

IDEA Public Schools  
Texas

**EMPLOYEE  
HANDBOOK  
2021 – 2022**

# WELCOME TO IDEA PUBLIC SCHOOLS

Dear Team & Family Member:

Welcome to another great year at IDEA Public Schools! As an employee at IDEA, you are the most important part of helping us achieve our mission – to prepare all students for success by gaining admission to and graduating from a four-year college or university of their choice.

This handbook contains information about IDEA’s employment policies and practices. We have designed our employment policies and practices not only to comply with federal and state employment laws, but also to attract, develop, and reward talented educators, administrators, support staff, and leaders.

This handbook supersedes all previously issued handbooks and is a valuable reference for understanding your job at IDEA. Each employee is expected to read this handbook carefully and know and abide by the policies outlined herein as revised over time, throughout your employment. No oral statement or representations can change the provisions of this handbook. IDEA reserves the right to revise, delete, and add to the provisions of this handbook. Nothing in this handbook creates an employment contract, constitutes a legally binding agreement, or alters your contractual or “at will” status of employment in any way.

If you have any questions regarding the contents of this handbook or any other policy or procedure, please ask your principal, supervisor, or the Human Resources department. This Employee Handbook can also be accessed via the Human Resources HUB page.

Please sign the acknowledgement form agreeing to read and abide by the policies and procedures outlined in this handbook and return it to the Human Resources department. This acknowledgement will also provide IDEA with a record that each employee has been provided access to an online version of this handbook and/or has received instructions on how to obtain a printed copy of the handbook.

Sincerely,

Martin Winchester  
Chief Human Assets Officer



## **ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK**

**All IDEA staff will complete electronic acknowledgement of the 2021-2022 Handbook in Roadmap certifying the following:**

The purpose of this employee handbook is to provide general information regarding certain policies, benefits, and practices which are in effect at IDEA Public Schools. It is not meant to state all of the conditions of employment or cover the specific operating procedures of your school or department. For additional information regarding policies unique to each school or department, please contact the school principal or your direct manager. An electronic version of the Employee Handbook can be accessed online via the Human Resources HUB page.

I hereby acknowledge receipt of the IDEA Public Schools Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

I hereby certify that I understand that it is my responsibility to read the electronic version of the Employee Handbook and understand the information contained within. I further understand it is my responsibility to notify the Human Resources department or my direct manager and request a printed copy of the Employee Handbook, should access to the electronic version not be personally accessible.

The information in this Employee Handbook is subject to change. I understand that changes in IDEA's policies or procedures may supersede, modify, or render obsolete the information summarized in this Employee Handbook. As IDEA provides updated policy information, I accept responsibility for reading and abiding by the changes. The most current version of this Employee Handbook and the one then in effect will always be posted on the Human Resources HUB page.

I understand that this Employee Handbook does not create an employment contract or a legally binding agreement, and that no modifications or alterations of my contractual or at-will employment relationship with IDEA are intended or effectuated by this Employee Handbook. Additionally, in the event of any inconsistency between the information, policies, and benefits described in this Employee Handbook and my employment agreement, the terms described in my employment agreement shall control.

I understand that I have an obligation to timely inform Human Resources of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources department if I have questions or concerns or need further explanation concerning the contents of this Employee Handbook or my employment with IDEA.

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# PART 1. ORGANIZATION INFORMATION

## 1.1 History

During their stint as Teach For America corps members, Tom Torkelson and JoAnn Gonzales Gama founded IDEA Academy in Donna, Texas in 1998. They created the after-school program as a way to help combat some of the major educational deficiencies they saw in their students, focusing the program on student achievement and college readiness.

With the motto of “No Excuses,” the program saw quick success, and the state granted a charter to IDEA in 2000. Beginning with only 4th-8th grades, the original flagship campus in Donna has expanded to serve grades PK–12.

In 2005, IDEA Public Schools launched an ambitious expansion plan, titled “The 2012 Plan,” which set a goal of launching 22 IDEA schools across the Rio Grande Valley by the year 2012. In August 2012, IDEA took its mission beyond the RGV and launched schools in Austin and San Antonio. IDEA has since established schools in El Paso, Tarrant County, Permian Basin, Houston, Southern Louisiana and Florida. IDEA now focuses its energy on completing “The 2022 Plan,” which sets the ambitious goal of serving 100,000 students by 2022.

The flagship campus in Donna graduated its first class of seniors in 2007, and now boasts over 1000 alumni. Since then, 100% of IDEA’s high school graduates have enrolled in a four-year college or university, and 95% remain in college; two out of three are first generation college students.

## 1.2 Organizational Value

### Mission

IDEA Public Schools prepares students from underserved communities for success in college and citizenship.

### Vision

To ensure students reach their potential, IDEA Public Schools will become the region’s largest creator of college graduates.

### Core Values

Our drive to translate our mission and vision into reality are based upon the following core values:

- We achieve **Academic Excellence**
- We deliver **Results**
- We ensure **Equity**
- We build **Team & Family**
- We act with **Integrity**
- We bring **Joy**
- We **Sweat the Small Stuff**

### 1.3 IDEA Headquarters Information

2115 W. Pike Blvd.  
Weslaco, TX 78596  
956.377.8000

### 1.4 Handbook Priority

This employee handbook and Code of Conduct shall supersede all other campus or department handbooks or code of conducts.

## PART 2. EMPLOYMENT PRACTICES

### 2.1 Equal Employment Opportunity

IDEA Public Schools (“IDEA”) is an equal opportunity employer and makes employment decisions based on merit and in accordance with applicable state and federal law. IDEA policy prohibits unlawful discrimination on the basis of race, color, national origin, religion, sex or gender, sexual orientation, gender identity and expression, disability, military or veteran status, genetic information, or age in its employment practices as required by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Title I and Title V of the Americans with Disabilities Act of 1990, as amended (“ADA”); the Age Discrimination in Employment Act of 1967, as amended (“ADEA”); Section 504 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008 (“GINA”); and any other legally-protected classification or status protected by federal, state, or local law. Additionally, IDEA does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to an alleged discriminatory employment practice.

IDEA promotes a positive, productive work environment within which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices for any reason. It is the responsibility of every employee to conscientiously follow this policy.

Employees can raise concerns and make reports without fear of reprisal. Employees with questions or concerns relating to equal employment opportunity, including discrimination and disability accommodations, are encouraged to bring these issues to the attention of an IDEA administrator, or one of the compliance coordinators designated below.

As required by Title IX, IDEA does not (and is required not to) discriminate on the basis of sex in its educational programs or activities. This non-discrimination requirement applies to admission to and employment with IDEA. Inquiries into issues related to Title IX may be referred to IDEA’s Title IX Coordinator (identified below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

IDEA has designated the following person as the Title IX Coordinator, who is responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment: Martin

Winchester, Chief Human Assets Officer, 2115 W. Pike Blvd., Weslaco, Texas 78596, (956) 337-8000, [martin.winchester@ideapublicschools.org](mailto:martin.winchester@ideapublicschools.org).

IDEA has designated the following person as the ADA / Section 504 Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Martin Winchester, Chief Human Assets Officer, 2115 W. Pike Blvd., Weslaco, Texas 78596, (956) 337-8000, [martin.winchester@ideapublicschools.org](mailto:martin.winchester@ideapublicschools.org).

IDEA has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis race, color, religion, gender, sex, national origin, or age: Martin Winchester, Chief Human Assets Officer, 2115 W. Pike Blvd., Weslaco, Texas 78596, (956) 337-8000, [martin.winchester@ideapublicschools.org](mailto:martin.winchester@ideapublicschools.org).

All other complaints regarding equal employment opportunity may be directed to: Martin Winchester, Chief Human Assets Officer, 2115 W. Pike Blvd., Weslaco, Texas 78596, (956) 337-8000, [martin.winchester@ideapublicschools.org](mailto:martin.winchester@ideapublicschools.org).

### **Federal and State Worksite Postings**

Required state and federal postings are found at each IDEA facility. The following postings can be found in an area common to all employees at their facility: Employee Rights Under the Fair Labor Standards Act; Job Safety and Health: It's the Law; Employee Rights and Responsibilities Under the Family and Medical Leave Act; Equal Employment Opportunity is the Law; Your Rights Under USERRA; Employee Polygraph Protection Act Notice ("EPPA"); Texas Payday Law; Texas Whistleblower Act Notice ("TWA"); Unemployment & Payday Law; Notice to Employees Concerning Workers' Compensation in Texas; and the Texas Hazard Communication Act Notice ("THCA") to Employees. Postings are in both English and Spanish for employees to read.

### **Immigration Law Compliance**

IDEA is committed to employing only United States citizens and documented immigrants who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Employees with questions or seeking more information on immigration issues are encouraged to contact IDEA Chief Human Assets Officer Martin Winchester (contact information listed above). Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

### **Nondiscrimination Based on Religion**

IDEA does not discriminate on the basis of any aspect of religious observance, practice, or belief unless IDEA demonstrates that it is unable to reasonably accommodate the religious observance or practice of an employee or applicant without undue hardship to IDEA's business.

### **Nondiscrimination Based on Military Service**

IDEA will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service.

IDEA will not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA").

### **Americans with Disabilities Act (ADA)**

IDEA is committed to complying fully with the ADA, as amended, and ensuring equal opportunity in employment for qualified persons with disabilities (which includes life-threatening illnesses, HIV, and AIDS). All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all qualifying disabled employees, where their disability affects the performance of job functions, in accordance with the ADA.

Qualified individuals with disabilities shall not be discriminated against on the basis of disability in regards to recruitment, advertising, job application procedures, hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, rehiring, rates of pay, or any other form of compensation and changes in compensation, benefits, job assignments, job classifications, organizational structures, position descriptions, lines of progression, seniority lists, leaves of absence, sick leave, any other leave, fringe benefits available by virtue of employment, selection and financial support for training, school-sponsored activities, including social and recreational programs, and any other term, condition, or privilege of employment.

IDEA does not discriminate against qualified employees or applicants because they are related to or associated with a person with a disability.

### **Nondiscrimination Based on Genetic Information (GINA)**

IDEA will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of genetic information including information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members.

## **2.2 Application for Employment**

Those seeking employment with IDEA Public Schools can visit the IDEA website at [www.ideapublicschools.org](http://www.ideapublicschools.org). Applicants must be 18 years of age or older in order to be considered for employment; however, an applicant 17 years of age may be hired in special circumstances. Applications will remain active for one year from the application date. Applicants will be required to reapply after their application has been on file for a year.

IDEA reserves the right to terminate any employee or decline to employ an applicant if the person falsifies any information on the application or on any other employment related documentation, or fails to disclose any criminal conviction or misrepresents information regarding any such conviction on an employment application.

Prior to the start of employment with IDEA, applicants must also complete the Pre-Employment Affidavit form, as published by the Texas Education Agency, disclosing whether the applicant has been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

## **2.3 Fair Credit Reporting Act**

IDEA may utilize consumer reports – e.g., credit, criminal, employment references and Department of Public

Safety reports to assist in making employment decisions. In addition, IDEA may conduct annual driving record checks to verify that the licenses and driving records of those employees required to drive IDEA-owned vehicles are valid and acceptable to our insurance carrier.

Where required by applicable law, prior to running any of the above-mentioned checks/records, each employee will be provided any required notice form(s) and must sign an authorization form at the time of the job application or prior to being extended an offer of employment. Refusal to sign such authorization is grounds for disqualification from employment with IDEA. Continued employment is also expressly conditioned on satisfactory results from legally authorized or required record and background checks.

In the event IDEA relies on a “consumer report” for an “adverse action” as defined by the Fair Credit Reporting Act and regulation – i.e., denying an offer of employment, reassigning or terminating an employee, or denying a promotion – IDEA will take the following action(s):

**Step 1:** Before taking adverse action, the employee will be provided a pre-adverse action disclosure that includes a copy of the individual’s consumer report and a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act” – a document prescribed by the Federal Trade Commission.

**Step 2:** After taking an adverse action, the employee will be provided notice – either orally, in writing, or electronically – that the action has been taken. This notice will include:

- The name, address, and telephone number of the Credit Reporting Agency (“CRA”) that supplied the report;
- A statement that the CRA supplying the report did not make the decision to take the adverse action, and cannot give specific reasons for it; and
- A notice of the individual’s right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

The employee will be given a reasonable time period to refute the information. However, it is ultimately the decision of IDEA as to what action is taken.

## 2.4 Fingerprinting and Criminal Background Checks

IDEA will obtain criminal history records of prospective volunteers and employees from law enforcement or criminal justice agencies, as required by Chapter 22 of the Texas Education Code, prior to employment or commencement of volunteer services. Additionally, as allowed by state law, criminal history checks of employees (or volunteers whose duties are performed where students are regularly present) may be obtained at any time during employment or volunteer service.

In accordance with state law, IDEA requires all employees and substitutes to complete the fingerprinting process implemented by the State Board of Educator Certification/Texas DPS Clearinghouse prior to employment. Human Resources will work with Identigo (Texas Education Agency fingerprint vendor) to supply new hires with a FAST Fingerprint Pass with instructions on how to submit their fingerprints. Fees charged by the vendor taking the fingerprints will be the responsibility of the new hire.

Criminal history records must also be obtained and reviewed prior to the employment of certain Transportation

department employees (for example, bus drivers, bus monitors, and bus aides) through a commercial service. IDEA's Board of Directors shall be informed of a criminal record of a felony or misdemeanor involving moral turpitude and must affirmatively vote to employ such contracted driver, monitor, or aide.

Information collected on an individual to comply with the requirements listed above is confidential and may not be released except as authorized by law or with the consent of the person who is the subject of the information.

All employees and applicants must complete the Authorization for Criminal History Background Check form distributed as part of IDEA's new hire process.

## **2.5 Prohibition Against Employing Individuals Convicted of Certain Offenses**

IDEA may not hire an individual who is prohibited from serving as an officer or employee of an open-enrollment charter school under Texas Education Code § 12.120(a). Additionally, IDEA shall discharge or refuse to hire an employee or applicant for employment if it obtains information through a criminal history review that:

1. The employee or applicant has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or
2. The employee or applicant has been convicted of:
  - a. A felony offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
  - b. An offense under the laws of another state or federal law that is the equivalent to an offense under item 1 above (relating to registration as a sex offender).

However, IDEA may not be required by law to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5, Penal Code, and:

1. The date of the offense is more than 30 years before:
  - a. June 15, 2007 in the case of a person employed by IDEA as of that date; or
  - b. The date the person's employment will begin, in the case of a person applying for employment with IDEA after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

IDEA's policy regarding employment of personnel with criminal histories (or arrested or charged with a criminal offense) is as follows:

Human Assets will review nature of the criminal offense against criminal history policy and criminal background matrix to determine and recommend employment action accordingly. And, as allowed by Commissioner of Education rule, a person may not serve as an officer or employee of IDEA if the person has been convicted of:

1. A misdemeanor involving moral turpitude or any felony;
2. An offense listed in Texas Education Code § 37.007(a); or
3. An offense listed in Code of Criminal Procedure, Article 62.001(5).

Additionally, IDEA shall discharge or refuse to hire a person listed on the registry of persons not eligible for employment in public schools, as maintained and made available by the Texas Education Agency.

IDEA may discharge an employee if it obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to IDEA or the State Board of Educator Certification ("SBEC").

Except as required by state or federal law or as determined by IDEA to be in the best interest of student and employee safety (and in accordance with law), IDEA does not automatically prohibit employment or refuse to consider an application for employment solely on the grounds that an applicant/employee has a prior criminal record. IDEA also does not prohibit employment or refuse to consider an application for employment based solely on the grounds that the applicant/employee has been arrested. Instead, IDEA reviews these circumstances on a case-by-case basis.

IDEA reserves the right to annually (or more frequently) perform criminal history record checks on current employees.

## **2.6 Arrest and Conviction Occurring After Employment Begins**

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

- Crimes involving IDEA 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 IDEA property or at an IDEA-sponsored activity; or
- Crimes involving moral turpitude.

Moral turpitude includes, but is not limited to: (a) dishonesty; (b) fraud; (c) deceit; (d) theft; (e) misrepresentation; (f) deliberate violence; (g) base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; (h) 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; (i) felonies including driving while intoxicated; and (j) acts constituting abuse or neglect under SBEC rules. If an educator is arrested or criminally charged, the Superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, a first offense of DWI or DUI must be reported if the employee drives or operates (or is authorized to do so) an IDEA vehicle.

Failure to timely report an arrest, indictment, charge, plea, conviction or adjudication may result in disciplinary action, up to and including termination.

Conviction of a crime shall not be an automatic basis for termination. IDEA shall consider the following factors (or other appropriate considerations as deemed by IDEA) in determining what action, if any, should be taken against an employee who is convicted of a crime during employment with IDEA:

- The nature of the offense;



- The date of the offense;
- The relationship between the offense and the position to which the employee is assigned; and
- The best interests of IDEA Public Schools and its students, staff and community.

## 2.7 Reporting an Educator's Misconduct

The Superintendent shall promptly notify the SBEC by filing a written report (within seven days of first learning about an alleged incident of misconduct) with the Texas Education Agency upon obtaining knowledge or information indicating any of the following circumstances:

1. That an educator, applicant for, or holder of an educator's certificate has a reported criminal history, and IDEA learned of the criminal record by means other than the criminal history clearinghouse established by the Texas Department of Public Safety.
2. That an educator or certificate holder was terminated and there is evidence that the educator:
  - a. Abused or otherwise committed an unlawful act with a student or minor;
  - b. Was involved in a romantic relationship or solicited or engaged in sexual conduct with a student or minor;
  - c. Possessed, transferred, sold, or distributed a controlled substance;
  - d. Illegally transferred, appropriated, or expended school property or funds;
  - e. Attempted by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to be employed in a position requiring such a certificate or permit or to receive additional compensation associated with a position; or
  - f. Committed a crime or any part of a crime while on school property or at a school-sponsored event.
3. That a certificate holder resigned, and reasonable evidence supported a recommendation to terminate the individual because he or she committed one of the acts specified in paragraph 2 above.
4. That an educator engaged in conduct that violated the assessment instrument security procedures established by Education Code 39.0301.

Additionally, the principal shall promptly notify the Superintendent within seven days of obtaining knowledge or information of (1) an educator's termination of employment or resignation following an alleged incident of misconduct described in items one, two, three, or four above; or (2) learning of an educator's criminal record by means other than a criminal history clearinghouse report.

In accordance with state law, the Superintendent **must complete an investigation** involving evidence that an educator may have engaged in misconduct including abuse or otherwise committing an unlawful act with a student or minor, or was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor. **An investigation of the educator's misconduct must be completed even if the educator resigns from employment before the completion of the investigation.** If the educator is arrested and law enforcement requests that the school cease its investigation and the Superintendent is unable to complete the investigation, the Superintendent is still required to timely report to SBEC that the investigation was interrupted at the request of law enforcement.

Pursuant to Education Code 21.006(c-2), the Superintendent may not be required to notify SBEC or file a report with SBEC if the Superintendent completes an investigation into the alleged incident of misconduct described above **before** the educator's termination or resignation (not after) and the Superintendent determines the educator did not engage in the alleged incident of misconduct. The Superintendent should seek legal counsel before making any such determination, and if there is any doubt or concern, err on the side of reporting to SBEC.

IDEA shall provide notice to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct in accordance with state law. The Superintendent or designee shall also notify the Board of Directors and the educator of the filing of the report.

## 2.8 Reporting Employee Misconduct (Non-Educators)

In addition to any reporting obligations under Chapter 261 of the Texas Family Code, the Superintendent shall notify the Commissioner of Education, within seven business days, after knowing of a non-educator's termination or resignation if:

1. An employee's employment with IDEA was terminated and there is evidence that the employee:
  - a. Abused or otherwise committed an unlawful act with a student or minor; or
  - b. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; or
2. The employee resigned and there is evidence that the employee engaged in misconduct described above.

