present ideas or facts may be copyrighted, the underlying concepts or facts cannot. Items may fall into public domain when copyright protection expires.

PRINT/TEXT/ILLUSTRATIONS GUIDELINES	
Educators & Students MAY Copy	Educators & Students MAY NOT Copy
<p><u>A single copy</u> for scholarly research, preparation to teach class, or use in teaching a:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> chapter from a book,</li> <li><input type="checkbox"/> newspaper or magazine article,</li> <li><input type="checkbox"/> short story, short essay or short poem, or</li> <li><input type="checkbox"/> chart, a graph, a diagram, a drawing, a cartoon or a picture from a book, periodical or newspaper</li> </ul> <p><u>Multiple Copies</u> IF it meets <b>all</b> tests for BREVITY, SPONTANEITY, CUMMULATIVE EFFECT:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Brevity--Poetry:</u> whole poem if poem is less than 250 words or excerpt from a longer poem but not more than 250 words</li> <li><input type="checkbox"/> <u>Brevity--Prose:</u> whole article, story or essay if less than 2,500 words or excerpt not more than 10 % of the work OR less than 1,000 words, whichever is less.</li> <li><input type="checkbox"/> <u>Brevity--Special Works</u> under 2,500 words (ex: children’s books) an excerpt not more than 10 % of text or maximum of 2 pages</li> <li><input type="checkbox"/> <u>Brevity—Graphics:</u> single chart, graph, diagram, drawing, cartoon, or picture per book or magazine.</li> <li><input type="checkbox"/> <u>Copy limit:</u> one copy per student in course</li> </ul> <p>Note: <u>Copyright</u> notice must be included on all copies.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Items intended to be consumable: workbook pages, coloring books, standardized tests, answer sheets...</li> <li><input type="checkbox"/> As a substitute for purchase of book, magazine or newspaper</li> <li><input type="checkbox"/> Same works multiple semesters or years</li> <li><input type="checkbox"/> Same newspaper, articles from week to week</li> <li><input type="checkbox"/> “Special work” in entirety (ex: children’s book)</li> <li><input type="checkbox"/> To create anthologies of varied works</li> <li><input type="checkbox"/> More than one entire item (or two excerpts) from a single author,</li> <li><input type="checkbox"/> More than three articles from a single book or periodical volume during class term</li> <li><input type="checkbox"/> From the same work more than nine times in a semester</li> <li><input type="checkbox"/> For commercial purposes (selling copies of booklet)</li> <li><input type="checkbox"/> Enlarge or modify illustration (a violation of author’s right of adaptation or display)</li> </ul>

<b>MUSIC GUIDELINES*</b>	
<i>Sheet music, songs, lyrics, operas, musical scores, compact disks, or digital audio files</i>	
<b>Educators &amp; Students MAY</b>	<b>Educators &amp; Students MAY NOT</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Copy portions up to 10% of the work, provided they do not constitute a performable unit or aria,</li> <li><input type="checkbox"/> Make emergency copies not available for an immediate performance, provided purchase replacement copies are on order.</li> <li><input type="checkbox"/> Make single copy of entire performable unit if confirmed to be out- of-print</li> <li><input type="checkbox"/> Educators may make a single copy of performable unit if unavailable except in larger work, if for scholarly research or in preparation to teach a class</li> <li><input type="checkbox"/> Educators may make &amp; retain a single recording a student's performance for evaluation or rehearsal purposes</li> <li><input type="checkbox"/> Educators may record or copy a sound recording owned by the school or teacher for the purpose of constructing auditory exercises or examinations.</li> <li><input type="checkbox"/> Students may use a portion of commercial music in background IF they initiate it themselves.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Copy sheet music or consumable materials to avoid purchase or payment of royalty fees</li> <li><input type="checkbox"/> Copy for the purpose of performance except as noted in guidelines*</li> <li><input type="checkbox"/> Copy or record a work from one format to another, unless original is obsolete</li> <li><input type="checkbox"/> Use copyright protected music as background without obtaining "synchronization" rights</li> <li><input type="checkbox"/> Educators may not provide more than one copy per student.</li> <li><input type="checkbox"/> Educators may NOT make multiple copies of student's copyright performance</li> <li><input type="checkbox"/> Copy &amp; omit copyright notice</li> </ul>

<b>TELEVISION &amp; VIDEO PROGRAM GUIDELINES</b>	
<b>Educators &amp; Students MAY record &amp;/or show</b>	<b>Educators &amp; Students MAY NOT</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Showing meets <b>all</b> <i>fair use</i> exemption criteria:               <ol style="list-style-type: none"> <li>1. Is the content directly related to current curriculum?</li> <li>2. Will the performance occur in the course of face-to-face teaching activities by a student or teacher?</li> <li>3. Will the performance take place in a classroom or a traditional place of instruction?</li> <li>4. Is the program a legally acquired copy of the work?</li> </ol> </li> <li><input type="checkbox"/> <i>Off-air broadcast</i> if "Off-Air Taping Guidelines" &amp; retention limits are <b>all</b> met:               <ol style="list-style-type: none"> <li>1. recorded at the request of a teacher</li> <li>2. shown within 10 days of recording</li> <li>3. used only for evaluation purpose from Day 11 – 45.</li> <li>4. recording includes credits &amp; copyright</li> </ol> </li> <li><input type="checkbox"/> IF <i>public performance rights</i> have been obtained, it may be shown to groups outside of the classroom for incentive, reward or entertainment.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Show off-air or home use programs as a reward or for entertainment purposes</li> <li><input type="checkbox"/> Alter or edit recorded program from original content, or format</li> <li><input type="checkbox"/> Create an anthology of video clips and excerpts</li> <li><input type="checkbox"/> Transfer work to another medium (ex: digitize video programs)</li> <li><input type="checkbox"/> Show off-air recording after 10 days from recording date</li> <li><input type="checkbox"/> Retain off-air recording after 45 days limit from recording date</li> <li><input type="checkbox"/> Record same program different dates to circumvent guidelines</li> <li><input type="checkbox"/> Omit credits or copyright notice on recording</li> <li><input type="checkbox"/> Cablecast recordings or video streaming that are unrelated to instruction and lack public performance rights</li> <li><input type="checkbox"/> Sell video or audio recordings of school performances without specific copyright clearance for performance, distribution &amp; sync rights.</li> </ul>

