



2024-2025

# Employee Handbook







# **Employee Handbook 2024-25**

If you have difficulty accessing the information in this document because of a disability, please email [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net).

*Updated July 17, 2024*



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## Superintendent Letter



**BIRDVILLE INDEPENDENT SCHOOL DISTRICT**  
**GAYLE STINSON, Ed.D., SUPERINTENDENT OF SCHOOLS**

6125 E. Belknap St. • Haltom City, Texas 76117-4296 • 817-547-5700 • Fax 817-547-5534 • [www.birdvilleschools.net](http://www.birdvilleschools.net)

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July 2024

Dear Birdville ISD Family,

As we embark on the 2024-25 academic year, I am filled with gratitude and excitement for the opportunity to serve you and our students. The Birdville ISD community is one of vibrant diversity, resilience, and commitment to excellence and, our dedication to providing a supportive and enriching environment for our students to thrive has never been more important. Each member of our staff plays an indispensable role in shaping the future of our students, and for that, you have my deepest appreciation.

The Employee Handbook is a valuable resource designed to guide you through our district's policies and procedures. I encourage you to familiarize yourself with this handbook, as it contains important information to assist you throughout the school year. Should you have any questions or need further clarification, please do not hesitate to reach out to our Human Resources department.

As we look forward to the year ahead, commit to fostering a culture of inclusivity, innovation, and inspiration. Together, we can create a transformative educational experience for our students and continue to make Birdville ISD a place where excellence is the standard.

Welcome to another exciting year at Birdville ISD!

Respectfully,

Gayle Stinson, Ed.D.  
Superintendent of Schools



## 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 [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net).

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 employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed online at BISD Board Policy Online.

## Copyright Information

Information provided in this handbook has been developed in conjunction with the **Model Employee Handbook** by the Texas Association of School Boards, Inc., copyright 1996–2021.



## District Information

### Description of the District

The Birdville Independent School District continues a tradition it began in 1858 on the Texas frontier long before the Civil War. The first school was opened on a site known as Birdville Hill. The settlers took the name Birdville for their community from the original Bird's Fort, built by Jonathan Bird and fortified by a group of Texas Rangers. An official Texas Historical Marker stands on the site known as the Pioneer Birdville Schools.

The area now comprising the school district originated along Big Fossil Creek and its tributaries, and has progressed to a population of over 140,000 which spans 40 square miles and serves all of Richland Hills and portions of Haltom City, North Richland Hills, Watauga, Hurst, Colleyville and Fort Worth.

BISD is the fifth largest school district in Tarrant County with more than 22,400 students and more than 3,200 employees. All 32 schools (20 elementary schools, seven (7) middle schools, four (4) high schools, and a career center) are fully accredited by the **Texas Education Agency**.

### Board of Trustees and Board Meetings

Policies [BA](#), [BBB](#), and [BE Series](#)

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

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

The board usually meets in the BISD Administration Building at 6125 E. Belknap St., Haltom City, TX 76117, on the fourth Thursday of each month at 5:30 p.m. with the public meeting beginning at 7:00 p.m. In the event that large attendance is anticipated, the board may meet at 6351 Boulevard 26, Haltom City, Texas 76180. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and at the district's administration building located at 6125 E. Belknap St. in Haltom City at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a one-hour notice.

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

Scheduled board meetings may be found on the Birdville ISD website at <https://www.birdvilleschools.net/domain/4253>.

## **School Operating Hours**

For School Operating Hours, please visit the BISD website at: <https://www.birdvilleschools.net/Page/47945>

## **Security**

Principals are responsible for security on their campus. District guidelines require that principals contact proper authorities should any problems arise on a school campus. Texas state law requires school personnel to check all visitors to the campus by using the Visitor Check-In System. This system works to identify sex offenders and properly restrict their access to children on the campus. Criminal history checks are completed on all employees and student teachers. Picture identification badges are supplied for all employees. These are required to be worn while on the job. Cafeteria managers are charged with securing the kitchen area at the close of each day, just as head custodians and night custodians must secure the entire building facility at the close of each day. Campus security personnel are employed at each high school.

## **Volunteers (Partners in Education)**

The district has an outstanding Partners in Education (PIE) program. The district will run criminal background checks on all prospective volunteers/mentors prior to beginning any volunteer work. Additionally, all volunteers/mentors are required to complete a volunteer application allowing the district to obtain their criminal history record. If the application is in order and the results of the criminal history record check are favorable, the volunteer/mentor will be allowed to work with students.

The district considers its volunteers and mentors a valuable resource. If practicable, the district includes volunteers in addition to paid staff in planning the implementation of the volunteer program. Volunteers and mentors shall not be used to displace, diminish, or replace the position or functions of salaried professional or paraprofessional employees.

## **Student Handbooks**

The Student Handbooks may be accessed electronically on the BISD website at [www.birdvilleschools.net/studenthandbooks](http://www.birdvilleschools.net/studenthandbooks):

- Family
- BISD Student Handbooks

The Code of Conduct can be accessed electronically on the BISD website at [www.birdvilleschools.net/studenthandbooks](http://www.birdvilleschools.net/studenthandbooks):

- Family/Community tab, Student Handbooks
- BISD Code of Conduct

## **Student Records**

### **Policy FL**

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

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

## **Administering Medication to Students**

### **Policy FFAC**

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

## **Communications During a Crisis**

### **Policy GBBA (Local)**

In any crisis situation affecting the District or an individual campus, the Superintendent or designee shall be the official District spokesperson and shall be responsible for all communication with the news media.

## **News Releases**

### **Policy GBBA (Local)**

News releases concerning political or controversial issues or the overall operation of District schools, or involving more than one campus, shall be made only by the District communications office. Other news releases concerning athletic events, programs, and activities at an individual campus shall be made by the principal.



# **Employment and Termination of Employment**



## Equal Employment Opportunity

Policies [DAA](#), [DIA](#)

In its efforts to promote nondiscrimination and as required by law, Birdville ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information or any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience and abilities.

Nor shall the district limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status as an employee because of the individual's race, color, religion, sex, or national origin. Sexual harassment is a form of sex discrimination. (See next section on Sexual Harassment.)

Additionally, the district shall not discriminate in employment, as set out above, because an individual is aged 40 or above. The district shall also not discriminate, as set out above, against a qualified individual with a disability because of the individual's disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability unless the district can demonstrate that the accommodation would impose undue hardship on the operation of the district.

The term "qualified individual with a disability" does not include any employee or applicant, who is currently engaging in the illegal use of drugs, when the district acts on the basis of such use. Nor does it include any individual who is an alcoholic whose current use of alcohol prevents the employee from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

As a qualification standard, the district may require that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. Although the term "physical or mental impairment" includes such contagious diseases as HIV disease (whether symptomatic or asymptomatic) and tuberculosis, an individual who by reason of such disease or infection would pose a direct threat to the health or safety others that cannot be eliminated or reduced by reasonable accommodation or who is unable to perform the duties of the job shall not be considered a "qualified individual."

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

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment.

Skip Baskerville, Associate Superintendent for Human Resources, Governance & Support Services. Mr. Baskerville serves as the district's Title IX Coordinator.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: **Skip Baskerville, Associate Superintendent for Human Resources, Governance & Support Services, 6125 E. Belknap Street, Haltom City, Texas 76117.**

Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## **Non-Discrimination of Students**

### **Policy FB**

Employees shall not discriminate by denying students the right to participate in any school program, education service, or activity because of the student's race, religion, color, sex, national origin, or disability.

## **ADA/Section 504 Coordinator Title IX Coordinator**

### **Policies DAA, FB**

The District designates and authorizes the following employee as the ADA/504 coordinator to coordinate its efforts to comply with **Title II of the Americans with Disabilities Act of 1990**, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973.

**Name:** Skip Baskerville  
**Position:** Associate Superintendent for Human Resources, Governance & Support Services  
**Address:** 6125 East Belknap Street, Haltom City, Texas 76117  
**Telephone:** 817-547-5714

The District designates the following person to coordinate its efforts to comply with **Title IX of the Education Amendments of 1972**, as amended:

**Name:** Skip Baskerville  
**Position:** Associate Superintendent for Human Resources, Governance & Support Services  
**Address:** 6125 East Belknap Street, Haltom City, Texas 76117  
**Telephone:** 817-547-5714

The coordinator shall be responsible for investigation of complaints on behalf of employees and citizens. For complaint and grievance procedures, see [DGBA \(LOCAL\)](#) and [GF \(LOCAL\)](#).

## **Applications for Employment**

Applications for professional/certified positions and support staff/non-certified positions may be accessed and submitted online at [www.birdvilleschools.net](http://www.birdvilleschools.net)

Applications should be completed in full and submitted for processing, either electronically or by hardcopy, to Human Resources in the administration building. Applications are kept active for consideration when a vacancy occurs. Applications for professional personnel are retained for one year. Support staff and auxiliary applications remain active for six months.

## **Job Vacancy Announcements**

### **Policy DC**

Announcements of job vacancies by position and location are posted on a regular basis and posted on the district's website. Job vacancy announcements are prepared and distributed by the human resources department. The district is an equal opportunity employer and reasonable accommodations are made to enable individuals with disabilities to participate in the application process and to enjoy the benefits and privileges of employment equal to those available to other employees. All applications become property of the school district.

## Certification and Licenses

Policies [DBA](#), [DF](#)

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Human Resources Certification Office in a timely manner. Employees licensed by the Texas Department of Licensing and Regulation (TDLR) must notify Gretta Bacon ([gretta.bacon@birdvilleschools.net](mailto:gretta.bacon@birdvilleschools.net)) when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, intern certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Human Resources Certification Office if you have any questions regarding certification or licensure requirements.

Personnel must possess valid credentials before contracts are issued, duties are assigned or payment is made from any source of funds. All teachers who are employed with emergency permits must satisfy TEA requirements for proper certification for the position in which they are assigned within the time allotted by TEA. All professional employees who have earned certificates, endorsements, or degrees of higher rank since the previous school year must file with the personnel office:

An official college transcript showing highest degree earned and date conferred; and A valid certificate and/ or endorsement.

The district maintains current and complete personnel records of all employees according to TEA guidelines and local administrative requirements.

All records shall become the permanent property of the district and the State of Texas and will be used for the proper maintenance of personnel files for the employee as required by law and/or State Board rule. Records may not be destroyed or removed from a personnel file without a written authorization signed by the superintendent.

## Standard Certificate and Renewal Requirements

The State Board for Educator Certification (SBEC) began issuing the Standard Certificate September 1, 1999. This certificate must be renewed every five years to remain valid. The Standard Certificate replaces the lifetime Provisional and Professional Certificates for those who do not hold lifetime provisional teaching certificates.

Individuals who complete preparation and/or ExCET/TEXES requirements after September 1, 1999 are issued the Standard Certificate. The renewal cycle is every five years at the end of the educator's birth month.

All certified educators, including educational assistants seeking to renew a certificate(s) must:

- Hold a valid Standard Certificate that has not been, nor is in the process of being sanctioned by SBEC;
- Successfully complete a criminal history review;
- Not be in default on a student loan or in arrears of child support;
- Complete a total of 150 clock hours of continuing professional education (CPE); and
- Pay a renewal fee.

## **Recertification of Employment Authorization**

### **Policy DC**

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

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

## **Notification to Parents Regarding Qualifications**

### **Policies DK, DBA**

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

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

Employees who have questions about their certification status may contact the Certification Office at 817-547-5705.

## **Public Access**

### **Policy GBA**

Public access to information in personnel records may be done only in accordance with the requirements of the Texas Open Records Act.

## **Medical Examinations**

### **Policy DBB**

Transportation personnel must take a pre-employment physical prior to beginning employment. Federal law requires transportation employees to undergo pre-employment, post-accident, random, reasonable suspicion, and follow-up testing. A controlled substance test is required as part of the pre-employment physical examination. Refusal to consent to or disclose the results of the pre-employment controlled substances testing will result in the applicant not being hired.

Upon employment, no driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. The district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

A driver whose conduct is in violation of the alcohol and controlled substances prohibitions of federal law may be terminated as a driver for:

- Refusing to submit to a required test for alcohol or controlled substances;
- Testing positive for alcohol, in the post-accident test;
- Testing positive for controlled substances in a post-accident test;
- Testing positive for alcohol, in a random test;
- Testing positive for controlled substances in a random test;
- Testing positive for alcohol, in a reasonable suspicion test;
- Testing positive for controlled substances in reasonable suspicion test; or
- Providing an adulterated, diluted, or a substituted specimen on an alcohol or drug test.

A medical examination may be required of any employee when, in the judgment of the immediate supervisor after consultation with the superintendent or designee, the employee's condition interferes with the ability to perform job-related functions or may pose a direct threat to the health or safety of the employee or others. The district may designate the physician to perform the examination and, in that case, shall pay the cost of the examination. If in the Superintendent's discretion the circumstances so require, the employee may be placed on administrative leave with pay, pending the physician's report and the district's decision. Child nutrition workers shall comply with health requirements established by city, county and state health authorities.

### **Employment After Retirement**

#### **Policy DC**

Individuals receiving retirement benefits from the <<[Teacher Retirement System of Texas](#)>> (TRS) may be employed under certain circumstances on a full or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment After Retirement*. Employees can contact TRS for additional information by calling 800.223.8778 or 512.542.6400. Information is also available on the TRS website. ([www.trs.texas.gov](http://www.trs.texas.gov))

Individuals who retire in August may begin employment in October of the school year following their retirement. Under this last provision, retirees must submit annual written notice to TRS by the last day of the first month of full employment to avoid a disruption of benefits. Working any part of a month counts as one full month.

Other restrictions apply when a person has retired because of a disability. Individuals retiring because of a disability should contact TRS for details about employment restrictions. For employment on or after September 1, 2005, public education employers in Texas are required to pay a surcharge to the TRS pension fund for retirees employed in positions that would be eligible for TRS membership if held by an active member. This surcharge payment is not a member contribution, nor is it refundable to the retiree at any time. *Birdville ISD deducts the surcharge from the retiree's payroll check and makes the payment to TRS. Birdville ISD takes no responsibility in the payment of this surcharge and notifies the retire-rehire of this stipulation prior to employment.* Retire-rehire employees may be required to pay the state contribution for the retiree's TRS-Care health benefits. The surcharges are not required for a retiree who retired prior to September 1, 2005, (2) works only as a substitute (serves on a temporary basis in the place of a current employee), or (3) works in a position that does not meet TRS membership eligibility requirements for active members.



## Employment Records

### Before Employment

- **All Employees:**
  - Application on file
  - Interview
  - References
  - Access to criminal history record, including fingerprinting
- **Professional:**
  - Valid Texas certificate or permit
  - TECAT sticker, or ExCET Exam or TExES Exam
  - Service record and required attachments
  - Official college transcript
- **Educational Assistants:**
  - Valid Texas Educational Aide Certificate
  - Official college transcript or high school transcript or equivalent
- **Transportation:**
  - Proof that applicant is at least 18 years of age
  - Evidence of valid driver's license
  - Pre-employment physical examination including controlled substances test
  - Driver's license check and proof of safe driving record

### Upon Employment

- **All Employees shall be:**
  - Provided with instructions to access the Employee Handbook online;
  - Provided copy of district drug-free workplace policy before the first day of employment (Employee Conduct and Welfare section of Employee Handbook);
  - Provided copy of Employee Complaint Policy (Complaints and Grievances section of Employee Handbook);
  - Provided Absence Reporting System information;
- **All Employees shall:**
  - Complete I-9 form within three business days of employment;
  - Complete W-4 form;
  - Complete Teacher Retirement System Enrollment form (TRS-5);
  - Complete Emergency Data form;
  - Verify social security number;
  - Provide certified copy of birth certificate, driver's license or other approved documents; and
  - Provided written contract (professional employees only).
- **Transportation Employees:**
  - Provide evidence of passing pre-employment physical including controlled substances test.

## Workload and Work Schedules

*Policies [DEAB](#), [DK](#), [DL](#)*

Full-time employees are expected to work a minimum of eight hours daily. Supervisors and principals will determine specific duty hours, including acceptable arrival time and departure time for respective employees under their supervision in accordance with requirements at the place of duty.

**Professional Employees:** Professional employees and academic administrators are exempt from overtime pay and are employed on a ten, eleven, or twelve-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year and may be accessed on the Birdville Website. <<[www.birdvilleschools.net](http://www.birdvilleschools.net)>>

<<[Access Days of Duty](#)>> <<[Access Staff Calendar](#)>>

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

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

## Break for Expression of Breast Milk

*Policies [DEAB](#), [DG](#)*

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

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

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother. The employee must give the district 10 days to come to compliance before making any claim of liability against the district. An employee with concerns should contact ( Paige Curry, Executive Director for HR, 817-547-5788)

## Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PFWA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking PFWA accommodation should contact ([Paige Curry, Executive Director for HR, 817-547-5788](#)) to begin the interactive process.

## Contract and Non-Contract Employment

*Policies [DC Series](#)*

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

## A. Probationary Contract

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

In accordance with the BISD District of Innovation Plan, the probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed two school years.

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

An employment contract may not extend the probationary contract period beyond the end of the third consecutive school year of the teacher's employment by the school district unless, during the third year of a teacher's probationary contract, the board of trustees determines that it is doubtful whether the teacher should be given a continuing contract or a term contract. If the board makes that determination, the district may make a probationary contract with the teacher for a term ending with the fourth consecutive school year of the teacher's employment with the district, at which time the district shall:

1. Terminate the employment of the teacher; or
2. Employ the teacher under a continuing contract as provided by Subchapter D or E, according to district policy.

**Probationary Contract / Termination:** The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its intentions to terminate the employment to the teacher not later than the 10th day before the last day of instruction required under the contract. The board's decision is final and may not be appealed.

If the board of trustees fails to give the notice of its intention to terminate the teacher's employment within the time as prescribed, the board must employ the probationary teacher in the same capacity under:

1. A probationary contract for the following school year, if the teacher has been employed by the district under a probationary contract for less than three consecutive school years; or

A continuing or term contract, according to district policy, is if the teacher has been employed by the district under a probationary contract for three consecutive school years.

**Discharge during Year or Suspension without Pay under Probationary Contract:** A teacher employed under a probationary contract may be discharged at any time for good cause as determined by the board of trustees, good cause being the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.

In lieu of discharge, a school district may suspend a teacher without pay for good cause as specified above for a period not to extend beyond the end of the current school year.

### Resignations under Probationary Contract

#### Policy DFE (Local)

A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the Superintendent or designee **a written resignation not later than the 45th day before the first day of instruction of the following school year**. A written resignation mailed by prepaid certified or registered mail to the Superintendent

or designee at the post office address of the district is considered filed at the time of mailing. A teacher employed under a probationary contract may resign, with the consent of Superintendent or designee, at any other time.