This reporting requirement applies to any person who is employed by IDEA and who does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code.

The Superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described above, despite the employee's resignation from employment before completion of the investigation.

Principals must notify the Superintendent within seven business days after the date of an employee's termination or resignation following an alleged incident of misconduct described above.

## 2.9 Contract and At-Will Employment

IDEA has implemented two types of employment relationships: contract and at-will employment.

Contract employees are employed under a contract for a set period of time. Contract employees should be aware that they **are not** employed under Texas Education Code Chapter 21 term, probationary, or continuing contracts, as IDEA is an open-enrollment charter school not subject to Chapter 21 requirements. Thus, contract employees are not granted any rights, benefits, privileges, protections, or procedures or contract terms required by Texas Education Code Chapter 21. IDEA may also discontinue issuing contracts, in whole or in part, for future school years, as it determines necessary, appropriate and/or in the best interest of IDEA. By way of example only, staff on Performance Improvement Plans or teachers with performance, disciplinary, or for other concerns may be offered at-will employment and not receive a contract.

Additionally, an addendum to an employee's contract may be added if the employee does not hold an endorsement, supplemental certificate, or standard certificate issued by the SBEC. Addendums will set IDEA's expectations for the employee to obtain an appropriate certification or endorsement, as approved by the Human Resources department.

All other types of employment, regardless of certification, are on an at-will and not contractual basis. At-will

employment means that both employees and IDEA have the right to terminate employment at any time, with or without advance notice and with or without cause.

Nothing in this handbook is to be construed as creating an employment contract or agreement. No one other than the Chief Executive Officer (CEO) has the authority on behalf of IDEA to alter an employee's contractual or at-will employment arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the CEO.

Given its entrepreneurial nature, IDEA maintains a highly flexible culture, and so an employee's position, job responsibilities, and/or position description may be subject to reassignment by his or her supervisor at any time and for any reason. Additionally, IDEA personnel may be directed to perform additional supplemental duties from time to time. Unless specifically approved by the Board of Directors and the CEO, no additional financial compensation is provided for such duties. Nothing in this handbook is intended to change this policy.

## **2.10 Minimum Qualifications for Principals and Teachers, and Notification to Parents Regarding Teacher Qualifications**

IDEA employs principals, teachers, and instructional staff members who are properly credentialed and qualified as required by state and federal law. Employment is contingent upon and subject to the employee submitting all required documentation in a timely and accurate manner and meeting all other employment requirements of IDEA. State law requires that IDEA provide to the parent or guardian of each enrolled student written notice of the professional qualifications of the student's classroom teachers. IDEA will provide this information upon request from a parent.

## **2.11 Verification of Employment Eligibility**

Prior to the start of employment, IDEA shall confirm the employment eligibility of all new hires by examination of documents establishing identity and employment authorization and completion of the I-9 Form required by the Department of Homeland Security. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present appropriate documentation establishing identity and employment eligibility.

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 they maintain continuous employment authorization or valid employment authorization documents. Contact Human Resources if you have any questions regarding reverification of employment and authorization.

Former employees who are rehired must also complete the form if they have not completed an I-9 with IDEA within a timeframe established by Human Resources (generally three years after the date of hire or one year after employment is terminated, whichever is later), or if their previous I-9 is no longer retained or valid.

## **2.12 New Hire Reporting**

By the 20th day after hiring a new employee, a report containing the name, address, and the name, address and employer identification number of IDEA shall be made to the Texas Employer New Hire Reporting Operations Center.

## **2.13 Pre- and Post-Offer Medical Testing**

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with IDEA.

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

Certain employees (i.e. physical education teachers and coaches) who are involved in physical activities for students must maintain and submit to the Human Resources department proof of current certification in first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to the Human Resources department at the start of each school year and each time the employee is re-certified.

## **2.15 Name and Address Change**

Employment records must be kept up to date. Employees must notify the Human Resources department via Tyler Munis Employee Self-Service if there are any changes or corrections to their name, address, telephone number, and emergency contact information. Name change notifications must be submitted along with the employee's new social security card depicting the employee's new name.

## **2.16 Personnel Records**

IDEA maintains a personnel file for each employee. These files are the property of IDEA and access to such files is restricted to the extent permitted by law. In general, only supervisors and management personnel are authorized to review personnel files. Any request for information contained in the personnel files must be directed to the Human Resources department. Only Human Resources is authorized to release information about current or former employees.

Subject to the above, all information in an employee's personnel file will be made available to the employee or his or her representative in the same manner that public information is made available under the public information laws found in Texas Government Code Chapter 552.

An employee or his or her authorized representative has a special right of access, beyond the right of the general public, to information held by IDEA that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. IDEA may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Act. However, IDEA may assert, as grounds for denial of access, other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If IDEA determines that information in an employee's records is exempt from disclosure under an exception of Texas Government Code chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the employee or his or her authorized representative, it will, when required, submit a written request for a decision to the Attorney General of Texas before disclosing the information. IDEA will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own personnel file should contact Human Resources.

Many personnel records may also be public information and must be released upon request in accordance with state law. Pursuant to a written Open Records Request under the Texas Public Information Act, employees may elect to have the following personal information withheld from disclosure, upon being hired and completing the confidentiality form accordingly:

- Home Address,
- Phone number, and
- Information that reveals whether they have family members.

New hires will have the opportunity to opt out of sharing their personal information upon hire. Employee Information Systems (EIS) will conduct annual reverifications of employee data during which all employees will have the opportunity to opt out of sharing personal information. Employees may, at any time, email [EIS@ideapublicschools.org](mailto:EIS@ideapublicschools.org) requesting to either opt in or opt out of their data being shared via an open records request. Please understand that a request to deny public access to personal information is effective only for public information requests made after the date an employee opts out of sharing personal information. If a choice is not submitted to EIS, employee records will remain open and most personal information may be released to the public upon request, unless IDEA is authorized to withhold certain information under the terms of the Texas Public Information Act.

## 2.17 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This section of the handbook establishes only the framework within which IDEA wishes to operate. IDEA's framework is also guided by applicable state and federal law governing conflicts of interest and nepotism applicable to Texas open-enrollment charter schools and nonprofit tax-exempt entities, as well as Board policies concerning ethics, conflict of interest, and nepotism. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation and to ensure that IDEA meets its goal of protecting the integrity and reputation of IDEA, the Board, and all IDEA employees, volunteers, and programs.

Contact Human Resources for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of IDEA's business dealings and operations.

No "presumption of guilt" is created by the mere existence of a relationship with an employee, contractor, or vendor that may be a potential conflict of interest. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to their immediate supervisor or the Business Office, as soon as possible, the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has significant ownership in a firm with which IDEA does business, but also when an employee or relative receives any benefit, including but not limited

to a kick-back, bribe, substantial gift, or special consideration, as a result of any transaction or business dealings involving IDEA.

An employee with reason to believe that an actual or potential conflict of interest exists must bring that concern to the attention of that employee’s immediate supervisor or to the principal.

Nothing in this policy is meant to interfere with IDEA’s desire to encourage staff members to take part in civic, church, and other public services where opportunities to exhibit good citizenship are present.

**Employment of Relatives**

IDEA is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with IDEA’s ability to provide equal employment opportunities for its employees, and in some instances, may constitute sexual harassment or other unlawful discrimination. To minimize potential conflicts of interest, IDEA strongly discourages its employees from entering into intimate relationships with other employees for which they have professional supervisory responsibility.

While some relatives of employees or the Board of Directors or officers may be employed by IDEA only in accordance with applicable law, a familial relationship among employees can also create an actual, or at least a potential, conflict of interest in the employment setting, especially where one relative has professional supervisory responsibility over another relative.

IDEA may refuse to hire or assign a relative in a position where the appearance of or potential for favoritism or conflict exists or where otherwise prohibited by law. Employees shall also refrain from making hiring, firing or other decisions impacting the terms or conditions of employment of relatives. Where hardship exists, employees may appeal to the CEO in accordance with the IDEA’s formal complaint procedures set forth in this handbook.

For the purposes of this section, a “relative” is any person who is related by blood or marriage within the third degree, as described below, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

<b>First Degree</b>	Parent Stepparent	Child Stepchild	Spouse	
<b>Second Degree</b>	Grandparent	Grandchild	Sibling	
<b>Third Degree</b>	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew

**2.18 Non-Disclosure**

The protection of confidential business information and trade secrets is vital to the interests and the success of IDEA. Such confidential information includes, but is not limited to, the following:

- Information related to IDEA’s financial, regulatory, personnel, or operational matters;
- Information related to IDEA’s clients, customers, beneficiaries, suppliers, donors, or business associates and partners;
- Trade secrets, know-how, curriculum, inventions, discoveries, techniques, processes, methods, formulae, ideas, technical data and specifications, testing, methods, research and development activities, and computer programs and designs;

- Student course work that is proprietary to IDEA and/or its partners;
- Pending projects and proposals;
- Business strategy and operations such as business plans, methods, and marketing strategies; and
- Other similar non-public information that is furnished, disclosed, or transmitted to an employee or to which an employee is otherwise given access to IDEA during the course of employment.

An employee who improperly uses or discloses trade secrets or confidential business information belonging to IDEA will be subject to disciplinary action, up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information. In addition, employees in certain positions may be required to sign a separate non-disclosure and confidentiality agreement further outlining IDEA's expectations with respect to protecting proprietary information and/or trade secrets. Please keep in mind that those employees who are not asked to complete a separate non-disclosure and confidentiality agreement are still responsible for complying with this section of the handbook.

This does not include any disclosure of otherwise confidential business information or trade secrets in accordance with the Texas Public Information Act, Chapter 552 of the Texas Government Code, or other applicable federal or state law.

## 2.19 Transfers

Employees who are considering transferring to another campus or department must first notify their current supervisor. Employees must be in good standing for the transfer to be approved. "Good standing" is defined as not actively being on any type of professional growth plan and/or not receiving any formal disciplinary actions in the 90 days prior to the transfer request. Employees must submit a transfer request during the transfer window to be considered.

Principals or hiring managers may request an interview and/or sample teaching lesson before a transfer request is approved. Employees selected for a transfer will receive notification from the hiring manager. The employee's current manager must submit the transfer, once approved by the receiving manager, in Tyler Munis by the named deadline.

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 Assets department and must be approved by the sending and receiving hiring managers.

## 2.20 Work Calendars

Work calendars are set by IDEA on an annual basis but may be adjusted from time to time as needed by IDEA. Work calendars are adopted each year designating the workdays for employees. Notice of work calendars including start and end dates and scheduled holidays will be distributed each year and are subject to change based upon unforeseen circumstances (e.g., weather) or other needs of IDEA.

## 2.21 Breaks for Expression of Breast Milk

IDEA supports the practice of expressing breast milk and makes reasonable accommodation 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 by 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. Employees should meet with their supervisors to discuss their needs and arrange break times.

## **2.22 Outside Employment and Tutoring**

All employees must recognize that they owe a duty of loyalty to IDEA. At all times when on duty, without regard to time or place, employees should devote their full attention to IDEA's business and their duties. Additionally, employees should not be engaged in outside employment that provides or could give rise to a conflict of interest or directly interferes with the employee's performance. For purposes of this prohibition, "employment" includes employment with another organization, consulting, or self-employment, whether on a voluntary basis or for pay.

All employees are required to disclose in writing to their immediate supervisor any outside employment and, if a potential or actual conflict of interest is present, have written permission from their immediate supervisor to engage in the outside employment. At all times, employees are expected to maintain a satisfactory level of performance in their job at IDEA. Teachers are not allowed to privately tutor any students who they are currently providing direct instruction to for compensation of any kind.

## **2.23 Performance Appraisal**

Performance reviews are part of an on-going, year-round process in which supervisors and employees discuss progress toward performance and professional goals. IDEA, supervisors, and employees set goals on an annual basis. Performance reviews may be formal and/or informal, verbal and/or written. IDEA will make best efforts to encourage that employees receive written performance evaluations against progress toward goals a minimum of twice a school year. The IDEA performance evaluation cycle includes three rounds in which managers and employees engage in comprehensive evaluative conversations surrounding performance, competencies, and progress towards goals. During performance evaluation conferences, employees are encouraged to discuss any issues raised, as well as any opportunities for advancement or career development with IDEA.

## **2.24 Professional Development**

IDEA is committed to the professional development of all its employees. For educators, IDEA provides training before the start of the school year, on-site coaching and modeling throughout the school year, day-to-day instructional leadership, and access to external workshops. IDEA also provides training on appropriate relationships, boundaries, and communications between educators and students, in accordance with state law. For non-instructional staff, IDEA provides technical training before the start of the school year and throughout the year. In addition, all employees are encouraged to pursue external professional development opportunities in the form of workshops or additional certification. Employees should talk with their supervisors about additional development opportunities and specific career paths. Supervisors must approve professional development before it is taken if time off will be required to attend the session/course.

## **2.25 Disciplinary Action**



In light of IDEA's balanced approach of both accountability and support, under normal circumstances, supervisors first informally coach and support employees to help increase performance before instituting a formal performance improvement plan or disciplinary action. An employee with a performance or behavior issue is typically given warning so that he or she has an opportunity to correct the problem. If further coaching is necessary, a supervisor may elect to develop a written performance improvement plan in order to help the team member improve performance. A formal written warning of disciplinary action may be necessary.

IDEA may use this progressive discipline process at its discretion. Disciplinary action may include, but is not limited to, any of the following:

1. Verbal warning.
2. Conference with a supervisor and/or the principal.
3. Written warning.
4. Suspension with or without pay.
5. Termination of employment.

The progression of these steps depends upon the severity of the problem and the number of occurrences. There may also be circumstances when one or more steps are bypassed.

## **2.26 Suspension**

Professional employees may be suspended with pay or placed on administrative leave by their immediate supervisor or designee during an investigation of alleged misconduct by the employee or at any time the immediate supervisor or designee determines that IDEA's best interest will be served by the suspension or administrative leave.

At-will employees may be suspended with or without pay, as allowed by the Fair Labor Standards Act, during an investigation of alleged misconduct by the employee, when an employee has violated safety rules of major significance, or at any time the immediate supervisor or designee determines that IDEA's best interest will be served by the suspensions or administrative leave.

Any employee who is suspended or placed on administrative leave will be expected to comply with the terms and conditions of the suspension/administrative leave. Failure to do so will result in immediate disciplinary action, up to and including termination of employment.

## **2.27 Employment References**

All requests for employment references must be directed to the Human Resources department. No one other than Human Resources is authorized to release references for current or former employees on behalf of IDEA. It is IDEA's policy to disclose only the dates of employment, the title of the last position held, and rehire eligibility of former employees.

## PART 3. EMPLOYEE BENEFITS

IDEA offers an array of medical and supplemental options employees can elect to enroll into. The information found in this section of the handbook is only a summary of what is offered, and additional details can be found through the employee Benefits Guide or Plan Summaries renewed each plan year. The Benefits Plan Year runs from September 1st through August 31st each year.

This handbook does not change or otherwise interpret the terms of the official plan documents. If there is any conflict or difference between the information in this handbook and the plan documents, the plan documents will govern. IDEA reserves the right to change or end these benefits at any time and for any reason, consistent with all laws. Additionally, benefit eligibility is dependent upon a variety of factors, including employee classification, length of employment, hours regularly scheduled to work, and employment status. If employees would like additional information related to any benefits offered by IDEA, please contact the Benefits department.

Temporary employees may be eligible for the benefits described in this section in accordance with the Patient Protection and Affordable Care Act and other applicable rules and regulations governing IDEA's benefit plans.

### 3.1 Medical Insurance

The medical insurance options offered at IDEA are administered through TRS ActiveCare. Each year, the TRS Board meets to review the performance of the plan, cost of premiums, plan design, and decide on what changes will take place the following plan year in preparation for the annual open enrollment. Once the details are shared and made public, the changes and recommendations for premium sharing are presented to IDEA's senior leadership team and a decision is made regarding how much IDEA will contribute towards the premiums for each plan and level of coverage.

Employees who are eligible for medical insurance coverage through TRS ActiveCare are those who are either an active, contributing TRS member or employed 10 or more regularly scheduled hours each week. Independent contractors and volunteers are not eligible for TRS ActiveCare coverage.

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

Employee can elect for medical coverage to begin:

- On their actively at work date (note that if the employee elects for benefits to begin on their official start date they will owe the premiums for the entire month and may receive a double-deduction on their first paycheck); or
- First of the following month following the employee's official start date.

At no time will employees be eligible for coverage before the first day worked by the employee.

Employees can make changes to their benefits elections each year during the annual benefits open enrollment period. Plans elected during this period become effective September 1st and end August 31st. This period is defined as the Benefits Plan Year. Employees lock in their elections each year and can make changes to their plan elections if they experience a qualifying life event (QLE) during the Benefits Plan Year. Qualifying Life Events include gaining/losing coverage, marriage/divorce, birth/adoption of a child, etc. Employees will be required to provide proof of the QLE that has taken place in order for changes to be approved. A detailed description of

insurance coverage, employee cost, and eligibility requirements is provided to all employees separately in IDEA's Employee Benefits Guide and the TRS Enrollment Guide.

### **3.2 Ancillary/Supplemental Insurance Benefits**

IDEA offers ancillary/supplemental plans to cover a variety of items not covered fully through the medical or other health plan options. These types of benefits are offered to lessen the employee's financial exposure. Employees may enroll in additional supplemental plans offered through IDEA's Benefits Program during the annual open enrollment period or during their first 30 days of their official start date. The plans elected by the employee will be 100% paid by the employee and will be payroll deducted each pay period.

The plan year for ancillary/supplemental benefits runs from September 1st through August 31st each year. Our Broker of Record, McGriff Insurance, evaluates our plan offerings, rates, and plan design each year. All claims are handled through each carrier independently.

### **3.3 Cafeteria Plans (Section 125)**

Employees may be eligible to participate in a Cafeteria Plan (Section 125). This plan enables eligible employees to contribute a portion of their paycheck to a medical/flexible spending account on a pre-tax basis. Employees are not able to drop their coverage if their plan is tax-sheltered unless they experience a qualifying life event during the year.

New staff members must complete enrollment during their first 30 days of employment. All eligible employees are given an opportunity to accept or reject this benefit on an annual basis during the specified time period of open enrollment.

### **3.4 Termination of Insurance Coverage upon Separation of Employment**

For employees who either voluntarily or involuntarily separate from employment with IDEA before the last day of their specified annual work calendar, all benefit insurance coverage will be terminated at the end of the month in which the employee was separated from employment. For example, if an employee separates from employment on December 13, all coverage will end on December 31. Employees participating in the Health Reimbursement Account will have access to use their funds until their last day of active employment. Any unused balance will be forfeited upon the employee's exit date.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal statute that provides certain former employees, retirees, spouses, former spouses, and dependent children with the right to temporarily continue health plan membership after losing their coverage eligibility as a result of certain qualifying events. IDEA and/ or the appropriate insurance carrier will notify employees of their right to continue their health coverage within 30 days of the date the employee's coverage eligibility ends. Employees then have 60 days to elect to continue their health coverage. If the health plan is through an insurance company or HMO, any subsequent administrative responsibilities are handled by the company or HMO. IDEA is not required to continue contributing a share of health plan costs for members who elect to continue coverage after leaving employment. During the continuation period, the full amount of the plan premium becomes the member's obligation and responsibility. Additional premiums needed to provide continuation benefits or added coverage for family members to cover costs or an enhanced medical plan may be deducted from the resigning employee's final paycheck, but payment arrangements must be made in order to provide for continuation of benefits in accordance with COBRA.

