

# Holland Independent School District



## Employee Handbook 2021 - 2022

# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Administration Office to the Payroll/HR Manager.

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. District 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. The official, authoritative district Board Policy Manual is available for inspection in the office of the superintendent during normal working hours or on the district website [www.hollandisd.org](http://www.hollandisd.org).

## District information

### Description of the district

Holland ISD is a 2A school district serving approximately 648 students in grades early childhood through twelve. Holland ISD was established in 1891 to serve the children of Holland. Approximately 110 faculty and staff work on three campuses: Holland Elementary School, Holland Middle School, and Holland High School, as well as at the Bell County Cooperative for Exceptional Children.

### Vision statement

All students will be successful learners.

### Mission statement

*Policy AE*

The Holland Independent School District, in partnership with parents and community, will provide a quality education for all student, empowering them to pursue productive and fulfilling lives in an ever changing, interdependent world.

### Motto

Holland Independent School District, the system where everybody is somebody.

### State Board of Education mission, goals and objectives

The mission of the Texas public education system is to ensure that all Texas children have access to a quality education that enables them to achieve their full potential and fully participate now and in the future in the social, economic, and educational opportunities in our state and nation. That mission is grounded on the conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of Texas citizens. It is further grounded on the conviction that a successful public education system is directly related to a strong, dedicated, and supportive family and that parental involvement in the school is essential for the maximum educational achievement of a child. The objectives of public education are:

- OBJECTIVE 1: Parents will be full partners with educators in the education of their children.
- OBJECTIVE 2: Students will be encouraged and challenged to meet their full educational potential.
- OBJECTIVE 3: Through enhanced dropout prevention efforts, all students will remain in school until they obtain a diploma.
- OBJECTIVE 4: A well-balanced and appropriate curriculum will be provided to all students.
- OBJECTIVE 5: Qualified and highly effective personnel will be recruited, developed, and retained.
- OBJECTIVE 6: Texas students will demonstrate exemplary performance in comparison to national and international standards.
- OBJECTIVE 7: School campuses will maintain a safe and disciplined environment conducive to student learning.
- OBJECTIVE 8: Educators will keep abreast of the development of creative and innovative techniques in instruction and administration using those techniques as appropriate to improve student learning.
- OBJECTIVE 9: Technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

The academic goals of public education are to serve as a foundation for a well-balanced and appropriate education. The students in the public education system will demonstrate exemplary performance in:

- GOAL 1: The reading and writing of the English language.
- GOAL 2: The understanding of mathematics.
- GOAL 3: The understanding of science.
- GOAL 4: The understanding of social studies.

*Education Code 4.001, 4.002*

### **District core values**

The philosophy of Holland ISD has been set collaboratively with students, parents, community members, business representatives, educational staff, and district administration each working together to formulate a philosophy that will be reflective of all students. The Holland ISD educational philosophy states that:

- Educated people are our most valuable resource.
- All students can be successful learners.
- Every person has equal value and worth.
- People succeed best in an open, inviting climate of continuous courtesy and mutual respect.
- All children deserve a secure and nurturing learning environment.
- Parents-Community-School Partnerships maximize the potential for student success.
- Each person is accountable for his/her own actions.

### **Student Exit Outcomes**

Upon graduation , students will be able to:

- Demonstrate self-esteem as a learner and person.
- Demonstrate use of extended thinking skills.
- Demonstrate problem-solving, decision-making, and group process skills.
- Demonstrate effective communication skills.
- Show respect and concern for self and others.
- Demonstrate social, civic, economic, and environmental responsibility.
- Be a self-directed, life-long learner.
- Accept responsibility for his/her own physical and mental well-being.

- Have academic skills essential to success in global economy and social order

## **Board of trustees**

*Policies BA, BAA, BBA, BBB, BBE, BE, BEC, BED*

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

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees serve without compensation, must be registered voters, and must reside in the district.

Board members:

- Jill Marwitz, President
- Michael Kurtz, Vice President
- Cynthia Hernandez, Secretary
- Kori Hall
- Mike Cearley
- Cliff Cospers
- Veronica Lopez

Trustees meet in the Holland ISD Conference Room in the Cindy Gunn Student Center at 7 p.m. on the second Wednesday of the month. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at the Superintendent's office and on the school's website 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. Under the following circumstances, Texas law permits the board to go into a closed session. Closed session may occur for such things as discussing prospective gifts or donations, real property acquisition, personnel issues including conferences with employees and employee complaints, security matters, student discipline, or to consult with attorneys regarding pending litigation.

## **Administration**

- Shane Downing, Superintendent
- Robert Edwards, Holland High School Principal
- Matt McCray, Holland High School Assistant Principal
- Melany Cearley, Holland ISD Counselor
- Gracie Schlickeisen, Holland Middle School Principal
- Jennisty Thomason, Holland Middle School Assistant Principal
- Lori Kinard, Holland Elementary School Principal
- Lauren Harris, Holland Elementary Assistant Principal

## School directory

### Holland ISD Administration

105 S. Rose Lane  
P.O. Box 217  
Holland, Texas 76534  
Phone 254-657-0175  
Fax 254-657-0172

[www.hollandisd.org](http://www.hollandisd.org)

Superintendent: Shane Downing  
Finance Manager: Tracey Wolf  
Personnel Manager: Chris Lange  
Accounts Payable: Pansy Pajestka  
Peims: Niki Vaughan

### Holland High School

502 Crockett  
Holland, TX 76534  
Phone 254-657-2523  
Fax 254-657-2250

Principal	Robert Edwards
Assistant Principal	Matt McCray
Counselor	Melany Cearley
Secretary	Wendy Brown

### Holland Middle School

302 Hackberry  
Holland, TX 76534  
Phone 254-657-2224  
Fax 254-657-2872

Principal	Gracie Schlickeisen
Assistant Principal	Jennisty Thomason
Secretary	Delia Lopez

### Holland Elementary School

503 Crockett  
Holland, TX 76534  
Phone 254-657-2525  
Fax 254-657-2845

Principal	Lori Kinard
Assistant Principal	Lauren Harris
Secretary	Kim Arnold
Secretary	Becky Wilson

### Holland School-Based Health Center

503 Crockett  
Holland, TX 76534  
Phone 254-657-2839  
Fax 254-657-2845

Nurse	Cynthia Pajestka
LVN	Reagan Honeycutt
Secretary	Marissa Meek

## Other contacts

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 person/department as listed below.