On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher employed under a probationary contract who:

- Resigns;
- Fails without good cause to comply with the timeline for resignation as specified above; or
- Fails to perform the contract.

**Return to Probationary Status:** In lieu of discharging a teacher employed under a continuing contract, terminating a teacher employed under a term contract, or not renewing a teacher's term contract, a school district may, with the written consent of the teacher, return the teacher to probationary contract status.

A teacher may agree to return to probationary contract status only after receiving written notice of the proposed discharge, termination, or non-renewal. A teacher returned to probationary contract status must serve a new probationary contract period as provided by Section 21.102 as if the teacher were employed by the district for the first time.

## **B. Term Contract**

### **Term Contracts**

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

### **Notice of Contract Renewal or Non-Renewal**

Not later than the 10th day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract.

The board's failure to give the notice required within the time specified shall constitute an election to employ the teacher in the same professional capacity for the following school year.

### **Hearing under Term Contract**

If the employee desires a hearing after receiving notice of the proposed non-renewal, the teacher shall notify the board of trustees in writing not later than the 15th day after the date the teacher receives the notice of the proposed action. The board shall provide for a hearing to be held no later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date. The hearing must be closed unless the teacher requests an open hearing. The hearing must be conducted in accordance with rules adopted by the board. The board may use the process established under Subchapter F.

At the hearing the teacher may:

1. Be represented by a representative of the teacher's choice;
2. Hear the evidence supporting the reason for nonrenewal;
3. Cross-examine adverse witnesses; and
4. Present evidence.

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If the teacher does not request a hearing, the board of trustees shall:

1. Take the appropriate action to renew or not renew the teacher's contract; and
2. Notify the teacher in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent to the teacher.



A teacher who is aggrieved by a decision of the board of trustees on the non-renewal of the teacher's term contract may appeal to the commissioner for a review of the decision of the board of trustees in accordance with the provisions of Subchapter G. The commissioner may not substitute the commissioner's judgment for that of the board of trustees unless the board's decision was arbitrary, capricious, unlawful, or not supported by substantial evidence.

## **Resignation under Term Contract**

### **Policy DFE**

A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the Superintendent or designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid, certified or registered mail to the Superintendent or designee at the post office address of the district is considered filed at the time of mailing. A teacher employed under a term contract may resign, with the consent of the Superintendent or designee, at any other time.

On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who:

1. Resigns;
2. Fails without good cause to comply with the timeline for resignation as specified above; or
3. Fails to perform the contract.

## **C. Continuing Contracts**

### **Continuing Contracts**

Teachers employed before June 1, 1996 are employed by continuing contract. Teachers employed after that date are employed by term contracts. Campus principals and central office administrators are employed under term contracts. Each teacher employed under a continuing contract is entitled to continue in the teacher's position or a position with the school district for future school years without the necessity for annual nomination or reappointment until the person:

1. Resigns;
2. Retires under the Teacher Retirement System of Texas;
3. Is released from employment by the school district at the end of a school year because of necessary reduction of personnel as provided by Section 21.157;
4. Is discharged for good cause as defined by Section 21.156 and in accordance with the procedures provided by this chapter;
5. Is discharged for a reason stated in the teacher's contract that existed on or before September 1, 1995 and in accordance with the procedures prescribed by this chapter; or
6. Is returned to probationary status.

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The district may grant to a person who has served as principal or in another administrative position for which certification is required, at the completion of the person's service in that capacity, a continuing contract to serve as a teacher if the person qualifies for the position under criteria adopted by the board of trustees.

### **Discharge or Suspension without Pay Under Continuing Contract**

A teacher employed under a continuing contract may be discharged at any time for good cause as determined by the board of trustees, good cause being the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.



In lieu of discharge, a school district may suspend a teacher without pay for good cause as specified above for a period not to extend beyond the end of the current school year.

**“Discharge”** shall mean termination of a contract during the contract period.

**“Non-renewal”** shall mean the termination of a term contract at the<sup>41</sup> end of the contract period.

### **Notice Under Continuing Contract**

Before a teacher employed under a continuing contract may be discharged, suspended without pay, or released because of a necessary reduction of personnel, the board of trustees must notify the teacher in writing of the proposed action and the grounds for the action.

A teacher who is discharged or suspended without pay for actions related to the inability or failure of the teacher to perform assigned duties is entitled, as a matter of right, to a copy of each evaluation report or any other written memorandum that concerns the fitness or conduct of the teacher, by requesting in writing a copy of those documents.

### **Hearing Under Continuing Contract**

If the teacher desires to protest the proposed discharge, suspension without pay, or because of a necessary reduction in personnel, the teacher must notify the board of trustees in writing not later than the 10th day after the date the teacher receives the notice.

A teacher who notifies the board of trustees within the time prescribed above is entitled to a hearing as provided by Subchapter F of the Texas Education Code.

If the teacher does not request a hearing within the time prescribed above, the board of trustees shall:

1. Take the appropriate action; and
2. Notify the teacher in writing of the action not later than the 30th day after the date the board sent the notice of the proposed action.

### **Resignation Under Continuing Contract**

#### **[Policy DFE \(Local\)](#)**

A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the Superintendent or designee a **written resignation not later than the 45th day before the first day of instruction of the following school year.**

A written resignation mailed by prepaid certified or registered mail to the Superintendent or designee at the post office address of the district is considered filed at the time of mailing.

A teacher employed under a continuing contract may resign, with the consent of the Superintendent or designee, at any other time. On written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who:

- Resigns;
- Fails without good cause to comply with the timeline for resignation as specified above; or
- Fails to perform the contract.

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

#### **[Policies DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFE, DFFA, DFFB](#)**

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

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

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

## **E. Non-Contract Employment**

### **Policy DCD**

All other staff is employed on an at-will basis for no specified length of time, and has no property right in their employment.

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

### **Policies DCD, DP**

Auxiliary (transportation, child nutrition, custodial, and maintenance, etc.) and paraprofessional (secretaries, educational assistants) personnel shall serve at-will, are not employed for any specified length of time, and have no property right in their employment. The board through its designee may terminate the employment relationship at any time, for any reason, except as otherwise provided by law. An at-will employee who is dismissed may request review of that decision through the process set out in DGBA.

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

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

## **Termination or Suspension**

The board of trustees may terminate a term contract and discharge a teacher at any time for:

1. Good cause as determined by the board; or
2. A financial exigency that requires a reduction in personnel.

For a good cause, as determined by the board, the board of trustees may suspend an employee without pay for a period not to extend beyond the end of the school year:

1. Pending discharge of the teacher; or
2. In lieu of terminating the teacher.

A teacher who is not discharged after being suspended without pay pending discharge is entitled to back pay for the period of suspension.

## Necessary Reduction in Personnel

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge or nonrenewal of one or more employees in accordance with this policy. Such a determination constitutes sufficient cause for discharge or nonrenewal. When a reduction in force is to be implemented, the Superintendent shall make recommendations to the Board and the Board shall determine the employment areas to be affected.

Definitions used in this policy are as follows:

**“Financial exigency”** shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District’s financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.

**“Program change”** shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or District-wide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.

## Certification Not Required

*Policies [DCE](#), [DC](#)*

The board may employ, by written contract, personnel not eligible for a contract under Chapter 21 of the Education Code. Such contracts shall not be governed by the provisions of Chapter 21 of the Education Code.

## Diabetic Assistants

*HB 984*

In each school that has a student with diabetes enrolled the principal shall seek school employees who are not healthcare professionals to serve as unlicensed diabetes care assistants. The principal shall make efforts to ensure the campus has at least one unlicensed diabetes care assistant. Training for the unlicensed diabetes care assistants must be provided by a healthcare professional with expertise in the care of persons with diabetes or by the school nurse. The school nurse assigned to a campus must coordinate the training.

Any school employee who is responsible for providing transportation for a student with diabetes or supervision of a student with diabetes during an off-campus activity shall be given appropriate information about the student(s).

A school employee may not be subject to disciplinary proceeding, as defined by Section 22.0512 (b) TEC, resulting from an action taken in compliance with this subchapter. A school nurse is not responsible for actions performed by an unlicensed diabetes care assistant.

## Health and Safety Training

*Policies [DBA](#), [DMA](#)*

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety.

Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to the Health Services Coordinator upon completion of the requirement. Extracurricular athletic activity safety training is required by 19 TAC, §76.1003. Information

on Texas Education Agency (TEA) requirements is available on the <<[TEA Website](http://ritter.tea.state.tx.us/taa/health042109.html)>> (<http://ritter.tea.state.tx.us/taa/health042109.html>).

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

## Nepotism

No person shall be employed in the district that is related to a member of the board by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. (See DBE for specific details).

This policy shall not affect any person who has been employed by the district for a continuous period of **six months prior to the date of the election of the board member to whom that person is so related or 30 days before** the appointment of that member to whom that person is so related.

Service as a substitute does not constitute continuous employment for purposes of allowing the continuous employment exception. No person who is related to a central administrator shall be appointed to any office or position in the central administration. Except for employees of the central administrative offices, employees who are related may teach, work, and be assigned to the same department, division, campus, school, or other facility; however, *an employee shall not supervise, evaluate, or recommend for promotion any relative*. Any two employees who become related during the school year or become affected by a change in supervision status shall be allowed to complete the school year before reassignment of one of the two employees is required.

## Reassignments and Transfers

*Policies [DK](#), [DGB \(LEGAL\)](#)*

*All personnel are subject to assignment and reassignment by the superintendent, or designee, when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district.* Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract.

Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy. When emergency conditions require, a professional staff member may be assigned in accordance with standards for permits.

An employee with the required qualifications for a position may request a transfer or reassignment to another position within the district. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by Human Resources and be approved by the receiving supervisor.

Beginning in March of each year, professional and paraprofessional staff may complete a transfer request form by logging on to the Birdville website at: [www.birdvilleschools.net](http://www.birdvilleschools.net). The transfer window will close 75 days prior to the first day of instruction.

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by the beginning of March of each year. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources office and must be approved by the receiving supervisor.

**Auxiliary employees** may request a transfer by submitting a completed transfer request form to their immediate supervisor. Transfer requests will be reviewed and approved by the department director or designee.

## Supplemental Duties

### *Policy DK*

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

## Unlawful Reasons for Dismissal

Statutes and case law protect employees from retaliatory discharge for reporting or refusing to participate in illegal activities or for filing workers' compensation claims. Employees also have a right to be free from unlawful discrimination on the basis of race, color, gender, age, religion, national origin, military status, genetic information, disability any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Non-contract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See the section titled Complaints and Grievances)

## Suspension

### *Policy DCD*

An at-will employee may be suspended with or without pay or placed on administrative leave by the superintendent or designee during an investigation of alleged misconduct by the employee or at any time the superintendent or designee determines that the district's best interest will be served by the suspension or administrative leave.

## Reports to the Texas Education Agency

### *Policies [DF](#), [DHB](#), [DHC](#)*

**Certified Employees.** The dismissal of a certified employee must be reported to the **Division of Investigations at TEA** whenever the termination is based on evidence that the employee was involved in any of the following:

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

The superintendent is also required to notify TEA when a certified employee resigns and there is evidence that the educator engaged in the conduct listed above.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges as dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

**Noncertified Employees.** The voluntary or involuntary separation of a noncertified employee from the District must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor as well as committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event.

## Resignations

### Policy DFE

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or designee.

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

**Non-contract Employees.** Non-contract (at-will) employees may resign their position at any time. A written notice of resignation should be submitted to the superintendent, or designee, at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

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

## Retirement

### Policies DEC, DFE

All requests for retirement shall be submitted in writing to the superintendent. Employees may not retire during the school year after active duty has begun and with an effective date before the end of the school year without consent of the board or its designee. Once submitted and accepted, the retirement may not be withdrawn without consent of the board or its designee. The board shall not require the retirement of any employee on the basis of age.

A retirement with an effective date prior to the end of the term of the contract shall be deemed a resignation. Contact Human Resources for additional information at 817-547-5756 or <<[email Human Resources](mailto:hr@birdvilleschools.net)>>  
[hr@birdvilleschools.net](mailto:hr@birdvilleschools.net).

## Discharge of Convicted Employees

### Policy DF

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor. TEC §22.085 lists the reasons an employee must be discharged.

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

## Exit Procedures

All personnel leaving employment with the district shall complete the **Employee Separation Packet**. The packets are available in Human Resources. Information on the continuation of benefits, release of information and procedures for requesting references will be provided at this time. Separating employees are asked to



provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment. To request an exit packet notify Human Resources at 817-547-5756 or <<[email Human Resources](mailto:hr@birdvilleschools.net)>> [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net)

### **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 support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment no later than the seventh (7th) day after the date of termination;
- Employee's last known address; and
- Name and address of the employee's new employer, if known.

### **Request for Records**

Request for records by employees who are leaving the district upon completion of their contract/work year will be ready in early August. Request for records by employees who are not completing the school year will be available the month following the employee's final paycheck.

# **Compensation and Benefits**

## Salaries, Wages and Stipends

Policies [DEA](#), [DEAA](#), [DEAB](#)

Employees are paid in accordance with administrative guidelines and an established pay structure. The Birdville Independent School District maintains local salary schedules based upon job classifications. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See [Overtime Compensation](#) located on the following page).

Salary increases are not automatically granted each year; therefore, neither past or future salaries can be calculated, assumed, or predicted on the basis of the current year's published salary schedule. The Board of Trustees adopts a new compensation plan each year, and future salaries cannot be assumed or predicted.

Contract employees who perform extracurricular or supplemental duties may be paid a stipend to their salary according to the district's extra-duty pay schedule. To access district salary schedules, please visit the Birdville website at: [www.birdvilleschools.net](http://www.birdvilleschools.net). Employment tab <<[View Hiring Schedules](#)>>

All employees will receive a salary notification the beginning of October for their review. 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 Human Resources for more information about the district's pay schedules or their own pay.

## Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid semi-monthly. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

Professional employees, secretaries, educational assistants and auxiliary supervisors are paid on the 25th of each month, or the last working day prior to the 25th if the 25th is on a weekend or a holiday. All other auxiliary employees are paid bi-weekly in accordance with the current payroll schedule as maintained by the payroll department. Auxiliary employees in this category should check with their immediate supervisor for access to specific payroll dates. **Employees are responsible for regularly reviewing the accuracy of their pay statement.**

The 2022-2023 schedules for the bi-weekly and monthly pay dates may be accessed on the Payroll web page under Payroll Related Forms located on the Birdville ISD website at <https://www.birdvilleschools.net>.

## Automatic Payroll Deposit (Direct Deposit)

Direct deposit is the electronic transfer of an employee's net pay directly into financial institution accounts designated and in the name of the employee. Direct deposit is mandatory for all Birdville ISD employees and takes effect as soon as your completed form in the Payroll Office is received. With direct deposit, an employee's pay is immediately available on the pay date and the employee no longer has the risk of lost, stolen, or damaged checks. The form to apply for direct deposit is available on the BISD website.

## Payroll Payment Card (Debit Card)

If the employee does not have a personal bank account into which net pay can be deposited, the employee should complete a Payroll Payment Card Application available on the BISD website. Once the application is completed, the employee will be able to access net pay via a debit card provided by Bank of America. See additional information on Automatic Payroll Deposit located in [Appendix A](#) in this handbook.

## Payroll Deductions

### Policy CFEA

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

- Teacher Retirement System of Texas (TRS);
- Federal income tax;
- Medicare tax (applicable only to employees hired in this district after March 31, 1986)
- Child support and spousal maintenance, if applicable;
- Delinquent federal education loan payments, if applicable.

Temporary and part-time employees who are not eligible for TRS membership must complete a 457(b) FICA Alternative Plan and Trust Agreement and have contributions deducted.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; higher education savings plans or prepaid tuition programs. Employees also may request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

## Overpayments

Employees are not entitled to any funds the district overpays. An overpayment occurs if an employee is paid more than the amount the employee should have been paid under the assigned pay grade and applicable supplemental pay.

If an overpayment is reported in the current fiscal year, a payment plan will be developed to recoup the payment. Generally, an overpayment will be paid in one pay cycle. However, if this creates an undue hardship for the employee, the district has the discretion to develop a plan for regular payroll deductions in the same fiscal year.

An agreement between an employee and the district must be in place in order to deduct any overpayment.

## Overtime Compensation

### Policies DEAB, DEC

Employees not exempt under the Fair Labor Standards Act qualify for overtime compensation. The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws.

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

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of

calculating overtime, a workweek begins at 12:00 a.m., Monday and ends at 11:59 p.m., Sunday.

Compensation for overtime may be monetary or compensatory time off. Supervisors of nonexempt employees shall ensure an agreement or understanding with the employee regarding the form of compensation for overtime (cash or compensatory time) off prior to the occasioning of overtime duty.

The following applies to all nonexempt employees:

- Employees can accumulate up to 40 hours of comp time.
- Use of comp time may be at the employee's request with supervisor approval as workload permits, or at the supervisor's direction.
- An employee may be required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.
- All paraprofessional and auxiliary employees, who are instructed to do so, shall report all time worked using the computerized timekeeping system.
- An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the District shall pay the employee for the compensatory time.

## Stipends

### Master's and Doctorate Degree Stipends

Any professional employee, (paid on the Teacher Pay Schedule), that acquires a master's degree or doctorate degree from a TEA recognized accredited university or college would be entitled to a stipend in the amount determined by the board of trustees. Any professional employee, (paid on a pay schedule other than the Teacher Pay Schedule), that acquires a doctorate degree from a TEA recognized accredited university or college would be entitled to a stipend in the amount determined by the board of trustees.

Only the Board of Trustees can determine this amount and authorize the issuing of this stipend. Professional employees must provide the human resources department with the official transcripts from TEA recognized accredited universities and colleges indicating the acquisition of a master's or doctorate degree before credited with a stipend.

Stipends for post-secondary degrees will only be awarded to professional employees who have earned their degrees from TEA recognized accredited colleges and universities.

### Professional Learning Presenter Stipends

BISD employees who present professional learning sessions receive compensation stipends as described below.

#### In-District Stipends

BISD employees who present professional development sessions within the district to other district employees on official work days will receive a stipend for their preparation time. For example, a middle school math teacher presents a session for all middle school math teachers in the district during a scheduled professional learning day on October 10. The presenter receives a stipend for preparation time since October 10 is one of the 187 paid contract duty days for which this teacher/presenter.

BISD employees may not use discretionary leave, sick leave, a personal day or a vacation day on an official work day in order to receive presenter compensation for in-district training.

- HALF-DAY PRESENTATION ON CONTRACT DAY: In-district presenters receive \$25 an hour not to exceed \$75 total for three hours of preparation time. A half-day session is one three-hour presentation. In addition, presenters receive a \$25 stipend each time they repeat a half-day session on another day.
- FULL-DAY PRESENTATION ON CONTRACT DAY: In-district presenters receive \$25 an hour not to exceed \$150 total for six hours of preparation time. An all-day session is one six-hour presentation. In addition, presenters receive a \$50 stipend each time they repeat a full-day session.