Supplemental third-party benefits (vision, dental, supplemental life, cancer, etc.) will end on the last day of the month in which the employee left employment. Employees will be responsible for contacting the respective insurance provider(s) to continue coverage for up to 18 months after employment separation in accordance with federal and state law and the plan documents. COBRA notices and Certificate of Coverage will be automatically mailed directly from the insurance carrier to the employee separating from employment, if applicable.

Prospective TRS retirees are advised to consult with TRS about enrollment eligibility if they are planning to enroll in the TRS-Care medical plan upon their retirement.

### **3.5 Health/Pharmacy Identification Cards**

All identification cards for medical, pharmacy, Flexible Spending and or Health Reimbursement Accounts will be mailed to the employee's home address on file with IDEA. Each carrier will mail respective cards directly to the employee. New employees should receive their medical insurance cards within 30 days from when they completed enrollment. Existing employees should receive their insurance cards within 30 days from when they made changes to their benefit elections due to a qualifying life event or after the annual open enrollment period. An employee may order additional medical and dental cards by contacting each of the carriers and making their request.

Please reference the Employee Benefits Guide for information and details on how to access care when you do not have a card available.

### **3.6 Claim Forms**

Claim forms may be obtained directly from the respective insurance carrier. You can find contact information through the IDEA Employee Benefits Guide.

### **3.7 Teacher Retirement System (TRS)**

The Teacher Retirement System (TRS) is a public pension plan of the State of Texas. Established in 1937, TRS provides retirement and related benefits for those employed by a public charter school.

TRS determines the employee, employer, and state required contributions each year. The contributions are mandated and, therefore, cannot be changed by the employee or the employer.

Eligibility: Employment that makes one eligible for membership in TRS is:

- Regular employment in a public, state-supported educational institution in Texas that is expected to last for a period of four and one-half months or more;
- For one-half or more of the standard full-time workload; and
- With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

An employee of a public, state-supported educational institution in Texas meets these requirements if the member's customary employment is for 20 hours or more each week and for four and one-half months or more in one school year.

Full-time service is employment that is at least 32 or more hours per week. In no event may full-time employment require less than 30 hours per week.

All regular employees of the public education system in Texas (employed for four and one-half months or more, for one-half time or more of the standard full-time workload, and paid at a rate comparable to other persons employed by that employer in similar positions) must participate in TRS, unless an exception to TRS membership applies. The exceptions to TRS membership include but are not limited to:

- A substitute, as defined by TRS rules (to be considered a substitute, the individual must be serving in a position currently held by another employee and paid at a rate of pay that does not exceed the rate for substitute work established by the employer);
- A person employed on a temporary (less than four and one-half months), part-time (less than one-half time), seasonal, or on an irregular basis.

Substitutes not receiving TRS service retirement benefits that work at least 90 days a year may also be eligible for TRS membership and to purchase one year of creditable service. TRS provides members with an annual statement of their accounts showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

IDEA will make all required contributions for employees eligible for TRS benefits on a timely basis. Employees who plan to retire under TRS should notify the Human Assets department as soon as possible. Information on the application procedures for TRS benefits is available from the Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or by phone at 1-800-223- 8778 or 512-542-6400. TRS information is also available on the web at [www.trs.state.tx.us](http://www.trs.state.tx.us).

Individuals receiving retirement benefits from TRS may be employed in accordance with TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication, Employment After Retirement. Employees may contact TRS for additional information by calling 1-800-223-5445 or 512-542-6400. Information is also available on the TRS website at [www.trs.state.tx.us](http://www.trs.state.tx.us).

### **3.8 403(B) or 457(B) Supplemental Retirement Plans**

A 403(b) or 457(b) plan allows eligible employees to invest tax-deferred income in fixed annuities, variable annuities, and/or mutual funds while earning tax-deferred interest. Distributions are available upon termination of employment, retirement, disability, death or certain types of hardships. Early disbursement penalties may exist in accordance with federal and state laws and legislation.

Our third-party administrators, TCG Services, currently administers the IDEA's 403(b) & 457(b) plan offerings. Please refer to the IDEA Employee Benefits Guide for additional information and details on how to enroll in either plan.

### **3.9 Unemployment Compensation Insurance**

Terminated employees may be eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act. At-will employees and employees provided with a notice of reasonable assurance of returning to service are not eligible for unemployment benefits during regularly scheduled breaks in the school year or summer months. Employees with questions about unemployment benefits should contact Human Resources.

### 3.10 Workers' Compensation

Workers' Compensation is a state-regulated, no-fault insurance program that provides employees with income and medical benefits in the event of a qualifying work-related injury or illness. IDEA maintains a worker's compensation insurance policy in which all claims are managed and approved by the respective insurance carrier.

An employee who has sustained a work-related injury or illness has responsibilities identified in the Workers' Compensation protocol, which can be found in the Workers' Compensation packet on the Risk Management HUB site. Among these responsibilities is the duty to notify and report injury to Risk Management Services within 24 hours of employee injury.

Please note that there is a seven-day waiting period for workers' compensation income benefits – the first 7 days of lost or reduced wages. Income benefits are not paid until the 15th day of lost/reduced wages. An employee may elect to use any accrued paid leave benefits during the "waiting period." If the employee makes such an election, IDEA's workers' compensation insurance carrier shall make adjustments to pay benefits, based on the employee's paid leave compensation received.

An employee on medical leave due to a work-related injury or illness shall be responsible for full payment, in advance, of all premiums for insurance benefits during such leave of absence, on a schedule determined in concert with the Human Resources Department, except while on family and medical leave.

Except as required under temporary disability law, an employee released from workers' compensation shall be considered for a position for which the employee is qualified, provided such a position is available. If no position for which the employee is qualified is available at the time the employee requests reinstatement, the employee shall be considered for a subsequent vacancy. Failure of an employee to report to IDEA upon release from workers' compensation leave within three days, or refusal to accept an offered position, shall constitute a resignation.

#### **Mandatory Requirements**

Workers' compensation insurance covers all employees during the time they are on the job. Covered injuries and illnesses may be physical or mental and specific or cumulative. An injury is considered job-related when it arises out of and in the course of an employee completing their assigned job duties; the activity that caused the injury must also be an activity that is in the course and scope of employment.

#### **Filing a Claim**

Within 15 days of a claim being filed, IDEA's workers' compensation insurance carrier will make an eligibility determination and notify the employee of that decision. The employee will receive a letter called a "Plain Language Notice" explaining the decision and potential benefits.

#### **Denial of Workers' Compensation Insurance Benefits**

Except as otherwise required by state law, injuries not covered by workers' compensation insurance include those where the employee:

- Was intoxicated on alcohol or drugs.
- Was in the process of committing a felony (and has been convicted).
- Was participating in a social or recreational activity off-duty that was not directly related to his or her work.
- Was commuting to or from work unless doing so under the direct control or orders of IDEA on IDEA-

related business.

- Caused the injury intentionally or committed suicide.
- Was “horsing around” or fighting on the job.
- Violated a school safety policy or procedure.

If the Workers Compensation Insurance Carrier denies a claim: the employee may contest the decision in accordance with the provisions of the Workers’ Compensation laws of the State of Texas.

The employee may contact the Division of Workers’ Compensation at 1-800-252-7031. The Division will pair them with an Ombudsman who will assist them in preparing for a Benefit Review Conference to challenge the dispute.

All costs incurred by the employee in contesting a denial of the claim shall be the sole responsibility of the employee.

### **Reporting Requirements**

Any employee suffering a work-related injury or illness must immediately report the illness or injury – no matter how minor – to his or her supervisor.

The employee’s supervisor will assist the employee in immediately completing the employee injury form to obtain all the details of the incident, including potential witness statements. The employee incident form must be completed and submitted to Risk Management Services within 24 hours of the injury/accident. Additionally, the employee may be required to participate in a post-accident drug and alcohol test within 24 hours of the accident.

Employees requesting information about IDEA’s position on the workers’ compensation insurance claim shall reach out to Risk Management Services or the assigned insurance adjuster through Summit Bridgefield.

All questions and claims regarding workers’ compensation should be referred to Human Resources. An employee receiving workers’ compensation temporary income benefits shall be placed on medical leave, in accordance to Family and Medical Leave Act (“FMLA”) leave, so long as FMLA eligibility requirements are satisfied. In the event the employee does not qualify for FMLA, they would be placed on an unpaid leave status in accordance with IDEA’s unpaid leave policy. Workers’ Compensation, FMLA and unpaid leave will run concurrently.

### **Request for Leave**

Any employee whose job-related injury or illness will prevent them from reporting to work following the initial injury or accident should contact Risk Management Services immediately to ensure their absence is reported in accordance with their worker’s compensation claim.

Employee will need to provide medical documentation such as a physician’s statement or work status report that includes adequate details, acceptable to IDEA, regarding the nature of disability and the anticipated length of absence from work. IDEA may, at its discretion and expense, require another medical opinion by a physician. IDEA reserves the right to select the physician to examine and treat the injury or illness or to seek additional medical opinions.

If a leave of absence is needed in the case of a legitimate workers’ compensation insurance injury or illness, and benefits have been approved by IDEA’s workers compensation carrier (Summit Bridgefield), employee shall receive temporary income benefits in accordance with their worker’s compensation claim. The employee shall remain on leave until he or she is released by a physician’s statement and will then be reinstated.

### **Fraudulent Claims for Workers' Compensation**

Filing a false or fraudulent claim is a violation of law and IDEA policy. Fraudulent claims are punishable by law and may result in disciplinary employment action, including termination of employment.

### **Return to Work Policy**

Upon release from workers' compensation for regular or accommodated duty, the employee must communicate with Human Resources and provide a physician release prior to returning to work in order to be reinstated. The physician's statement should certify the employee's fitness to return to work. If the release is for an accommodated-duty position, the return to work shall be coordinated by Risk Management Services and Human Resources accordingly.

Potential employment following workers' compensation absence shall be determined based on the type of leave for which the employee qualifies. All employees qualifying for leave under the FMLA or USERRA shall be placed in a like or comparable position upon their release to return to work or as otherwise required by law. Employees returning within the Extended Leave period, defined later in this handbook, may return to a previously-vacated position, at IDEA's discretion subject to availability, upon release to return to work. If the position is unavailable, the employee may be assigned to a substantially similar position or another suitable position for which the employee is qualified, subject to availability. If no position is available, the employee's name may be placed on the substitute roster, if any, and the employee may be considered for a subsequent vacancy along with other applicants.

Employees exceeding the 30-day Extended Leave period will have been considered to have resigned and/or separated from employment due to unavailability to work, but will be able to reapply for any vacancies, subject to qualifications and availability of job openings.

### **Early Return to Work Qualifying Terms and Definitions**

The employee must have a temporary disability due to an "Employment Related Injury," which is defined as an injury or occupational disease that arises out of the course and scope of employment and is a compensable injury or illness, as defined under the Texas Workers' Compensation Act (the "TWCA").

"Physician" means a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Texas Workers' Compensation Rules (Texas Labor Code, Title 5, Subtitle A).

"RTW" is a temporary Modified Duty position to which an employee is assigned when he or she is unable to return to his or her regular position following an Employment Related Injury. The RTW position temporarily addresses the restrictions placed on an individual by the employee's treating physician. The employee will receive their regular pay during the Early RTW period.

RTW Eligibility: To be eligible for participation in the RTW program, an employee must provide a written statement (Form TWCC-73) from his or her treating physician that the employee is: (1) temporarily unable to perform his or her essential duties, following an employment related injury or illness; and (2) capable of carrying out work of a lighter or modified nature from his or her regular duties and is expected to return to his or her regular duties within 90 calendar days.

### **Early Return to Work Procedure**



Once notified of an on-the-job injury or illness, Human Resources must complete a First Report of Injury (TWCC-1) for Workers' Compensation and inform the employee in writing of the RTW program.

The employee must be seen and evaluated by his or her physician to determine if the employee is able to return to work and if so, with or without restrictions. At the time of the evaluation, the employee must inform the physician of the RTW program and provide a copy of the employee's regular job description that identifies the essential functions of the job and its requirements.

When the employee is able to return to work with restrictions, the employee's physician must complete the TWCC 73 Work Status Report, indicating the specific restrictions, and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.

IDEA reserves the right to request further clarification regarding temporary restrictions from the treating physician. Taking into consideration the information provided by the physician, Human Resources will determine if a temporary RTW assignment may be offered. IDEA may not be able to offer an RTW assignment in all circumstances.

A decision on RTW placement will be based on the following criteria:

- Employees with no restrictions and a valid medical release/TWCC-73 will be returned to regular duty status if the position or a similar position is available.
- Employees with a valid medical release/TWCC-73, which indicates physical limitations, may be placed on regular duty status if those limitations do not impede the employee's ability to perform their regular work and if the position or a similar position is available.
- Employees with a valid medical release/TWCC-73, which indicates physical limitations that would prevent the employee from performing their regular duties, may be placed in a modified duty assignment, if accommodations can be made.

Once Risk Management Services has approved participation in the RTW program, Risk Management Services will present the employee with an RTW (Modified Duty) job offer letter. This letter shall include:

- The position offered.
- The location and duties of the position offered.
- The schedule of the position offered.
- The duration of the temporary work assignment.
- A statement that IDEA will only assign a position or duties consistent with the employee's knowledge and skills and will provide training if necessary.
- A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.

### **Refusal of Return to Work Offer**

An employee may choose to accept or refuse the Return to Work (Modified Duty) job offer. However, an employee who refuses a Modified Duty job offer or bona fide offer of employment is subject to termination. Rejection of such a job offer could result in cancellation or reduction of income benefits under workers' compensation insurance.

### **Duration of Early Return to Work Assignment**

RTW assignments are temporary in nature. All job accommodations will cease when an employee receives a valid release for regular duties from his or her physician. An RTW with Modified Duty offer will be extended for an initial period not to exceed 90 calendar days. The duration of approved time will be based upon the information provided

by the employee's physician. If the employee is unable to return to work at full duty after the initial approved time, he or she may request a continuation of RTW Modified Duty not to exceed a total of 90 calendar days in a Modified Duty capacity.

An employee requesting an extension of Modified Duty, beyond the originally approved amount of time in the RTW with Modified Duty offer letter, must submit documentation to Risk Management Services from his or her physician. This document should include what limitations continue to exist, and the probable duration of those limitations.

If an employee is unable to return to work at full duty after 90 calendar days, he or she may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a Modified Duty capacity.

Approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond 90 calendar days must submit updated information from his or her physician.

An employee who is unable to return to his or her regularly assigned duties at the end of the RTW Modified Duty agreement may elect to separate his or her employment with IDEA. Provided that employee has exhausted any entitlements under the FMLA, an employee who is unable to return to work at the end of the RTW Modified Duty agreement may be terminated in accordance with Section 5.7, Limitations on Leaves of Absence (Neutral Absence Control Policy), of this handbook.

An employee who believes that his or her condition is a qualifying disability and that he or she is a qualified individual with a disability under the ADA may contact Human Resources to pursue accommodations.

## **PART 4. COMPENSATION**

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. IDEA's compensation plan is reviewed by administration periodically and may be adjusted at-will and without notice as needed.

Employees who perform extracurricular or supplemental duties may receive additional compensation in addition to their salary according to extra-duty and stipend pay schedules.

Employees should contact the Payroll department for questions around pay schedules and contact the Compensation department for questions around pay amounts and determination.

### **4.1 Annualized Compensation**

IDEA pays all salaried employees over 12 months regardless of the number of months employed during the school year. Salaried employees will be paid in equal monthly payments beginning with the month in which the employee begins working.

Employees who separate from employment voluntarily will receive their final paycheck on the next scheduled pay date. Employees who involuntarily separate from employment will receive their final pay within six calendar days

of separation in accordance with state law. Please note that due to the pay schedule, some employees may be overpaid at the time of separation from employment. In these cases, employees will not receive a final paycheck, as allowed by applicable law.

## 4.2 Pay Procedures

IDEA follows all federal, state, and local Pay Day laws. An employee's method of pay may be changed at any time, with or without notice. Pay due will include earnings per clock submission for non-exempt employees for all work performed through the end of the previous payroll period and, for exempt employees, per the exempt work agreement period.

Exempt employees are paid monthly, and non-exempt employees are paid bi-weekly. If a scheduled payday falls on a weekend or holiday, employees will be paid on or before the day preceding the weekend or holiday.

An employee's payroll statement contains detailed information including pay amounts, deductions, withholding information, leave balances and year to date totals. Employees should contact the Payroll department with any questions pertaining to pay procedures and pay dates.

The schedule of pay dates for the current school year will be posted at each campus in a common area along with federal and state mandated posting requirements. This schedule can also be found on the Hub.

## 4.3 Paychecks

Wages are generally paid via direct deposit at the employee's designated bank. Should an employee not have a bank account, he or she may elect in writing to receive a pay card, and the employee's pay will be deposited to that pay card. Pay cards will be mailed to the employee's home address or can be picked up at headquarters. Pay cards will not be released to any person other than the employee unless the employee has provided written authorization. An employee's payroll statement can be viewed online via Employee Self-Service through Tyler Munis.

## 4.4 Automatic Payroll Direct Deposit

All employees are highly encouraged to participate in automatic payroll direct deposit. IDEA will electronically deposit payroll checks to qualified employee accounts. Every employee participating in automatic payroll direct deposit must sign a direct deposit authorization agreement form at the time of hire or via Tyler Munis Employee Self-Service. **A period of one to two pay periods may be necessary to activate this service, depending on a particular financial institution's requirements.**

IDEA has partnered with Global Cash Card to offer employees without bank accounts the option to accept paychecks via direct deposit. Employees interested in signing up for this service should contact Payroll.

All employees may access their payroll statements through Tyler Munis Self-Service where they can view or print their wage statements. Any changes regarding an employee's designated bank account should be submitted 10 days prior to the next scheduled payroll distribution to avoid delays in processing and receiving payroll deposits.

Please note that some banks may deposit employee pay into bank accounts prior to the actual check date. The Payroll team cannot guarantee employee pay until the check date listed on the Pay Day Calendar. You may access

these calendars through the Payroll page on the Hub. Any issues related to not receiving pay before the actual check date cannot be resolved by the Payroll team, in any manner. You must reach out to your bank for further information.

## **4.5 Payroll Deductions**

Automatic payroll deductions for TRS, federal income tax, and Medicare are required for all full-time employees. For all employee's ineligible to participate in TRS, Medicare, FICA, and federal income tax will be withheld.

Other payroll deductions, authorized in writing by the employee, include the employee's share of premiums for health and supplemental insurance, annuities or savings through the employee's choice of banking institution. Employees may also request payroll deduction for payment of membership dues to professional organizations, Give Me 5, and court-ordered garnishments (in accordance with court order or directives from appropriate government authorities). Generally, optional deductions, if any, may only be made from pay as long as the resulting wage does not fall below the FLSA minimum wage.

In accordance with applicable law, payroll deductions may also be specifically authorized in writing and made for any monies due to IDEA for repayment for loss or damage to cell phones, laptops, or any other IDEA-issued property or used but unearned leave. A signed payroll deduction authorization form must be on file with the Payroll department before any monies will be withheld from an employee's check, regardless of the deduction type. The only exception to this requirement is for court ordered garnishments such as child support. If a non-exempt employee's gross income is insufficient to maintain compliance with wage and labor laws regarding effective minimum wage, the deduction will be adjusted accordingly.

If you have questions why deductions have been made from your paycheck or how they were calculated, please contact the Payroll department.