Tracey Nemjo, Finance Manager	254-657-0175
Chris Lange, Payroll/HR Manager	254-657-0175
Niki Vaughan, PEIMS Coordinator	254-657-0175
Keith Cabaniss, Technology Director	254-657-2523
Cynthia Pajestka, District Nurse	254-657-2839
Brad Talbert, Athletic Director	254-657-2646

# Employment

## Equal employment opportunity

### *Policy DAA*

The Holland ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, military status, or on any other basis prohibited by law, in the admission to educational programs, services or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of its operation. Holland ISD is an equal opportunity employer. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns relating to discrimination on any of the basis listed above should contact Shane Downing.

## Job vacancy announcements

### *Policy DC*

To the extent possible, announcements of job vacancies by position and location are distributed on a regular basis and posted at the central administration building and on the district website at [www.holland.k12.tx.us](http://www.holland.k12.tx.us).

## Employment after retirement

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in certain positions or on a part-time basis without affecting their benefits, according to TRS rules and state law. All retirees must wait one full, complete calendar month after retirement before returning to work. The retirement date is always the last day of the month in which employee retires. If employee works into June, but no later than June 15 and retires May 31 as allowed by law, employee must wait until August 1st to return to work. Remember, retirees must wait one full, complete calendar month. Because retiree worked in June, the remainder of June cannot count toward this requirement. July would be the first full, complete calendar month after retiree stops working and retires.

If retirement is revoked by returning to work too soon, retiree will have to repay any annuity payments including any PLSO payments made by TRS and any health benefit payments paid on their behalf by TRS-Care. A new application will have to be submitted to TRS to retire and start the process over again.

A Retiree can work as follows without losing any annuity payments:

- as a SUBSTITUTE;
- as much as ONE-HALF TIME, each month;
- in a COMBINATION OF SUBSTITUTE AND ONE-HALF TIME work, provided the total number of days worked in each calendar month does not exceed one-half the number of workdays in that calendar month;
- as a FULL-TIME EMPLOYEE (greater than one-half time) after a break in service of 12 full, consecutive calendar months after the date of retirement.

**Shortage areas.** Certain retirees may return to work on a full-time basis as a principal or assistant principal or teacher in an acute shortage area without a reduction in their annuities. Acute teaching shortage areas are determined by the board based on Commissioner of Education guidelines. When filling

acute shortage area positions, the district must give hiring preference to certified applicants who are not retirees. To be eligible for full TRS, benefits a retiree must meet the following criteria:

Have not been subject to a reduction in benefits for retirement at an early age or retired under disability provisions

Have a 12-month continuous break in public school service since retirement

Be appropriately certified for the position in the applicable school year

Employees can contact Chris Lange for additional information or contact TRS by calling 800-223-8778 or 512-397-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Contract and noncontract employment**

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

State law requires the district to employ all full-time professional employees in positions requiring a certificate from 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 probationary contracts during their first year of employment if they have not been previously employed by the district. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years, with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

**Term and continuing contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term or continuing 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 and employment policies.

**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.

## **Searches and alcohol and drug testing**

*Policy DHE*

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

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

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

All employees required to have a CDL who are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs. Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the district Administration office.

## **First aid and CPR certification**

### *Policy DBA*

Head coaches or chief sponsors of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation (CPR). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification.

## **Reassignments and transfers**

### *Policy DK*

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

## **Workload and work schedules**

### *Policy DL*

**Professional employees.** Professional and administrative employees 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 required days of service and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation and conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students one day a week when no other personnel are available. The regular school day begins at 7:30am and ends at 4:00 p.m.

**Paraprofessional and auxiliary employees.** Support employees are employed at will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. The regular school day begins at 7:30am and ends at 4:00 p.m.

## **Notification of parents regarding certification status**

*Policy DBA, DK*

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

## **Performance evaluation**

*Policy DN, DNA, DNB*

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

## **Employee involvement**

*Policy BQA, BQB*

At both the campus and district levels, Holland ISD offers opportunities for involvement in matters that affect employees. As part of the district's planning and decision-making process, employees are elected to serve on district or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office. Current members of the District Improvement Team and Campus Improvement Team are listed in the District Improvement Plan on the district webpage at [www.hollandisd.org](http://www.hollandisd.org).

## **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 noninstructional 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**

#### *Policy DEA*

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

Salaries and wages are reviewed on an annual basis and adjusted according to the budgeted amounts approved by the board. All employees will receive written notice of their pay and work schedules at 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 Payroll/HR Manager for more information about the district's pay schedules or their own pay.

### **Paychecks**

All employees are paid on the 10<sup>th</sup> of each month. During the school year, paychecks are delivered to each campus. Paychecks will not be released to any person other than the district employee named on the check without the employee's authorization. During summer breaks, paychecks may be picked up at the Administration Building or mailed. Employees can elect to do Direct Deposit with their paycheck by contacting the Payroll/HR Manager.

An employee's payroll statement contains detailed information including deductions, benefits, pay amounts and the amount of leave accumulated.

## **Payroll deductions**

### *Policy CFEA*

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

Other payroll deductions employees may elect to include deductions for the employee's share of premiums for approved district health, dental, and life insurance; annuities/deferred compensation programs; other cafeteria plan options authorized by the Internal Revenue Service; and area teachers' credit unions. Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime compensation**

### *Policy DEA*

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

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

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

- Employees can accumulate up to 60 hours of compensatory time.

- Comp time must be used in the duty year that it is earned.

- Use of comp time may be at the employee's request with supervisor approval as workload permits, as determined by the supervisor to protect the district's schedules and activities.

- An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal, vacation).

## **Travel expense reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor and the Superintendent or designee must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district and the Internal Revenue Service. To receive reimbursement for transportation (other than mileage), lodging, and other authorized travel expenses, an employee shall present receipts for the actual amounts spent. Personnel should use a school vehicle for travel unless one is not available.

## **Health Insurance**

Group health insurance coverage is available to employees and their families. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees in a separate document.

The insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within the first month of employment. Employees should contact the Payroll/HR Manager 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 (accidental death and dismemberment, cancer and dread disease, dental, vision, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' compensation insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case. All work-related accidents or injuries should be reported immediately to the employee's supervisor or principal. Employees who are unable to work due to a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

## **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 under the Texas Unemployment Compensation Act. 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 Payroll/HR Manager.

## **Teacher retirement**

### *Policy DEG*

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

Employees who plan to retire under TRS should notify their supervisor or principal as soon as possible. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-397-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Leaves and absences**

### *Policy DEC(local)*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call The Payroll/HR Manager for counseling about leave options, continuation of benefits, and communicating with the district.