- **PRESENTATION ON NON-CONTRACT DAY:** BISD employees who present professional development sessions to BISD employees on non-contract duty days (summer, evening, Saturday) may receive compensation for their work. For example, a high school science teacher presents a workshop for all secondary science teachers in the district on June 24. June 24 is not a workday for the presenter. The stipend for presenting during a non-contract work day will be determined by the presenter and the department requesting the presenter's services.

### **Out-of-District Stipends**

BISD employees who contract to present staff development sessions to another entity outside of BISD must use a personal day or vacation day in order to accept compensation from that entity for the presentation.

### **Travel Expense Reimbursement**

#### **Policy DEE**

Employees must receive prior approval by submitting a Travel Request and Expense Reimbursement form in order to receive reimbursement for travel expenses. Authorized travel (at the request of the employee's immediate supervisor and approved by the Superintendent or designee) will be reimbursed according to current travel expenditure guidelines. Receipts for actual expenses must be retained by the employee and submitted with the appropriate form after the allowed travel. Complete travel guidelines and forms may be accessed on the **District website - Finance Department - For Staff tab** <https://www.birdvilleschools.net/domain/2870>.

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

#### **Policy CRD**

Group health insurance coverage is available to employees who work 20 hours or more a week. An employee working 10–20 hours per week is eligible for health insurance. However, the district will not make the usual contribution toward the premium. Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Employees eligible for health insurance coverage include the following:

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

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) are not eligible to participate in TRS-ActiveCare.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are available in the insurance and benefits office as well as online at [www.birdvilleschools.net](http://www.birdvilleschools.net). <<[Access Benefits Hub](#)>> Employees should contact the Benefits office at 817-547-5782 for more information.

New employees must complete enrollment forms within the first 30 days of employment. If employees do not enroll in the insurance plans upon employment, they must wait until the next open enrollment period.

Employees should contact the insurance and benefits office at 817-547-5782 for more information. <[email Benefits Specialist](#)>>



## Flexible Benefits

### *Policy CRG*

For health, dental, cancer and vision insurance premiums paid by the employee, the District offers a tax savings benefit called a Flexible Benefits Section 125 Plan. Under this plan, employees can choose to pay insurance premiums through a salary reduction agreement using “before tax” dollars, which will reduce tax liability and increase take-home pay. See [Appendix A](#) in this handbook for additional information.

## Workers' Compensation

### *Policies CRE*

**PROGRAM AND BENEFITS:** All district employees, in accordance with laws of the State of Texas, are covered by the district's workers' compensation insurance fund. Only injuries occurring in the course and scope of the employee's job duties are covered. In the event of an injury while on duty, the employee must notify his/her primary supervisor and the Birdville ISD Workers' Comp office at 817-547-5855 IMMEDIATELY. An employee injured during the course and scope of job duties may be eligible to receive temporary income benefits from workers' compensation. An employee eligible for workers' compensation income benefits, and not assault leave, may elect, in writing, to use paid leave.

An employee taken off work by his/her treating physician for a work-related injury will be placed on Family Medical Leave Act (FMLA), temporary disability leave, and/or assault leave, as applicable, to run concurrently with the workers' compensation income benefits.

The district will not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim.

## Work-Related Injuries

Injuries occurring during the course and scope of the employee's job duties must be reported to the employee's primary supervisor and the Birdville ISD Workers' Compensation Office 817-547-5855 **immediately**. The employee is required to complete an Employee Accident Report form regarding the injury and submit the form to the BISD Workers' Comp Office within 24 hours of the injury. The Employee Accident Report forms are available in each office or from the BISD Workers' Compensation Office. The Texas Workers' Compensation Insurance Fund covers all Birdville ISD job-related injuries.

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

For additional information contact the Worker's Compensation Office / Candace Miller at 817.547.5855.

## Unemployment Compensation Insurance

### *Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Business/Benefits office at 817-547-5855.

## Teacher Retirement System (TRS)

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

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

See [Employment after Retirement](#), in this handbook, for information on restrictions of employment of retirees in Texas public schools.

## Retirees

There is no limitation on the number of days in a school year that a retiree may be employed as a substitute except in the case of disability retirees. Disability retirees may work a maximum of 90 days as a substitute with no penalty. The term "substitute" means that you are working for an actual absent employee (if there is no absent employee, then you are not "substituting" by TRS standards, you are considered as working either half or full time, depending on how many days/hours you are working)

## Other Benefit Programs

*See Appendix A*

# Leaves and Absences

Policy DEC (Local)

## Leaves and Absences

### Policy [DEC](#), [DECA](#), [DECB](#)

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

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

- Local leave;
- State sick leave accumulated before the 1995–96 school year;
- State personal leave.

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.

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

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 qualify for the district contribution as they were when they were working. Otherwise, the district does not make benefit contributions for employees who are on unpaid leave.

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

EMPLOYEE MUST USE ACCUMULATED LEAVE FOR ALL ABSENCES. ANY REQUESTS FOR USING A PAY DOC OPTION IN ORDER TO SAVE ACCUMULATED LEAVE DAYS WILL NOT BE APPROVED.

## Types of Leave

Upon hiring, all employees are provided with state and local leave. Employee payroll statements include the balance of leave days an employee has for use at the close of each month's payroll cutoff date, (payroll cutoff is approximately two weeks prior to payday). There are currently five categories of accumulated leave that an employee may have:

- **Local** (a.k.a. local sick leave)
- State Personal
- State Sick
- **Non-BISD State Personal:** Provided by the State of Texas and earned by employees while working in another district. The accumulated days must appear on the employee's service record from prior employment.
- **Non-BISD State Sick:** Provided by the State of Texas and earned by employees while working in another district prior to employment in BISD. The accumulated days must appear on the employee's service record from prior employment.

## Local Leave

### Policy DEC (LOCAL)

Local leave is available for use at the beginning of the year. A day of local leave is equivalent to an assigned workday. All employees shall earn five workdays of paid local leave per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 100 workdays. Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, [see DEC(LEGAL)], except that an employee may contribute local leave to a sick leave bank.

Local leave does not transfer outside the district. Accumulated local leave is available for use while employed in the district.

## Personal Leave Provided by the State of Texas

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to an assigned workday. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: **non-discretionary** and **discretionary**.

Under authority of Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program, the Board of Trustees requires employees to differentiate between uses of personal leave, for discretionary use and for non-discretionary use.

- **Non-Discretionary:** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered non-discretionary leave. Reasons for this type of leave allow very little, if any advance planning. Non-Discretionary leave may be used in the same manner as **State Sick Leave** [See DEC(LEGAL)].
- **Discretionary:** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor at least five days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

Use of discretionary personal leave shall be considered granted unless the immediate supervisor notifies the employee to the contrary, within a reasonable period of time prior to the anticipated absence and on a form provided by the district that states the reason for denial. Employees may appeal negative decisions to the appropriate associate superintendent.

Discretionary personal leave may not be taken for more than five consecutive workdays except in extenuating circumstances as approved by the immediate supervisor.

Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for exams, state tests (e.g., STAAR tests), the first or last day of instruction, nor on professional or staff development days, except with prior approval of the immediate supervisor.

The request for discretionary leave form is available at the end of this section and in the **Leaves and Absences** section of the **Human Resources** webpage under the **For Staff** tab, located on **Birdville ISD website**.  
[Access Discretionary Leave Form](#)

### **State Sick Leave: Provided by the State Prior to 1995**

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

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

Accumulated totals of state sick leave as of May 30, 1995, will remain available to employees for use under local sick leave rules.

### **Non-BISD State Personal Leave Provided by the State of Texas**

Non-BISD State Personal leave is leave earned by employees while working in another district prior to working in BISD. The accumulated days must appear on the employee's service record from prior employment.

### **Non-BISD State Sick Leave**

Provided by the State of Texas and earned by employees while working in another district prior to employment in BISD. The accumulated days must appear on the employee's service record from prior employment. State Sick Leave was discontinued in 1995; however, employees who had earned State Sick retained those days and may still use the days as needed.

### **Recording and Order of Use of Accumulated Leave Days**

Unless an employee chooses otherwise, local sick leave, if any, shall be used before state sick leave accumulated prior to the 1995–96 school year and under the terms and conditions applicable to such state sick leave, except as otherwise provided by this policy. State sick leave accumulated prior to the 1995–96 school year shall be used before state personal leave unless the employee chooses otherwise.

For discretionary leave, state personal leave shall be used in all cases. Discretionary leave requires prior supervisor approval.

For non-discretionary leave, any accumulated leave days may be used. State personal and local leave may only be used for the following reasons:

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

Any state leave and local sick leave may also be used for medical recovery immediately following the birth of an employee's son or daughter for a maximum of six weeks, or eight weeks if the birth was caesarean, or as long as it is medically necessary for the employee. A maximum of six weeks of state personal leave or local sick leave may be used for the purpose of adoption.

*Note:* Senate Bill 1669 of the 78th Legislative Session provides employees with the right to use available local sick or personal leave when called to active military service.

Leave shall be recorded as follows:

1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.
2. For positions for which a substitute is not normally required, leave shall be recorded by:
  - a. Using a half day through Frontline
  - b. Utilize prior accumulated comp time (with supervisory approval)
3. If the employee is taking intermittent Family Medical Leave (FML) the leave shall be recorded in one-hour increments.

A "workday" for purposes of earning, use, or recording shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

Leave shall not be approved for more work days than have been accumulated in prior years plus those available for the current year. Leave for the current year shall be available for use at the beginning of the school year. When an employee has used more sick leave than that to which he or she is entitled, the employee's paycheck shall be docked for each unearned leave day at the employee's daily rate of pay.

When an employee uses more local and state leave than he or she has earned and ceases to be employed by the district, the employee's final paycheck shall be docked for each unearned leave day at the employee's daily rate of pay.

**Earned compensatory time shall be used before any available paid state and local leave.** [See DEA] Use of sick leave bank days shall be permitted only after all available leave has been exhausted. When an absent employee is eligible for FML, the District shall designate the absences as FML. The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FML.

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

## Reporting Absences

All professional and paraprofessional employees, who are instructed to do so, shall report all absences to the computerized absence reporting system electronically through [Frontline](#) as soon as it is known that the employee will be absent.

Employees are required to contact the immediate supervisor, principal or designee as early as possible at the place of duty on the day of each reported absence and any absences thereafter:

- **Facilities Management and Child Nutrition:** Employees must notify supervisor or designee as soon as absence is known, but not later than the beginning of the shift. Include expected length of absence,



expected date of return, and any additional helpful information.

- **Transportation:** Employees must notify supervisor or designee as soon as absence is known, but not later than 45 minutes prior to start of route. Include expected length of absence, expected date of return, and any additional helpful information.
- **Professional and Paraprofessional Employees:** If requested by individual principal or supervisor, employees are required to notify the principal or supervisor at school or place of duty as early as possible. Include reason for absence, expected length of absence, and expected date of return, and any additional helpful information.

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Employees shall notify their immediate supervisor as well as the Birdville ISD Human Resources department, at 817-547-5739 or email [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net), when the duration of any one absence is five or more consecutive days. (See [Medical Certification](#) information on following page).

If an hourly employee does not report or request leave of absence(s) according to district procedures, the incident is considered a “no call/no show”. An employee who is absent for 5 consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

If the employee has any questions concerning the computerized absence reporting system, he/she should contact the immediate supervisor, principal or designee at the place of duty. Employees may also call the absence reporting system office at 817-547-5772 or [email Sub Office](#) for further assistance. See [Appendix B](#) of this handbook for additional information on absence reporting.

## Immediate Family

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

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

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

## Rehired Birdville ISD Employees

Past employees with at least one year of creditable service in Birdville ISD who are rehired shall have their local sick leave days reinstated under the following guidelines:

- Ten- and eleven-month employees (working less than 236 days) who have completed a full creditable school year prior to a one-year of absence must be rehired by the start of the next school year following the one-year of absence. Employees not completing a full school year, but have at least one year of creditable service in Birdville ISD prior to the year of absence, will have one calendar year from the date of termination to be rehired and have local sick leave days reinstated.
- Twelve-month employees (working 236 days or more) who have completed a full creditable school year of service prior to a one year of absence must be rehired one calendar year from the date of termination to have local sick leave days reinstated.

## Pregnancy/Childbirth/Adoption Leave

Employees are encouraged to begin making leave arrangements as soon as the impending birth or adoption is known.

Under normal conditions the following leave schedules apply:

- Normal Delivery: Six (6) weeks
- Caesarean Delivery: Eight (8) weeks

Please refer to the Family Medical Leave Act and Temporary Disability Leave provisions for complete information. A Q&A document is located under the Human Resources webpage on the BISD website. For additional information please contact the BISD Human Resources Department at 817-547-5764 or email [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net).

## Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

## Other Absences

Any other leaves granted or days of absence except for approved school business leave or jury duty leave shall result in a deduction of the daily rate of pay for each day of absence, or as specified in the contract.

## Medical Certification

Any employee who is absent more than five (5) consecutive workdays because of personal or family illness, **must** submit, upon return to work, a medical certification from a qualified healthcare 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 work. (See Medical certification for additional information)

In each case, medical certification must be made by a healthcare provider as defined by the Family Medical Leave Act [FMLA]. [See [DECA\(LEGAL\)](#)]

If the medical certification is in a language other than English, the employee must provide the district with a written translation of the certification upon request.

When an employee knows he/she will be out for an extended period of time, FML paperwork is required to be completed and returned as soon as possible. (See information below regarding Family Medical Leave).

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

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

**Please email HR at [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net) or call 817-547-5764 for questions related to:**

- Family Medical Leave (FML)
- Medical Certification
- Maternity Leave

**Please email the Benefits Specialist ([susan.dippolito@birdvilleschools.net](mailto:susan.dippolito@birdvilleschools.net)) or call 817-547-5782 for questions related to:**

- Disability Insurance
- Health Insurance
- Other insurance and benefits related to absences

**Please email the Payroll department ([payroll2@birdvilleschools.net](mailto:payroll2@birdvilleschools.net)) or call 817-547-5635 for questions related to:**

- Payroll
- Leave Day Balance
- Pay Dock

## **Continuation of Health Insurance**

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

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

## **Bereavement (Funeral) Leave**

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

## **Professional Absences**

Employees may be approved to attend workshops, conferences or other meetings that relate to their job assignment and are intended to provide professional growth and development. When attendance at such events is recommended or required by the administration, the Board, TEA, or UIL, personnel may attend with the superintendent's approval. No salary deduction or loss of leave shall occur when attendance is recommended or required. Requests for release time with pay to attend organizational meetings, other than any such meetings approved for required professional learning purposes, shall be considered on a case-by-case basis.

## Leave of Absence for Study

After completing three years of continuous service, an employee shall be eligible for one year unpaid leave of absence for purposes of study in an institution of higher education. Such leave shall be granted with the understanding that upon return, the individual will be subject to reassignment of position, and entitled to such compensation as the position to which such person is assigned normally or currently carries. Return to duty will be contingent upon there being a vacancy for which the individual qualifies.

## Assault Leave

### Policy DEC(LEGAL)

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury, and should be immediately reported to the **BISD Risk Management Office** and **Human Resources**. 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 not responsible for purposes of criminal liability. An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits.

Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## Court Appearances

### Policy DEC(LOCAL)

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

### **A. Compliance with a Subpoena**

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use paid leave. The district may not discharge, discipline, or otherwise penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees are required to submit documentation of their need for leave for court appearances. Employees are to send the documentation of the valid subpoena to the Payroll Office in the Birdville ISD Business Department.

### **B. Jury Duty**

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

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

### C. Truancy Court Appearances

[Policy DEC\(LEGAL\)](#)

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

### Military Leave

[Policy DECB\(LEGAL\), DEC\(LEGAL & LOCAL\)](#)

**Paid Leave for Military Service.** An employee of a district who is a member of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence from the employee's duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which the employee is engaged in authorized training or duty ordered or authorized by proper authority. Paid military leave is limited to 15 days each fiscal year. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Any employee, other than a temporary employee, who leaves a position with a district to enter active military service is entitled to be reemployed by the district in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

**Continuation of Health Insurance:** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months.

Employees should contact the district's benefits specialist at [susan.dippolito@birdvilleschools.net](mailto:susan.dippolito@birdvilleschools.net) or call 817-547-5782 for details on eligibility, requirements, and limitations.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) may be reviewed at:

[>View USERRA](#)

### Temporary Disability Leave

[Policy DEC\(LEGAL and LOCAL\)](#)

Each full-time district employee shall be given a leave of absence for temporary disability at any time the employee's condition interferes with the performance of regular duties. The contract or employment of the employee may not be terminated by the school district while the employee is on a leave of absence for temporary disability. "Temporary disability" in this section includes the condition of pregnancy.

A request for a leave of absence for temporary disability must be made to the superintendent of the school district. The request must be accompanied by a physician's statement confirming inability to work and must state the date requested by the employee for the leave to begin and the probable date of return as certified by the physician.

The board of trustees may adopt a policy providing for placing an employee on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the employee, the employee's condition interferes with the performance of regular duties. The employee shall have the right to present to the board testimony or other information relevant to the employee's fitness to continue the performance of regular duties.

The employee must notify the superintendent (or designee) of the desire to return to active duty not later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the employee's physical fitness for the resumption of regular duties.

An employee returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school/department where the employee formerly taught, subject to the availability of an appropriate teaching position. In any event, the employee shall be placed on active duty not later than the beginning of the next term.

The length of a leave of absence for temporary disability shall be granted by the superintendent as required by the individual employee. The board of trustees of a school district may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 days. This leave provides protection for an employee's job, it is not a paid leave. Benefits may be affected and may require payment directly to the Benefits office.

## **Retirement – Compensation for Unused Local Sick Leave**

### **Policy DEC (LOCAL)**

For employees hired after May 31, 2003, only unused local leave days shall be eligible for compensation. For employees hired prior to or on May 31, 2003, unused state and local leave days shall be eligible for compensation.

### **Retirement Prior to the End of the School Year**

- **Eligibility:**
  1. Be eligible for retirement benefits from the Teacher Retirement System of Texas, and
  2. For employees hired after July 1, 2003, have been employed by the District without any break in service for a minimum of five years. For employees hired prior to or on July 1, 2003, no minimum years of service shall be required.
- **Notification:** The eligible employee shall receive compensation for unused leave as follows:
  1. If the employee submits written notice of retirement to the human resources department no later than **90 calendar days prior to the effective date of retirement** of the school year in which the employee plans to retire, the employee shall receive 100 percent of the eligible compensation.
  2. If the employee submits written notice of retirement to the human resources department no later than **60 calendar days prior to the effective date of retirement** of the school year in which the employee plans to retire, the employee shall receive 75 percent of the eligible compensation.
  3. If the employee submits written notice of retirement to the human resources department no later than **45 calendar days prior to the effective date of retirement** of the school year in which the employee plans to retire, the employee shall receive 50 percent of the eligible compensation.
  4. If the employee submits written consideration to the Superintendent **less than 45 calendar days prior to the effective date of retirement** of the school year in which the employee plans to retire, the employee shall be eligible for **25 percent** of the eligible compensation.
  5. After these deadlines, exceptions for sudden, unexpected events may be appealed to an administrative committee.