## **4.6 Fair Labor Standards Act – Exempt vs. Non-Exempt Classification**

All employees are classified as either exempt or non-exempt, according to job duties as determined by the provisions of the federal Fair Labor Standards Act ("FLSA"). Non-exempt employees are paid on an hourly basis and are covered by the overtime provisions of the FLSA and by Texas wage and hour laws. Non-Exempt employees are required to fill out timesheets accounting for all hours worked in a pay period. Altering, overstating, or falsifying time records may result in disciplinary action up to and including termination.

Exempt employees are salaried and classified based on specific tests as mandated by the FLSA. Thus, exempt status applies to the position and not the employee. Meeting these qualifications exempts designated positions from overtime provisions of the FLSA. Exempt employees are paid a fixed salary determined by the duties to be performed rather than the number of hours worked. However, any full days of absence taken in excess of the employee's allotment/service record accumulation of leave will result in an employee payroll deduction calculated on a pro-rated daily rate. Deductions for less than full-day absences may be made for exempt teaching positions.

IDEA's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by the Payroll department. An employee's exempt or non-exempt classification may be changed only upon written notification by IDEA, and in accordance with applicable federal law. Employees may obtain this information from the Payroll department upon request.

## 4.7 Full-Time, Part-Time, and Temporary Classification

CLASSIFICATION	SCHEDULED HOURS PER WEEK	DURATION OF EMPLOYMENT	HEALTH BENEFITS ELIGIBLE	PAID TIME OFF ELIGIBLE
<b>FULL TIME (PERMANENT)</b>	32+	4 ½ Months or more	Yes	Yes
<b>PART TIME (PERMANENT)</b>	20 – 31.9	4 ½ Months or more	Yes	No
<b>FLEX HOURS (PERMANENT)</b>	Less than 20 hours	4 ½ Months or more	No	No
<b>FULL TIME (SEASONAL)</b>	32+	4 ½ Months to 1 year	Yes	Yes (pro-rated)
<b>TEMPORARY</b>	Varies	Less than 4 ½ Months	No	No

Full-time permanent employees are those who are regularly scheduled to work at least 32 hours per week. Full time permanent employees are eligible for benefits, TRS contributions, and paid time off.

Part-time permanent employees are non-exempt employees who are regularly scheduled to work less than 32 hours per week but more than 20 hours per week. Part-time permanent employees are eligible for most benefits except Flex Credits.

Flex-hour permanent employees are regularly scheduled to work less than 20 hours per week. Flex-hour employees are not eligible for benefits, TRS Contributions, or paid time off.

Full-time seasonal employees are those who are regularly scheduled to work at least 32 hours per week for a period of time between 4 ½ months and 12 months. This position type is eligible for most benefits except Flex Credits. This position type is eligible for pro-rated paid time off. This position is not guaranteed for more than one year and employees will need to re-apply each year to continue employment with IDEA Public Schools.

Temporary employees are those who are hired on a temporary basis for a period of 4 ½ months or less. This position type is not eligible for benefits, TRS contributions, or paid time off. Employees in this position type must transition to another full-time or part-time role after 4 ½ months to continue employment with IDEA Public Schools.

## 4.8 Overtime Compensation

IDEA Public Schools compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Depending on IDEA’s work needs, employees may be requested to work overtime. The principal/supervisor must approve all overtime in advance of overtime being worked. An employee who works overtime without prior written approval may be subject to disciplinary action, up to and including termination.

Overtime is defined as all hours actually worked in excess of 40 hours in a workweek. It does not include leave, holiday, or vacation time. Non-exempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. Non-exempt employees are compensated for overtime at a rate of time-and-a-half their normal rate.

## 4.9 Timekeeping

Federal and state laws require IDEA to keep an accurate record of time worked in order to calculate employee pay

and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not authorized to estimate future hours and include them on their timecard.

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons. This work log should be recorded as it takes place – not several hours or days later. Failure to follow this policy could result in disciplinary action. Overtime work must always be approved before it is performed.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their immediate supervisor.

Non-exempt employees should use the approved attendance system, Frontline, to document days worked. Sick or personal leave must be clearly marked, as should days off without pay.

Employees must certify the accuracy of their time sheets. Altering, falsifying, tampering with time sheets, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

#### **4.10 Wage Overpayment & Underpayment**

IDEA takes all reasonable steps to ensure that employees receive an accurate paycheck paid promptly on scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll department so any corrections can be made as quickly as possible. If the employee has been underpaid, IDEA will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to IDEA as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay. IDEA will pursue all legal means to recover overpayments.

#### **4.11 Wage and Tax Statements**

All employees will receive a Wage and Tax Statement (Form W-2) from IDEA showing their annual earnings and the amounts deducted for Social Security, Medicare, and federal income taxes. Additional earnings and deductions that may be included, if applicable, are social security tips, allocated tips, advance earned income credit, and dependent care benefits. W-2 forms will be prepared by the Payroll department and distributed on or before January 31st each year.

#### **4.12 Unclaimed Payroll Checks**

In the event an employee does not collect their pay within 90 days, the Payroll department will secure such pay and the wages will still be recorded. The employee will be required to present proper identification to IDEA before pay will be reissued. In the event that the unclaimed pay is not claimed for a period of one year from its date of issuance, the pay amount "escheats" to the State of Texas pursuant to the Texas Property Code. After such time, the employee will need to contact the Unclaimed Property Division of the Texas State Comptroller's Office for

instructions on retrieving deposited wages.

### **4.13 Pay Increases**

Pay increases are for meeting and exceeding performance goals and for continued service to IDEA. If given, pay increases for ALL EMPLOYEES are implemented to coincide with the start of the new fiscal year. IDEA reserves the right not to issue pay increases to employees due to lack of merit or for budgetary reasons.

Full-time employees must have worked in the same position for a minimum of six months to be eligible for a pay increase, and part-time employees must have worked in the same position for a minimum of 12 months to be eligible for a pay increase. Employees who have received an increase in pay or received a promotion resulting in a higher salary within six months of the annual pay increase will be ineligible for a merit pay increase.

### **4.14 Stipends**

Stipend amounts and disbursement terms are reviewed each year and may change if there is a change in organizational priorities and a change in state, private, or local funding streams.

Stipends will be prorated for any eligible employee who begins employment after the first day of their work calendar per the posted stipend schedule. Employees must be actively employed with IDEA when stipends are paid in order to receive the stipend. Employees who cease employment with IDEA prior to the date stipends are paid will not be eligible to receive payment. Eligible, active employees should notify the Payroll department accordingly if they do not receive a stipend.

Stipends for extra duty (i.e. grade team leader, mentor principal, extracurricular sponsor) are paid based on work completed. Stipends will be prorated for any eligible employees who go on leave during the term of the stipend.

#### *Stipends for Teachers*

Stipend payout for eligible teachers will be divided equally in two installments: one installment in December and a second installment in May. The only exceptions to this schedule are hybrid stipends and athletic coaching stipends.

Hybrid stipends are paid monthly over the school year. Athletic stipends will be paid in conjunction with IDEA directives and guidance but typically at the completion of each relative sport season in accordance with the athletic coach payment schedule.

IDEA will pay stipends to teachers in designated content areas, in addition to campus-based stipends as determined by the principal. Teachers must meet eligibility requirements to qualify for the stipend (i.e. teacher certification in accordance to state certification requirements) as determined by the funding source.

### **4.15 Commitment to Excellence Bonus**

Employees are eligible for a Commitment to Excellence bonus upon completing their 5, 10, 15, and 20 consecutive years of employment with IDEA.

Commitment to Excellence bonuses are customarily paid in August based on tenure milestones met by September 1. In order to be eligible to receive the bonus, employees must be actively employed at the time of the

pay-out.

#### **4.16 After School Pay**

After school pay for teachers is set by IDEA at \$27.50 per hour. Principals determine which teachers teach/tutor after school at their campus. Teachers who do not receive an expected after school payment should notify the Payroll department.

#### **4.17 Saturday School Pay**

All schools that conduct Saturday school compensate teachers at the rate of \$27.50 per hour for hours worked on Saturday. Principals determine which teachers teach Saturday school at their campus. Teachers who do not receive an expected Saturday school payment should notify the Payroll department.

#### **4.18 Summer School Employment**

Summer school employment will be offered to IDEA employees at the respective campus that will be hosting a summer school program. Should a campus need to fill a summer school teacher or co-teacher position, employees from other IDEA campuses will be given preferential treatment over external candidates being recruited to fill those vacancies. Upon approval to consider the employment of an external candidate, the summer school principal must abide by the standard selection processes.

The Academic Services Team will oversee summer school programs. Any questions pertaining to summer school programming may be directed to the Academic Services Team. Questions related to payment schedules may be made to the Payroll department.

#### **4.19 Continuing Education**

IDEA supports the pursuit of advanced degrees by its employees and is committed to working with employees to assist in fulfilling their educational goals. While we wish to be flexible with staff so they can attend classes, we also must ensure the functions of the job are being met and employees are fulfilling their position-specific responsibilities. When possible, an employee should enroll in classes scheduled to meet after normal business hours. If a class conflicts with business hours, an employee must obtain approval from his or her supervisor before enrollment in a class that would require time off from the regularly scheduled workday.

#### **4.20 Travel and Reimbursement**

IDEA employees will be reimbursed for reasonable travel expenses incurred in connection with official IDEA business. IDEA employees must avoid expenditures that appear to be extravagant or lavish, personally enriching, abusive, and wasteful. Importantly, ALL IDEA employees must use discretion when making travel arrangements to ensure the conservation of IDEA's limited financial and other resources. IDEA shall only reimburse expenses that conform with applicable travel requirements pertaining to maximum allowable rates for reimbursements and that are reasonable and necessary.

IDEA employees are responsible for adequately and clearly stating the business purpose of the trip and the nature of the expenditures. IDEA employees and their supervising managers are responsible for ensuring that all expenses



are appropriate and in compliance with this policy and applicable law. IDEA employees traveling on official business will be reimbursed for appropriate expenses incurred.

IDEA employees must submit their travel reimbursement requests within ten (10) calendar days after the date they return from conducting official business on behalf of IDEA.

Any expenses incurred while traveling on behalf of IDEA that are not associated with official school business will not be reimbursed. An example of such an expense is illegal parking tickets and speeding tickets. Additionally, IDEA may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for IDEA when they accompany employees to IDEA activities, events, and functions.

### **Travel by Vehicle**

Employees must receive approval from their supervisor before electing to drive their own vehicle to conduct IDEA business. The preferred method of transportation is for an employee to reserve an IDEA vehicle. If an IDEA vehicle is not available, the employee must then secure pre-approval from his or her supervisor for reimbursement.

Employees will be reimbursed for mileage accumulated when using a personal vehicle while traveling on IDEA-related business with prior approval. When at all possible, more than one employee should travel together.

When traveling to a school site instead of home offices, employees will only be reimbursed for mileage should the mileage be more than the employee's travel to their home office each day (based on the city in which the employee lives). Employees will be reimbursed the difference between the travels from home office to the city the employee is traveling.

Mileage reimbursement must be submitted to the Business Office using Concur.

### **Travel by Commercial Airline**

IDEA employees shall travel via a common, commercial airline in coach-class accommodations. When booking travel, IDEA employees must make travel arrangements at the lowest available non-refundable coach airfare at least fourteen (14) calendar days before traveling or on the date that the employee is directed to travel to conduct official IDEA business.

Certain exceptions to this policy apply and can be reviewed in Board Policy, Policy Group 5 – Fiscal Management.

## **PART 5. LEAVES AND ABSENCES**

IDEA offers eligible employees paid and unpaid leaves of absences based upon qualifying events. This handbook describes the basic types of leave available and related restrictions. Employees who expect to be absent for an extended period of more than five days should notify the Human Resources department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the organization.

### **5.1 Attendance**

IDEA depends heavily upon its employees to serve students and schools. It is important that employees attend work as scheduled. Dependability, attendance, and punctuality are essential at all times.

### **Blackout Dates**

There are times when all teachers and campus personnel are needed to be in attendance, and time off is prohibited. The following is a list of “blackout dates” in which requests for time off will be denied. However, if an employee requests time off during these “blackout dates” as a result of unforeseen circumstances, the request will be reviewed on a case-by-case basis and the supervisor will make the final decision for approval. In the event an employee is absent during the stated “blackout days” and approval was not given by the supervisor, the employee may be subject to disciplinary action. There shall be no dock in pay if an employee is out during the “blackout dates” unless the employee has no leave available.

- The first 10 days of school
- The last 10 days of school
- The day before or after a school holiday
- Professional or staff development days
- Days scheduled for local exams
- Days scheduled for state testing

Unforeseen circumstances may result in additional days being added to the list.

Excessive absenteeism, tardiness, and leaving work prior to the designated time constitute grounds for any of the following disciplinary action:

- Disciplinary probation
- Denial of pending or future promotion
- Production of medical certification of reason or reasons for absences and/or tardies
- Any other appropriate disciplinary measure, including suspension or termination of employment

As described further in Part 9 of this handbook, failure to provide notice of an absence to a supervisor for three consecutive workdays (unless prevented by circumstances beyond the employee’s control) may be considered a voluntary resignation on the last day worked, in accordance with applicable federal and state law. Leave will not be approved for more days than an employee has accumulated from prior years plus those earned during the current year.

## **5.2 Paid Time Off (PTO)**

IDEA provides state and local leave days to all full-time employees to provide them with the flexibility to attend to their personal and medical time-off needs. State and local leave allocations are given on the first day of the employee’s annual work calendar. A day of leave is equivalent to an assigned workday. If an employee leaves IDEA before the end of the work year, the cost of any unearned leave taken due to advanced allocation shall be deducted from the employee’s final paycheck, to the extent allowed by applicable law.

There is no limit on the accumulation of state and local leave.

Upon separation of employment, whether voluntary or involuntary, the employee will not be paid for any unused local or state days. Additionally, upon separation, any unused local leave days will be forfeited, and will not be transferred to another Texas public school.

Exempt (salaried) employees must take state and/or local leave in full or half day increments. Non-exempt (hourly) employees must take state and/local leave in hourly increments in agreement with the number of hours of the absence.

State law entitles many public school employees to five days of paid state leave per year. Leave is available for use at the beginning of the year. A day of leave is equivalent to the number of hours per day in an employee's usual assignment, whether full-time or part-time. State leave accumulates without limit, is generally transferable to other Texas public schools, and generally transfers to education service centers.

Local leave entitlements are determined according to the employee's annual work calendar as described below.

- Year-round employees: Ten (10) days per year
- Non-year-round employees: Five (5) days per year

Year-round employees are defined as those employees who work an open calendar and therefore are scheduled to work 232 days or more per year. Conversely, non-year-round employees are those employees who are scheduled to work less than 232 days per year.

Employees beginning work after the first day of the work calendar for their role will have their PTO entitlement prorated in accordance with applicable law and IDEA Public Schools payroll policies & procedures.

Leave days earned through employment with IDEA are to 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, defined as an employee's parent, stepparent, child, stepchild, sibling, grandparent, aunt, uncle, or cousin.
- Active military service, in conjunction with any applicable military leave of absence.
- Absence for other personal reasons.

Employees requesting to take leave must notify their supervisor as soon as possible and, in no event, later than three hours before their scheduled starting time. Teachers and instructional staff are required to request leave directly with their principal. Operations staff are required to request leave directly with the Assistant Principal of Operations (APO). All employees requesting leave must advise their supervisor of their anticipated return date and the need for work coverage. Leave will not be approved for more days than an employee has accumulated from prior years, plus those earned during the current year.

Leave requests must be reported via Frontline. Teachers and Co-Teachers must request a substitute via Frontline (formerly AESOP), the automated substitute finder system.

### **5.3 Paid Holidays**

Holidays observed by IDEA are: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples Day (formerly Columbus Day), Thanksgiving Day and Christmas Day. Regions may adjust paid holidays as needed.

Part-time hourly positions are paid for hours worked according to Frontline or time sheets. Part-time hourly employees do not receive holiday pay.

Full-time employees and part-time administrative professionals are eligible for holiday pay on designated holidays that fall within their normal work schedule as designated by the work calendar.

Holiday pay is paid at the employee's normal hourly rate. Employees on a leave of absence are ineligible for holiday benefits.

Paid holidays occurring during an eligible employee's scheduled leave will be paid as holiday pay rather than PTO.

## **5.4 Sick Leave Bank**

IDEA is pleased to provide additional local leave days to employees suffering from devastating illnesses who have exhausted all available leave. These days will be provided by other IDEA Team & Family members who wish to donate days to a sick leave bank.

### **Eligibility to Receive Donated Days**

To qualify to receive donated days, an employee shall:

- Have exhausted all available paid time off (local leave and state days, if applicable);
- Have been out of work at least five consecutive days;
- Have a devastating mental or physical illness or injury as defined below; and
- Have made a minimum one-time donation of at least 8 hours to the sick leave bank.

Donated leave days may only be used for the employee's personal devastating illness or injury and may not be used for leave due to an illness or injury of a family member. Employees who believe they are eligible to receive donated days must contact Human Resources to complete an application.

### **Devastating Illness Defined**

"Devastating illness," for the purpose of donated leave, is defined as an acute or prolonged illness, surgery, or injury of a serious nature that is usually considered life threatening or with the threat of serious residual disability, not a passing disorder or temporary ailment. A devastating illness must require the services of a certified and licensed medical practitioner for a prolonged period of time and must result in the employee's incapacity to perform his or her job functions for an extended period of time and require an extended absence from work for treatment or recovery. Pregnancies without complications and routine surgeries with no serious complications are not to be considered devastating illness.

### **Donation of Days**

Full time employees (32 or more hours per week), who have earned at least three days of leave, are eligible to donate unused leave to the sick leave bank. Donations must be made in 4 hour increments and cannot exceed 40 hours per year. Employees wishing to donate days to the sick leave bank can do so via the HR HUB site during the specified enrollment period.

### **Confidentiality**

All contributions shall be voluntary and confidential. Employees violating this provision shall be considered in

violation of policy and shall be subject to disciplinary action.

## 5.5 Using Paid Leave at Exit

Staff members may only use up to 10 PTO days during their last two months at IDEA, assuming they give at least 90 calendar days' notice and have leave remaining to cover the request. Staff members may only use up to 5 PTO days during their last two months at IDEA, if they give 60 calendar days' notice. Staff members may not use PTO during their last two weeks if they give less than 60 calendar days' notice. Campus blackout dates still apply.

	NOTICE GIVEN	LEAVE ALLOWED IN LAST 2 MONTHS
5.6	90 CALENDAR DAYS	Up to 10 days
	60 CALENDAR DAYS	Up to 5 days
	LESS THAN 60 CALENDAR DAYS	No leave in last two weeks

## Limitations on Leaves of Absence (Neutral Absence Control Policy)

With the exception of leaves of absence for military duty or approved leave under the FMLA, if an employee accumulates more than **ten days** of absence after exhausting all available paid and unpaid leave, the employee shall be separated due to unavailability for work, subject to any reasonable accommodation duties IDEA may have under the ADA or similar law. Any employee separated for unavailability for work following exhaustion of all available leave will be eligible for rehire and can apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.

## 5.7 Military Leave of Absence

IDEA is committed to protecting the rights of employees absent on military leave. In accordance with federal and state law, it is IDEA's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in, or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights hereunder. If any employee believes that he or she has been subjected to discrimination in violation of this provision, the employee should immediately contact Human Resources.

### **Temporary (Two-Week) Military Leave**

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this handbook), eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days' unpaid military leave. All benefits will continue during an employee's temporary military leave.

### **All Other (Extended) Military Leave**

Employees directed to participate in extended military duties in the U. S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years, except as otherwise required by USERRA, and the employee will be entitled to the rights and benefits described in this handbook and in accordance with IDEA's policies and procedures.