Employees who take an unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district as they were when they were working. Otherwise, the district does not make benefit contributions for employees who are not on active payroll status.

Employees must follow district and department or campus procedures to report or request any leave of absence. Any employee who is absent more than five 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.

Paid leave for the current year shall be available for use at the beginning of the school year. Paid leave shall not be approved for more workdays than have been accumulated in prior years plus those earned during the current year. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

Available leave shall be used in the following order, as applicable: local leave, state sick leave, state personal leave. **Leave shall be recorded in half workdays.** Employees shall be charged sick leave as used even if a substitute is not employed.

Employees requiring a long-term substitute for maternity leave will be docked at their **daily rate**.

### **State Personal leave**

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

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

**Discretionary.** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request in advance of the anticipated absence to his or her principal or supervisor. Discretionary personal leave will be granted on a first-come, first-served basis. Discretionary personal leave may not be taken for more than two consecutive days, except in extenuating circumstances as determined by the superintendent. 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.

If an employee uses more state personal leave than he or she has earned, the cost of unearned personal leave will be their daily rate being deducted from the employee's paycheck.

### **State sick leave (accumulated prior to 1995)**

District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a) of the Education Code. State sick leave may be transferred to other school districts in Texas.

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

Illness of the employee.

Illness of a member of the employee's immediate family.

Family emergency.

Death in the employee's immediate family.

### **Local leave**

All employees shall earn two workdays of local leave per school year. Unused local leave does not carry over from year to year or transfer to other school districts. Employees will be paid for any unused local leave at the end of each school year. The amount paid shall be the current daily rate of a non-degreed substitute teacher.

## **Extended Sick Leave**

After all available state and local leave days have been exhausted, an employee shall be granted in a school year a maximum of 20 leave days of extended sick leave to be used for the employee's catastrophic illness or injury, including pregnancy-related illness or injury, or for absences related to the catastrophic illness or injury of a member of the employee's immediate family.

A written request for extended sick leave must be accompanied by medical certification of the illness or injury.

For professional employees, the rate of pay for a long time substitute will be deducted for each day of extended sick leave taken, whether or not a substitute is employed. For employees other than professionals, an amount equal to one-third the individual employee's daily rate of pay shall be deducted for each day of extended leave taken for a max of 20 days.

## **Extra duty days**

Twelve-month staff generally work extra days in June beyond the completion of their assigned work days. These extra days should be used before the completion of the next assignment year.

## **Retirement Policy**

Employees working at least five years at Holland ISD and retiring from Holland ISD will be paid for unused State Sick and State Personal leave earned at HISD at a rate of \$50.00 per day for up to but no more than one hundred days.

## **Family and medical leave**

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

- The birth, adoption, or foster placement of a child

- To care for a spouse, parent, or child with a serious health condition

- An employee's serious health condition

A husband and wife who are both employed by the district are subject to limits in the amount of leave that they can take care of a parent with a serious health condition or for the birth, adoption, or foster placement of a child.

Eligible employees are entitled to continue their health care benefits under the same terms and conditions as when they were on the job and are entitled to return to their previous job or an equivalent job at the end of their leave. Under some circumstances, teachers who are able to return to work at or near the conclusion of a semester may be required to continue their leave until the end of the semester.

Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, and absences due to a work-related illness or injury. The district will designate the leave as family and medical leave, if applicable, and notify the employee that accumulated leave will run concurrently.

In some circumstances, employees may take family and medical leave in blocks of time or by reducing their normal weekly or daily work schedule. Intermittent leave may be taken under the following circumstances:

- An employee is needed to care for a seriously ill spouse, child, or parent

- An employee requires medical treatment for a serious illness

- An employee is seriously ill and unable to work

- An employee becomes a parent or has a foster child placed in his or her home

When the need for family and medical leave is foreseeable, employees who want to use it must provide 30-day advance notice of their need. When the need for leave is not foreseeable, employees must contact their supervisor or principal as soon as possible. Employees may be required to provide the following:

- Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member

- Second or third medical opinions and periodic recertification of the need for leave

- Periodic reports during the leave regarding the employee's status and intent to return to work

- Medical certification from a qualified health care provider at the conclusion of leave of an employee's ability to return to work

Employees requiring family and medical leave should contact Chris Lange for details on eligibility, requirements, and limitations.

## **Workers' compensation benefits**

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

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

## **Assault leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

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

## **Bereavement leave**

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

## **Jury duty**

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service.

## **Other court appearances**

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

## **Military leave**

**Paid leave for military service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the armed forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days per year.

**Reemployment after state military leave.** Employees who leave the district to enter into active duty with the Texas National Guard or Texas State Guard may return to employment if they are honorably discharged or released within five years. Employees who wish to return to the district will be reemployed in the same position they previously held or reassigned to a position of similar seniority, status, and pay, provided they are still qualified to perform the required duties of the position. Application for reemployment and evidence of honorable discharge or release must be submitted to the Superintendent within 90 days of discharge or separation.

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

## **Complaints and grievances**

*Policy DGBA(LOCAL)*

In an effort to hear and resolve employee complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly process that all employees must follow when bringing formal complaints and grievances. Employees are encouraged to discuss problems or complaints with their supervisors or an appropriate administrator at any time.

The formal grievance process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative grievance procedures are exhausted, employees can bring grievances to the board of trustees. For further information see Local Policy DGBA in the HISD On-Line Policy posted at [www.hollandisd.org](http://www.hollandisd.org).

## **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 and property of students and coworkers and maintain confidentiality in all matters relating to students and coworkers.

Report to work according to the assigned schedule. The professional employee workday begins at 7:30 and ends at 4:00, unless otherwise assigned by the principal or supervisor.

Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.

Know and comply with department and district procedures and policies.

Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.

Use district time, funds, and property for authorized district business and activities only.

Dress in a manner that is clean, neat and appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the superintendent.

All employees, as public servants, must follow the *Code of Ethics and Standard Practices for Texas Educators*, which is reprinted below:

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

**Professional Responsibility.** The Texas educator should strive to create an atmosphere that will nurture to fulfillment the potential of each student. The educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community. In conscientiously conducting his or her affairs, the educator shall exemplify the highest standards of professional commitment.

**Principle I: Professional Ethical Conduct.** The Texas educator shall maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity, and exemplifying honesty.