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## Retirement at the End of the School Year

- **Eligibility:**

1. Be eligible for retirement benefits from the Teacher Retirement System of Texas, **and**
2. For employees hired **after** July 1, 2003, have been employed by the District **without** any break in service for a minimum of five years. For employees hired **prior** to or on July 1, 2003, **no minimum** years of service shall be required.

- **Notification:**

The eligible employee shall receive compensation for unused leave as follows:

1. If the employee submits written notice of retirement to the human resources department by **March 1 of the school year in which the employee plans to retire**, the employee shall receive **100 percent** of the eligible compensation.
2. If the employee submits written notice of retirement to the human resources department by **April 1 of the school year in which the employee plans to retire**, the employee shall receive **75 percent** of the eligible compensation.
3. If the employee submits written notice of retirement to the human resources department by **May 1 of the school year in which the employee plans to retire**, the employee shall receive **50 percent** of the eligible compensation.
4. If the employee submits written consideration to the Superintendent after **May 1 of the school year in which the employee plans to retire**, the employee shall be eligible for **25 percent** of the eligible compensation.
5. After these deadlines, exceptions for sudden, unexpected events may be appealed to an administrative committee.

## Compensation Cap

**Employees Hired Prior to May 31, 2003:** For those employees retiring after June 30, 2004, the date of May 31, 2003, is established as a cap for the compensation of unused paid leave at retirement or death. This capped amount shall be used to determine an employee's, or the beneficiary of a deceased employee's, maximum compensation for unused leave at the time of retirement or death. The employee shall have his or her capped amount compensation reduced by 20 percent. If retirement does not occur prior to July 1, 2005, the employee shall have his or her capped amount compensation reduced by an additional 20 percent for an approximate 40 percent reduction.

If after the approximate 40 percent reduction an employee qualifies for an amount greater than \$10,000, that amount shall remain his or her capped amount until the time of retirement or death. This amount cannot be exceeded but shall be reduced if the number of unused state and local leave days accumulated in the district, multiplied by 50 percent of the employee's daily rate of pay, results in an amount less than the established capped amount at the time of retirement or death.

If the 40 percent reduction reduces an employee's benefit below \$10,000, then the benefit amount may increase to a maximum of \$10,000 with the accumulation of additional local and state leave days. This benefit shall be determined by multiplying 50 percent of the employee's daily rate of pay by the number of unused accumulated state and local days up to a maximum of 100 days earned in the district at the time of retirement or death.

**Employees Hired After May 31, 2003:** An employee who qualified for retirement benefits from the Teacher Retirement System of Texas and who was hired after May 31, 2003, or the beneficiary of a deceased employee who was hired after May 31, 2003, shall be eligible to receive a maximum \$10,000 compensation benefit at retirement. This benefit shall be determined by calculating 50 percent of the employee's daily rate of pay multiplied by the number of local leave days (does not include state days) up to a maximum of 100 days earned in the district, to include days earned in the current school year, at the time of retirement or death.



## Religious Observances

### **42 U.S.C. 2000 e (j)**

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

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

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

### **What is FMLA leave?**

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

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

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

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

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

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

### **Am I Eligible to take FMLA leave?**

You are an eligible employee if ALL of the following apply:

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

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

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

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

### **How do I request FMLA leave?**

Generally, to request FMLA leave you must:

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

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

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

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

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

### **What does my employer need to do?**

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

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

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

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

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

Where can I find more information?

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

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

### **Use of Paid Leave.**

Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to 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.

The district may designate any paid leave to which the employee is entitled as substituting for all or some portion of the employee's FMLA entitlement. Once the district has acquired knowledge that the leave is being taken for an FML required reason, the district must promptly (within two business days absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as FMLA.

Substitution of paid leave will not be made to any employee who is receiving workers' compensation benefits during a designated FML. Accordingly, except for those employees who are receiving workers' compensation wage benefits, the district will require the use of all applicable accumulated sick leave followed by temporary disability leave when applicable, concurrently with family and medical leave.

### **Intermittent Leave or Reduced Schedule Leave.**

When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The District shall permit use of intermittent or reduced schedule FMLA for the care of a newborn child or for the adoption or placement of a child with the employee. [See [DECA\(LEGAL\)](#) for use of intermittent or reduced schedule leave due to a medical necessity.]

### **Requests for FML and Certification of Leave.**

When the need for FMLA is foreseeable, employees must provide 30 days advance notice to the district. If 30 days' notice is not practicable, such as because of not knowing approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. When the need for leave, or its approximate timing, is not foreseeable, employees must provide notice to the district as soon as practicable under the facts and circumstances of the particular case or other electronic means.

Employees must contact **Human Resources at 817-547-5764** as soon as it is known that FML will be needed. Employees may be required to provide the following:

- Medical certification from a qualified healthcare 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 healthcare provider at the conclusion of leave of an employee's ability to return to work
- Certification of the need for family military leave

The district may require a medical certification issued by the health care provider of the spouse, child, parent, or employee that the employee is needed to care for the spouse, child, or parent or, in case of leave for the employee's condition, that the employee is unable to perform the functions of his/her position.

The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the provider's knowledge regarding the condition. The employee shall in a timely manner provide a copy of the certification to the district.

For pregnancy, chronic, or permanent/long-term conditions under the continuing supervision of a health care provider, the district may request recertification no more often than every 30 days unless more frequent recertification is warranted. The employee must provide the requested recertification to the district within the time frame requested by the district. Any re-certification requested by the district shall be at the employee's expense, unless the district provides otherwise. No second or third opinion on recertification may be required. All employees who take medical leave must obtain medical certification from their health care providers of their ability to resume work before they are reinstated to their jobs.

### **Combined Leave for Spouses.**

Spouses who are employed by the District, the District shall limit FML for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See [DECA \(LEGAL\)](#)] A notice that summarizes the provisions of the Act is posted on each campus or work site.

### **Sick Leave Bank**

**Guidelines:** A sick leave bank is available to all employees who choose to become members to provide additional sick leave days in the event of a catastrophic illness or injury where the employee is unable to perform duties of his/her position. Days from the bank may be used only after the member has exhausted all accumulated comp time, state leave days, local sick leave days and vacation days. Guidelines are also available on the Birdville website: <http://www.birdvilleschools.net/Departments/Benefits/SickLeaveBank>.>[Access Sick Bank Information](#)

**Eligibility:** An eligible employee may join the sick leave bank by contributing three days of accumulated local sick leave or local leave that will be earned during the current school year. To be eligible, an employee must be able to earn at least three days from the time employment begins until the completion of his/her work year. The enrollment period for current employees and new employees hired prior to the beginning of the school year will coincide with the spring open enrollment for all benefits and will be effective **September 1st**. Personnel employed after the enrollment period will be eligible to join the bank within their 30-day benefit enrollment period and will be effective the 1st day of the month following their 30th calendar day of employment. To join the bank, an employee shall complete the membership application form and submit it to the Director of Business who must verify employment eligibility and upon approval, send the form to the payroll department.

**Contribution of Days:** Days contributed by a member of the bank shall be deducted from the member's sick leave record. The donated days become the property of the District sick leave bank and shall not be returned to the member even if the membership is canceled. After canceling membership, an employee may rejoin the bank by donating three additional days.

For purposes of the sick leave bank, the school year shall be September 1 through August 31. If a member uses three or more days from the bank during this period, the member shall be required to donate an additional three days at the beginning of the following school year or as soon as earned. A member who uses fewer than three days shall, at the beginning of the next school year, donate the number of days actually used during the preceding year.

If a member fails to repay the bank the required number of days, the member will forfeit membership permanently. If the number of days in the bank falls below two times the number of members on September 30, continuing members must contribute one extra day effective October 2 of that school year. If the number falls below the number of members, members must contribute an extra two days each.

Members who join in September shall donate a maximum of three days during the current school term. At the end of each school year, any days remaining in the bank shall be carried over to the next school year.

**Granting Days:** The following shall apply to the granting of days from the sick leave bank.

- A request for days may be initiated only after the member has exhausted all accumulated state and local sick leave.
- Days shall be granted only for absences from work days and shall not be granted for holidays, vacation days, or other days for which the member would not be paid.
- The maximum number of sick leave bank days granted to any member during a school year is 30 workdays.
- Days may be used only for the member's personal illness or disability and may not be used for the employee to care for a member of the immediate family.
- A member shall be entitled only to the number of days actually absent. Reimbursement shall be made in the member's regular payroll check after approval by the governing board.
- Pregnancy is not covered by the SLB. Complications arising from childbirth may be considered on an individual basis.
- 

A member shall lose the right to use sick leave bank benefits only by:

- Termination or suspension of employment in the District;
- Written cancellation of participation by the member on the appropriate form;
- Being on a paid leave of absence
- Failure to pay back the required number of days; or
- Abuse of the system as determined by the governing board.

**Application for Days:** A member may request days from the bank by completing the appropriate form available from the office of the Director of Business. A member who is granted days must submit the following information to the Director of Business within 30 work days after returning to duty:

- Completion of an attending physician's statement that includes identification of the nature of the illness and/or extent of injury; date of initial onset of this particular condition; anticipated date the employee will be able to return to work on a full-time basis;
- Dates of absences from work for the illness or injury; and
- Anticipated days, if any, for follow-up examinations.

If a member is critically ill and unable to file the application, the principal, immediate supervisor, or department head may initiate the application at the request of a member of the employee's family.

**Governing Board:** The governing board of the district sick leave bank shall be composed of persons who currently employed by the district. Voting members shall be elected by current members of the Governing Board of the bank and shall include representatives of all employee divisions in the District. Non-Voting members shall include the Director of Business, who shall be the executive officer of the bank, the coordinator of health services, the Benefit Specialist and a chair elected by the governing board. The chair must vote only in case of a tie vote. Representative membership, terms of office, election procedures, and duties of the governing board shall be detailed in administrative procedures.

## **Vacation**

### **Policy DED(LOCAL)**

Employees who are assigned to a 12-month schedule (defined as July 1st to June 30th employment cycle) shall receive paid vacation days. Vacation days are provided as an opportunity for time off during the course of employment. Unused vacation days are not compensable unless end of employment conditions are met.



**Accruals:** Vacation days accrue annually starting on July 1st, but are not available for use until June 1st, the following year. The rate of accrual is based upon date hired into an eligible position:

- Eligible employees hired after December 31, 1999, earn a maximum of 10 days per employment cycle.
- Eligible Employees hired prior to January 1, 2000 with:
  - less than 10 years of continuous BISD service on January 1, 2000 = max ten (10) days earned in a year
  - 10 years to 20 years of continuous BISD service on January 1, 2000 = max fifteen (15) days earned per year
- Late Hire Employees: Accrual will be prorated for the first year for eligible employees hired after the start of the employment cycle based upon the number of days worked as of June 30<sup>th</sup> following the date of hire.
- Transfer into an Eligible Position: Existing employees, with more than one (1) year of service, who transfer into an eligible position will be awarded a prorated number of vacation days on June 1 of the year in which they transfer into the eligible position.
- Transfer between Eligible and Ineligible Positions: In circumstances where an employee changes between eligible and ineligible positions several times during their career, accrual will be based upon the last hire date into an eligible position (i.e., if employee moves back into an eligible position after December 31, 1999, s/he will only receive the max of ten (10) vacation days per year).
- Break in Service: Eligible employees who leave the district and return will receive the number of days based on their last date of hire. The maximum number of vacation days an employee returning can receive is ten (10).

**Usage:** Vacation days shall not be available for use until June 1st following the date the vacation day was earned.

- Approval: Vacation is considered discretionary leave and must be submitted for approval in accordance with the employee's departmental protocol. In considering a request for vacation, the employee's supervisor may consider the timing of the request and the effect of the employee's absence on school operations.
- Expiration: Of the total number of vacation days earned by an employee in a given year, five (5) of those days **must** be used between June 1<sup>st</sup> of the current school year and June 30<sup>th</sup> of the following school year (a 13-month period). The remainder of the employee's vacation days earned in that year **must** be used between June 1<sup>st</sup> of the current school year and October 31<sup>st</sup> of the following school year. Vacation days not used by the close of these usage periods will be forfeited.
- Limit on Facilities Management and Technology Employees: Facilities Management and Technology employees shall not be allowed to use vacation days during the two-week period before and after the first day of school, except with approval of their department director. Technology employees shall not be allowed to use vacation days during the two-week period before and after the last day of school, except with approval of their department director.

**End of Employment:** An employee who resigns or retires from the District and has accrued vacation time may qualify for a portion of the accrued balance under the following circumstances:

- Provides a two-week notice & works the entire two (2) weeks qualifies for a maximum two (2) weeks of accrued vacation.
- Provides more than one (1) week notice but less than two (2) and works more than one (1) week but less than two (2), qualifies for a maximum of one (1) week accrued vacation.
- One (1) week notice or less forfeits accrued vacation.

**Note:** Earned vacation days that have not been used at the time of resignation/retirement and are paid out to the employee are not creditable for TRS purposes.

**Vacation days cannot be used to extend employment.**

## **Workers' Compensation Benefits**

### **Policy DEC (LOCAL)**

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 pre-injury wage.

For more information contact Candace Miller in the Workers' Compensation Office at 817-547-5855.

## Discretionary Leave – Approval Request Form for Use of State Personal Leave Day(s)



Birdville Independent School District

### DISCRETIONARY LEAVE – APPROVAL REQUEST FORM FOR USE OF STATE PERSONAL LEAVE DAY(S)

Completed form must be turned in to your immediate supervisor/campus principal  
prior to the requested leave.

Employee's Name \_\_\_\_\_ Date \_\_\_\_\_  
Campus/Department \_\_\_\_\_ Position \_\_\_\_\_  
Number of discretionary leave day(s) requested \_\_\_\_\_  
Date(s) of discretionary leave day(s) requested (not to exceed 5 days):

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ |          |

**Definition:**

Discretionary (personal) leave is defined as accumulated state personal leave taken at the individual employee's preference (discretion) for which it is usually possible to set a schedule in advance.

**Use of Discretionary Leave:**

Discretionary leave shall be taken at the individual employee's discretion, **subject to prior approval by the immediate Supervisor**. Use of discretionary personal leave shall be considered granted unless the immediate supervisor notifies the employee to the contrary, within a reasonable period of time prior to the anticipated absence. Employees may appeal negative decisions to the appropriate associate superintendent.

**Guidelines:**

**Duration of Leave** - Discretionary personal leave may not be taken for more than five consecutive days, except in extenuating circumstances as determined by the immediate supervisor.

**Schedule Limitations** - Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for exams, state tests (ex: STAAR test), the first or last day of instruction, nor on professional or staff development days, except with prior approval by the immediate supervisor (based on work schedule).

**POLICY DEC (LOCAL)** (<https://pol.tasb.org/Policy/Code/1099?filter=DEC>)

\_\_\_\_\_  
Employee's Signature

**SUPERVISOR USE ONLY**

☐ Request Approved

☐ Request Denied

Reason(s) for denial:

- ☐ Request does not meet guidelines. (See guidelines above)  
☐ Request was not received within a reasonable period of time.  
☐ Other

\_\_\_\_\_  
Immediate Supervisor/Campus Principal

\_\_\_\_\_  
Date

# Employee Relations

## **Performance Evaluation**

***Policies [DN](#), [DNA \(Local\)](#)***

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisors at least annually, unless otherwise noted in policy. Written evaluations will be on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation. An evaluation should be positive and constructive in its nature and execution, providing relevant information for decisions concerning selection, contract status and job assignments. The formal appraisal of District teachers shall be in accordance with the Texas Teacher Evaluation Support System (T-TESS) developed by the Texas Education Agency. District teachers shall be appraised annually in accordance with T-TESS.

A teacher who qualifies for a less-than-annual appraisal may be scheduled for a complete T-TESS every third year. Administrators and non-certified administrators are appraised annually with the appraisal system approved by the Board.

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

## **Employee Involvement**

***Policies [BQA](#), [BQB](#)***

Birdville employees are involved in many professional organizations. Participation in community, political, or employee organization activities shall be entirely voluntary.

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

## **Professional Learning**

***Policy [DMA \(LOCAL\)](#)***

## **Administrative Regulations for Professional Development**

The District's professional development program shall support professional growth for all employees based on District goals, priorities, initiatives, program and curricular requirements, and diagnosed needs as determined by multiple data sources used by the District to measure student and organizational effectiveness. The professional development program shall ensure that professional growth for improving job performance is enhanced resulting in improved student achievement. [DMA \(LOCAL\)](#)

## Guidelines for Professional Development

A professional development council will meet regularly to collaboratively develop, evaluate, and revise the District Professional Development Plan, including a list of annual offerings based upon the approved District calendar.

**All Certified, Degreed Personnel are expected to adhere to the following guidelines:**

- All newly-hired certified, degreed personnel who are in their first year of teaching will attend orientation prior to the first contract day and additional induction activities during the year. (A notice of the number of required training days will be provided by the T&L Department)
- All newly-hired certified, degreed personnel who are not in their first year of teaching will attend orientation prior to the first contract day.
- All currently employed certified, degreed personnel will be required to attend all district and campus professional development day sessions in their entirety unless earned flex hours have been approved by their supervisor.
- All currently employed certified, degreed personnel will be required to complete a minimum of six professional development hours each calendar year in addition to regularly scheduled district and campus professional development days.
- All currently employed certified, degreed personnel shall be required to complete specific number professional development hours within five years of employment.
- A maximum of two flex days\* may be earned for attending approved professional development outside the employee's contracted work days. These flex days may only be used on district professional development days that are established as flex-eligible in the current district calendar.
- Staff working toward an advanced degree will not receive flex professional development hours for course work.

**Paraprofessional and auxiliary staff members are expected to adhere to the following guidelines**

- Campus-based paraprofessional and auxiliary staff members assigned to work with students will be required to attend all campus and district professional development day sessions during the year based on their job responsibilities.
- Campus-based paraprofessional and auxiliary staff members not assigned to work directly with students will be required to attend all professional development day sessions during the year based on their job responsibilities.
- District-level paraprofessional and auxiliary staff members will be required to attend all professional development during the year based on their job responsibilities.