To request a temporary or extended military leave of absence, the employee should, unless prevented from doing so by military necessity, notify Human Resources and complete and submit the appropriate form. An employee

on temporary or extended military leave may elect, at his or her option, to use paid leave available; the remainder of military leave will be unpaid.

## 5.8 Family and Medical Leave Act (FMLA)

The FMLA provides employees who meet certain eligibility criteria with unpaid leave for certain family and medical reasons during a 12-month period. During this leave, eligible employees are entitled to continue group health plan coverage as if they had continued to work. At the conclusion of the leave, subject to some exceptions, eligible employees generally have the right to return to the same or an equivalent position and equivalent pay, benefits, and working conditions.

**NOTE: The following FMLA provisions and all references to FMLA in this handbook and in school policy are applicable only to employees eligible for FMLA.**

### **Eligibility Requirements**

To be eligible for FMLA leave, an employee must have been employed by IDEA:

- For at least 12 months (which need not be consecutive) and for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
- At a worksite with 50 or more employees located within 75 miles of the employee's worksite.

Please note that for purposes of an employee's entitlement to leave under the FMLA, the 12-month period within which employees shall be eligible for 12 weeks of FMLA shall be defined as a rolling 12-month period, measured backward from the last date an employee uses leave under the FMLA.

### **Events that may Entitle Employees to FMLA Leave**

Eligible employees can take up to a total of up to 12 weeks of unpaid, job-protected leave in a 12-month period for one or more of the following reasons:

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

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule, subject to IDEA's approval as allowed under the FMLA.

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

### **Benefits and Protections**

While employees are on FMLA leave, IDEA must continue health insurance coverage as if the employees were not on leave. However, in some instances, coverage may be terminated if an employee fails to make employee-sided contributions to health benefit plans.

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

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

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The FMLA does not apply to routine medical examinations, such as a physical, or to common medical conditions, such as an upset stomach, unless complications develop.

For all conditions, "incapacity" means inability to work, including being unable to perform any one of the essential functions of the employee's position, or inability to perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition. The term "treatment" includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition.

### **Service Member Family Leave**

An employee may be eligible for up to 26 weeks of "Service Member Family Leave" if the employee's spouse, child, parent (not parents-in-law), or next of kin, is a current member of the active duty Armed Forces (including National Guard or Reserves), or a member of the Armed Forces (including National Guard or Reserves) on the Temporary Disability Retired List, who is recovering from a serious injury or illness incurred in the line of duty, while on active duty for which he or she is undergoing medical treatment, recuperation, therapy, in outpatient status, or otherwise on the Temporary Disability Retired List. (This does not include former members of the Armed Forces, former members of the National Guard and Reserves, and members on the Permanent Disability Retirement List).

With respect to both Qualified Exigency and Service Member Family leave, employees may take the leave intermittently or on a reduced leave schedule. However, if an employee has accrued paid leave, he or she must substitute any qualifying paid leave for unpaid leave first. "Qualifying paid leave" is leave that would otherwise be available to eligible employees for the purpose for which FMLA leave is taken. The remainder of the 26 workweeks of leave, if any, will be unpaid leave. Any paid leave used for an FMLA-qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 26-workweek leave period.

### **Qualifying Exigency Leave**

An employee may be entitled to Qualifying Exigency FMLA leave if the employee's spouse, child, or parent is in the National Guard, is a Reservist, or is retired military and is called to active duty, or has been notified of an impending call or order to active duty in support of a contingency operation as defined by federal law. The time spent in several specific activities, defined by law as "Qualifying Exigencies," may also be considered FMLA time.

This does not include those on the Permanent Disabled Retired List or Active Duty Military.

### Certification of Leave

The first time an employee requests Qualifying Exigency leave, IDEA will require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty, or has been called to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

In addition, each time an employee first requests leave for one of the Qualifying Exigencies, IDEA may require certification of the exigency necessitating leave. Certification supporting leave for a Qualifying Exigency includes: appropriate facts supporting the need for leave, including any available written documentation supporting the request; the date on which the Qualifying Exigency commenced or will commence and the end date; where leave will be needed on an intermittent basis, the frequency and duration of the Qualifying Exigency; and appropriate contact information if the exigency involves meeting with a third-party.

### Post-Deployment Activities

An employee may be entitled to take Qualifying Exigency leave for certain qualifying post-deployment exigencies, including reintegration activities, for a period of 90 days following the termination of the covered military member's active duty status. State calls to active duty are not covered unless under order of the President of the United States.

### **Maximum Amount of FMLA Leave within a 12-Month Period**

Except as provided above, an employee is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying reason(s). The 12-month period is a rolling period measured backward from the last date the employee used any FMLA leave. An eligible employee who is eligible for Service Member Family Leave may take a maximum of only 26 weeks during a rolling 12-month period, even if the employee also qualifies for FMLA leave for a reason other than Service Member Family leave.

### **Limitations on FMLA Leave**

Leave to care for a newborn, or for a newly placed adopted or foster child, must conclude within 12 months after the birth or placement of the child. When both spouses are employed by IDEA, they are entitled to a combined total of twelve 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA-qualifying reasons, but not more than a total of 12 workweeks per person. For example, if each spouse took six weeks of leave to care for a newborn child, each could later use an additional six weeks due to his or her own serious health condition or to care for a parent or child with a serious health condition.

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

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. "Intermittent leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason. A "reduced leave schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

Intermittent or reduced schedule leave is appropriate when there is a medical need for such leave for an employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness. An employee may also be



entitled to use intermittent or reduced schedule leave for qualifying exigencies. An employee *is not* entitled to take intermittent leave for the birth and care of a newborn child or for the placement of a child for adoption or foster care, unless IDEA agrees to the arrangement.

Additionally, if an employee needs leave intermittently or on a reduced schedule for planned medical treatment for his or her own serious health condition or for that of a qualifying family member, the employee should make a reasonable effort to schedule the treatment so as to not unduly disrupt IDEA's operations.

#### *Transfer to an Alternative Position*

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, IDEA may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, and which better accommodates recurring periods of leave than does the employee's regular position. The employee must be provided pay and benefits equivalent to those had in the position prior to the transfer; however, the position need not have equivalent duties.

#### *Calculating Leave Use*

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. IDEA must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that it uses to account for use of other forms of leave, provided the increment is not greater than one hour.

#### *Request for FMLA Leave*

Any absence of five days or more for an illness or medical condition may be designated FMLA leave and will require appropriate documentation. Employees should request FMLA leave by notifying their appropriate supervisor and submitting a completed Leave form to the Human Resources department within 15 days of the qualifying event.

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When such notice is not possible, the employee must provide notice as soon as practicable, and generally must comply with the school's call-in procedures.

Employees must provide sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the Human Resources department if the requested leave is for a reason for which FMLA leave was previously taken or certified.

#### *Required Documentation for Birth, Adoption, or Health-Related FMLA Leave*

When leave is taken to care for a family member, IDEA will require employees to provide documentation or a statement of a family relationship (birth certificate or court document). The employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for his or her or a family member's serious health condition. Medical certification forms are available from Human Resources and must be returned to Human Resources within 15 calendar days of the employee's receipt.

If IDEA deems the medical certification to be incomplete or insufficient, Human Resources will specify, in writing, what information is lacking, and the employee will have seven calendar days to cure the deficiency. It is the employee's responsibility to provide a complete and sufficient certification. Such failure to provide complete and

sufficient certification, despite the opportunity to cure any deficiency, may lead to denial of FMLA leave. IDEA may (a) have a designated health care provider or the Human Resources department (but in no case the employee's direct supervisor) contact the employee's health care provider in an effort to clarify or authenticate the initial certification if IDEA has reason to doubt an employee's initial certification; and/or (b) require the employee to obtain a second opinion by an independent provider at IDEA's designation and expense. If the initial and second certifications differ, IDEA may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, IDEA may request that the employee provide recertification of a serious health condition, at intervals, in accordance with the FMLA. In addition, during FMLA leave, the employee must provide IDEA with periodic reports regarding his or her status and intent to return to work. If the employee's anticipated return to work date changes, and it becomes necessary for the employee to take more or less leave than originally anticipated, he or she must provide IDEA with reasonable notice (within two business days) of such changed circumstances and new return to work date. If the employee gives notice of such intent not to return to work, he or she will be considered to have voluntarily resigned.

Before an employee returns to work from FMLA leave for his or her own serious health condition, the employee will be required to submit a fitness-for-duty certification from his or her health care provider with respect to the condition for which the leave was taken, stating that the employee is able to perform the essential functions of his or her job. Where a reasonable job safety concern exists, IDEA may require a fitness-for-duty certification before an employee's return to work from intermittent leave.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

### **Use of Paid and Unpaid Leave**

FMLA provides eligible employees with up to 12 workweeks of unpaid leave, except as described above. However, if an employee has accrued paid leave, he or she must substitute any qualifying paid leave for unpaid FMLA leave first. Substituted paid leave will run concurrently with the unpaid FMLA leave. "Qualifying paid leave" is leave that would otherwise be available to an employee for the purpose for which FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid leave. Any paid leave used for an FMLA-qualifying reason will be charged against the employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-work week period. During the period that an employee takes a leave of absence, including FMLA, he or she is not eligible to accrue paid time off benefits. Accruals will resume upon the employee's return to work.

### **Designation of Leave**

Human Resources will notify an employee that his or her leave has been designated as FMLA leave within five business days, absent extenuating circumstances, of IDEA's determination that leave is for an FMLA-qualifying reason. If an employee has not notified IDEA of the reason for the leave, and desires that leave be counted as FMLA leave, he or she must notify the Human Resources department within two business days of returning to work that the leave was for an FMLA reason.

### **Special Rules for Instructional Employees**

Special rules may apply to certain employees of charter schools. These special rules affect leave taken

intermittently or on a reduced schedule or taken near the end of an academic term (semester) by instructional employees.

“Instructional employees” are those whose primary job duty is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers and co-teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

#### Failure to Provide Notice of Foreseeable Leave

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, IDEA may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, IDEA may require the employee to delay the taking of leave until the notice provision is met.

#### Twenty Percent (20%) Rule

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee’s own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, IDEA may require the employee to choose:

- To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee’s regular position.

“Periods of a particular duration” means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed and may include one uninterrupted period of leave. If an employee chooses to take leave for “periods of a particular duration” in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

#### Leave at the End of a Semester

As a rule, IDEA may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, IDEA may, in certain cases, require the employee to take leave until the end of the semester.

The school semester, or “academic term,” typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If IDEA requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against his or her FMLA leave entitlement. Any additional leave required by the school to the end of the semester is not counted as FMLA leave; however, IDEA shall maintain the employee’s group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

### More Than Five Weeks Before the End of the Semester

IDEA may require an instructional employee to continue taking leave until the end of the semester if:

- The employee begins leave more than five weeks before the end of the semester;
- The leave will last at least three weeks; and
- The employee would return to work during the three-week period before the end of the semester.

### During Last Five Weeks of the Semester

IDEA may require an instructional employee to continue taking leave until the end of the semester if:

- The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a Qualifying Exigency;
- The leave will last more than two weeks; and
- The employee would return to work during the two-week period before the end of the semester.

### During Last Three Weeks of the Semester

IDEA may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a Qualifying Exigency.

### **Maintenance of Health Benefits**

During FMLA leave, employees are entitled to continue group health plan coverage under the same conditions as if they had continued to work. To the extent that FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from their salary. For the portion of FMLA leave that is unpaid, an employee's portion of health insurance premiums must be paid in accordance with IDEA's rules for leave without pay. If payment of health insurance premiums is more than 30 days late, IDEA may discontinue health insurance coverage upon notice to the employee.

### **Salary Action**

The length of the leave will delay any planned, but not implemented, salary increase for a period equal to an employee's leave of absence, including FMLA.

### **Performance Evaluation**

The length of the leave will extend an employee's normal performance evaluation date by the length of the leave of absence, including FMLA.

### **Return from FMLA Leave**

Upon return from FMLA leave, the employee will be placed in the same position he or she held before the leave, or an equivalent position with equivalent pay, benefits, and other employment terms.

### **Limitations on Reinstatement**

An employee is entitled to reinstatement only if he or she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force, or other reason, he or she would not be employed at the time job restoration is sought.

IDEA reserves the right to deny reinstatement to salaried, FMLA-eligible employees who are among the highest paid 10% of employees employed within 75 miles of the employee's worksite, if such denial or reinstatement is necessary to prevent substantial and grievous economic injury to IDEA's operations.

### **Failure to Return to Work Following FMLA Leave**

If an employee does not return to work following the conclusion of FMLA leave, he or she will be considered to have voluntarily resigned. IDEA may recover from the employee such portion of health insurance premiums that were paid on the employee's behalf during any unpaid FMLA leave. Recovery may be made through deductions from any outstanding sums due to the employee, except where prohibited by federal or state law, or through legal action against the employee.

For further information or clarification about FMLA leave, please contact Human Resources.

For information or to file a complaint with the U. S. Department of Labor (DOL), you may by contact the DOL at 1-866-487-9243 or by visiting [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

### **5.9 Bereavement Leave**

Employees may use available leave for absences due to a death in the immediate family, which is defined as an employee's parent, stepparent, spouse, child, stepchild, sibling, grandparent, or grandchild. IDEA will provide up to ten days of unpaid bereavement leave in the event of a death in the immediate family.

Bereavement leave days should be taken consecutively, within a reasonable time from the date of the death or day of the funeral and may not be split or postponed.

### **5.10 Jury Duty and Grand Jury Service**

IDEA may not discharge, threaten to discharge, intimidate, or coerce an employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with jury service in any court in the United States. Additionally, IDEA may not terminate the employment of an employee because the employee serves as a juror or grand juror.

IDEA will provide up to two days of paid leave, at an employee's regular daily or hourly rate, for any employee absence due to service on a jury or grand jury, up to a total of two days of jury or grand jury service per year. Any absences of more than two days for jury or grand jury service may be unpaid as allowed by applicable law. An employee may also elect to use paid leave for any time spent on jury or grand jury service that would otherwise be unpaid.

An employee on jury or grand jury duty is expected to report to work any day he or she is excused from such duty. An employee summoned for jury or grand jury duty must notify his or her supervisor immediately, provide a copy of the jury notice, and upload the notice into the Frontline system upon entering his or her absence.

### **5.11 Other Court Appearances**

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees must submit documentation of their need for leave for court appearances to their direct manager and Human Resources. IDEA will not discharge, discipline, or otherwise penalize an employee because he or she complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

### **5.12 Voting Leave**

Any employee who does not have two consecutive non-work hours while the polls are open on Election Day will be given up to two hours off with pay in order to vote, unless more time is required by state law. The employee should notify the appropriate supervisor before Election Day if time off is needed, so that the timing of the employee's absence can be pre-arranged.

## **PART 6. EMPLOYEE CONDUCT AND WELFARE**

### **6.1 Standards of Conduct**

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

- Express concerns, complaints, or criticism through appropriate channels and the chain of command.
- Know and comply with department and school policies and procedures.
- Maintain confidentiality in all matters relating to students and coworkers, as required by applicable law.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Report to work according to the assigned schedule.
- Use IDEA time, funds, and property for authorized IDEA business and activities only.

### **6.2 Code of Ethics**

All employees must comply with the following Code of Ethics, which has been adapted from the Professional Code of Ethics and Standard Practices for Texas Educators:

#### **Ethical Conduct in General**

IDEA employees 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. IDEA employees, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. IDEA employees, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. IDEA employees, 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. IDEA employees, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

#### **Professional Ethical Conduct, Practices and Performance:**

- Standard 1.1. An IDEA employee shall not intentionally, knowingly, or recklessly engage in deceptive

practices regarding official policies of IDEA Public Schools, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

- Standard 1.2. An IDEA employee shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3. An IDEA employee shall not submit fraudulent requests for reimbursement, expenses, or pay.
- Standard 1.4. An IDEA employee shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5. An IDEA employee shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or 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. An IDEA employee shall not falsify records, or direct or coerce others to do so.
- Standard 1.7. An IDEA employee shall comply with state regulations, written local school board policies, and other state and federal laws.
- Standard 1.8. An IDEA employee shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- Standard 1.9. An IDEA employee shall not make threats of violence against IDEA employees, school board members, students, or parents of students.
- Standard 1.10. An IDEA employee shall be of good moral character and be worthy to instruct or supervise the youth of this state, as applicable.
- Standard 1.11. An IDEA employee shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- Standard 1.12. An IDEA employee shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
- Standard 1.13. An IDEA employee shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.
- Standard 1.14. An IDEA employee shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

### **Ethical Conduct Toward Professional Colleagues**

- Standard 2.1. An IDEA employee shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Standard 2.2. An IDEA employee shall not harm others by knowingly making false statements about a colleague or the IDEA Public Schools system.
- Standard 2.3. An IDEA employee shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- Standard 2.4. An IDEA employee shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5. An IDEA employee 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. An IDEA employee shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- Standard 2.7. An IDEA employee 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 applicable laws or regulations.

- Standard 2.8 An IDEA employee shall not intentionally or knowingly subject a colleague to sexual harassment.

### **Ethical Conduct Toward Students**

- Standard 3.1. An IDEA employee shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2. An IDEA employee 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. An IDEA employee shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- Standard 3.4. An IDEA employee 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. An IDEA employee shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- Standard 3.6. An IDEA employee shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- Standard 3.7. An IDEA employee shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the employee is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the employee is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- Standard 3.8. An IDEA employee shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
- Standard 3.9. An IDEA employee 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:
  - the nature, purpose, timing, and amount of the communication;
  - the subject matter of the communication;
  - whether the communication was made openly or the employee attempted to conceal the communication;
  - whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
  - whether the communication was sexually explicit; and
  - whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the student.

## **6.3 Financial Ethics**

IDEA prohibits fraud and financial impropriety in the actions of its directors, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with IDEA.

Fraud and financial impropriety shall include but not be limited to:



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

Any person who suspects fraud or financial impropriety shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety will be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Neither the Board of Directors nor any IDEA employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee or the Board of Directors shall take or recommend appropriate disciplinary action, which may include termination of employment and, when circumstances warrant, referral to appropriate law enforcement or regulatory authorities.

## 6.4 Unacceptable Employee Conduct

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of IDEA. IDEA expects its employees to act in a mature, professional, and responsible manner. The following is a non-exclusive list of prohibited employee conduct. Employees who engage in any conduct listed below are subject to disciplinary action up to and including termination. This is not intended to be a complete list, and it does not alter the contractual or at-will employment relationship between employees and IDEA.

1. Abuse, including but not limited to sexual abuse, of a student.
2. Behaviors that interfere with a student's safety or cause an unsafe environment.
3. Corporal punishment (meaning the infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline) or verbal abuse of students, or the use of profanity or other language that is intended to belittle or degrade a student.
4. Dishonest, immoral, or illegal conduct while on duty and/or on school property that would tend to bring discredit to IDEA.
5. Dishonesty, falsification, or misrepresentation on an application for employment or other work records; falsifying reasons for leave of absence or other data requested by IDEA and/or alteration of IDEA's records or documents.
6. Disrupting the work environment.
7. Engaging in or soliciting a romantic, sexual, or otherwise inappropriate relationship with a student, regardless

of whether the relationship is consensual.