- Standard 1.** The educator shall not intentionally misrepresent official policies of the school district or educational institution and shall clearly distinguish those views from personal attitudes and opinions.
- Standard 2.** The educator shall honestly account for all funds committed to his or her charge and shall conduct financial business with integrity.
- Standard 3.** The educator shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 4.** The educator shall accept no gratuities, gifts, or favors that impair professional judgment.
- Standard 5.** The educator shall not offer any favor, service, or thing of value to obtain special advantage.
- Standard 6.** The educator shall not falsify records, or direct or coerce others to do so.

**Principle II: Professional Practices and Performance.** The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional administrative or teaching practices and professional performance and shall demonstrate competence.

- Standard 1.** The educator shall apply for, accept, offer, or assign a position or a responsibility

on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.

**Standard 2.** The educator shall not deliberately or recklessly impair his or her mental or physical health or ignore social prudence, thereby affecting his or her ability to perform the duties of his or her professional assignment.

**Standard 3.** The educator shall organize instruction that seeks to accomplish objectives related to learning.

**Standard 4.** The educator shall continue professional growth.

**Standard 5.** The educator shall comply with written local school board policies, state regulations, and applicable state and other federal laws.

**Principle III: Ethical Conduct toward Professional Colleagues.** The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.

**Standard 1.** The educator shall not reveal confidential information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

**Standard 2.** The educator shall not willfully make false statements about a colleague or the school system.

**Standard 3.** The educator shall adhere to written local school board policies and state and federal laws regarding dismissal, evaluation, and employment processes.

**Standard 4.** The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

**Standard 5.** The educator shall not discriminate against, coerce, or harass a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.

**Standard 6.** The educator shall not intentionally deny or impede a colleague in the exercise or enjoyment of any professional right or privilege.

**Standard 7.** The educator shall not use coercive means or promise special treatment in order to influence professional decisions or colleagues.

**Standard 8.** The educator shall have the academic freedom to teach as a professional privilege, and no educator shall interfere with such privilege except as required by state and/or federal laws.

**Principle IV: Ethical Conduct toward Students.** The Texas educator, in accepting a position of public trust, should measure success by progress of each student toward realization of his or her potential as an effective citizen.

**Standard 1.** The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.

**Standard 2.** The educator shall not intentionally expose the student to disparagement.

**Standard 3.** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

**Standard 4.** The educator shall make reasonable effort to protect the student from conditions detrimental to learning, physical health, mental health, or safety.

**Standard 5.** The educator shall not deliberately distort facts.

**Standard 6.** The educator shall not unfairly exclude a student from participation in a program,

deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.

**Standard 7.** The educator shall not unreasonably restrain the student from independent action in the pursuit of learning or deny the student access to varying points of view.

**Principle V: Ethical Conduct toward Parents and Community.** The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.

**Standard 1.** The educator shall make reasonable effort to communicate to parents information that lawfully should be revealed in the interest of the student.

**Standard 2.** The educator shall endeavor to understand community cultures and relate the home environment of students to the school.

**Standard 3.** The educator shall manifest a positive role in school-public relations.

## Harassment

*Policies DH, FNC and DIA*

Harassment of a coworker or student motivated by race, color, religion, national origin, disability, or age is a form of discrimination and is prohibited by law. A substantiated charge of harassment against a student or employee shall result in disciplinary action. The term harassment includes repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

Employees who believe they have been harassed are encouraged to promptly report such incidents to the campus principal or supervisor. If the campus principal or supervisor is the subject of a complaint, the employee shall report the complaint directly to the superintendent. An employee who suspects or knows that a student is being harassed by a school employee or by another student shall inform his or her principal or immediate supervisor.

Any allegation of harassment of students or employees shall be investigated and addressed. An employee may appeal the decision of the principal or supervisor regarding the investigation into the allegations in accordance with the employee complaint and grievance policy and procedures (See *Complaints and grievances*). To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. The district will not retaliate against an employee who in good faith reports perceived harassment.

## Sexual harassment

*Policies DAA, DIA, FB, FFH, FNC*

**Employee-to-employee.** Sexual harassment of a coworker is a form of discrimination and is prohibited by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct under the following conditions:

Submission to such conduct is explicitly or implicitly a term or condition of employment.

Submission to or rejection of such conduct is used as the basis for employment decisions.

The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or otherwise offensive work environment.

Employees who believe that they have been sexually harassed by another employee are encouraged to come forward with complaints. The district will promptly investigate all allegations of sexual harassment and will take prompt appropriate disciplinary action against employees found to have engaged in conduct constituting sexual harassment of other employees. The district's policy outlining the process of filing complaints of sexual harassment can be found in Local Policy DHC in the HISD On-Line Policy posted at [www.hollandisd.org](http://www.hollandisd.org).

**Employee-to-student.** Sexual harassment of students by employees is a form of discrimination and is prohibited by law. Sexual harassment of students includes any welcome or unwelcome sexual advances, requests for sexual favors, and other oral, written, physical, or visual conduct of a sexual nature. Romantic relationships between district employees and students are strictly prohibited. Other prohibited conduct includes the following:

- Engaging in sexually oriented conversations for the purpose of personal sexual gratification

- Telephoning students at home or elsewhere and engaging in inappropriate social relationships

- Engaging in physical contact that would reasonably be construed as sexual in nature

- Enticing or threatening students to get them to engage in sexual behavior in exchange for grades or other school-related benefits

In most instances, sexual abuse of a student by an employee violates the student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault, or sexual intercourse.

Employees who suspect a student is being sexually harassed or abused by another employee are obligated to report their concerns to the campus principal. All allegations of sexual harassment or sexual abuse of a student will be reported to the student's parents and promptly investigated. Conduct that may be characterized as known or suspected child abuse also will be reported to the appropriate authorities, as required by law. Employees with questions or concerns relating to the alleged sexual harassment of a student should contact Britt Gordon.

## **Drug-abuse prevention**

*Policies DH, DHE, DI, FAC, FNCF, FOC, FOD, FOF*

Holland ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the workplace. The district prohibits the unlawful distribution, possession, or use of illegal drugs, inhalants, and alcohol on school premises or as part of any of the district's activities. Employees who 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.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the district, and referral to appropriate law enforcement officials for prosecution. The district's policy on drug abuse and drug-free schools can be found in Local Policy DH and Exhibit DI in the HISD On-Line Policy posted at [www.hollandisd.org](http://www.hollandisd.org).

## **Reporting suspected child abuse**

*Policy DH, DIA, FFG, FFH, GRA*

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

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

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

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Associations and political activities**

*Policy BBB, BBBB, DGA, DGK*

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

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

## **Safety**

*Policy CKC, DH*

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

Observe all safety rules

Keep work areas clean and orderly at all times

Immediately report all accidents to their supervisor

Operate only equipment or machines for which they have training and authorization

Employees with questions or concerns relating to safety programs and issues can contact their supervisor or principal.