### **Documentation of Professional Development**

- All BISD staff members are expected to register in the automated management system for every district professional development session they attend.
- Registration should be completed at least two days prior to the scheduled professional development session. Credit will not be reflected on the transcripts of anyone who fails to register at least two days prior to the scheduled professional development session.
- Documentation of professional development attended outside the district is the responsibility of the individual staff member. Procedures for completing this documentation in the district automated management system will be posted on the District professional learning website prior to the first contract day for teachers each school year.
- It is the responsibility of the staff member to sign in at every professional development session conducted on campus and district professional development days and to attend the entire session in order to receive credit. Any staff member who does not sign in and stay for the entire session will be reported to his/her supervisor as being absent. An absence may be reported in Frontline based upon the supervisor recommendation.
- Any staff member who will not be attending a campus or district professional development day session, or who will be leaving early, is expected to get approval for the absence from his/her supervisor at least one week prior to the date of the session. In the case of an extenuating circumstance (illness, death in family, etc.), it is the responsibility of the staff member to notify his supervisor as soon as possible and to report the absence in Frontline. Approval forms for these circumstances are available in the forms section of the district automated management system.

Individuals holding renewable **State Board of Educator Certification (SBEC)** certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

Individuals holding SBEC renewable certificates are responsible for recognizing certification expiration dates and renewing such certificates prior to expiration.

For clarification of Professional Learning Presenter Stipends see **Salaries, Wages, and Stipends** in the **Compensation and Benefits** section.

### **Conferences and Workshops**

Professional employees are encouraged to attend and participate in meetings, conferences, and workshops that contribute to their professional growth and development. When attendance at such events is recommended or required by the administration, the Board, TEA, or UIL, personnel may attend with the superintendent's approval. The superintendent may grant additional absences to employees for attendance at meetings, conferences, and workshops that are of special interest to the employees.

### **District Communications**

Several publications including electronic publications are produced by the Communications Department to keep employees and the community informed about school activities and achievements.

**BISD's website**, [birdvilleisd.net](http://birdvilleisd.net), is the district's first means of communications and resources. The Communications Department oversees all information placed on the district-level website.

- **Birdville Bulletin:** an electronic staff newsletter is produced throughout the year and is distributed to all employees through email. The newsletter includes employee news, announcements, and special information about individual staff members.



- **E-review:** produced after each regularly scheduled Trustees' meeting. The E-review reports the actions of the Board, and is made available to every employee through the Birdville Bulletin. (E-review is not published after special meetings.)
- **Birdville ISD News:** an electronic community newsletter emailed several times each week. The newsletter contains general district news. To subscribe, go to [birdvilleschools.net](http://birdvilleschools.net) and subscribe to the "BISD District Newsletter."
- **District Mailers:** Several times each year, BISD mails promotional/informational pieces to all homes and apartments in the district.
- **Social Media:** Facebook, Twitter and Instagram are also vital tools used by BISD. The district and campuses regularly post on Facebook, Twitter and Instagram. This is the fastest way for the district to communicate with subscribers. Follow BISD on Facebook at [facebook.com/BirdvilleISD](https://facebook.com/BirdvilleISD), Twitter at [twitter.com/BirdvilleISD](https://twitter.com/BirdvilleISD) and Instagram at [instagram.com/BirdvilleISD](https://instagram.com/BirdvilleISD).

The Communications Department also produces specialized brochures and information pieces for employees and the public.

### Working with the Media

The Communications Department serves as the district contact for the news media. Ideas for feature photographs and stories are always welcomed and will be shared with the news media. Employees may submit their information through email to [mark.thomas@birdvilleschools.net](mailto:mark.thomas@birdvilleschools.net).

The Communications Department typically posts information about the great things happening across the district in the electronic newsletters and social media sites. These various resources reach more than 20,000 subscribers.

### Employee Recognition

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

BISD's **"Touch of Class"** program is an opportunity for students, staff, parents and community members to recognize employees for the extraordinary things they do for children and the district.

# **Complaints and Grievances**

## Complaints and Grievances

### Policy DGBA

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

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees.

A complaint may include grievances concerning an employee's wages, hours, or conditions of work and specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability, or on the basis of the employee's exercise of constitutional rights or "whistleblower" complaints. A complaint must specify the individual harm alleged.

An employee who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the principal, immediate supervisor, or Title IX coordinator for employees [[Policy DIA \(LOCAL\)](#)]. No procedure or step in this policy shall have the effect of requiring the employee alleging harassment to present the matter to a person who is the subject of the complaint.

Some topics are governed by other review processes and are not subject to policy [DGBA](#). Employee termination procedures are found in policy series DF. An employee's dismissal or non-renewal may be the subject of a complaint under [DGBA](#) only if the district does not otherwise provide for a hearing on the matter. Issues specific to sexual harassment complaints are found in policy [DIA \(LOCAL\)](#); names of district coordinators under federal non-discrimination rules are found in policy [DIA \(LOCAL\)](#).

For ease of reference, the district's policy concerning the process of bringing concerns and complaints is reprinted as follows:

**Birdville ISD**

**220902**

**PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES**

**DGBA  
(LOCAL)**

## Guiding Principles

### Informal Process

The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

### **Direct Communication with Board Members**

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

### **Formal Process**

If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini- trial” at any level.

### **Notice to Employees**

The District shall inform employees of this policy.

### **Freedom from Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

### **Whistleblower Complaints**

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See [DG](#)]

### **Complaints Against Supervisors**

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.

### **Complaints**

In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.

### **Exceptions**

This policy shall not apply to:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See [DIA](#)]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See [DIA](#)]
3. Complaints concerning retaliation relating to discrimination and harassment. [See [DIA](#)]
4. Complaints concerning instructional materials. [See [EFA](#)]
5. Complaints concerning a commissioned peace officer who is an employee of the District. [See

6. [CKE](#)]
7. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See [DFBB](#)]
8. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See [DFAA](#), [DFBA](#), or [DFCA](#), respectively]

## **General Provisions**

Complaint forms and appeal notices may be filed by hand-delivery, fax, U.S. Mail or electronic communication. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

## **Response**

At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

## **Days**

“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following calendar day is “day one.”

## **Representative**

“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.

## **Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.

## Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

## Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

## Complaint and Appeal Forms

Complaints under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

## Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

## Level One

Complaint forms must be filed:

1. Within **15 days** of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file **Level One** complaints with the campus principal; other District employees shall file **Level One** complaints with their immediate supervisor. If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at **Level Two** following the procedure, including deadlines, for filing the complaint form at **Level One**.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten (10) days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the **Level One** conference and any other relevant documents or information the administrator believes will help resolve the complaint.

## Level Two

If the employee did not receive the relief requested at **Level One** or if the time for a response has expired, the employee may request a conference with the appropriate associate superintendent or designee, who is the supervisor of the administrator who heard the **Level One** complaint, to appeal the **Level One** decision. The appeal notice must be filed in writing, on a form provided by the District, within **ten (10) days** of the date of the written **Level One** response or, if no response was received, within ten days of the **Level One** response deadline.

After receiving notice of the appeal, the **Level One** administrator shall prepare and forward a record of the **Level One** complaint to the appropriate associate superintendent. The employee may request a copy of the **Level One** record.

The **Level One** record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at **Level One**.
3. The written response issued at **Level One** and any attachments.
4. All other documents relied upon by the **Level One** administrator in reaching the **Level One** decision.

The appropriate associate superintendent or designee shall hold a conference within ten (10) days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at **Level One**. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the **Level One** decision. The appropriate associate superintendent or designee may set reasonable time limits for the conference.

The appropriate associate superintendent or designee shall provide the employee a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision.

In reaching a decision, the associate superintendent or designee may consider the **Level One** record, information provided at the **Level Two** conference, and any other relevant documents or information the associate superintendent or designee believes will help resolve the complaint.

Recordings of the **Level One** and **Level Two** conferences, if any, shall be maintained with the **Level One** and **Level Two** records.

## Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.



The appeal notice must be filed in writing, on a form provided by the District, within ten (10) days of the date of the written Level Two response or, if no response was received, within ten (10) days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the **Level Two** complaint. The employee may request a copy of the **Level Two** record.

The **Level Two** record shall include:

1. The **Level One** record.
2. The notice of appeal from **Level One** to **Level Two**.
3. The written response issued at **Level Two** and any attachments.
4. All other documents relied upon by the administration in reaching the **Level Two** decision.

The appeal shall be limited to the issues and documents considered at **Level Two**, except that if at the **Level Three** hearing the administration intends to rely on evidence not included in the **Level Two** record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the **Level Three** presentation. The **Level Three** presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at **Level Two**.

## Employee Complaint Form - Level 1 – Sample Form

DATE ISSUED: 9/23/2015

ADOPTED

LDU 2015.06

[DGBA \(LOCAL\)](#)

### BIRDVILLE ISD - EMPLOYEE COMPLAINT FORM

### LEVEL 1

Any employee filing a complaint must fill out all sections of this form completely and submit it to their principal or immediate supervisor. If additional space is needed, please attach supporting documentation. Incomplete forms may result in the form being returned for resubmission. All complaints will be processed in accordance with [DGBA \(LEGAL\)](#) and [\(LOCAL\)](#) or any exceptions outlined therein.

Name: \_\_\_\_\_ Campus/Dept.: \_\_\_\_\_

Date/Series of Events Causing Complaint: \_\_\_\_\_

Date Filing Complaint: \_\_\_\_\_ Filing Within 15 Day Timeline: ☐ Yes ☐ No

Please state your complaint, including the individual harm alleged:


Please state specific facts of which you are aware to support your complaint & provide attachments:


Please state the remedy you seek for this complaint.


Employee's Signature \_\_\_\_\_

<b>For Office Use Only</b>
Date Received: _____
Received By: _____

**BIRDVILLE ISD - EMPLOYEE COMPLAINT FORM**

**LEVEL 2**

**All sections** of this form must be **filled out completely** by an employee appealing a Level One decision to the Associate Superintendent for Staff and Student Services or designee in accordance with the District's policies. Please attach supporting documentation. **Incomplete forms may result in the form being returned for resubmission.**

Name:

Campus/Dept:

Date Filing Level 2:

Within 10 Days of Level 1 Response: ☐ Yes ☐ No

Level 1 Date Hearing Held:

Level 1 Officer's

Name:

☐ Yes, I am requesting a Level 2 Hearing to consider appeal of Level 1 Hearing Officer's decision.

Per DGBA (LOCAL): The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

If you will be represented in pursuing your complaint, please identify the individual or organization representing you.

Representative Name: \_

Organization: \_

Address: \_

Telephone Number:   ( )  

What remedy was requested and not resolved at Level 1, and what resolution are you requesting at Level 2?

\_\_\_\_\_  
Employee's Signature

**\*\*Please remember to attach a copy of the original complaints and response letters**

*Birdville ISD Employee Handbook*

**For Office Use Only**

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

Received By: \_\_\_\_\_

**BIRDVILLE ISD - EMPLOYEE COMPLAINT FORM****LEVEL 3**

**All sections** of this form must be **filled out completely** by an employee appealing a Level Two decision to the Board, in accordance with the District's policies DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein. Please attach supporting documentation. **Incomplete forms may result in the form being returned for resubmission.**

Name: \_\_\_\_\_ Campus/Dept: \_\_\_\_\_

Date Filing Level 3: \_\_\_\_\_ Within 10 Days of Level 2 Response: ☐ Yes ☐ No

Level 1 Date Hearing Held: \_\_\_\_\_ Level 1 Officer's Name: \_\_\_\_\_

Level 2 Date Hearing Held: \_\_\_\_\_ Level 2 Officer's Name: \_\_\_\_\_

☐ Yes, I am requesting a Level 3 Hearing to consider appeal of Level 2 Hearing Officer's decision. Per DGBA (LOCAL): The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

If you will be represented in pursuing your complaint, please identify the individual or organization representing you.

Representatives Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (      ) \_\_\_\_\_

What remedy was requested and not resolved at Level 2, and what resolution are you requesting at Level 3?

\_\_\_\_\_  
\_\_\_\_\_

Employee's Signature \_\_\_\_\_

**\*\*Please remember to attach a copy of the original complaints and response letters**

**For Office Use Only**

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

Received By: \_\_\_\_\_

# **Employee Conduct and Welfare**

## Standards of Conduct

### Policy DH

All district employees are subject to Title VIII of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence, perjury and other falsification, obstructing governmental operation, and abuse of office. District employees shall perform their duties in conformity with district policy, ethical standards for professional educators and state and federal law.

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

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

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

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

*Adopted by the State Board for Educator Certification / Policy DH*

#### **Purpose and Scope**

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

The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. This chapter shall apply to educators and candidates for certification. (19 TAC 247.1(b))

### **Enforceable Standards:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Employee Dress and Grooming**

### **Policy DH**

The dress and grooming of all district employees shall be clean, neat, and in a manner appropriate for assigned duties, and in accordance with any additional standards established by superiors and approved by the superintendent. Teachers should dress in a professional manner; teachers should always dress above the level of their students so that teachers and students are easily discernible.

## **Alcohol and Drug Prevention**

### **Policy DH**

Birdville ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. Employers have a duty to provide a safe workplace and, at the same time, have a right to expect employees to perform their task in a drug-free environment. Employees have the responsibility to respect the rights of others working with them. The district has adopted a drug-free awareness policy and employees may be terminated for violation of the policy. [Also see Policies [DI \(LEGAL\) & \(LOCAL\)](#) and [GRAA \(LEGAL\) & \(Exhibit\)](#)]

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

### **Policy CQ DHE**

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

### **Employees required to have a Commercial Driver License:**

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

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

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

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

### **Alcohol and Drug/ Notice of Drug Free Workplace Policies DH & DI**

The district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the district's activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the district, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the superintendent of any criminal drug statute conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the superintendent's receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the superintendent or designee shall either:

1. Take appropriate personnel action against the employee, up to and including termination of employment; or
2. Require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee

[This notice complies with notice requirements imposed by the federal Drug- Free Workplace Act [20 U.S.C. 3471, 1221e-3(a)(1) and 34 CFR 85.630]; notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 [20 U.S.C. 3224a and 34 CFR 86.201]; and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

## **Dietary Supplements**

***Policies*** [DH](#), [FFAC](#)

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

## **Psychotropic Drugs**

***Policy*** [FFAC](#)

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

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

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

## **Discrimination, Harassment and Retaliation**

***Policies*** [DH](#), [DIA](#)

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

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

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

The district's policy, DIA (local) that includes definitions and procedures for reporting and

investigating discrimination, harassment and retaliation may be accessed by visiting the district's website at <http://www.birdvilleschools.net/> and choosing the following links: *for Staff / Board Policy Online*. <<[View Board Policy online](#)>>

## Harassment of Students

*Policies [DH](#), [DHB](#), [FFG](#), [FFH](#), [FFI](#), [DF](#)*

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

- Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities. Harassment Prohibited harassment includes dating violence as defined by law and this policy.

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; cyber harassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law.

Romantic or inappropriate social relationships between students and district employees are prohibited. "Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity, ([Policy DF Legal](#)). Romantic or inappropriate social relationships between students and district employees are prohibited. Any sexual relationship between a student and a district employee is always prohibited, even if consensual, ([Policy FFH Local](#)).

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy. [Policy DIA \(Local\)](#)

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

The district's policy that includes definitions and procedures for reporting and investigating harassment of students, [Policy FFH \(Local\)](#), is located in the **[Employee Handbook](#)**. Hard copies of the Employee Handbook may be requested from Human Resources or accessed

electronically on the BISD website at [www.birdvilleschools.net/employeehandbook](http://www.birdvilleschools.net/employeehandbook) . **Policy FFH (Local)** may also be accessed online at [Board Policy Online](#)

## **REPORTING SUSPECTED CHILD ABUSE**

**Policies [DG](#), [GRA](#)**

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §261.001, to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

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

Reports to Child Protective Services can be made online to the Texas Abuse Hotline at [Texas Abuse Hotline](#) or 800-252-5400, the local CPS office (817-321-8600 or 817-255-2300). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

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

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

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may result in prosecution as a Class A misdemeanor;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board of Educator Certification may be suspended, revoked or cancelled for a violation of the Texas Educators' Code of Ethics.

School Officials **MAY NOT**:

- Deny an investigator's request to interview a child at school;
- Require that a parent or school employee be present during the interview; or
- Interfere with a CPS investigation in any way.

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

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

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

## **Reporting Crime**

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

## **Scope and Sequence**

### **Policy DG**

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

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



## Bullying

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyber bullying. BISD policy specifically prohibits the bullying of students or staff members while on school policy or at school events. In response to this problem in our society, we have enacted a program called **Community of Respect Everywhere (C.O.R.E.)**, which is an ongoing initiative throughout Birdville ISD backed by the philosophy that promotes positive and safe learning climates while developing responsibility, accountability and respect. Each of us teaches character education by the way we talk, the behaviors we model, the conduct we tolerate, the deeds we encourage, and the expectations we transmit.

BISD's C.O.R.E. is a deliberate effort to help individuals understand, care about, and acts upon core values. The district's curriculum has opportunities to engage students in thoughtful discussion and reflection regarding ethical and moral choices, thus developing critical thinking skills and understanding of personal and cultural differences.

Exposing students to the Community of Respect Everywhere philosophy helps create safe and caring learning environments that support academic development, fosters qualities that will help students be successful citizens, and lays the foundation for continued success in lifelong endeavors. C.O.R.E. is meant to teach a set of values that will last a lifetime. All staff members who witness or suspect bullying should complete a report that can be found on the BISD website.

## Transporting Students

An employee shall not transport a student(s) in a personal vehicle for any purpose to or from school property or a school-related event unless prior authorization is given by the campus principal. This rule does not apply to an employee transporting his or her own child. *(Example under this rule: Teacher lives next door to a parent and the teacher agrees to take the parent's student to school in the morning, the teacher would need to get principal authorization first.)*

## Conflict of Interest

### Policy DBD

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

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

Employees should contact their supervisor for additional information.

## Outside Employment and Tutoring

### Policy DBD

Employees are required to disclose, in writing, to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest. An employee shall disclose, in writing, to his or her immediate supervisor any private tutoring of District students for pay.

## **Fraud and Financial Impropriety**

### **Policies CAA**

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

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

## **Gift and Favors**

### **Policy DBD**

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

## **Associations and Political Activities**

### **Policy DGA**

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization. An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealings with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of district resources, including work time, for political activities is prohibited. The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on Election Day must communicate with their immediate supervisor prior to the absence.

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

***Policies [DH](#), [GKA](#), [FNCD](#)***

State law prohibits smoking, using tobacco or nicotine products or e-cigarettes on all district owned property and at school-related or school-sanctioned activities, on or off school property. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities.

Drivers of district-owned vehicles are prohibited from smoking, using tobacco products or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

Employees are prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on school property or while attending an off-campus school-related activity. Exceptions may be made for smoking cessation products with supervisory approval.