8. Engaging in an act of sabotage; willful or with negligence causing the destruction or damage of IDEA property, or the property of fellow employees, volunteers, contractors, or visitors, in any manner.
9. Engaging in discrimination, harassment, or retaliation in any form.
10. Engaging in inappropriate electronic communications with students, as described in Part 10.8 of this handbook.
11. Engaging in malicious gossip, spreading rumors, or otherwise engaging in behavior designed to create discord and lack of harmony or otherwise interfere with the job performance of fellow employees or service providers.
12. Engaging in rudeness, disrespectful, or unprofessional behavior toward scholars, employees, parents, and school contractors or vendors.
13. Excessive absenteeism or tardiness.
14. Fighting or threatening violence toward anyone on IDEA property or when representing IDEA, including “horseplay”, or provoking a fight between others.
15. Giving to other schools, organizations, or persons information made confidential by law and/or proprietary IDEA information that is obtained from IDEA’s files or records in the course of employment.
16. Giving to other schools, organizations, or persons information relating to IDEA employees and/or students that is obtained from IDEA’s files or records in the course of employment.
17. Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Superintendent).
18. Intoxication or being under the influence of controlled substances while at work or representing IDEA.
19. Negligence or any careless action that endangers the life or safety of another person, or damage to or destruction of IDEA property.
20. Possession of firearms, weapons, or explosives on IDEA property, while on duty or while representing IDEA.
21. Smoking in prohibited areas.
22. The use, possession, or sale of a controlled substance, alcohol, or tobacco as further described in Part 6.5, 6.6, and 6.7 of this handbook.
23. Theft of IDEA-owned property or the property of fellow employees, students, contractors or visitors.
24. Threatening, intimidating, or coercing fellow employees on or off IDEA property, at any time, for any reason.
25. Unauthorized possession or removal of any IDEA property, including documents, from the premises without prior permission from a supervisor.
26. Unauthorized use of IDEA equipment or property, including using such equipment for personal use or profit.
27. Unsatisfactory performance or conduct.
28. Violations of IDEA’s expectations for employee conduct, including but not limited to those set out in Parts 6.2, 6.3, and 6.4 of this handbook, or as otherwise distributed to employees by IDEA. Additionally, educators must adhere to the Professional Code of Ethics and Standard Practices for Texas Educators as set forth at 19 Tex. Admin. Code § 247.2.
29. Violations of the standards for employee use of IDEA’s technology and information resources as set out in Part 10 of this handbook, or as otherwise distributed to employees by IDEA.
30. Violation of the rules affecting the health and safety of students and the efforts of IDEA to operate efficiently and effectively.
31. Failure to report child abuse or neglect as required by Chapter 261 of the Texas Family Code.

## 6.5 Drug-Free Workplace Requirements

IDEA intends to provide a safe and drug-free work environment for our students and employees. With this goal in mind, we have established the following policy for all IDEA employees.

IDEA explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on IDEA premises or while attending an IDEA-sponsored or school-related activity.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from school property, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk IDEA's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from IDEA property, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or others, or puts at risk IDEA's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, on IDEA property, or while attending a school-sponsored or school-related activity. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

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

All reports by IDEA regarding drug or alcohol testing results shall be kept strictly confidential but may be used as the basis for disciplinary action or other action regarding employment status.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including termination. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

IDEA will conduct drug and/or alcohol testing under any of the following circumstances:

### **For-Cause Testing**

IDEA may ask an employee to submit to a drug and/or alcohol test at any time it has reason to suspect that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol; negative performance patterns; or excessive and unexplained absenteeism or tardiness.

An employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to, and including termination.

### **Random Testing**

IDEA may conduct random drug and alcohol testing of employees in safety-sensitive positions to further IDEA's interest in ensuring the physical safety of students, school employees, and the community.

Testing procedures shall be minimally invasive. For purposes of such testing, safety-sensitive positions shall not be limited to, but shall include, positions in which an employee:

- Drives an IDEA vehicle;
- Transports students in IDEA vehicles; and

- Performs manual trades or handles potentially dangerous machinery or hazardous substances in an environment that may be occupied by a large number of students or staff.

An employee will not be requested to undergo random testing on more than two occasions during a school year.

### **Post-Accident Testing**

Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. This includes not only the employee who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

### **Pre-Employment Testing**

IDEA may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

### **Employees Assigned Driving Duties**

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

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted at random when reasonable suspicion exists, and as a follow-up measure.

Testing will 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.

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the Human Resources department. The Transportation Department handbook policies supersede policies stated in this text.

## **6.6 Alcohol and Tobacco Use and Possession**

IDEA maintains an alcohol-, smoke-, and tobacco-free work environment. It is a violation of state law to ingest or possess alcohol or smoke or use tobacco products (including, but not limited to, cigarettes, pipes, cigars, snuff, or chewing tobacco) on IDEA property, in IDEA vehicles, or during IDEA-related or IDEA-sanctioned activities, on or off campus. Any violation of this policy may result in immediate termination.

## **6.7 Electronic Cigarettes**

IDEA prohibits the use of any "e-cigarette," meaning an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, at all times on IDEA property, at any school events or activities (whether or not on school property), or in school vehicles. This prohibition also includes any and all vapors, inhalants, electronic cigarette devices, or other devices or paraphernalia used with vapors, other inhalants, or chemicals. All personnel shall enforce this policy on IDEA property.

## 6.8 Weapon & Firearms Possession

Texas Penal Code section 46.03 prohibits firearms, illegal knives, clubs, or any prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by an IDEA employee may result in immediate termination. To ensure the safety of all persons, employees who observe or suspect a violation of this prohibition should report it immediately to their supervisor.

## 6.9 Inspections and Searches

IDEA reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of IDEA and personal property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, or having any influence over its continued placement. In addition to the school's premises, IDEA may search employees, their work areas, lockers, personal vehicles (if driven or parked on school property), and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, IDEA is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

There is no general or specific expectation of privacy in the workplace, either on IDEA property or elsewhere while on duty. In general, employees should assume that what they do while on duty or on IDEA premises is not private. All employees and all of the areas listed above are subject to search at any time; if an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, IDEA will either furnish the lock and keep a copy of the key or combination, or else allow the employee to furnish a personal lock, but the employee must give IDEA a copy of the key or combination. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to school officials and/or law enforcement authorities.

All IDEA employees are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. "Reasonable suspicion" means circumstance suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as identified above. Any search under this policy will be conducted in a manner protecting employee privacy, confidentiality, and personal dignity to the greatest extent possible. IDEA will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search requested by IDEA will face disciplinary action, up to and including immediate termination of employment.

Employees who are found to be in possession of prohibited materials in violation of this policy or in violation of other IDEA policies contained in this handbook, will be subject to discipline, up to and including termination.

## 6.10 Child Abuse and Neglect Reporting

All IDEA officers, employees, agents, and volunteers who have cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect or other maltreatment by any person shall immediately make a report as required by law.

If a professional (i.e. teachers, nurses, doctors, day-care employees, or other mandatory reporters) has cause to believe that a child has been or may be abused, maltreated, or neglected, that person shall make a report within 48 hours after the person first suspects the abuse or neglect. The person may not delegate to or rely on another individual to make the report. A professional who knowingly fails to make a report as required by law may be subject to criminal prosecution.

A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died because of abuse or neglect. The reporter shall identify the following information, if known:

- The name and address of the child;
- The name and address of the person responsible for the care, custody, or welfare of the child; and
- Any other pertinent information concerning the alleged or suspected abuse or neglect.

All reports of abuse shall be reported to the principal or designee contemporaneous to the report mandated by law. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate authority. 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 investigator is prohibited.

Any person who makes such a report, or assists in the investigation of a report of child abuse or neglect in good faith, is immune from any criminal or civil liability that might otherwise be incurred or imposed. Authorized officials from an investigating agency shall be permitted to conduct the required interview with the child at the school with or without the consent of the parent or guardian. IDEA will fully cooperate with all official investigations of abuse or neglect.

IDEA or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who, in good faith:

- Reports child abuse or neglect to:
  - The employee's supervisor,
  - An administrator of the facility where the employee works,
  - A state regulatory agency, or
  - A law enforcement agency; or
- Initiates or cooperates with a governmental investigation or proceeding relating to an allegation of child abuse or neglect.

A person who reports his or her own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect may be subject to criminal prosecution.

The toll-free number for the Texas Child Abuse Hotline is 1-800-252-5400.

Please note: a certified employee's failure to report suspected child abuse may result in disciplinary procedures

by SBEC for a violation of the Educators Code of Ethics and prosecution for the commission of a Class B misdemeanor.

In addition to the duty to report described above, a person or professional shall make a report if he or she has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child. Such a report must be made within 48 hours and the duty to make a report cannot be delegated.

### **Employee Training**

IDEA shall provide training for all new and existing employees on awareness of issues regarding child abuse and reporting, sexual abuse prevention, sex trafficking, bullying and David's Law, and other maltreatment of children, including prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children.

## **6.11 Computer Technician Reports of Child Pornography**

Any computer technician employed by IDEA who, in the course and scope of employment or business with IDEA, views an image on a computer that is or appears to be child pornography must immediately report the discovery to a local or state law enforcement agency or the Cyber Tip-line at the National Center for Missing and Exploited Children and the Human Resources department. The report must include the name and address of the owner or person claiming a right to possession of the computer, if known, and as permitted by federal law.

Except in a case of willful or wanton misconduct, a computer technician may not be civilly liable for reporting or failing to report the discovery of an image. A computer technician who intentionally fails to report an image may be subject to criminal prosecution.

## **6.12 Non-Fraternization**

While IDEA encourages amicable relationships between members of management and their subordinates, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises a member of management's ability to perform his or her job. Any involvement of a romantic nature between an IDEA manager and anyone he or she supervises, either directly or indirectly, is prohibited. Violation of this policy will lead to corrective action up to and including termination of the management individual involved in the relationship.

Unless otherwise approved by the Superintendent, if two employees marry, become relatives of each other, or enter into an intimate relationship, they should not remain in a professional supervisory relationship. IDEA will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for reassignment, or IDEA may reassign the employees at its discretion. If no alternate position is available, IDEA may terminate either of the employees at its discretion.

If two employees start dating, they are required to inform Human Resources so that a determination can be made if there is any potential conflict of interest or violation to any of the stated policies within this handbook. In other cases where a conflict or the potential for conflict arises between an employee and another employee, even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment to another position or terminated from employment, at the discretion of IDEA.

Under no circumstances should a manager supervise a relative or someone they are dating as a direct report (regardless of first-, second-, or third-degree relationship as stated in this handbook).

### **6.13 Prohibition of Discrimination, Harassment, and Retaliation**

IDEA prohibits discrimination, including harassment, of a co-worker based upon race, color, national origin, religion, sex or gender, sexual orientation, gender identity and/or expression, disability, veteran status, age, genetic information, or any other basis prohibited by law. IDEA also prohibits retaliation against anyone involved in the complaint process. While acting in the course of their employment, employees shall not engage in prohibited discrimination or harassment of other persons including Board members, vendors, contractors, volunteers, or parents. Discrimination or harassment become unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of prohibited discrimination or harassment. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Prohibited and offensive conduct can include, but is not limited to, offensive jokes, slurs, epithets, or name-calling; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; offensive objects or pictures; and/or interference with work performance. Harassment can occur in a variety of circumstances, including but not limited to the following:

1. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the school, a co-worker, or a non-employee.
2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
3. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

#### **Retaliation**

IDEA strictly prohibits retaliation against a student, parent, or an employee who in good faith reports or complains about discrimination, harassment, or other prohibited conduct, or who serves as a witness or otherwise participates in an investigation. Employees who take part in any retaliatory action will be subject to discipline, up to and including termination. Retaliation may include, but is not limited to: demotion, denial of promotion, poor performance appraisals, transfer, and assignment of demeaning tasks or taking any kind of adverse actions against a person who complains about discrimination or harassment.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with an IDEA investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including termination.

#### **Reporting Procedures**

An employee who believes that he or she has experienced prohibited discrimination or harassment, retaliation, or believes that another employee has experienced such prohibited conduct, should follow the "Employee Complaints and Grievances Regarding Harassment and Discrimination" process outlined in Section 8.3 of this Handbook. The process for making formal complaints regarding sexual harassment is discussed in "Sexual



harassment Prohibited,” Section 6.13 of this Handbook.

Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to promptly report may impair IDEA’s ability to investigate and address the prohibited conduct.

Any supervisor who receives a report of prohibited discrimination or harassment shall immediately notify the appropriate Compliance Coordinator listed above, and take any other steps required by IDEA policy.

Any allegation of prohibited harassment of employees shall be investigated and addressed. IDEA will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations.

If IDEA determines that prohibited harassment or other conduct that violates an IDEA policy has occurred, the organization will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited conduct is substantiated, appropriate disciplinary action, up to and including immediate termination, will be taken.

## **6.14 Sexual Harassment Prohibited**

IDEA prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or student.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning the provision of aid, benefit, or service of IDEA on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to IDEA’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Examples of sexual harassment may include, but are not limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; sexually-motivated physical, verbal, or nonverbal conduct; or other sexually motivated conduct, communications, or contact.

Romantic or inappropriate social relationships between students and school employees are prohibited. Any sexual relationship between a student and a school employee is always prohibited, even if consensual.

### **General Definitions**

A “complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

A “respondent” means an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging

sexual harassment against a respondent and requesting that IDEA investigate the allegation of sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered appropriate and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to IDEA’s educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or IDEA’s educational environment, or deter sexual harassment. Examples of supportive measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and other similar measures.

### **Reporting Sexual Harassment**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator in Section 2.1 of this Handbook, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

IDEA’s response to a report of sexual harassment must treat complainants and respondents equitably by offering supportive measures and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

After a report of sexual harassment has been made, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

### **Notice of Allegations**

Upon receipt of a formal complaint, IDEA must provide the following written notice to the parties who are known:

- Notice of IDEA’s grievance process, including any informal resolution process.
- Notice of the allegations of sexual harassment, including, to the extent known, the identity of the parties, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident.
- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made known at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notice that the parties may inspect and review evidence related to the complaint.
- Notice that IDEA prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, IDEA decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, IDEA must provide notice of the additional allegations to the parties whose identities are known.

### **Grievance Process**

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the

education program or activity of IDEA.

The following guidelines apply when IDEA receives a formal complaint of sexual harassment. This process is designed to incorporate due process, principles, treat all parties fairly, and to assist IDEA reach reliable responsibility determinations.

- IDEA will require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.
- Any individual designated by IDEA as a Title IX Coordinator, investigator, decision-maker, or to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or responsible. IDEA will ensure that Title IX Coordinators, investigators, decision-makers, and anyone who facilitates an informal resolution process receive appropriate training related to the requirements of Title IX and IDEA’s sexual harassment policy.
- IDEA recognizes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.
- IDEA shall attempt to complete an investigation of reported sexual harassment within 60 calendar days of receiving a complaint. However, the investigation process may be delayed or extended for a limited time for good cause with written notice to the complainant and the respondent of the delay or extension. Good cause may include considerations such as absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- Students found to have engaged in sexual harassment are subject to disciplinary action as outlined in the Student Code of Conduct.
- IDEA shall employ the preponderance of the evidence standard to determine responsibility when reviewing formal complaints.
- IDEA may not require, allow, rely upon, or otherwise use questions of evidence that constitute, or seek disclosure, of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **Consolidating Formal Complaints**

IDEA may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Dismissal of Formal Complaints**

IDEA must investigate the allegations in a formal complaint.

IDEA *must* dismiss a formal complaint if the conduct alleged in the formal complaint:

- Would not constitute sexual harassment, even if proved;
- Did not occur in IDEA’s education program or activity; or
- Did not occur against a person in the United States.

IDEA *may* dismiss a formal complaint or any allegations therein if, at any time during the investigation:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by IDEA; or

- Specific circumstances prevent IDEA from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, IDEA must promptly send simultaneous written notice to the parties of the dismissal and the reason(s) for the dismissal. Dismissal of a formal complaint does not preclude IDEA from taking appropriate action under the Student Code of Conduct or any other school policy that may apply to the alleged conduct.

### **Investigating Formal Complaints**

The following guidelines apply during the investigation of a formal complaint and throughout the grievance process.

- IDEA will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on IDEA and not on the parties.
- IDEA cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless IDEA receives that party's voluntary, written consent to do so.
- IDEA will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- IDEA will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- IDEA will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisory of their choice, and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. IDEA may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- IDEA will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.
- IDEA will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completing an investigative report, IDEA must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completing the investigative report.
- IDEA must create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for review and written response.
- After sending the investigative report to the parties and before reaching a determination of responsibility, the decision-maker(s) must afford each party the opportunity to submit written relevant questions that a party wants asked of any witness, provide each party with the answers, and allow for additional, limited

follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

### **Determination Regarding Responsibility**

The decision-maker(s) making a determination regarding responsibility cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The decision-maker(s) must review the investigation report and make a written determination, based on the preponderance of the evidence standard, regarding responsibility. The written determination must include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, or methods used to gather other evidence;
- Findings of fact supporting the determination;
- Conclusions regarding application of IDEA's Code of Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to IDEA's education program or activities will be provided to the complainant; and
- IDEA's procedures and permissible bases for the complainant and respondent to appeal.

IDEA must provide the written determination to the parties simultaneously. The determination becomes final either on the date IDEA provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

### **Appeals**

IDEA will offer both parties an appeal from a determination regarding responsibility, and from IDEA's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to appeals, IDEA will ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, or the investigator(s), or the Title IX Coordinator. IDEA will provide both parties a reasonable equal opportunity to submit a written statement in

support of, or challenging, the outcome.

The decision-maker(s) for the appeal will issue a written decision, based on the preponderance of the evidence standard, describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

A party who is dissatisfied with the appeal decision may file an appeal to the Superintendent through the process outlined in IDEA's grievance procedures.

### **Emergency Removals**

IDEA is able to remove a respondent from IDEA's education program on an emergency basis, provided that IDEA undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. IDEA's ability to do so may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504, or the Americans with Disabilities Act.

### **Informal Resolution**

At any time prior to reaching a determination regarding responsibility, IDEA may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However, IDEA may not require as a condition of enrollment or continuing enrollment, or employment or continued employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Additionally, IDEA may not require the parties to participate in an informal process and may not offer an informal resolution process unless a formal complaint is filed.

Prior to facilitating an informal resolution process, IDEA must:

- Provide to the parties a written notice disclosing the allegations and the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations. The notice must also inform that, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, as well as of any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- Obtain the parties' voluntary, written consent to the informal resolution process.

IDEA may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### **Retaliation Prohibited**

Neither IDEA nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this policy.

Examples of retaliation may include, but are not limited to, intimidation, threats, coercion, or discrimination.

Complaints alleging retaliation may be filed according to the grievance procedure described above.

### **Confidentiality**

IDEA must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA or as required by law, or for purposes related to the conduct of any investigation, hearing, or judicial proceeding arising under the Title IX regulations.

### **Non-Sexual Harassment Sex Discrimination**

The formal complaint investigation and resolution process outlined above in this Section 6.14 applies only to formal complaints alleging sexual harassment as defined by Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of non-sexual harassment sex discrimination may be filed with the Title IX Coordinator and will be handled under the process described in Section 8.3 of this Handbook.

## **6.15 Bullying**

IDEA prohibits bullying of students, as well as retaliation against anyone involved in the complaint process.

Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property,
- (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student,
- (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school, or
- (4) infringes on the rights of the victim at school.

The definition of bullying includes "cyberbullying," which means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

IDEA's anti-bullying policy applies to:

- (1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- (2) bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- (3) cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
  - a. interferes with a student's educational opportunities; or

- b. substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Any employee or student who believes that he or she may have experienced or witnessed bullying should immediately report the alleged acts to the principal or designee.

The principal or designee will notify the victim, the student alleged to have engaged in bullying, and any student witnesses of available counseling options.

The principal or designee will also provide notice of the incident of alleged bullying to:

- A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
- A parent or guardian of the alleged bully within a reasonable amount of time after the incident.