## **Tobacco use**

*Policies DH, GKA, FNCD*

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

## **Employee arrests and convictions**

*Policy DH*

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within three days of the event. Moral turpitude includes, but is not limited to, the following: dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; drug- or alcohol-related offenses; acts constituting abuse under the Texas Family Code.

## **Possession of firearms and weapons**

*Policies FNCG, GKA*

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

Visits to individual classrooms during instructional time shall be permitted only with the principal's and teacher's approval, and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment

## **Copyrighted materials**

### *Policy EFE*

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

## **Computer use and data management**

### *Policy CQ*

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

- Imposes no tangible cost to the district

- Does not unduly burden the district's computer or network resources

- Has no adverse effect on job performance or on a student's academic performance

Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

Employees and students who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees and students must obtain specific approval from the technology director before installing any software on district computers. Additionally, students are not authorized to service district equipment. Employees with questions about computer use and data management can contact their supervisor or principal.

## **Instructional materials**

The Texas Essential Knowledge and Skills (TEKS) serve as the curriculum base for all content areas. Teachers are required to prepare lessons plans for each class, including differentiation for gifted and talented students and modifications for special education students. Lesson plans should provide sequence and supportive materials to assist the TEKS.

Each teacher is responsible for management of textbooks, assuring that each student's name is printed in his or her textbook and recording the assignment of textbooks. If additional textbooks are needed, the teacher should contact the principal. All films or videos must be approved by the principal or assistant principal prior to viewing by any students.

## **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 may result in prosecution of a class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials, such as maps or worksheets, that convey information to students or contribute to the learning process.

## **Asbestos management plan**

### *Policy CKA*

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

## **Pest control treatment**

### *Policy DI*

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Pest control information sheets are available from facility managers upon request.

## **General procedures**

### **Bad weather closing**

#### *Policy CKC*

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early, local radio and television stations will be notified by school officials via an automated phone system, specifically KCEN channel 6, KWTX channel 10, and/or KXXV channel 25. Broadcast messaging will also be used for Holland ISD parents and staff.

### **Emergencies**

#### *Policy CKC*

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

## **Purchasing procedures**

### *Policy CH*

All requests for purchases must be submitted to the campus principal or appropriate supervisor 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 district 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 district administration office if there are any changes or corrections to their name, home address, home telephone number, marital status, emergency contact, or beneficiary.

## **Personnel records**

### *Policy GBA*

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

Address

Phone number

Social Security number

Information that reveals whether they have family members

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

## **Building use**

### *Policy GKD*

Contact the campus principal or district administration office to request to use school facilities and to obtain information on the fees charged.

# **Termination of employment**

## **Resignations**

### *Policy DFE*

**Contract employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school

year. A written notice of resignation should be submitted to the superintendent. Contract employees may resign at any other time only with the approval of the board of trustees. Resignation without the consent of the board may result in disciplinary action by the State Board for Educator Certification (SBEC).

The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*.

**Noncontract employees.** Noncontract employees may resign their positions at any time. A written notice of resignation should be submitted to the superintendent at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation.

### **Dismissal or nonrenewal of contract employees**

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

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

### **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, religion, sex, national origin, disability, military status, 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*.)

### **Exit interviews and procedures**

*Policy DC*

Exit interviews will be scheduled for all employees leaving the district. Separating employees are asked to provide the district with a forwarding address and phone number. An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.

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

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

### *Policy DF*

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

Any form of sexual or physical abuse of a minor or any other illegal conduct with a minor

The possession, transfer, sale, or distribution of a controlled substance

The illegal transfer, appropriation, or expenditure of school property or funds

An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position

Committing a crime on school property or at a school-sponsored event

## **Reports concerning court-ordered withholding**

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

Termination of employment not later than the seventh day after the date of termination

Employee's last known address

Name and address of the employee's new employer, if known

## **Student issues**

### **Equal educational opportunities**

#### *Policy FB*

The Holland 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 of students on any of the bases listed above should be directed to Shane Downing

### **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 of a minor or of a student who is a dependent for tax purposes

The student (if 18 or older or attending an institution of postsecondary education)

School officials with legitimate educational interests

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

## **Parent and student complaints**

### *Policy FNG*

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

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

## **Administering medication to students**

### *Policy FFAC*

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

## **Dietary supplements**

### *Policy DH*

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.

## **Student attendance**

### *Policy FDD*

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

## Student discipline

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

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

Teachers must file a written report with the principal or another appropriate administrator when they have knowledge that a student has violated the Student Code of Conduct. A copy of this report will be sent by the principal or administrator to the student's parents within 24 hours.

Education Code 37.018 requires districts to provide each teacher and administrator with a copy of sections of the law that deal with student discipline. Relevant local district copies can be found in the FN and FO series. The code is reprinted below, with a teacher's guide.

## Student Discipline: A teacher's guide

When the Education Code was rewritten in 1995, one of the priorities was strengthening the discipline section. Teachers, administrators, legislators, and the public all felt that this part of the law needed to be tougher in order to address widespread concern regarding violence and drug abuse in schools.

### **Q: When can a teacher remove a student from the classroom?**

**A:** Any time a student misbehaves or is disruptive a teacher may remove the student from the classroom. A teacher may remove a student by using discipline management techniques such as having the student stand in the hall outside the door or some other "time out" either in or out of the classroom. There are also three different categories of teacher removals to the principal's office:

- Informal removal
- Discretionary formal removal
- Mandatory formal removal

However, new law prevents a student younger than six years of age from either being removed from class or placed in an alternative education program.

### **Informal Removal to the Principal's Office**

An informal removal occurs when a student breaks one or several classroom rules in a class period or school day. The teacher sends the student to the principal's office for a short period of time. The principal uses an appropriate discipline management technique consistent with the district's Student Code of Conduct in this situation. Generally, the student returns to his or her classroom later the same day or the following day.

### **Discretionary formal removal to the Principal's office**

Chapter 37 provides for formal removals that could be in effect for a longer periods of time. A teacher may make a discretionary formal removal from his or her classroom when a student's behavior has been:

- Documented by a teacher to repeatedly interfere with the teacher's ability to communicate effectively with other students in the class or with their ability to learn, or
- Determined by a teacher to be so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the

students to learn.

In either case, the law does not go into detail as to what kinds of misbehavior would call for this kind of discretionary removal. The teacher must decide when a situation warrants removal.