## **Public Information on Private Devices**

***Policy [DH](#)***

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

Reasonable efforts may include:

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

## **Criminal History and Backgrounds**

***Policy [DBAA](#)***

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

The District shall obtain credit history information on a candidate for employment only when the credit history is related to the position for which the person is being considered. The District shall comply with the Fair Credit Reporting Act before obtaining a job-related credit history. [[See DBAA\(LEGAL\)](#)]

## **Employee Arrests and Convictions**

***Policy [DH](#), [DHB](#), [DHC](#)***

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

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

- or
- Crimes involving moral turpitude.

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
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under the Texas Family Code

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

## **Certified Employees**

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

Misconduct or allegations of misconduct include:

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

## **Uncertified Employees**

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

Misconduct or allegations of misconduct include:

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

## Safety and Security

### Policy CK series

The district has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. Each school has an effective emergency procedure to be implemented on short notice that will ensure optimum safety and security for students and school personnel. Employees are encouraged to report unsafe conditions in the workplace that may endanger health and safety. See emergencies on page 97 for additional information.

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

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

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

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

Departments take specific action as indicated below:

- Transportation safety rules are studied and discussed during the licensing process and at staff development meetings. Safety rules are strictly enforced and most are posted in the buses. Drivers should instruct passengers about loading and unloading procedures, emergency evacuation procedures, and storage of student belongings.
- Child nutrition safety practices are discussed at staff development and managerial meetings. Of major importance is avoiding carelessness, lift using your legs, clean all spills immediately to avoid falls, use all equipment properly and turn machines off when not in use.
- Facilities management and Technology employees are expected to practice safe work habits. Protective equipment is furnished by the district and is required to be used. Training on safe work habits and the proper use of equipment is conducted on a regularly scheduled basis.

Employees with questions or concerns relating to safety programs and issues can contact **Dr. Joseph Showell, Executive Director for Student Services, at 817-547-5733.**

## Possession of Firearms and Weapons

### Policies [DH](#), [FNCG](#), [GKA](#)

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot,

garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor immediately.

## **Soliciting**

### **Policy DGA**

Opportunities to support organizations and charities are given each year and employees are not required to participate in or support any projects. School related projects and all other solicitations must be approved by the administration.

## **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.

## **Copyrighted Materials**

### **Policy CY**

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 materials, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication or back-up of computer programs and data must be made within the provisions of the purchase agreement.

## **Charitable Contributions**

### **Policy DG**

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fund-raiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions. **(This new topic describes the provisions of HB 1682 of the 82nd Regular Session of the Texas Legislature, effective June 17, 2011, that's prohibits a school board or any employee from coercing or restraining charitable contributions.)**

## **Technology Resources**

### **Policy CQ**

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

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

Electronic mail transmissions and other use of technology resources are not confidential and can be monitored at any time to ensure appropriate use.

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

## **Consequences**

Violation of Birdville ISD's policies and procedures concerning the use of computers and networks will result in the same disciplinary actions that would result from similar violations in other areas of BISD. Any or all of the following consequences may be employed:

- Immediate removal of relevant data, file and/or communications.
- Liability for cost to trace, diagnose or repair the cause and results of any violation. This expense will be charge at a rate of \$50.00 per hour plus material and contracted costs.
- A written reprimand to be filed in the employee's personnel folder.
- Termination of employment.
- Referral to enforcement authorities for prosecution under the law.

All of the above policies and procedures for acceptable use of computers and networks are intended to make the computer and networks more reliable and consistent for the users who depend upon them daily. They are also intended to minimize the burden of administering the networks, so that more time can be spent enhancing services.

## **Personal Use of Electronic Media**

### **Policy DH**

For purposes of this Employee Handbook, "electronic media" includes all forms of social media, such as text messaging, instant messaging, electronic mail("email"), web logs ("blogs"), wikis, electronic forums ("chat rooms"), video-sharing websites (e.g., YouTube), social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram), and editorial comments posted on the Internet, as well as all forms of telecommunication such as landlines, cell phones, and web-based applications.

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



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

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. Employees are responsible for all content present on their **personal** social networking site or similar personalized electronic media.

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

1. The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
2. The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
3. The employee shall not use the district's logo or other copyrighted materials of the district without express, written consent;
4. Employee should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
5. The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Educators' Code of Ethics [See Policy DH(Exhibit)], even when communicating regarding personal and private matters, and regardless of whether the employee is using private or public equipment on or off campus. These restrictions include:
  - a. Confidentiality of student records and information [See [Policy FL \(Legal\) and \(Local\)](#)];
  - b. Confidentiality of health or personnel information concerning colleagues, unless disclosure serves a lawful professional purpose of is required by law [See [Policy DH\(Exhibit\)](#)];
  - c. Confidentiality of district records, including educator evaluations and private email addresses [See [Policy GBA\(Legal\) and \(Local\)](#)];
  - d. Copyright law [See [Policy CY \(Legal\) and \(Local\)](#)];
  - e. Prohibition against harming others by knowingly making false statement about a colleague or the school system [See [Policy DH\(Exhibit\)](#)].

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

### **Policy DH**

Employees are prohibited from communicating with students through any form of electronic media unless such communication is covered by any one of the following three categories:

1. Communication between an employee and a student where a family relationship (i.e., relation by blood or marriage) exists;
2. Communication between an employee and a student where a social relationship exists which is consistent with the Code of Ethics and Standard Practices for Texas Educators [See [Policy DH\(Exhibit\)](#)]; or
3. Communication between an employee and a student where the employee is communicating with the student(s) within the scope of his or her professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the

extracurricular activity).

Regardless of the relationship between an employee and a student which may permit a communication, any employee communicating with a student(s) shall be subject to all applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:

1. Compliance with the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of the student records [See [Policy FL\(Legal\) and \(Local\)](#)];
2. Copyright law [See [Policy CY\(Legal\) and \(Local\)](#)];
3. Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student [See [Policy DF \(Legal\) and \(Local\)](#)].

In addition, the following restrictions apply to those employees communicating with students within the scope of their professional responsibilities:

1. Employees communicating with students through any form of electronic media shall limit the content of such communications to matters within the scope of the employee's professional responsibilities.
2. Communication with students through a social networking page is permitted only if the social networking page is created by the employee solely for the purpose of communicating with students and is accessible to parents and campus administrators. The employee must provide parents with reasonable notice and clear, written instructions for accessing the page prior to initiating communication with any student(s).
3. Employees do not have a right to privacy with respect to communications with students and parents.

## **Teacher/Student/Parent Communications**

Teachers/Coaches are expected to use "Remind" ([remind.com](https://remind.com)) to communicate with students and parents. "Remind" is a free, safe, easy-to-use, one-way communication tool that helps staff connect instantly with students and parents. Phone numbers are kept private. Teachers and coaches do not see student phone numbers. Students do not see their teachers/coaches phone numbers. For more information contact the district webmaster at 817-547-5758 or email [michelle.doporto@birdvilleschools.net](mailto:michelle.doporto@birdvilleschools.net).

## **BISD Technology Responsible Use Guidelines for Employees**

The mission of Birdville ISD (BISD) is to ensure that all students position themselves to excel with integrity in an ever-changing global society through innovative and responsive learning environments. The district provides ongoing digital citizenship instruction in order for students to use technology to achieve this mission in a safe and secure environment. Information and Communication Technology is an integral part of BISD's curriculum across all subject areas and grade levels. It is implemented in developmentally appropriate ways and aligned to the competencies listed in the district's Portrait of a Graduate which includes seeking opportunities to learn and grow in response to an ever-changing world; communicating effectively through authentic reading, writing, listening, and speaking; solving problems through collaboration, critical thinking, creativity and innovation; demonstrating ethical behaviors, exhibiting integrity, respect and accountability; and exhibiting academic, technological, and workplace competence within a global environment.

Using digital devices (whether personal or school-owned) and the BISD network is a privilege. All members of the Birdville Independent School District's must follow the BISD code of conduct,

department/school rules and commit to the following responsible use guidelines.

- Use digital devices, networks, and software in school for educational work purposes and activities
- Keep personal information and that of others private including home/mobile phone number, mailing address, and passwords
- Show respect for self and others when using technology including social media
- Give acknowledgment to others for their ideas and work
- Report inappropriate use of technology immediately

**T** – Think about privacy before posting  
**R** – Recognize others' work and ideas  
**U** – Unleash learning with technology

The use of Birdville ISD electronic devices, computer systems and networks, software, and Internet is to support research and education in and among academic institutions by providing access to unique resources and the opportunity for collaborative work. Content residing on district owned resources is property of Birdville ISD. The use of Birdville ISD electronic devices, computer systems, computer networks, software, and Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. Illegal activities are strictly forbidden. All information including electronic mail (email) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to the appropriate authorities. The campus and central administrative team will deem what is inappropriate use, and their decision and the consequences are final. Appropriate use of digital resources and devices must follow all requirements, approval processes, and guideline statements set forth in the Responsible Use.

Practices Guideline document. Birdville ISD will educate all students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Birdville ISD's technology resources will be used only for learning, teaching and administrative purposes consistent with the district's mission and goals. All district technology training will emphasize the ethical use of district technology resources and the acceptable use guidelines. Commercial use of the district's technology resources is strictly prohibited.

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

The district's computer systems and networks are any configuration of hardware and software. The systems and networks include all the computer hardware, operating system software, application software, stored text, and data files. This includes electronic mail, local databases, externally accessed databases (such as the internet), clip art, digital images, digitized information, telecommunications devices and all new technologies as they become available. The district reserves the right to monitor all technology resource activity. The use of the network is a privilege that may be revoked by Technology administrators at any time for violation of district policy and/or administrative regulations regarding acceptable use. The district shall not be liable for the inappropriate use of electronic communication resources, violations of copyright restrictions, mistakes, negligence, or costs incurred by users. The district will cooperate fully with local, state,

or federal officials in any investigation concerning or relating to misuse of the district's computer systems and networks. A certified or licensed employee may communicate through electronic media with students who are currently enrolled in the district. District employees must comply with the provisions outlined below when in communication with students via electronic media. All other employees are prohibited from communicating with students who are enrolled in the district through electronic media unless permission is granted in writing by the superintendent or designee.

### **Blogs, Podcasts, Forums and Social Media**

Inappropriate use of district computers to post personal blogs, forums, or podcasts is prohibited. Posting any student or teacher created blog or podcast that is not directly related to and in support of the BISD approved curriculum is prohibited.

### **Consequences of Improper Use**

The district's technology resources may not be used for improper, unethical, or illegal purposes, in support of illegal activities, or for any other activity prohibited by district policy. Users may not use another person's network account. Any district network user identified as a security risk or as having violated district and/or campus computer-use guidelines may be denied access to the district's network or may result in disciplinary action.

### **Content Filtering**

BISD restricts access to web sites that could be deemed harmful or inappropriate. Any means of circumventing the filter is a direct violation of this policy.

### **Copyright/Intellectual Property**

Always respect copyrights and trademarks of third-parties and their ownership claims in images, text, video and audio material, software, information, and inventions. The copy, use, or transfer of others' materials without appropriate authorization is not allowed.

### **Data**

Access, utilize, and store confidential data responsibly. Do not redistribute or forward confidential information (i.e., educational records, directory information, personnel records, etc.) without proper authorization. Student or staff data may not be transmitted, forwarded, or redistributed to outside individuals who are not expressly authorized to receive the information.

- If any device storing data is lost or compromised in any way, report immediately to a campus administrator.
- The district reserves the right to remove any inappropriate or potentially harmful data from any media storage device that is being used in the school environment.
- Use strong passwords and follow network etiquette to secure sensitive data.
- Do not allow access to others by placing student information on unsecured network devices/personal devices/cloud storage.
- Protect confidentiality and act responsibly when accessing data or resources.
- Protect Staff and Student identifiable data from misuse.
- Do not falsely manipulate/alter or misrepresent data. It is a violation to knowingly attempt to access resources at work that you don't have permission to utilize as part of your job function.
- It is your responsibility to report instances where you have access to data/resources that are not part of your job function.

## **Email**

The software and hardware that provides BISD email capabilities is publicly funded. For that reason, it should not be considered a private, personal form of communication. The Texas Public Information Act governs the contents of any electronic communication. BISD abides and cooperates with any legal request for access.

It is the policy of the district that information transmitted by email be retained in accordance with the department's records retention schedule by the legal custodian (originator or individual to whom the message is addressed) of the email message. As the legal custodian, users must print out and save paper copies of important documents or archive them in personal folders on their hard drives or other storage devices in compliance with the retention requirements of the Texas Local Government Records Act.

BISD email servers are provided to facilitate the delivery of email within the district's network and outside its network for school-related purposes. Information is backed up as a safety measure in case of system failure or unlawful tampering ("hacking"). It is each user's responsibility as legal custodian of messages the user originates or receives to take the necessary steps to archive records that must be maintained on the user's personal hard drive.

### **Responsible Email Use**

- Email is a district service and is to be used for instructional and administrative purposes.
- Group emails to an entire campus staff must first be cleared with the administrator to ensure appropriateness.
- Sent messages cannot always be retrieved. Be just as careful when sending email as you would be in committing to paper your thoughts or reactions.
- Be polite. Messages typed in all capital letters are the computer equivalent of shouting and considered rude.
- Using inappropriate language such as swearing or vulgarity, or ethnic or racial slurs, or obscene pictures is prohibited.
- Pretending to be someone else when sending/receiving messages is prohibited.
- Student email is a district service and is to be used instructionally upon teacher training.

### **Forgery Prohibited**

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

### **Hardware**

All hardware purchases should be for those items that are approved by the TIMS department and listed in the current technology bid because we have maintenance agreements on those items.

## Information Content/Third Party Supplied Information

- System users and parents of students with access to the district's system should be aware that use of the system may inadvertently provide access to other electronic communications systems outside the district's networks that may contain inaccurate and/or objectionable material. The district will maintain internet filtering to attempt to minimize the access to objectionable material. Any attempt to circumvent the filtering software will be viewed as an attempt to disrupt the system and constitutes inappropriate use.

Internet access may not be used for personal gain. An employee who knowingly brings or transmits prohibited, obscene, or pornographic materials into the school's electronic environment will be subject to disciplinary action in accordance with district policies. This could result in termination of employment.

## Internet Responsible Use

- Access only materials for educational purposes.
- Credit all resources appropriately when utilizing information accessed (observe all copyright guidelines).
- Instruct all students in the proper use of all Internet resources and copyright guidelines.
- Instruct all students to be responsible digital citizens, to report cyber bullying, and to consider the consequences of their digital footprint.
- Convey to students expectations for appropriate use.
- Convey to students consequences for inappropriate use such as: cyber bullying, off-task behavior, impolite or abusive language, accessing unapproved sites, sending/printing material or information without permission.
- Provide developmentally-appropriate guidance to students as they use electronic resources related to instructional goals
- Monitor and supervise student use and intervene when necessary to ensure appropriateness of materials being accessed.
- Follow school procedures for preventing unauthorized use.
- Request access to blocked internet content for teaching and learning through the BISD Technology Help Desk ticket system.
- Use the internet and network to support of instructional goals.

## Maintenance of Local hard Drives

**NOTE: BISD faculty and staff are personally responsible for making backups of any data files that you store on your local hard drive.**

Electronic files created, sent, received, or stored on computers owned, leased, administered, or otherwise under the custody and control of Birdville ISD are the property of Birdville ISD. These files are not private and may be accessed at any time by appropriate personnel in accordance with the provisions and safeguards provided in the Texas Administrative Code 201.13(b), Information Resource Standards and may be subject to the Open Records Act. All district computers (desktop and laptops) must have auto-updating virus protection.

## Network Etiquette

District network users are expected to be polite and use appropriate language. Users should not misrepresent their identity, transmit obscene messages or pictures, reveal personal addresses or phone numbers, or use the network in a way that would disrupt the use of the network by others.

## **Password Security**

Passwords are the primary way in which users are authenticated and allowed to use the District's computing resources. It is the responsibility of the employee to change passwords when directed and to keep private records of their passwords. Passwords must be kept secure by the employee and not be shared with other employees or students.

## **Software**

No software should, or will, be installed without documentation that shows the software purchase has gone through an approval process that includes the Technology Department. Software purchased for Birdville ISD may not be installed on home computers, unless properly authorized by the Technology Department. Programs brought from home are not allowed to be installed on BISD computers. The cost of any fines levied upon the district due to the aforementioned behavior will be passed on to the individuals responsible for the illegal software. BISD reserves the right to remove any non-business related software or files from any computer without notification. Examples of non-business related software or files include, but are not limited to games, instant messengers, browser toolbars, pop email, music files, image files, freeware and shareware. Copyrighted software or data may not be placed on any computer connected to the district's network without permission from the holder of the copyright. Only the owner(s) or individuals the owner specifically authorizes may upload copyrighted material to the network.

## **Telecommunications**

The use of all district provided telecommunications equipment to include but not limited to desk phones, cell phones, pagers, walkie-talkies, etc. is a privilege not a right. These technologies have been publicly funded. For that reason, they should not be considered a private, personal form of communication. The contents of any communication of this type are governed by the Network Access General Use Policy and the requirements of the Open Record Act. All terms that are covered in the policy including user responsibilities and consequences for policy violations, apply to use of these devices.

## **Term**

This policy is binding for the duration of the current school year in Birdville ISD.

## **Vandalism Prohibited**

Any attempt to harm or destroy district equipment or materials, data of another user of the district's network, or any of the agencies or other networks to which the district has access is prohibited. Intentional attempts to degrade or disrupt system performance may be viewed as violations of district policy and administrative regulations or possibly as criminal activity under applicable state and federal laws including the Texas Penal Code, Computer Crimes, Chapter 33.

Users must not download, install or run security programs or utilities that reveal weaknesses in the security of the network. For example, BISD users must not run password cracking programs, packet sniffers, network mapping tools, or port scanners while connected in any manner to the district network infrastructure. Users must report any weaknesses in computer security, any incidents of possible misuse or violation of this agreement. The acts as defined above will result in the cancellation of network use privileges and possible prosecution. The party will be responsible for restitution for costs associated with systems restoration and hardware and software costs.



## ID Badges

All employees are issued a picture ID badge upon hire. ID badges are to be worn at all times. ID badges provide keyless entries to district buildings based upon the employee's assignment. All ID badges are assigned as required with the approval of the local campus principal (or designee), department director (or designee), Associate Superintendent (or designee), or Superintendent (or designee). Lost or stolen ID badges\* must be reported to the campus/department supervisor and to the Technology Department immediately in order for the keyless entry to be turned off. All ID badges must be surrendered immediately upon change of employment status such as facility reassignment, termination, or retirement.

**\*Lost or stolen ID badges** must be reported to 817-547-5888 or to [helpdesk@birdvilleschools.net](mailto:helpdesk@birdvilleschools.net) as soon as possible. This allows the district to restrict the badge's access to district facilities. The badge will be turned off. If the badge is found by the employee, the badge can be reactivated.