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination or harassment, and if so, proceed with an investigation under IDEA's anti-discrimination and harassment policy instead. The principal or designee shall conduct an appropriate investigation based on the allegations in the report and shall take prompt interim action calculated to prevent bullying during the course of an investigation, if appropriate.

The principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred. If the results of an investigation indicated that bullying occurred, the school shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. IDEA may take action based on the results of an investigation, even if the school concludes that the conduct did not rise to the level of bullying under this policy.

Discipline for a student who receives special education services for conduct meeting the definition of bullying or cyberbullying must comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.). IDEA may not impose discipline on a student who, after an investigation, is found to be a victim of bullying, based on that student's use of reasonable self-defense in response to the bullying.

The principal or designee may make a report to local law enforcement authorities if, after an investigation is completed, the principal or designee has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 (Assault) or 42.07(a)(7) (Harassment) of the Texas Penal Code.

The principal or designee may make a report to local law enforcement authorities if, after an investigation is completed, the principal or designee has reasonable grounds to believe that a student engaged in conduct that constitutes the offense of Assault, as defined in Section 22.01 of the Texas Penal Code, or Harassment, as defined in Section 42.07 of the Texas Penal Code.

## **6.16 HIPAA**

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") established rules for protecting individual Personal Health Information ("PHI"). HIPAA provides individuals certain rights regarding their PHI and requires employers and other individuals to adhere to restrictions on how PHI is disclosed. Every employee should



respect the rights of others and only disclose PHI about themselves and others to those with a need to know. Disclosure of PHI without the written approval of the individual is a violation of federal law.

## **6.17 Visitors in Workplace**

All visitors are expected to enter any IDEA 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 IDEA premises should immediately direct him or her to the building office or contact the administrator in charge.

IDEA may establish an electronic database for the purpose of storing information concerning school visitors. Such database may only be used for purposes of school security and may not be sold or otherwise disseminated to a third party for any purpose. IDEA may also verify whether any visitor to a campus is a sex offender registered with the computerized central database maintained by the Department of Public Safety, or any other database accessible by IDEA.

## **6.18 Copyrighted Materials**

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

## **6.19 Work Product**

Employees acknowledge and understand that the entire right, title and interest of any and all writings, works and other creations that they may prepare, create, write, initiate or otherwise develop as part of their efforts while employed by IDEA shall be considered the property of IDEA. This includes, but is not limited to, the development of a curriculum. These works will be "works for hire" and shall be the sole and exclusive property of IDEA, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to IDEA all right, title and interest in such works and creations, including without limitation, all patent, trademark and copyright rights that now exist or may exist in the future. Employees further agree that at any reasonable time upon request, and without further compensation or limitation, they will execute and deliver any and all papers, applications or instruments that in IDEA's opinion may be necessary or desirable to secure IDEA's full enjoyment of all right, title interest and properties herein assigned. Employees agree not to charge IDEA for use of their copyrighted, trademarked and patented material.

## **6.20 Proprietary Information**

Proprietary information includes all information relating in any manner to the business of IDEA and its schools, students, parents, consultants, customers, clients, and business associates obtained by IDEA employees during the course of their work. Occasionally, in the service of IDEA's mission, IDEA may choose to share otherwise proprietary information (e.g. best practices) with outside parties. Such documents will be prepared specifically for publication and dissemination. If an individual employee receives a request from an outside party for either paper or electronic copies of IDEA documents, that employee should direct the request to Headquarters or seek approval

from IDEA's Chief Operating Officer before disseminating documents. Employees who improperly share or disclose proprietary information belonging to IDEA are subject to appropriate disciplinary action, up to and including termination. This does not include disclosure of otherwise proprietary information in accordance with the Texas Public Information Act or other applicable law or regulation.

## **6.21 Confidential Information**

Confidential information is any information regarding IDEA and its employees, students, and agents that is not known generally to the public. For example, student lists, student cumulative files, student health files, student Individual Education Plans, personnel files, computer records, financial and marketing data, and research plans are considered confidential in nature. In addition, in the case of student information, federal law provides that information may not be disseminated except under certain limited conditions. Employees who obtain access to such confidential information as part of their employment are expected to maintain the confidentiality of this information to the extent required by law and applicable policy. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential nature that is obtained during the course of employment. This does not include disclosure of otherwise confidential business information or trade secrets in accordance with the Texas Public Information Act or other applicable federal or state law.

## **6.22 Dress and Grooming**

IDEA endeavors to maintain a pleasant, healthy, and professional working environment at all times. The dress and grooming of IDEA's employees shall be clean, neat, in a professional manner appropriate for their assignments, and in accordance with any additional standards established by their supervisor and the Executive Office. IDEA campuses may establish more specific guidelines within this general policy, which will be provided to faculty and staff at the campus level.

## **6.23 Social Media**

IDEA has policies that govern use of its own electronic communication systems, equipment, and resources which employees must follow. Employees have a right to participate in social networking sites, blogs, forums, etc. as individuals in the community. However, employees should not post anything that would violate student confidentiality or the professional and ethical conduct expected of IDEA employees. Inappropriate communications, even if made on one's own time using one's own resources, may be grounds for disciplinary actions up to and including immediate termination. Employees are encouraged to adhere to the following guidelines when engaging in activity on social media:

1. Be respectful of the privacy and dignity of your co-workers, and do not post student photographs without appropriate authority.
2. Do not "friend" students on your personal social media page unless you have an appropriate out-of-school relationship with the student, such as a family relationship, church affiliation, scouts, or other activity that would be appropriate for such informal communications.
3. Do not create a link from your blog, website, or other social networking site to an IDEA website without identifying yourself as an IDEA employee.
4. Do not infringe on IDEA's logos, taglines, slogans, trademarks, or other symbols.
5. Employees may not create private social media groups that involve use or display of IDEA's logo or proprietary information.

6. Employees may not set up or update a personal social network page using IDEA’s computers, network, or equipment.
7. Employees shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and/or 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 school business.
8. Harassing, obscene, defamatory, threatening, or other offensive content must be avoided. Maintain the confidentiality of IDEA trade secrets and private or confidential information concerning IDEA employees, students, and/or agents that is obtained from IDEA’s files or records in the course of employment. Do not post internal reports or other business-related confidential communications.
9. Respect all copyright and other intellectual property laws. For IDEA’s protection, as well as your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including IDEA’s own copyrights, trademarks, and brands.

If an employee’s use of social media violates state or federal law or IDEA policy or interferes with the employee’s ability to effectively perform his or her job duties or adversely impacts IDEA and its service to students and parents (as solely determined by IDEA), the employee is subject to disciplinary action, up to and including termination of employment.

### **Electronic Communications with Students**

“Electronic Communication” includes any communication facilitated by the use of any electronic device, including a cellular telephone, computer, computer network, personal data assistant, or pager, and includes e-mail, text message, instant message, and any communication made through an internet website, including a social media website or social networking website.

Employees shall not engage in inappropriate electronic communications with students. Employees are encouraged not to “friend” students on their personal social media pages unless they have an appropriate out-of-school relationship with the student such as relatives, church, scouts, or other activity that would be appropriate for such informal communication. Employees may elect to not disclose to a student the employee’s personal telephone number or e-mail address.

Employees shall immediately notify the appropriate school administrators concerning an incident in which a student engages in improper communications with an employee. A report should include a summary of the student’s communication, as well as the time, date, and method of communication.

## **6.24 Student Issues: Non-Discrimination**

IDEA does not discriminate on the basis of race, religion, color, national origin, sex, disability, academic, artistic, or athletic ability, sexual orientation, pregnancy, marital status, or the district the child would otherwise attend under state law or in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

## **6.25 Student Issues: Student Records**

Student records are confidential and protected from unauthorized inspection or use. Employees with access to student information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with the Federal Educational Rights and Privacy Act (“FERPA”). Employees will often learn personal information about students and their families in the course of employment

with IDEA. Employees are not to discuss students or their families, their conduct, their academic achievement or academic failings or personal information with anyone unless the employee needs to share the information with another employee or someone working with IDEA for a reason related to the child's education.

## 6.26 Student Issues: Administration of Medication

Unless otherwise authorized or described below, school employees and volunteers are prohibited from administering medications to students, including vitamins and food supplements. Medication should be administered outside of school hours, if possible. If necessary, medication can be administered at school under the following circumstances:

- Nonprescription medication brought to school must be submitted to the school by a parent along with a written request. The medication must also be in the original and properly labeled container.
- Prescription medications administered during school hours must be prescribed by a physician or advanced nurse practitioner ("ANP") and filled by a pharmacist licensed in the State of Texas.
- Prescription medications must be submitted in a labeled container showing the student's name, name of the medication, reason the medication is being given, proper dosage amounts, the time the medication must be taken, and the method used to administer the medication. Medications sent in plastic bags or unlabeled containers will NOT be administered.
- If the substance is herbal or a dietary supplement, it must be provided by the parent and will be administered only if required by the student's Individualized Education Program ("IEP") or Section 504 plan for a student with disabilities.
- Only the amount of medication needed should be delivered to the school, i.e. enough medication to last one day, one week, etc. In cases of prolonged need, send in the amount for a clearly specified period. Extra medication will not be sent home with the student.
- In certain emergency situations, the school may administer a nonprescription medication to a student, but only in accordance with the guidelines developed by the school's medical advisor and when the parent has previously provided written consent for emergency treatment.

## 6.27 Student Issues: Psychotropic Drugs and Psychiatric Evaluations or Examinations

No school employee may:

- Recommend that a student use a psychotropic drug;
- Suggest any particular diagnosis; or
- Preclude a student from attending class or participating in a school-related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student.

"Psychotropic drug" means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

# PART 7. GENERAL PROCEDURES

## 7.1 Work Cancellation Days

When a state of emergency is imminent or has been declared, the Superintendent or designee shall notify all employees through communication channels of such a declaration. Even if a public announcement of closures or suspension of services is issued, no one shall be excused from work until the Superintendent authorizes employees to leave through designated administrators. Employees must return to work in accordance with notification by the Superintendent or designee, as provided herein.

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action.

After authorization by resolution or other Board action and in accordance with such authorization, employees who are required to work during an emergency closing for a disaster, as declared by a federal, state, or local official or the Board, shall be paid either a hardship stipend or paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week.

## **7.2 Security and Emergency Procedures**

IDEA is committed to providing a safe environment for both employees and students. IDEA has numerous safety procedures in place, including sign-in procedures requiring visitors to sign in and out at the schools. In addition, all employees are required to submit to and pass a criminal background check.

The organization has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students, and to protect and conserve organization 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 your supervisor.
- Operate equipment or machines only for which you have training and authorization.

Employees should report any threats made by a student, rumors of violence or criminal type activities to the principal or nearest available campus administrator. Everyone is expected to report any real or perceived safety or security related observations.

IDEA has developed procedures and forms for various types of security and emergency related issues including:

- Lock down drill procedures
- Reporting serious incidents
- Employee accident/injury reporting
- Preparing for and responding to severe weather issues

These procedures and forms have been provided to campus administrators. All related incidents/accidents will be reported immediately to the principal or Assistant Principal of Operations.

Additionally, Risk Management monitors insurance related issues, works with the insurance provider to resolve claims, and conducts periodic safety audits.

All employees should become familiar with the evacuation diagrams posted in their area. Fire, tornado, and other

emergency drills will be conducted to help familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all IDEA buildings. Employees should be familiar with how to use them and the location of the extinguishers nearest their place of work.

Employees should be aware that IDEA does not assume any liability for damages or loss to personally owned vehicles parked in IDEA parking spaces unless it involves an IDEA owned vehicle. As such, any related incidents should be reported to the appropriate law enforcement agency.

Employees with questions or concerns relating to safety programs and issues can contact their Regional Director of Operations.

### **7.3 Occupational Safety and Health Administration (“OSHA”) Statement**

IDEA strives to reduce dangers to health and safety by creating and maintaining improved working conditions, free from recognized hazards that might cause serious physical injury. In accordance with OSHA, IDEA maintains a log of all occupational injuries and illnesses and asks that employees report such injuries and illnesses within 24 hours so that IDEA may report these occurrences within a lawful period of time to the nearest OSHA office.

As employees of IDEA:

- You have the right to notify IDEA or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by IDEA for making safety and health complaints, or for exercising your rights under the OSHA Act.
- You have a right to see OSHA citations issued to IDEA. IDEA must post the citations at or near the place of the alleged violation.
- IDEA must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- You must comply with all occupational safety and health standards issued under the OSHA Act that apply to your own actions and conduct on the job.

As your employer:

- IDEA must furnish all employees a place of employment free from recognized hazards.
- IDEA must comply with the occupational safety and health standards issued under OSHA.

If you would like more information regarding your OSHA rights or additional information, visit [www.osha.gov](http://www.osha.gov) or call 1-800-321-OSHA.

### **7.4 Hazard Communication Act**

IDEA is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the Texas Hazard Communication Act:

- Post and maintain the notice promulgated by the Texas Department of State Health Services (“TDSHS”) in the workplace.

- Provide an education and training program for employees using or handling hazardous chemicals under normal operating conditions or foreseeable emergencies.
- Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records will be maintained for at least five years.
- Compile and maintain a workplace chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the TDSHS for certain highly toxic or dangerous hazardous chemicals. The list will be readily available to employees and their representatives.
- Update the list as necessary, but at least by December 31 each year, and maintain the list as required by law. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
- As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled.
- Maintain a legible copy of the most current manufacturer's material safety data sheets ("MSDS") for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; and make such sheets readily available to employees or their representatives on request.
- Provide employees with appropriate personal protective equipment.

The Facilities department shall notify employees of any planned pest control treatment by both of the following methods:

- Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
- Providing the official Structural Pest Control Service Consumer Information Sheet to any individual working in the building, on request.

## 7.5 HIV-AIDS and Other Life-Threatening Illnesses

Individuals infected with HIV and individuals with life-threatening illnesses have the same rights and opportunities as other individuals.

Employees are not required to reveal their HIV status to employers. All medical information that an HIV-infected employee provides to medical or management personnel is confidential and private. Employers may not reveal this information without the employee's knowledge and written consent, except as provided by law. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employees' personnel records. Individuals who fail to protect these rights commit a serious offense, which may be cause for litigation resulting in both civil and criminal penalties and may result in disciplinary action, up to and including termination.

Employees who have concerns of a co-worker or student infected with HIV or a life-threatening illness should contact Human Resources for appropriate information and reference materials. Employees do not have the right to refuse to work with someone who has HIV or AIDS or any disability. An employee who refuses to work with co-workers or students who have a disability shall be subject to disciplinary or corrective action, up to and including termination. Employees who desire assistance concerning a disability or a life-threatening illness should contact Human Resources.

## 7.6 Asbestos Management Plan

The Asbestos Hazardous Emergency Response Act created by the Environmental Protection Agency requires IDEA to develop and maintain an Asbestos Management Plan. A copy of the complete management plan is located in the Business Office. If you have any questions regarding IDEA's Asbestos Management Plan, please contact the Business Office.

## 7.7 Workplace Violence Prevention

IDEA is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, IDEA has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on school property.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are at all times prohibited without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, student, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, students, vendors, solicitors, or other members of the public. When reporting a threat of violence, please be specific and as detailed as possible. All suspicious individuals or activities should be reported as soon as possible to a supervisor. Do not attempt to interfere in a disturbance unless it is reasonably safe to do so.

IDEA will promptly and thoroughly investigate all reports or threats of violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety, and the integrity of its investigation, IDEA may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## 7.8 Accident Reporting

Employees shall report any on-the-job injury or accident immediately to their supervisor. Supervisors must notify Risk Management Services within 24 hours of notification of an occurrence. If an employee fails to report the accident within 30 days of the incident, the claim may be denied by the Texas Department of Insurance – Division of Workers' Compensation. The employee's supervisor and/or the appropriate management personnel shall conduct a thorough investigation, involving the employee and any witnesses that observed the injury or accident. The employee's supervisor and/or appropriate management personnel will ensure corrective action is taken to avoid a recurrence of the accident.

### **Reporting Serious Injuries**

Within eight hours after the death of any employee from a work-related incident or the in-patient



hospitalization of three or more employees as a result of a work-related accident, IDEA will orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of OSHA, which is nearest to the site of the incident. If the Area Office is not reachable, IDEA may use the OSHA toll-free central telephone number, 1-800-321-6742.

### **Reporting Procedures**

IDEA will utilize the required OSHA forms to document and log each recordable injury or illness. This information will be kept current, maintained accurately, and retained for a period of five years.

## **7.9 IDEA Property and Purchases Made with IDEA Funds**

All employees are responsible for taking proper care of IDEA-owned property, including vehicles, buildings, furnishings, equipment, tools, and supplies. Proper care and maintenance of IDEA-owned vehicles is also required. Employees must return all IDEA-owned property that is in their possession or control in the event of termination of employment, resignation, or layoff, immediately upon request.

IDEA employees shall not use school public property for any purpose not described in IDEA's open-enrollment charter, except that employees may use local telephone service, IDEA-issued cellular phones, electronic mail, Internet connections, and similar property for incidental personal use, if, as determined by IDEA administration, such use does not:

- Result in any direct cost paid with state funds, or the charter holder is reimbursed by the employee within five business days for any direct cost incurred; or
- Impede charter school functions as determined by IDEA administration.

This does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and IDEA's administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

All requests for purchases must be submitted to the Business Office on an official requisition form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for IDEA can be made without a Purchase Order number issued by the Business Office. IDEA will not reimburse employees or assume responsibility for purchases made without authorization. Additionally, employees are not permitted to purchase supplies or equipment for personal use through IDEA's purchasing procedures. Only those administrators designated by the Board may sign contracts or negotiate grants on behalf of IDEA.

## **7.10 IDEA Vehicle Policy**

IDEA provides a limited number of company vehicles, other than buses, for designated IDEA personnel and school purposes.

No employee will be allowed to use an IDEA vehicle without a valid Texas Driver's License and insurance coverage with minimum state requirements. Drivers of IDEA vehicles must be 21 years of age. Under no circumstances will IDEA vehicles be used for personal business.

A request to use an IDEA vehicle must be coordinated with the Transportation department. Transportation will keep a log of all usage. Vehicle reservations are dependent on availability and are not guaranteed. Employees should make reservations at least seven days before the date the vehicle is needed. All vehicle usage will be

granted on a “first come, first served” basis. All cancellations must be made 24 hours prior to the reservation date. Vehicles are housed at IDEA locations and cannot be taken home by employees unless pre-approved. All possessions and trash must be removed from the IDEA vehicle prior to returning it.

The Transportation department will be responsible for the scheduling of routine maintenance and cleaning of these vehicles. All IDEA employees that utilize an IDEA vehicle shall report any mechanical or cosmetic concerns to the Transportation department.

When IDEA employees are assigned to attend out-of-town workshops or to fulfill other school-related responsibilities, every attempt will be made to secure a suitable IDEA vehicle for those employees.

If no IDEA vehicle is available, approval may be given in which a personal car may be used and reimbursement will be made using IDEA’s Mileage Reimbursement Policy. Reimbursement will not be paid unless the supervising administrator gave prior approval. Employees conducting school-related business in their personal vehicles are expected to be in compliance with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on school-related business, personal vehicle insurance takes precedence.

All vehicle accidents and/or emergencies must be reported to the Transportation department as soon as possible. All traffic violations incurred through the use of IDEA-provided vehicle and/or a personal vehicle while on school-related business are the financial responsibility of the employee.