If a teacher wants to make a discretionary formal removal, documentation is usually required. Most districts have discipline referral forms for this purpose. A typical referral form would include student identification information such as name, grade, course, the referring teacher's name, and the date. Several blank lines are usually provided so the teacher can describe what type of misbehavior(s) occurred and the circumstances surrounding the occurrence. Spaces should be provided to fill in the date and location of the violation. The law does not provide any guidance on how much documentation is to be collected before a teacher formally removes a student. Each district must decide locally and should provide guidance to teachers as to what information should be documented and how much detail should be included in the documentation.

When a teacher makes any formal removal, the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program. A disciplinary alternative education program must be a separate setting from regular classrooms and must provide instruction in English language arts, mathematics, science, history, self-discipline and counseling as stipulated in the Education Code. The disciplinary alternative education program is not the same as in-school suspension. In-school suspension has always been considered a discipline management technique.

The principal may not return the student to the teacher's classroom without the teacher's consent unless the Placement Review Committee determines that such placement is the best or only alternative available. The Placement Review Committee, as required by the Education Code, must be a three-member committee and will determine a student's placement when a teacher refuses the return of a student to the teacher's class. If the teacher who removed the student happens to teach the only class at a grade level or subject area and refuses to take a student back into the classroom, the placement review committee could review the situation and determine that in spite of the teacher's refusal to take the student back, that teacher's classroom is the best or only alternative available placement for that particular student. The law does not provide any recourse for the teacher if a student is returned to that teacher's class.

Meetings should be held between teachers and administrators to set out the guidelines and the circumstances for formal removals and for returning a student to a teacher's class.

### **Mandatory formal removal to the Principal's office**

If the student behaves in a manner that requires mandatory placement in a disciplinary alternative education program or expulsion, the teacher must remove the student from class and send the student to the principal's office.

Because the behavior is a violation of the district's Student Code of Conduct, the teacher must write a report of not more than one page documenting the violation and send it to the principal or other appropriate administrator. Within 24 hours of receiving of this report, the principal or other administrator must send a copy of the report to the student's parents or guardians.

### **Q: Are there provisions for emergency removal or expulsion?**

**A:** The Education Code includes a provision that allows administrators to place a student in a disciplinary alternative education program or expel the student from the regular classroom in an emergency situation. The law does not provide any guidance on what constitutes an emergency. The State Board of Education rule that outlined guidelines for this type of removal was repealed in 1996. In the absence of these rules, districts should consider developing their own guidelines for emergency removal or expulsion.

### **Q: In what circumstances is a teacher notified when a student gets in trouble with the law outside of school?**

**A:**

- ***Arrest or referral***  
When the District is notified that a student has been arrested or referred to juvenile court for committing any felony and certain misdemeanors, the Superintendent must notify all instructional and support personnel who have responsibility for the supervision of the student. The misdemeanors that require law enforcement to notify the district include: unlawful restraint; indecent exposure; assault; deadly conduct; terroristic threat; organized criminal activity; the unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code; and the unlawful possession of certain weapons as listed in Chapter 46 of the Texas Penal Code. The weapons and devices listed include the following: club, explosive weapon, firearm, illegal knife, knuckles, armor-piercing ammunition, chemical dispensing devices, or a zip

gun.

- **Conviction**

When a student is convicted or found guilty of a felony and certain misdemeanors, the superintendent must again notify all instructional and support staff who have regular contact with the student. This notification is also required when the district is notified by a parole or probation officer that a student has transferred into a school district different from the one that the student was enrolled in at the time of the arrest, referral to juvenile court, conviction, or delinquent adjudication.

- **Sex Offenders**

Local law enforcement officials must notify a Superintendent by mail if (1) the victim of a person who is required to register under the Sex Offender Registration Program is a child younger than 17 years of age, or (2) the person subject to registration is 17 years of age or older and a student enrolled in a public secondary school. The law also requires the Superintendent to pass on the information in the notice to appropriate school district personnel, including peace officers, security personnel, principals, nurses, and counselors.

**Q: What else does a teacher need to know about Chapter 37?**

**A:** Section 37.018 of the Education Code directs all districts to provide each teacher and administrator with a copy of Chapter 37 Subchapter A and any local policies relating to this subchapter. The Student Code of Conduct is adopted by the Board and constitutes local policy regarding discipline in the District. When the Student Code of Conduct is amended or changed in any way, those changes must be taken to the Board for adoption.

## **Education Code Chapter 37, Subchapter A**

### **§ 37.001. Student Code of Conduct**

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Section 11.251, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus. In addition to establishing standards for student conduct, the student code of conduct must:

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

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

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

(b) A teacher with knowledge that a student has violated the student code of conduct shall file with the school principal or the other appropriate administrator a written report, not to exceed one page, documenting the violation. The principal or the other appropriate administrator shall, not later than 24 hours after receipt of a report from a teacher, send a copy of the report to the student's parents or guardians.

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

### **§ 37.002. Removal by Teacher**

(a) A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

(b) A teacher may remove from class a student

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

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

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

(d) A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available.

**§ 37.0021. Use of Confinement, Restraint, Seclusion, and Time-Out**

(a) It is the policy of this state to treat all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

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

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

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

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

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

(A) that is not locked; and

(B) from which the student is not physically prevented from leaving.

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

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

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

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

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

(1) be consistent with:

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

(B) relevant health and safety standards; and

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique.

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

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

(1) the student possesses a weapon; and

- (2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

*Senate Bill 1196 signed into law September 1, 2001*

**§ 37.003. Placement Review Committee**

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

- (1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
- (2) the principal shall choose one member from the professional staff of a campus.

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

**§ 37.004. Placement of Students With Disabilities**

(a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. Any disciplinary action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's admission, review, and dismissal committee.

All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.

(c) A teacher in a disciplinary alternative education program who has a special education assignment must hold an appropriate certificate or permit for that assignment. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

*Senate Bill 1735 signed into law June 13, 2001*

**§ 37.004. Placement of Students With Disabilities**

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

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

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports; and
- (3) behavioral intervention plans.

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

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

(e) Notwithstanding any other provision of this subchapter, in a county with a juvenile justice alternative education program established under Section 37.011, the expulsion under a provision of Section 37.007 described by this subsection of a student with a disability who receives special education services must occur in accordance with this subsection and Subsection (f). The school district from which the student was expelled shall, in accordance with applicable federal law, provide the administrator of the juvenile justice alternative education program or the administrator's designee with reasonable notice of the meeting of the student's admission, review, and dismissal committee to discuss the student's expulsion. A representative of the juvenile justice alternative education program may participate in the meeting to the extent that the meeting relates to the student's placement in the program. This subsection applies only to an expulsion under:

- (1) Section 37.007(b), (c), or (f); or

(2) Section 37.007(d) as a result of conduct that contains the elements of any offense listed in Section 37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.