### Replacement ID Badges

There is no charge for replacing a damaged, unusable ID badge that is returned. There is a **\$5.00 charge** to replace a lost/stolen ID badge. Current employees may create a ticket at [helpdesk.birdvilleschools.net](http://helpdesk.birdvilleschools.net) to schedule an appointment or obtaining a replacement badge.

## Employee Devices

**NOTE:** In this agreement "we", "us", "our", and "BISD" mean the Birdville ISD and "you" and "your" mean the employee who is employed in BISD indicated below. The "device" is an electronic device owned by BISD and provided to the employee.

### 1. Ownership & Content/Use Subject to Release:

- A. BISD will license and provide to you a staff device to be used solely for educational work purposes, school-related communications, and performing work assignments. At all times, the legal title to the device is retained by BISD. Your right of possession and use is limited to and conditioned upon your full and complete compliance with the employee handbook and the BISD Responsible Use Guidelines for Technology, which is also available on the BISD website at <https://www.birdvilleschools.net/Page/63530>.
- B. You may not share, lend, give or release a BISD device to anyone. If a law enforcement agency is seeking to take the device, you must contact BISD immediately. Subject to state and federal laws, BISD will cooperate with local, state, or federal officials conducting an investigation concerning the device you have.
- C. Be aware that you have no rights to confidentiality when using the device. Contents of the device, your BISD accounts, information regarding your Internet usage, and network communications may be reviewed at the sole discretion of BISD. Additionally, by signing the handbook, you acknowledge that BISD is required to comply with the Texas Public Information Act (the "PIA"). This means that contents on the device may be subject to release to the public upon BISD's receipt of a request for information under the PIA. As such, you agree to fully and timely comply with any and all directives issued by BISD in its efforts to comply with the PIA. You recognize that this may mean that email content, Internet use history, network communications, and other similar information may be released to third parties if required by the PIA or other state or federal law.

## **2. Additional Terms & Conditions of Use:**

- A. Subject to the terms of this Agreement, your license to use and possess the device is also conditioned upon your employment in BISD. This license terminates no later than the last day of your employment in BISD, unless earlier terminated by BISD for any reason or no reason, or upon your resignation from BISD. In the event that a device is not returned as described, BISD will report the device as stolen to the local police department. If the employee resigns from BISD during the summer months, all devices must be returned to the BISD Technology offices, currently located at 6321 Boulevard 26 Suite #400, North Richland Hills, Texas 76180.
- B. If a device is damaged or otherwise inoperable, the employee must create a helpdesk ticket. The helpdesk will schedule a BISD Technology Technician for inspection and repair.

If, in BISD's sole determination, the issue is not related to the manufacturer's warranty or the device shows signs of damage that may have caused the inoperability, the total repair or replacement cost will be billed to your campus/department. BISD does not give permission for a BISD device to be repaired by anyone other than the BISD's Technology Department. If a device has been repaired by another entity or person, BISD will consider the device to have been damaged beyond repair and your campus/department will be subject to full replacement cost and any discipline.

- A. In the event of repair or replacement, BISD will make arrangements for the employee to use a temporary device.

## **3. Device Expectations for Care:**

Employees are expected to be responsible for and exercise care for the device issued to them at all times and in all places by using the following guidelines:

- Keep the device secured at all times and never left unattended or on the floor
- Store safely at all times in a properly padded case/bag, including during trips
- Carry closed and with two hands
- Keep liquid and food away from the device and at a different level than device (example, water on floor, device on desk).
- Unplug cables gently
- Clean with a soft cloth (such as a cotton t-shirt)
- Never use cleansers of any type on the device
- Never put the device in or on any liquid
- Report damage, misuse or any problems with the device to an adult immediately

## **Warranty Disclaimer:**

THE BIRDVILLE ISD PROVIDES THE DEVICE "AS-IS" AND MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, OF MERCHANTABILITY, MARKETABILITY, FITNESS FOR A PARTICULAR PURPOSE OR USE. ANY IMPLIED WARRANTIES ARE EXPRESSLY DISCLAIMED AND EXCLUDED.

## 1. Device Fees

A. Employees could be subject to a cost if there is an incident with their device. An incident is some form of physical breakage associated with the device. The incident count will restart each school year.

i. First incident: No cost for repair unless the incident is deemed intentional damage or the device is stolen. If so deemed intentional, in the district's sole discretion, the cost of repair is based on the damage and will be charged to the employee's campus/department. A notification will be sent to the campus/department administrator (principal, AP, chancellor, director). If stolen, see section 5.C below.

ii. Second incident: \$50 fee will be assessed, unless the incident is deemed intentional damage. If intentional, the cost of repair is based on the damage and will be charged to the employee's campus/department. A notification will be sent to the campus/department administrator (principal, AP, chancellor, director).

iii. Third incident: The full cost of device repair will be charged to the employee's campus/department. A notification will be sent to the campus/department administrator (principal, AP, chancellor, director).

### B. EXAMPLES OF INCIDENTS:

- Device is lost, stolen or misplaced.
- Damage caused by liquids or submersion.
- Damage caused by fire.
- Damage caused by deliberate acts or intentional neglect.
- Damage to cables, power adapter, and case.
- Damage caused by cosmetic application such as: drawings, stickers or labels that are not applied by BISD.
- Third-party products or effects of such that damage device (e.g., third-party power adapter).
- Recovery of software or data.
- Replacement of BISD Asset Tags that have been removed are subject to a \$5 replacement fee per tag.

C. Theft of your device must be reported to the local police department within two calendar days of the theft. You also must notify BISD by the next school day after the occurrence. A copy of the police report must be provided to BISD Technology, and replacement of the device will be subject to a \$50 fee.

If accessories also were stolen with the device, (e.g., case, power adapter and cables), these also will be replaced upon receipt of payment for the device and the police report. If no police report is filed, you are responsible for the full replacement cost of the device. If the case, power adapter and cables also are stolen, and we have not received a supporting police report, you are also responsible for the replacement cost of these items.

- D. If the device is lost, you are responsible for the full replacement cost of the device. If the case, power adapter and cables are also lost, you are also responsible for their replacement cost. You must notify your campus/department administrator by the next school day after the loss.
- E. Replacement chargers and cables may be purchased from BISD Technology at reduced rates. If purchased from another entity, the chargers and cables must be manufactured by the Original Equipment Manufacturer designed specifically for the student's device.

## **Selection of Instructional Materials**

### **Policy EF**

#### **Movies**

The showing of movies in the classroom should have a direct instructional relationship with the current curriculum. Staff should be aware of copyright restrictions associated with movies secured through a rental agency. The showing of full-length movies should be evaluated in relationship to the loss of instruction.

**R-rated movies** are prohibited for showing to students. The movie rating system prohibits the showing of movies with this rating unless parents accompany their children. Staff should not assume that they have the authority to substitute themselves for the parent. Movies with an original R-rating that have been edited by an educational company or Regional Education Service Center for the express purpose of classroom instruction may be selected for instruction with the written permission of the campus principal. The showing of PG-13 movies is prohibited without the written permission of the campus principal.

The showing of any movie with a rating more restrictive than "R", the showing of non-rated movies, or the showing of movies that have no relationship to instruction are prohibited and may result in loss of employment.

## **Asbestos Management Plan**

### **Policy CSC**

The district follows the guidelines and requirements established by AHERA. The Director of Facilities Management is in charge of the Asbestos Management Plan and is responsible for overseeing the plan and the proper posting of notifications for all facilities containing asbestos materials.

#### **Annual Asbestos Notification:**

On October 22, 1986, President Reagan signed the Asbestos Hazard Emergency Response ACT (AHERA) into law. The Act directed the Environmental Protection Agency (EPA) to develop regulations creating a comprehensive framework for addressing asbestos hazards in schools.

Asbestos is a mineral found in certain types of rock formation. When mined and processed, it takes the form of small fibers that are usually invisible to the naked eye. Asbestos became a popular product throughout the building industry because of its unusual combinations of qualities-

-it is strong, will not burn, resists corrosion and insulates well. Asbestos is usually referred to in two forms. Friable asbestos-- that is, asbestos material that can be crumbled by hand pressure, and non-friable--asbestos material that cannot be crumbled by hand pressure.

The Act required all public and private elementary and secondary schools to conduct inspections for asbestos containing building materials, develop management plans, and implement response actions in a timely fashion. Birdville Independent School District removed the identified sprayed or trowel-on friable asbestos containing surfacing material in 1987 and 1988 from all BISD buildings. The District completed the required AHERA inspection, and prepared a management plan for the asbestos in each facility. The management plan identifies the location and type of asbestos in your facility. These plans were filed with the Texas Department of Health in October of 1988. A copy of the management plan is maintained in the central office of your building and is available for review at any time during the business day. The master AHERA plan is available for review at the Facilities Management Office at 6119 East Belknap.

The asbestos found in BISD buildings is non-friable, meaning it cannot be crushed with the fingers and easily reducing it to powder.

Asbestos fibers can cause health problems. They can, if inhaled, disrupt the normal functioning of the lungs. Exposure to asbestos fibers has been linked to several diseases, including asbestosis, lung cancer, and mesothelioma. Since these diseases typically do not develop immediately after inhalation of asbestos fibers, it may be 15-40 years or more before symptoms become apparent. In effort to ensure the safety of yourself and others in the building, we request your help with following the guidelines below:

1. Before attempting anything that would disrupt the surface or interior of walls, ceilings or floors, verify in the AHERA management plan whether or not the site contains asbestos. If after checking, you are unclear, notify the building principal or the Facilities Management Office before beginning any work.
2. Do not drill or crush asbestos products identified in the management plans for your facility.
3. In the event you notice a change in the condition of any asbestos-containing materials, notify your principal, custodian, or the Facilities Management office.
4. In the event of an emergency that might involve asbestos, remove yourself and students from the area, secure the area, and notify the principal.

Fortunately, most asbestos-containing materials can be safely and properly managed in place. Asbestos that is maintained in good condition poses no risk of exposure to students and school employees. AHERA rarely requires the removal of asbestos containing materials. However, when asbestos becomes damaged, appropriate response action must be implemented. BISD has contracted with accredited companies to resolve any asbestos situation that might occur. District personnel conduct periodic surveillances every six months in all facilities containing asbestos materials. Every three years, as per the AHERA regulations, a re-inspection is performed by accredited and licensed consultants in all facilities containing asbestos materials. The most recent re-inspection was completed in December 2021.

AHERA also requires a school district to annually inform employees and building occupants (or their legal guardians), of the presence of asbestos in their building.

Hazardous friable asbestos that was easily accessible in district facilities has been removed from our buildings. We manage remaining asbestos-containing materials in-place. The AHERA management plan for your building is located on-site. Contact your principal or facility administrator for the plan's location. Additional questions can be addressed to the Facilities

Management office at 817-547-5858.

## **Pest Management and Treatment**

### ***Policies [CLB](#), [DI](#)***

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on or near the front entrance, kitchen, and teacher's lounge. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice be notified by telephone, written, or electronic means. Pest control information sheets are available from campus principals or facility managers upon request.

## **Integrated Pest Management Notice to Employees**

Birdville Independent School District periodically applies pesticides as part of an Integrated Pest Management (IPM) program. Persons applying pesticides in BISD are required to be licensed by the Structural Pest Control Services, under the authority of the Texas Department of Agriculture and approved by the IPM Coordinator. In addition, district policy requires the use of non-chemical pest control procedures whenever possible.

Should you have further questions about pesticide use, including the types and time of treatments, you may contact:

**IPM Coordinator**  
6119 East Belknap Street  
Haltom City, TX 76117  
**Phone: 817-547-5858**

# **General Procedures**



## Emergency School Closing

An emergency school closing or delayed openings procedure is activated for severe weather, epidemics, or other emergency conditions if it is too dangerous for students and staff to travel to and from school. The district will use the **Blackboard Connect** calling system to notify staff in case of closings or delays. The “main” phone number listed for the employee in MUNIS is the number called. (This number can be maintained by each employee through MUNIS Employee Self-Service on the “Staff” page on the district’s website.) Also, on these occasions, Central Administration will notify the radio and television stations that schools will be closed. All employees should monitor the district website, social media sites and/or listen to the major stations that are listed below for information on Birdville ISD delays or closings:

### **RADIO STATIONS:**

KRLD 1080 AM  
WBAP 820 AM  
KLTY 94.9 FM  
KCLE 1140 AM  
KTFW 92.1 FM  
KTFW 1460 AM

### **TELEVISION STATIONS:**

KDFW Channel 4  
KXAS Channel 5  
WFAA Channel 8  
KTVT Channel 11  
KDAF Channel 33

Bad weather closing days are required days of duty for maintenance, grounds, and custodial personnel. All employees requiring a long distance phone call are responsible for calling the principal or immediate supervisor or designee.

All administrative staff will report for duty as early as possible.

## Emergencies

### **Policy CKC**

All employees should be familiar with the safety procedures for responding to a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Administrators conduct fire, tornado, and other emergency drills designed to assure the orderly movement of students and personnel to the safest areas available. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use. Instructions are issued by departments for special situations such as bus accidents, tornado drills, etc. All employees should check with their department or school for the specific situations.

## Purchasing Procedures

### **Policy CH**

Under the Texas Education Code § 44.0312 (a), the Board of Trustees of the District may, as appropriate, delegate its authority under this subchapter regarding an action authorized or required by this subchapter to be taken by a school district to a designated person, representative, or committee.

1. The following persons have been delegated authority to act as agents for BISD in carrying out the purchasing activities of the District:
  - a) Superintendent or designee
  - b) Associate Superintendent of Finance
  - c) Director of Business
  - d) Director of Purchasing
2. Budget owners have the authority to initiate and approve purchase requisitions, check requests and p-card statements within their authorized budget.
3. Every employee involved in procuring goods or services for the District is responsible for working to attain the District's procurement goals and objectives (See Section 1.1).
4. Budget owners share purchasing authority with the Purchasing Department concerning purchases made from District funds.

Under Board [Policy CH \(Local\)](#), the procurement function is assigned to the Superintendent or designee and Purchasing Department.

The Purchasing Department shall supervise the purchase of all materials, supplies, equipment, and services for the District.

The Purchasing Department shall develop appropriate procedures to assure:

- Purchases are made in accordance with appropriate statutes, regulations, and Board Policy.
- The existence of a list of approved vendors who have a record of good products, services, and prices.
- Effective advertising for the procurement of products and services.
- The existence of current specification files and expertise in developing meaningful product and service specifications.

Under Board [Policy CH \(Local\)](#) Responsibility for Debts, the Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board Policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; **persons making unauthorized purchases shall assume full responsibility for all such debts.**

### **Name and Address Changes**

It is important that employment records be kept up to date. ***Employees are responsible for updating all address changes, contact phone number, marital status, and emergency contact information by accessing Munis Employee Self Service on the For Staff page of the Birdville website:***

**[>Access Munis Employee Self Service](#)**

Employees are also required to notify Human Resources of any name changes. Name change instructions and forms are available on the BISD website ([Employment / For Staff / Address and Name Change](#)). The district will notify the Teacher Retirement System of Texas of employee changes of address.

Employees should notify Human Resources of a name change by completing a BISD **Name Change Notification form** and **supplying Human Resources with a copy of their new social security card reflecting their recent change in name.**

This electronic form is available on the Birdville website (***Employment / for Staff / Address and Name Change***). If the employee chooses to designate a new primary beneficiary, a TRS 11 form should be completed and mailed directly to the Teacher Retirement System in Austin. The TRS 11 Change of Beneficiary form is also available on the BISD website.

Employees must contact the payroll office to make changes in federal withholding due to a change in marital status.

## Personnel Records

### ***Policy DBA, GBA***

Most district records, including personnel records, are public information and must be released upon request.

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Law. (TEX. Gov't Code 552 [See GBA]) Information in a personnel file is excepted from the requirements of the Public Information Law if the disclosure would constitute a clearly unwarranted invasion of personal privacy. Except as provided below, an employee of the District shall choose whether to allow public access to information in the District's custody that relates to the employee's home address, home telephone number, emergency contact information, personal email, address or social security number, or that reveals whether the person has family members.

[TEX. Gov't Code 552.024, .102(a)] The social security number of an employee of the District in the custody of the District is confidential. The District may not require an employee or former employee of the District to choose whether to allow public access to the employee's or former employee's social security number. [TEX. Gov't Code 552.024(a-1), .147(a-1)]

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to the Human Resources Office. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personnel information will be released to the public.

## Facility and Equipment Usage

### ***Policies DGA, GKD***

The district allows available space to be rented by outside organizations and parties; however, priority shall be given to local campus programs and activities.

>[View District Facility Rentals Information](#)

After a request for rental has been submitted and approved, a contract will be forwarded to the organization/party initiating the request. Applicants shall satisfy the district that they will ensure orderly conduct and appropriate behavior by all occupants during the rental period. All requests shall be approved by the district rental advisory committee. No school equipment may be used for non-school purposes except when rented under the provisions as set out in Board policy, or as requested by local, state, or federal governmental entities.

## **Administrative Procedures for Student Transfers of BISD Employees, Residents & Non-Residents**

### **Policies [DEB \(Local\)](#), [FDA \(Local\)](#)**

BISD is accepting OPEN ENROLLMENT transfers for BISD employees, residents and non-resident students. The information and applications may be accessed at [>BISD Open Enrollment](#). Please direct any questions about the Open Enrollment process to the Office of Student Services.

## **Keys**

All keys are assigned as required with the approval of the local campus principal (or designee), department director (or designee), Associate Superintendent (or designee), or Superintendent (or designee). The key inventory system is maintained by each campus/department. Each semester local campuses and departments are required to verify key assignments. The duplication of building keys is strictly prohibited. Lost or stolen keys must be reported to the campus/department supervisor and to Facilities Management. All keys must be surrendered immediately upon change of employment status such as facility reassignment, termination, or retirement.

# Appendix A

## Benefits & Insurance and Payroll Direct Deposit

### Birdville Benefits

The following deductions will automatically appear on your paycheck:

- **Withholding\***: Deductions for the purpose of income tax.
- **Retirement Deposit\* Texas Teacher Retirement System**: Deposit of 7.7% for retirement and .65% for the retirement insurance program.
- **MED Deduction\*** of 1.45% for the Medicare portion of Social Security: This is only withheld for employees hired after March 31, 1986.

Listed below you will find the benefits for which you are eligible. These benefits are payroll deductible.