### MULTIMEDIA PROJECTS

Projects containing copyrighted material must either obtain copyright permission from sources or observe the “fair use” guidelines: abide by quantity limits, use for direct instruction, obey retention limits, & observe original medium portions.

Educators & Students MAY	Educators & Students May NOT Copy
<ul style="list-style-type: none"> <li><input type="checkbox"/> Include <u>text</u> up to 10% or 1,000 words, whichever is less, in the aggregate of a copyrighted work</li> <li><input type="checkbox"/> Include <u>music</u> lyrics or music video excerpts, not to exceed 10% or 30 seconds of the work, provided they do not constitute a performable unit</li> <li><input type="checkbox"/> Include <u>motion media</u> up to 10%, or 3 minutes, whichever is less, in the aggregate of copyrighted work</li> <li><input type="checkbox"/> Include <u>images</u>, up to 5 from a single artist or photographer or no more than 10 % of a collective work.</li> <li><input type="checkbox"/> Perform and display their educational multimedia projects in the course for which they were created</li> <li><input type="checkbox"/> Students may retain &amp; use in their portfolios as examples of academic work for personal uses (job, college interviews)</li> <li><input type="checkbox"/> Educators may perform or display their own multi-media projects created in presentations to their peers, (workshops, conferences...).</li> <li><input type="checkbox"/> Educators may retain their multimedia projects up to 2 years in a personal portfolio (performance review, job interviews...).</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Scan, alter, modify, or include copyrighted graphics, photos, illustrations, <u>etc. beyond guideline limits</u> (left column) without copyright permission.</li> <li><input type="checkbox"/> Include copyrighted music tracks or songs without copyright permission (synch rights)</li> <li><input type="checkbox"/> Educators may NOT retain their projects beyond 2 years without obtaining permission for each copyrighted portions used</li> <li><input type="checkbox"/> Educator’s may not record a narrator reading a book</li> <li><input type="checkbox"/> Or display multimedia projects with copyrighted works in exhibits, festivals, public events or parent meetings.</li> <li><input type="checkbox"/> Educators may NOT retain student’s multimedia projects.</li> </ul>

### SOFTWARE, WEB, & INTERNET

Educators & Students MAY	Educators & Students May NOT
<ul style="list-style-type: none"> <li><input type="checkbox"/> Copy one back-up archival copy of legally purchased software</li> <li><input type="checkbox"/> Include hyperlink to another website’s main or home page</li> <li><input type="checkbox"/> Include original pictures or personally created graphics</li> <li><input type="checkbox"/> Include copyright free or public domain music or graphics</li> <li><input type="checkbox"/> Include copyrighted graphics &amp; citation if copyright holder gives express permission</li> <li><input type="checkbox"/> Include brief music, audio, or video clips per multimedia guidelines</li> <li><input type="checkbox"/> Include shareware or freeware HTML code if the creator gives permission and code is appropriately cited/linked</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Modify, or alter copyrighted graphics without express permission (ex: Adobe Acrobat logo)</li> <li><input type="checkbox"/> Consider internet postings as “public domain” or copyright free</li> <li><input type="checkbox"/> Collect, download, copy materials from Internet &amp; duplicate or compile it into a new work (databases, music files, graphics...)</li> <li><input type="checkbox"/> Fail to include an acknowledgement or credit for sources consulted.</li> <li><input type="checkbox"/> Link to sites suspected of having illegally obtained material or copyright infringements (music files, movie clips, pirated graphics)</li> <li><input type="checkbox"/> Load software on several computers for simultaneous use <u>without</u> specific license to do so</li> <li><input type="checkbox"/> Copy HTML source codes from other web pages.</li> </ul>

## **Citations for Crediting Sources**

Citations MUST provide the following information: Who, What, When, Where, and How. To understand appropriate use of citations, visit the Purdue University Online Writing Lab (OWL) at <http://owl.english.purdue.edu/owl/section/2/9/>

## **Resources**

University of Texas, Educational Multimedia Fair Use Guidelines Development Committee at: <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

For younger students, teach the basics and why it is important, sample permission letters and up-to-date producer and publisher contacts. See guidelines at: <http://www.copyrightkids.org/>

## **Obtaining Permission to Use Copyrighted Material**

Educators and students must obtain permission for the use of copyrighted material beyond the “fair use” guidelines. Acknowledging the source of the copyrighted material does not substitute for obtaining permission. For example, a teacher would like to use the set of copies more than one semester, or perform or show a program for reward or entertainment. When a program is to be publicly shown for parent meetings, or if the school wants to retain the material, such as off-air recordings, beyond the time limitations, permission must be obtained. If the material to be copied, recorded or included in a presentation is altered or changed from its original format, permission is required. Apply for permission early to allow sufficient time for response.

Send your permission request to the correct party. If in doubt, perform record search in Library of Congress Copyright Office of registered copyrights. Warning: a work need not be registered to be copyrighted. Works created after January 1, 1978, are to be considered copyrighted, and symbol is not required.

Be specific in describing the material and the rights you seek.

- Author or editor, title, and edition of the material.
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