(f) If, after placement of a student in a juvenile justice alternative education program under Subsection (e), the administrator of the program or the administrator's designee has concerns that the student's education or behavioral needs cannot be met in the program, the administrator or designee shall immediately provide written notice of those concerns to the school district from which the student was expelled. The student's admission, review, and dismissal committee shall meet to reconsider the placement of the student in the program. The district shall, in accordance with applicable federal law, provide the administrator or designee with reasonable notice of the meeting, and a representative of the program may participate in the meeting to the extent that the meeting relates to the student's continued placement in the program.

(g) Subsections (e) and (f) and this subsection expire September 1, 2003.

*Senate Bill 189 signed into law June 15, 2001*

**§ 37.005. Suspension**

(a) The principal or other appropriate administrator may suspend a student who engages in conduct for which the student may be placed in an alternative education program under this subchapter.

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

**§ 37.006. Removal for Certain Conduct**

(a) Except as provided by Section 37.007(a)(3) or (b), a student shall be removed from class and placed in an alternative education program as provided by Section 37.008 if the student:

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

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

(A) engages in conduct punishable as a felony;

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

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

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

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

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

(E) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or

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

(b) Except as provided by Section 37.007(d), a student shall be removed from class and placed in an alternative education program under Section 37.008 if the student engages in conduct that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

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

(1) the student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

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

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

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

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

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

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

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

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

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

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

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

### **§ 37.0061. Funding for Alternative Education Services in Juvenile Residential Facilities**

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

### **§ 37.007. Expulsion for Serious Offenses**

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

(1) uses, exhibits, or possesses:

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

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

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

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

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

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

(B) arson under Section 28.02, Penal Code;

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

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

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

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

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

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

(2) while on school property or while attending a school-sponsored or school-related activity on or off of school property:

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

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

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

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

(B) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code.

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

(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.

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

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

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 2891, may modify the length of the expulsion in the case of an individual student;

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

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

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

(g) A school district shall inform each teacher of the conduct of a student who has engaged in any violation listed in this section. A teacher shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of a teacher who intentionally violates this subsection.

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

### **§ 37.008. Alternative Education Programs**

(a) Each school district shall provide an alternative education program that:

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

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

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

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

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

(6) provides supervision and counseling.

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

(1) a different campus;

(2) a school-community guidance center; or

(3) a community-based alternative school.

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

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

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

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

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

(h) A school district may not place a student, other than a student suspended as provided under Section 37.005 or expelled as provided under Section 37.007, in an unsupervised setting as a result of conduct for which a student may be placed in an alternative education program.

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

(j) If a student placed in an alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement.

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

(l) A school district is not required to provide in the district's alternative education program a course necessary to fulfill a student's high school graduation requirements other than a course specified by Subsection (a).

(m) The commissioner shall adopt rules necessary to evaluate annually the performance of each district's alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on assessment instruments required under Section 39.023(a) and (c).

#### **§ 37.009. Conference; Hearing; Review**

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student as provided by Section 37.002 or 37.006, as applicable, for a period consistent with the student code of conduct.

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

(c) Before it may place a student in an alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

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

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

(d) The board or the board's designee shall set a term for a student's placement in an alternative education program under Section 37.002 or 37.006.

(e) A student placed in an alternative education program under Section 37.002 or 37.006 shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide in the district's alternative education program a course not specified under Section 37.008(a). At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

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

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

(h) After a school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

#### **§ 37.010. Court Involvement**

(a) Not later than the second business day after the date a hearing is held under Section 37.009, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in an alternative education program under Section 37.006 or expelling a student under Section 37.007 and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides. In a county that operates a program under Section 37.011, an expelled student shall to the extent provided by law or by the memorandum of understanding

immediately attend the educational program from the date of expulsion; provided, however, that in a county with a population greater than 125,000 every expelled student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program.

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

(c) Unless the juvenile board for the county in which the district's central administrative office is located has entered into a memorandum of understanding with the district's board of trustees concerning the juvenile probation department's role in supervising and providing other support services for students in alternative education programs, a court may not order a student expelled under Section 37.007 to attend a regular classroom, a regular campus, or a school district alternative education program as a condition of probation.

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

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

(f) If a student is expelled under Section 37.007, on the recommendation of the committee established under Section 37.003 or on its own initiative, a district may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department, if the student meets the requirements for admission into the public schools established by this title, a district may not refuse to admit the student, but the district may place the student in the alternative education program. Notwithstanding Section 37.002(d), the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

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

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

### **§ 37.011. Juvenile Justice Alternative Education Program**

(a) The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program. A juvenile justice alternative education program in a county with a population of 125,000 or less:

- (1) is not required to be approved by the Texas Juvenile Probation Commission; and
- (2) is not subject to Subsection (c), (d), (f), or (g).

(b) If a student is expelled from school under Section 37.007(a), (d), or (e) the juvenile court shall:

(1) if the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

(2) if the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution; and

(3) in determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student.

(c) A juvenile justice alternative education program shall adopt a student code of conduct in accordance with Section 37.001.

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under

Subchapter B, Chapter 39, and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(e) A juvenile justice alternative education program may be provided in a facility owned by a school district. A school district may provide personnel and services for a juvenile justice alternative education program under a contract with the juvenile board.

(f) A juvenile justice alternative education program must operate at least seven hours per day and 180 days per year, except that a program may apply to the Texas Juvenile Probation Commission for a waiver of the 180-day requirement. The commission may not grant a waiver to a program under this subsection for a number of days that exceeds the highest number of instructional days waived by the commissioner during the same school year for a school district served by the program.

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Probation Commission for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually, the Texas Juvenile Probation Commission, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The Texas Juvenile Probation Commission shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31 if the juvenile justice alternative education program received funding from the Texas Juvenile Probation Commission under this subchapter.

(i) A student transferred to a juvenile justice alternative education program must participate in the program for the full period ordered by the juvenile court unless the student's school district agrees to accept the student before the date ordered by the juvenile court. The juvenile court may not order a period of transfer under this section that exceeds the term of any probation ordered by the juvenile court.