BENEFITS	PROVIDERS
Health Insurance*	TRS ActiveCare
Hospital Indemnity Plan	The Hartford
Telehealth	MD Live
Life Insurance–Group	AUL a OneAmerica Company
Life Insurance–Individual	5 Star Life
Dental Insurance*	Delta Dental
Cancer Insurance*	American Public Life Group
Income Protection/Disability	Cigna
Accidental Death & Dismemberment	AUL a OneAmerica Company
Vision	Superior Vision
Identity Theft	ID Guard
Emergency Medical Transport	MASA
403(b) Retirement Plans*	TCG
457(b) Retirement Plans*	National Benefits Services
Flexible Spending Reimbursement Accounts	National Benefits Services
Health Savings Account*	EECU
Legal Services	Metlife (Hyatt Metlaw)
Employee Assistance Program	ComPsych

\* Taxes are not withheld on these deductions

Other benefits for which you are eligible:

**Birdville ISD Sick Leave Bank**: You may have three (3) local days deducted from your sick leave days. This gives you membership in the SLB from which you may receive up to 30 days for a qualifying absence.

**Sick Leave Days**: Ten days per year, five (5) of which are **local** and five (5) of which are **state personal leave**. Local sick leave shall accumulative until a maximum of 100 workdays of local leave has been reached. There is no maximum accumulation of state leave days.

**Direct Deposit of Paycheck**: Forms are available online and to be filled out and returned to the payroll office.

## Voluntary Supplemental Benefits Enrollment Information

The plan year for all insurance benefits is September through August. The next annual enrollment will be in July for a September 1 effective date. To cancel coverage or change dependent coverage, you will need to access the Birdville Employee Benefits HUB, during annual enrollment. The following is a brief description of the benefits available. More details and enrollment forms are available on the Benefit's website <https://www.birdvilleschools.net/domain/4174> or call the insurance office 817-547-5782.

**Section 125 Plan (Cafeteria Plan):** Employees may be eligible to participate in The Section 125 Plan and under IRS regulations, must either accept or reject this benefit. This plan can save you money and should be considered. This IRS benefit allows you to set aside, in a tax-free account, money you expect to spend (and for which you will receive no insurance reimbursement) for medical expenses, dependent care or orthodontics. Not paying taxes on these expenses can result in significant savings. Enrollment for flex spending is done on the **Employee Benefits HUB**. You must re-enroll in flex spending every year, even if you are tax sheltering the same amount. A third-party administrator handles employee claims made on these accounts.

**Health Savings Account (HSA):** Also available is a Health Savings Account. This is a tax-advantage savings account similar to the Flexible Spending Account. However, the funds do not have to be used within a certain time frame. Unused funds roll over year to year. It does require enrollment in a high deductible medical plan.

A detailed description of the employee benefits is available on the Employee Benefits [www.mybenefitsHUB.com/birdvilleisd](http://www.mybenefitsHUB.com/birdvilleisd)

## Statement of your Rights to Continue Coverage Public Law 99-272

If you, or a dependent child, lose coverage under any of our group health plans because of a qualifying event, then you may have the right to elect continuation coverage.

**How to Elect Continuation Coverage:** If you or your dependent has a qualifying event and wish to continue with the medical coverage, contact the third-party administrator for TRS at **bswift: 1-833-682- 8972** for enrollment forms. At that time, you will have at least 60 days to decide whether you want to continue your health coverage through the BISD's plan. This election period will end 60 days from the later of the following two dates:

- The date coverage would otherwise terminate.
- The date BISD notifies you of your continuation rights.

For families that lose coverage, each family member can separately elect continuation coverage. However, unless otherwise specified in the election, an employee's election to continue coverage will be deemed to include an election of continuation for the employee's spouse and dependent children. Similarly, a spouse's election to continue coverage will be deemed to include an election of continuation for any dependent child covered by the plan. An election on behalf of a family member is binding on that family member.

Although an employee and spouse can continue coverage on behalf of other family members, they cannot decline continuation coverage on behalf of other family members. For example, if an employee declines continuation coverage, the spouse or dependent child can elect to continue their coverage.

## **Qualifying Events**

A qualifying event occurs when you or a dependent child lose coverage under any of the Birdville Independent School District's (BISD) health plans because:

- A covered employee terminates employment for any reason other than gross misconduct or has a reduction in hours to fewer than the number required for plan participation.
- A covered employee dies.
- A covered employee becomes divorced or legally separated from the spouse.
- A covered employee becomes entitled to Medicare under Title XVIII of the Social Security Act.
- A covered child loses dependent status under the plan.

## **Continuation of Coverage**

If you or your child experiences a qualifying event, you may continue the health coverage you had immediately before the event occurred. However, individuals covered by Medicare under Title XVIII of the Social Security Act on the day before a qualifying event are not eligible to continue coverage.

If you continue coverage, all expenses accumulated towards your deductible will transfer as though the qualifying event never took place. Also, you will not have to provide proof of insurability in order to continue coverage, and during annual enrollment periods, you will have the same rights as active employees to change your coverage.

## **Notify Birdville of Any Qualifying Events**

Employees or their families must notify BISD in the event of a divorce, legal separation, or when a child no longer qualifies as a covered dependent under the plan **within 30 days after these events occur** or, if later, within 30 days of the date coverage would otherwise terminate. For other qualifying events, Birdville ISD will notify you.

Individuals failing to notify Birdville of these events within the 30-day period will not be permitted to continue coverage.

## **Length of Continued Coverage**

In general, you can continue coverage for up to 18 or 36 months, depending on the qualifying event.

If the qualifying event is employment termination or reduction in hours, the maximum period of time you can continue coverage is 18 months from the date of the qualifying event. For other qualifying events, the maximum period is 36 months. However, if you are covered by Medicare prior to the time of the qualifying event, the period of coverage for your spouse and dependents will end after 18 months or, if greater, 36 months from the date you became covered by Medicare.

## **More Than One Qualifying Event**

Sometimes a spouse or dependent child can have more than one qualifying event. A second qualifying event occurs if the following three conditions are met:

- The first event is the employee's employment termination or reduction in hours.
- The second event is a sort that gives rise to 36 months of continuation coverage (e.g., a covered employee's death or divorce). The second event takes place while continuation coverage is effective.

If a second qualifying event occurs, we will extend the maximum coverage period from 18 months to 36 months, measured from the date of the first qualifying event.



### **Termination of Continuation of Coverage Before the Maximum Coverage Period Ends**

The BISD can terminate your continuation coverage before the maximum coverage period ends for any of the following reasons:

- Payment for continuation coverage is not received on a timely basis.
- You become covered by another group health plan maintained by another employer that does not limit or exclude your coverage for any preexisting medical condition.
- You come covered by Medicare.
- The BISD ceases to provide group health plan coverage for all active employees.

### **Payment for Continuation Coverage**

You must pay the full medical premium for continuation coverage, plus two (2) percent for administrative expenses. Information on the cost of continuation coverage and the payment terms are included in the packet from **bswift**.

### **Contact Number for Questions about COBRA Continuation Coverage**

If you have any questions about continuation of coverage, please contact **bswift** at **1-833-682-8972**.

### **Reasons for Termination of Continuation Coverage Before the Maximum Coverage Period Ends:**

Your continuation coverage can be cancelled before the maximum coverage period ends for any of the following reasons:

- Payment for continuation coverage is not received on a timely basis.
- You become covered by another group health plan maintained by another employer that does not limit or exclude your coverage for any preexisting medical condition.
- You become covered by Medicare.
- BISD ceases to provide group health plan coverage for all active employees.

### **Who can I contact if I have questions about COBRA Continuation Coverage?**

If you have any questions about continuation coverage, please contact **bswift** at **1-833-682-8972**.

### **NOTICE OF CHANGES TO COBRA REQUIREMENTS IMPLEMENTED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) changed the continuation coverage requirements under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) that apply to the Birdville Independent School District. The new requirements are summarized below. They are generally effective Jan. 1, 1997.

**Provision Applicable to Disabled Individuals:** Under COBRA, if the qualifying event is a termination or reduction in hours of employment, affected qualified beneficiaries are entitled to continue coverage for up to 18 months. Before HIPAA, this 18-month period could be extended for up to 11 months (for a total COBRA period of up to 29 months) if an individual was determined under the Social Security Act to have been disabled at the time the qualifying event and if the plan administrator was notified within 60 days of the determination and before the end of the original 18-month period.

Under the new law, if a qualified beneficiary is determined to have been disabled under the Social Security Act at any time during the first 60 days of COBRA coverage, the 11-month extension is available to all individuals who are qualified beneficiaries due to the termination or reduction in hours of employment. The disabled individual can be a covered employee or any other qualified beneficiary. Affected individuals must still comply with the notice requirements in a timely fashion.

**Provision Applicable to Newborns and Children Placed for Adoption:** A child that is born to or placed for adoption with the *covered employee* during a period of COBRA coverage can be added to COBRA coverage upon notification to the Plan Administrator without regard to any annual enrollment period.

**Provision Applicable to Individuals with Preexisting Conditions:** Under COBRA, your right to continuation coverage terminates if you become covered by another employer's group health plan that does not limit or exclude coverage for your pre-existing conditions. If you become covered by another group health plan and that plan contains a pre-existing limitation that affects you, your COBRA continuation coverage cannot be terminated. However, if the other plan's preexisting condition rule does not apply to you by reason of HIPAA's restriction on pre-existing condition clauses, the Birdville ISD Group Health Plan may terminate your COBRA coverage.

**Provision Applicable to Dependents of Medicare Entitled Employee**

The COBRA period for covered dependents of an employee who becomes entitled to Medicare *before* a termination of employment or reduction in hours will be the longer of:

- 18 months from the later termination of employment; or
- 36 months from the date of an earlier Medicare entitlement.

### Important Points to Remember

- **When may I enroll as a new employee?** Within 31 days of the date you were employed.
- **When will the first deductions be made?** Deductions for benefits will be made from the paycheck in the month the coverage is actually effective.
- **When can I enroll or make changes to my insurance benefits?** Annual enrollment for benefits will be in the summer with an effective date the first of the following September.
- **Are there any other events that allow me to change my benefits?** For the following events, you have only 31 days to notify the insurance office at Birdville: birth/adoption of a child, marriage, death, divorce, or change in job/insurance status of spouse.

### Flexible Spending Accounts

If you elect to participate in one of the flexible spending accounts please remember:

1. You must enroll every year for a September 1 effective date;
2. You must use all funds contributed or forfeit such funds; and
3. You have until November 30th to file for reimbursement.

### How may I determine what benefits I have?

Become familiar with your paycheck stub/voucher. Example of deductions you will see listed:

Paystub/Voucher Entry	Deduction Reason/Coverage
MEDICARE	If employed after 1986
VISION	Superior Vision
FED WH TAX	Income Tax
TEACH RETIRE	Teacher Retirement
LIFE INS	Life Insurance (VTL)
TRS CARE	Retiree Health Plan
DISABILITY	Disability Insurance
HEALTH	TRS ActiveCare
ANNUITY	Tax Sheltered Annuity
CANCER	Cancer Insurance

### BISD Voluntary Retirement Plans

Birdville offers two types of voluntary retirement plans known as 403(b) and 457(b). Each plan provides an excellent opportunity to save money while paying no taxes on the money set aside or on the earned interest until the funds are withdrawn at a later date. You may invest in either plan or in both plans. The Federal Government has established certain guidelines permitting this savings mechanism through payroll deduction and approved agents. The Birdville Independent School District permits enrollment at any time.

#### 403(b) Plans

The 403(b) plan (often called a “tax sheltered annuity” or TSA) is a voluntary plan that allows employees to defer a portion of their paycheck to a retirement plan. Birdville ISD utilizes a third-party administrator, TCG, through Region 10 ESC.

>[View complete list of vendors, forms and instructions here](https://www.region10rams.org/)  
(<https://www.region10rams.org/>)

Companies permitted to offer 403(b) plans must be approved by the Texas Teacher Retirement System. Vendors approved for this plan are listed on the Region 10 website.

#### 457(b) Plans

The 457(b) plan is another type of plan that allows employees to defer a portion of their paycheck to a retirement plan. Birdville ISD’s plan is administered through TCG Group.

>[View TCG Investment options, forms and instructions here](http://tcgservices.com/enroll/#/search-enroll)  
(<http://tcgservices.com/enroll/#/search-enroll>)

## Sick Leave Bank

### **What is the Sick Leave Bank?**

Extends your paid leave beyond its present limits.

### **When would I use the Sick Leave Bank?**

When you have a critical illness, surgery, injury or other temporary disability, *except maternity*

### **How do I join?**

Complete enrollment through TheBenefitsHUB. Remember, you only donate three (3) days at initial application, not three (3) days each year.

### **Why would I join the Sick Leave Bank?**

To help yourself and fellow employees

### **Do I have to donate three (3) days every year?**

No, the bank is set up to help those in need. If you use your three days, then you repay three days, but you will not be asked to donate three days each year.

### **If I am out, what do I repay?**

The maximum you repay is three days, regardless of how many days you use from the sick bank.

### **What if I have disability insurance?**

This has nothing to do with disability insurance. This is an additional benefit to you.

### **Who decides if I qualify for days from the Sick Leave Bank?**

Members will be elected from nominations made from the various employee groups to serve on the Sick Leave Bank Governing Board. This board will make their decision after considering your doctor's report and the SLB Guidelines.

The complete text of the [Guidelines for Birdville ISD Employee Sick Leave Bank](#) are available on the district website under **Human Resources**.

If there are any problems or questions related to insurance or benefits, call the Insurance **Office at 817.547.5782**.

## Direct Deposit

### Please follow these steps:

1. Direct Deposit is required. The Direct Deposit Form is available on the Payroll Department web site.

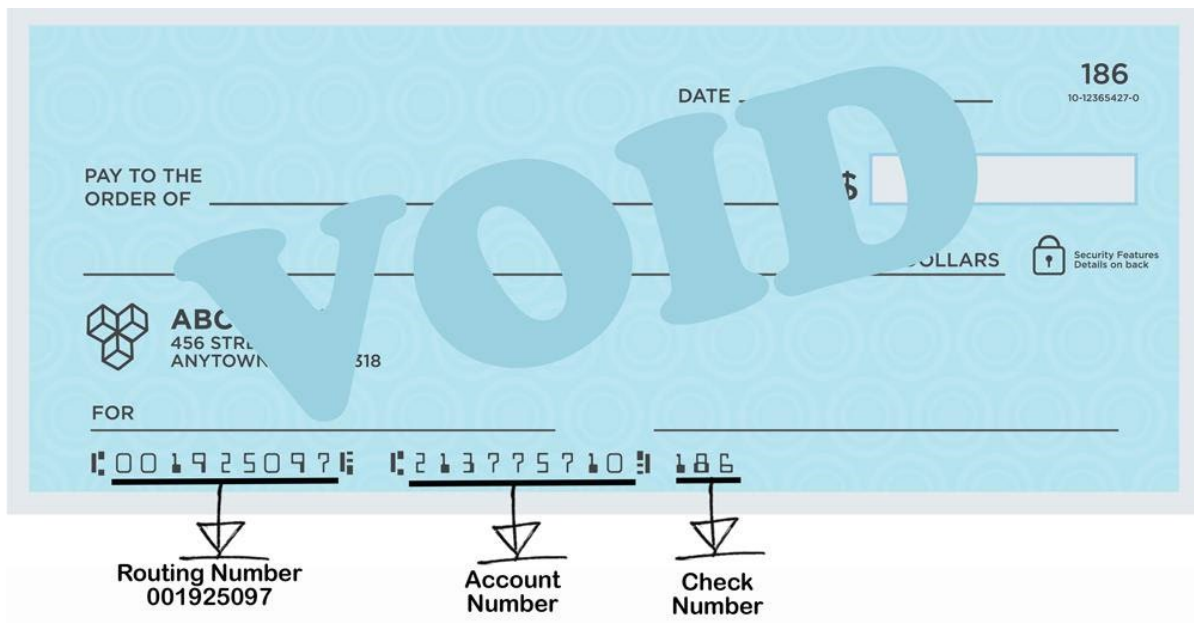
[>Access Payroll Direct Deposit Form](#)

**NOTE:** If the Transit/ABA number is not filled in, the effective date of your Direct Deposit will be delayed.

2. Attach a check or deposit slip marked "VOID". A pre-note will be done upon receipt of this form. Pre-note means you will physically receive a check at your campus location.

The actual Direct Deposit will go into effect one paycheck following the receipt of your completed form.

Here is a SAMPLE of a check and the information that is needed to complete the Direct Deposit Form.



3. Forward the Direct Deposit Form and voided check/deposit slip to the Payroll Department.
4. Questions: (817) 547-5640

# Appendix B

## Employment Policies

This presentation of Birdville ISD's policies has been printed from the electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent.

[See [BF\(LOCAL\)](#) for further information.]

The complete policy manual is available on the Birdville website.

[>View Complete Board Policy Online](#)

## Employment Policies

The complete board policy manual is available online at: <https://pol.tasb.org/Home/Index/1099> .  
**>View Complete Board Policy Manual**

The Student Handbook and Student Code of Conduct may be accessed online at:  
**[www.birdvilleschools.net/studenthandbooks](http://www.birdvilleschools.net/studenthandbooks)**

For copies and information related to Chapter 37 of the Texas Education Code (§37.001 through §37.019) that deal with student discipline, please contact the Office for Staff and Student Services at 817-547-5790.

Employees who wish to receive a hard copy of any of the above policies should contact the office of the Assistant Director for Human Resources at 817-547-5711 or 817-547-5709, or by email at [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net). Please state your name, campus/department and your request.





2021-2022

## Birdville ISD Employee Handbook and Technology Resources Acknowledgement

### **EMPLOYEE HANDBOOK**

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

### **TECHNOLOGY RESOURCES AND USE**

I acknowledge that I have received and understand all administrative regulations governing the use of the district's technology resources as presented in this handbook and according to district policies. I shall agree to allow monitoring of my use and to comply with such regulations and guidelines. I acknowledge that noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with district policies. I further understand that violations of law may result in criminal prosecution as well as disciplinary action by the district.

### **EMPLOYEE HANDBOOK FORMAT**

Employees have the option of receiving the handbook in either the online electronic copy or hard copy format.

I understand that the employee handbook is in an electronic format and that I may access the electronic handbook at [www.birdvilleschools.net / Staff / Employee Handbook](http://www.birdvilleschools.net / Staff / Employee Handbook). I also understand that I may access board policy electronically at [www.birdvilleschools.net / Staff / Board Policy Online](http://www.birdvilleschools.net / Staff / Board Policy Online).

I understand that if choose to receive a hard copy of the Employee Handbook that I must personally request a copy from the Birdville ISD Human Resources Department: [hr@birdvilleschools.net](mailto:hr@birdvilleschools.net) or by calling 817-547-5711.

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

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

I understand that I am responsible for informing my principal, supervisor, or department head and Human Resources of any changes in personal information. I understand that instructions for making personal changes are addressed in this handbook and online under **Human Resources**. I also accept responsibility for contacting my supervisor, or Human Resources, if I have questions or concerns and need further explanation.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Employee Name

***Hard copies will be distributed once Human Resources is notified of the request. Thank you.***  
*Electronic/Hard Copy Access 2021-2022*