*Text of subsection (j) effective until September 1, 1997*

(j) A juvenile board in a county with a population greater than 125,000 shall establish a juvenile justice alternative education program not later than September 1, 1996. A student who engages in conduct described by Section 37.007 before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation shall be expelled for a period not to exceed one year. This subsection expires September 1, 1997.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of expulsion under Section 37.007(a), (d) or (e);

(3) identifies those categories of conduct that the school district has defined in its student code of conduct as constituting serious or persistent misbehavior for which a student may be placed in the juvenile justice alternative education program;

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041(d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

(l) The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion under Section 37.007(b), (c), and (f) but who are not eligible for admission into the juvenile justice alternative education program in accordance with the memorandum of understanding required under this section. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. The memorandum of understanding shall address the circumstances under which such students who continue to engage in serious or persistent misbehavior shall be admitted into the juvenile justice alternative education program.

(m) Each school district in a county with a population greater than 125,000 and the county juvenile board shall adopt a joint memorandum of understanding as required by this section not later than September 1 of each school year.

(n) If a student who is ordered to attend a juvenile justice alternative education program moves from one county to another, the juvenile court may request the juvenile justice alternative education program in the county to which the student moves to provide educational services to the student in accordance with the local memorandum of understanding between the school district and juvenile board in the receiving county.

(o) In relation to the development and operation of a juvenile justice alternative education program, a juvenile board and a county and a commissioners court are immune from liability to the same extent as a school district, and the juvenile board's or county's employees and volunteers are immune from liability to the same extent as a school district's employees and volunteers.

(p) If a district elects to contract with the juvenile board for placement in the juvenile justice alternative education program of students expelled under Section 37.007(b), (c), and (f) and the juvenile board and district are unable to reach an agreement in the memorandum of understanding, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator in which each party will pay its pro rata share of the arbitration costs. Each party must submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the school districts shall select an arbitrator, and those two arbitrators shall select an arbitrator who will decide the issues in dispute. An arbitration decision issued under this subsection is enforceable in a court in the county in which the juvenile justice alternative education program is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a juvenile justice alternative education program must provide an amount sufficient based on operation of the juvenile justice alternative education program in accordance with this chapter. In determining the amount to be paid by a school district for an expelled student enrolled in a juvenile justice alternative education program, the arbitrator shall consider the relevant factors, including evidence of:

(1) the actual average total per student expenditure in the district's alternative education setting;

(2) the expected per student cost in the juvenile justice alternative education program as described and agreed on in the memorandum of understanding and in compliance with this chapter; and

(3) the costs necessary to achieve the accountability goals under this chapter.

(q) In accordance with rules adopted by the board of trustees for the Teacher Retirement System of Texas, a certified educator employed by a juvenile board in a juvenile justice alternative education program shall be eligible for membership and participation in the system to the same extent that an employee of a public school district is eligible. The juvenile board shall make any contribution that otherwise would be the responsibility of the school district if the person were employed by the school district, and the state shall make any contribution to the same extent as if the person were employed by a school district.

### **§ 37.012. Funding of Juvenile Justice Alternative Education Programs**

(a) Subject to Section 37.011(n), the school district in which a student is enrolled on the date the student is expelled on a basis other than Section 37.007(a), (d), or (e) shall, if the student is served by the juvenile justice alternative education program, provide funding to the juvenile board for the portion of the school year for which the juvenile justice alternative education program provides educational services in an amount determined by the memorandum of understanding under Section 37.001(k)(2).

(b) Funds received under this section must be expended on juvenile justice alternative education programs.

(c) The Office of State-Federal Relations shall assist a local juvenile probation department in identifying additional state or federal funds to assist local juvenile probation departments conducting educational or job training programs within juvenile justice alternative education programs.

### **§ 37.013. Coordination Between School Districts and Juvenile Boards**

The board of trustees of the school district or the board's designee shall at the call of the president of the board of trustees regularly meet with the juvenile board for the county in which the district's central administrative office is located or the juvenile

board's designee concerning supervision and rehabilitative services appropriate for expelled students and students assigned to alternative education programs. Matters for discussion shall include service by probation officers at the alternative education program site, recruitment of volunteers to serve as mentors and provide tutoring services, and coordination with other social service agencies.

**§ 37.014. Court-Related Children-Liaison Officers**

Each school district shall appoint at least one educator to act as liaison officer for court-related children who are enrolled in the district. The liaison officer shall provide counseling and services for each court-related child and the child's parents to establish or reestablish normal attendance and progress of the child in the school.

**§ 37.015. Reports to Local Law Enforcement; Liability**

(a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

(1) conduct that may constitute an offense listed under Section 8(c), Article 42.18, Code of Criminal Procedure;

(2) deadly conduct under Section 22.05, Penal Code;

(3) a terroristic threat under Section 22.07, Penal Code;

(4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;

(5) the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code; or

(6) conduct that may constitute a criminal offense under Section 71.02, Penal Code.

(b) A person who makes a notification under this section shall include the name and address of each student the person believes may have participated in the activity.

(c) A notification is not required under Subsection (a) if the person reasonably believes that the activity does not constitute a criminal offense.

(d) The principal of a public or private primary or secondary school may designate a school employee who is under the supervision of the principal to make the reports required by this section.

(e) The person who makes the notification required under Subsection (a) shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

(f) A person is not liable in civil damages for reporting in good faith as required by this section.

**§ 37.016. Report of Drug Offenses; Liability**

A teacher, school administrator, or school employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property:

(1) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;

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

(3) an abusable glue or aerosol paint, as defined by Chapter 485, Health and Safety Code, or a volatile chemical, as listed in Chapter 484, Health and Safety Code, if the substance is used or sold for the purpose of inhaling its fumes or vapors; or

(4) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

**§ 37.017. Destruction of Certain Records**

Information received by a school district under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed.

**§ 37.018. Information for Educators**

Each school district shall provide each teacher and administrator with a copy of this subchapter and with a copy of the local policy relating to this subchapter.

**§ 37.019. Emergency Placement or Expulsion**

(a) This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in the alternative program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

(b) This subchapter does not prevent the principal or the principal's designee from ordering the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. Within a reasonable time after the emergency placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the term of the student's emergency placement or expulsion is subject to the requirements of 20 U.S.C. Section 1415(j) and (k).

(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

**EMPLOYEE ACKNOWLEDGEMENT**

I acknowledge that I have received a copy of the Holland ISD Employee Handbook.

I also acknowledge that the provisions of my employment are based upon my compliance with state and federal laws and district policies and regulations.

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Social Security Number