## **PART 8. COMPLAINTS AND GRIEVANCES**

### **8.1 Process for Filing General Employee Complaints and Grievances**

The purpose of IDEA’s employee complaint process is to entertain employee views and to resolve employee complaints and workplace conflicts in an efficient and expeditious manner at the lowest possible administrative level. In using and applying the policy, all participants are expected to remain courteous and to adhere to the Code of Ethics and Standard Practices for Texas Educators.

#### **Informal Process**

IDEA encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution is encouraged, but will not extend any deadlines in this grievance process, except by mutual written consent.

#### **Formal Process**

An employee may initiate the formal grievance process described below by timely filing a written complaint form.

Even after initiating a formal complaint, 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 grievance process described below 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.

### **Freedom from Retaliation**

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

### **Guidelines for General Employee Complaint Process**

#### **Definitions**

For purposes of understanding the General Employee Complaints and Grievances Process, terms are defined as follows:

The terms “complaint” and “grievance” shall have the same meaning and may pertain to the following situations:

1. Grievances concerning an employee’s wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee’s sex (including allegations of sexual harassment and/or wage discrimination on the basis of sex), race, religion, national origin, age, veteran status, or disability, following completion of an investigation by the designated compliance coordinator or designee set by policy; or
3. Specific allegations of unlawful discrimination or retaliation based on the employee’s exercise of constitutional rights.

The term “day” shall be defined as a school business day, unless stated otherwise in this complaint process. In calculating timelines under these procedures, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following school business day as “day one.”

#### **Filing**

Complaint forms and appeal notices may be filed by hand-delivery, by email, or by U.S. Mail. Hand-delivered filing shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filing 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.

#### **Scheduling Conferences**

IDEA will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, IDEA may hold the conference and issue a decision in the employee’s absence.

#### **Response**

At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s e-mail address of record, 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.

If the administrator addressing the complaint determines that additional time is needed to complete a thorough investigation of the complaint and/or to issue a response, the administrator shall inform the grievant in writing of the necessity to extend the response time and a specific date by when the response will be issued.

A grievance official who fails to meet a time requirement, without providing written notice of an extended deadline, shall be considered to have denied the complaint as of the date of the missed deadline.

### **Representative**

“Representative” means a person designated to represent him or her in the complaint process. An employee may designate a representative through written notice to IDEA at any level of the grievance process. The representative may participate in person or by telephone / video conference. If the employee designates a representative with fewer than three days’ notice to IDEA before a scheduled conference or hearing, IDEA may reschedule the conference or hearing to a later date, if desired, in order to include the school’s counsel. IDEA 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 file 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, IDEA may consolidate the complaints.

### **Untimely Filings**

All time limits for an employee to file a complaint 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, upon written notice to the employee, at any point during the complaint process.

### **Costs Incurred**

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

### **Complaint and Appeal Forms**

Complaints and appeals under this policy shall be submitted in writing on a form provided by IDEA.

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 or appeal form that is incomplete in any material aspect may be dismissed but may be re-filed with all the required information if the re-filing is within the designated time for filing.

## **General Employee Complaint Process**

### **Level One**

Formal complaints must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decisions or action giving rise to the complaint; and
2. With the employee's supervisor.

If the employee's supervisor does not have authority to remedy the alleged problem, IDEA may accelerate the appeal to the appropriate level.

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

The employee's immediate supervisor or designee will investigate as necessary and schedule a conference with the employee within ten days of receipt of the written complaint. The supervisor or designee may set reasonable time limits for the conference.

Absent extenuating circumstances, or if there is a need to gather additional information, the administrator who hears the employee's complaint shall provide a written response within ten days following the conference. The written response will 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 complaint is not resolved to the employee's satisfaction at Level One or if the time for a Level One response has expired, or if the employee is directed to do so by IDEA, the employee may submit a written appeal to Human Resources by completing and submitting the IDEA Level Two Grievance Form. The appeal notice must be filed within ten 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.

A representative from Human Resources will hear the Level Two appeal and will schedule a conference with the employee within ten days after the appeal notice is filed. The Human Resources representative may set a reasonable time limit for the conference. The Human Resources representative will provide a written response within ten days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Human Resources representative may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information that may help resolve the complaint.

#### Level Three

If the complaint is not resolved to the employee's satisfaction at Level Two or if the time for a Level Two response has expired, the employee may submit a written appeal to the Chief Human Assets Officer by completing the IDEA Level Three Grievance Form. The appeal notice must be filed within ten days of the date of the Level Two response or, if no response was received, within ten days of the Level Two response deadline.

Human Resources will inform the employee of the date, time, and place of a meeting with the Chief Human Assets Officer or designee; this meeting will take place within ten days after the appeal notice is filed. The Chief Human Assets Officer or designee may set reasonable time limits and guidelines for the presentation. The Chief Human Assets Officer or designee will provide a written decision within 15 days of the conference. The written response will set forth the basis of the decision. In reaching a decision, the Chief Human Assets Officer or designee may consider the Level One and/or Level Two record, information provided at the Level Two and/or Level Two conference, and any other relevant documents or information that may help resolve the complaint.

#### Level Four

If the complaint is not resolved to the employee's satisfaction at Level Three or if the time for a Level Three response has expired, the employee may submit a written appeal to the Board of Directors using the IDEA Level Four Grievance Form. The appeal must be filed within ten days of the Level Three response or, if no response was received, within ten days of the Level Three response deadline.

The Human Resources department or designee will inform the employee of the date, time, and place of the meeting at which the complaint will be on the agenda for consideration by the Board of Directors ("Board"). The Board will consider the appeal and may, at its discretion, require the appearance of the employee and administration.

The Board will determine whether the appeal will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. Generally, complaints involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint may be heard by the Board in a closed meeting. Complaints involving a complaint or grievance against another IDEA employee, director, or officer shall be heard in a closed meeting unless an open meeting is requested in writing by the employee, director, or officer against whom the complaint or grievance is brought.

After considering the appeal, the Board may subsequently take action or no action. If the Board takes action, it may make and communicate 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 Three (or the last level prior to the Board's consideration of the appeal). A decision by the Board, if any, is final and may not be appealed.

## **8.2 Employee Complaints and Grievances Regarding Harassment and Discrimination**

**\*\*NOTE\*\* IDEA's process for making formal complaints regarding sexual harassment is discussed in "Sexual Harassment Prohibited," Section 6.14 of this Handbook.**

IDEA takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. IDEA will take appropriate actions for all substantiated allegations. Employees who believe they are being harassed or discriminated against are requested to take the following actions:

- In the event you feel you are a victim of harassment, you should contact your supervisor and/or the designated Compliance Coordinator immediately. In the event your supervisor is the alleged harasser, you should contact Human Resources. Complaints against a designated Compliance Coordinator may be submitted to Chief Human Assets Officer.
- Any employees who are uncomfortable with face-to-face interaction may write down their complaints in a memo and submit the memo to their supervisor and/or the designated Compliance Coordinator.
- Any IDEA employee who receives a report of suspected harassment or discrimination is expected to immediately contact the designated Compliance Coordinator.
- Complaints will be handled in a timely manner.

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

Any supervisor who receives a report of discrimination or harassment shall immediately notify the appropriate Compliance Coordinator, and take any other steps required by IDEA.

After receiving a report, the Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited discrimination or harassment. If so, IDEA shall immediately authorize or undertake an investigation. If appropriate, IDEA shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The school's investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by IDEA, such as an attorney. When appropriate, the Principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

After completing an investigation, the investigator shall prepare a written report summarizing the outcome of the investigation.

If the results of an investigation indicate that prohibited conduct occurred, IDEA shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct and to end any harassment and to deter future harassment. IDEA may also act based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

To the greatest extent possible, IDEA shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. The purpose of this provision is to maintain impartiality and confidentiality to the extent possible. Both the reporting individual, victim and the accused have equal privacy rights under the law, and IDEA must respond accordingly. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

An employee who is dissatisfied with the outcome of the investigation may appeal through the "Process for Filing General Employee Complaints and Grievances" outlined in Section 8.1 of this Handbook, beginning at Level Three.

IDEA prohibits retaliation against an employee who, in good faith, makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

### **8.3 Whistleblower Complaints**

The Texas Whistleblower Act ("TWA") protects employees who make good faith reports of violations of law by IDEA or another employee to an appropriate law enforcement authority. IDEA is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against an employee who makes a report under the TWA.

An employee who alleges a violation of whistleblower protection must file a written complaint with Human Resources no later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Following receipt of a whistleblower complaint, the Superintendent or designee will conduct an investigation and issue a written response to the complaint. An employee who is dissatisfied with the outcome of the investigation may file an appeal to the Board of Directors through the General Employee Complaints and Grievances process described in Part 8.1 of this handbook, beginning at Level Four.

IDEA may shorten its general timelines for investigating employee complaints and concerns to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. If the Board does not render a final decision before the 61st day after a whistleblower complaint is filed, an employee may:

1. Exhaust IDEA's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under the Texas Whistleblower Act; or
2. Terminate IDEA's grievance procedures and sue within the timelines established by the Texas Whistleblower Act.

## **PART 9. SEPARATION FROM EMPLOYMENT**

### **9.1 Terminations**

An employee may be terminated involuntarily for reasons that may include, but are not limited to, poor performance, misconduct, or other violations of IDEA policies or rules of conduct. Notwithstanding these lists of rules, IDEA reserves the right to discharge or demote any employee if it is deemed to be in the best interest of IDEA.

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

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

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

### **9.2 Resignations**

Contracted and at-will employees are encouraged to provide at least 14 days' written notice of resignation to the employee's manager and Human Resources. Employees forfeit all accumulated local leave on the last day of employment with IDEA.

### **9.3 Job Abandonment**

Employees who fail to report to work without notice to, or approval by, their supervisor for three consecutive workdays (unless prevented by circumstances beyond the employee's control) may be considered to have



voluntarily resigned and/or abandoned employment on the last day worked in accordance with applicable federal and state laws.

## 9.4 Exit Interviews and Procedures

The Human Assets department will attempt to conduct an exit interview with employees who voluntarily leave IDEA. In some cases, an exit interview may occur for employees who involuntarily leave IDEA. The purpose of the exit interview is to gather information about the reason for leaving and for getting feedback for making IDEA a better place to work.

Upon separation of employment, whether voluntary or involuntary, all IDEA documents, computer records, and other tangible IDEA property in the employee's possession or control must be returned to IDEA. This includes but is not limited to IDEA-issued laptops and cellular phones. In addition, any and all school supplies purchased with IDEA funds are IDEA property and must be returned to IDEA.

IDEA will provide information on final pay, continuation of benefits, release of information, and procedures for requesting references. Separating employees are asked to provide IDEA with a forwarding address and telephone number.

## 9.5 At-Will Employment

Nothing in this handbook is intended to alter the at-will nature of any employee's employment with IDEA. **At-will employment means that an employee may be terminated with or without cause, with or without prior notice, at any time, for any reason or for no reason. Similarly, employment with IDEA is voluntarily entered into, and at-will employees are free to resign at any time, with or without cause or notice.** Only a separate written agreement authorized by the CEO can alter the at-will employment relationship.

## 9.6 For Cause Termination

The following are examples of conduct and situations that may constitute "good cause" for termination, but the term is not limited in meaning by this list:

- Engaging in any conduct listed in "Unacceptable Employee Conduct," Section 6.4 of this Handbook.
- Accepting an offer for future employment with a competitor of IDEA.
- Conscious misrepresentation of facts to IDEA officials in the conduct of IDEA's business.
- Conviction of a felony or misdemeanor offense involving moral turpitude.
- Drunkenness or excessive use of alcoholic beverages.
- Engaging in conduct that is disparaging toward IDEA's educational mission or program.
- Engaging in conduct that is threatening, intimidating, disrespectful, or assaultive toward a manager or supervisor, coworker, parent, student, volunteer, or vendor.
- Failure to comply with reasonable IDEA professional development requirements regarding advanced course work or professional development.
- Failure to fulfill duties or responsibilities as set forth under the terms and conditions of an employment agreement or contract.
- Failure to meet IDEA's standards of professional conduct, including those set in Part 6 of this Handbook.
- Illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.

- Immorality, which is conduct that IDEA determines is not in conformity with the accepted moral standards of the community encompassed by IDEA. Immorality is not confined to sexual matters and includes conduct inconsistent with rectitude or indicative of corruption, indecency, or depravity.
- Incompetence or inefficiency in the performance of required or assigned duties as documented by evaluations, supplemental memoranda, or other written communication from superiors.
- Insubordination or failure to comply with lawful directives of superiors.
- Knowingly falsifying records or documents related to IDEA’s activities.
- Neglect of duties.
- Willful failure to comply with state law, IDEA policies, administrative procedures or regulations.
- Any other reason constituting “good cause” under Texas law or as determined by IDEA.

## 9.7 Termination Grievances (General Complaints)

A terminated employee may request a review of the dismissal decision. Termination grievances (other than whistleblower complaints) must be submitted in writing to the Managing Director of Human Resources within five calendar days of notice of termination. The Managing Director of Human Resources or designee will schedule and hold a conference within five business days of the request and shall issue a written decision within five business days after the conference. A former employee wishing to appeal this decision may appeal through the “General Employee Complaint Process” outlined in Section 8.1 of this Handbook, beginning at Level Three. Termination decisions will not be deferred pending the outcome of a termination grievance.

# PART 10. TECHNOLOGY AND INFORMATION RESOURCES

## 10.1 Technology Resources

IDEA’s technology and information resources, including its networks, computer systems, email accounts, devices connected to its networks, and all IDEA-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 IDEA;
- Does not unduly burden IDEA’s technology resources; and
- Has no adverse effect on job performance or on student academic performance.

Email transmissions and other use of IDEA’s technology resources **are not confidential** and can be monitored at any time to ensure appropriate use.

IDEA may permit remote access to its network from the Internet on a limited basis for authorized staff. Users are expected to maintain the same security standards when operating IDEA computers or accessing the IDEA network remotely. Access procedures and passwords are not to be shared with anyone. All policies and rules regarding network use apply to remote access.

Employees who are authorized to use IDEA’s technology and information resources are required to abide by the

provisions of IDEA’s acceptable use policy and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about technology and information resources can contact the IT department.

## 10.2 Network Acceptable Use Policy

IDEA provides students, staff, volunteers, and Board members access to IDEA’s electronic network. This network includes Internet access, email accounts, computer services, videoconferencing, computer equipment, and related equipment for educational and school-related purposes. This policy contains the rules and procedures for acceptable use of IDEA’s electronic network. Where the term “user” appears, the policy applies to any network user.

The IDEA electronic network has been established for a limited educational purpose and to allow the transaction of IDEA-related business. The IDEA electronic network has not been established as a public access service or a public forum. IDEA has the right to place reasonable restrictions on material that is accessed or posted throughout the network.

Access is a privilege – not a right. It is presumed that users will honor this policy. IDEA is not responsible for the actions of users who violate this policy. IDEA reserves the right to monitor all activity on its electronic network. Users will indemnify IDEA for damage caused by users’ inappropriate use of the network. Users are expected to follow the same rules, good manners, and common-sense guidelines that are used with other daily school activities, as well as applicable law, in the use of IDEA’s electronic network.

### **General Unacceptable Behavior**

While utilizing any portion of the IDEA electronic network, unacceptable behaviors include, but are not limited to:

- Abusing network resources, such as sending chain letters or “spamming.” Emails sent to “all staff” are reserved for the IT department and senior leadership. The use of the “all staff” group for other purposes must be approved by the IT department prior to sending.
- Attempting to access non-instructional systems, such as student information systems or business systems, without authorization.
- Attempting to circumvent web filtering through proxies or other means.
- Connecting any networkable device (either wired or wireless) to the IDEA network without authorization. The use of a computer or device brought from home accessing the network in any way not designated as “guest access.”
- Displaying, accessing, or sending offensive messages or pictures.
- Engaging in abusive, harassing, insulting, ostracizing, intimidating, or any other online conduct that could be considered bullying and/or damaging to another’s reputation while using any IDEA technology resource, including the use of any website or software used by IDEA.
- Engaging in any conduct potentially constituting “cyberbullying,” which means bullying done through the use of any electronic communication device, including the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. Examples of cyberbullying include, but are not limited to:
  - Creating a social networking site or web page that masquerades as another person’s personal site and using it to embarrass the other person.
  - Making it appear that a person is posting malicious comments about friend to isolate the person from his or her friends.

- Posting a person’s personally identifiable information on a site to put the person at greater risk of contact by predators or strangers.
- Posting abusive comments on someone’s social networking site.
- Recording and distributing media with the intent to manipulate or embarrass others.
- Sending abusive comments while playing interactive games.
- Sending abusive text messages to cell phones, computers, or Internet-connected game consoles.
- Sending, posting, or sharing negative, harmful, false, or mean content about someone else.
- Sending, posting, or sharing statements encouraging another person to commit self-harm.
- Engaging in any conduct that damages or modifies, or is intended to damage or modify, any IDEA equipment, network, stored computer file, or software, including but not limited to any conduct that results in a person’s time to take any corrective action.
- Engaging in personal attacks, including prejudicial or discriminatory attacks.
- Engaging in sexual harassment or using language of a sexual or otherwise objectionable nature (e.g., racist, terroristic, abusive, threatening, demeaning, slanderous) in public or private messages.
- Gaining unlawful access to information or computer and communication resources.
- Generation, storage, transmission, or other use of data or other matter, which is abusive, profane, pornographic, or offensive to a reasonable person.
- Illegal, fraudulent, or malicious activity, or activity on behalf of organizations or individuals having no affiliation with IDEA Public Schools.
- Installation of any programs or software not approved by IDEA Public Schools.
- Intentional introduction of or experimentation with malicious code including but not limited to computer worms or viruses.
- Knowingly or recklessly posting false information about a person or organization.
- Personal use not related to the conduct of work on behalf of IDEA Public Schools.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages that are likely to harm the recipient’s work or system and any other types of use which could cause congestion of the IDEA network or otherwise interfere with the work of others. Prohibited uses include, but are not limited to, peer-to-peer applications such as LimeWire, Bit Torrent, or any other file sharing applications, as well as large (>5MB) file transfers from Internet sites without prior permission.
- Transmission of material in violation of applicable copyright laws.
- Unauthorized disclosure, use, or dissemination of personal information regarding minors.
- Using criminal speech or speech in the course of committing a crime such as threats against others, instructions on breaking into computer networks, child pornography, drug dealing, purchase of alcohol, gang activities, etc.
- Using IDEA equipment, network, or credentials to threaten other users, or cause a disruption to the educational program.
- Using IDEA’s electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using IDEA’s electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates IDEA’s standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of IDEA’s electronic network or who receive any email containing inappropriate content should report the matter immediately to IT.

**No Expectation of Privacy**

IDEA email accounts should be used primarily for IDEA-related purposes. Personal use of IDEA email accounts is only permitted on a limited basis so long as such personal use does not impede school functions, does not result in any direct cost paid with state funds, is not for private commercial purposes, and does not involve more than incidental amounts of employee time (time periods comparable to reasonable coffee breaks during the day).

IDEA owns the rights to all data and files stored on any computer, network, or other information system used at IDEA and to all data and files sent or received using any IDEA system, including email, to the extent that such rights are not superseded by applicable laws relating to intellectual property.

IDEA owns any communication sent via email or that is stored on IDEA equipment or its cloud accounts. IDEA employees shall have no expectation of privacy in anything they store, send, or receive on IDEA's email system or computer equipment or cloud accounts. All communications sent via email or stored on IDEA equipment may also be subject to the Texas Public Information Act. IDEA reserves the right to access and/or monitor any material in an employee's email account at any time, without prior notice, as well as any computer equipment used to create, view, or access email. Violations of this policy may lead to disciplinary action, up to and including termination, and could also lead to referrals to appropriate law enforcement authorities.

No IDEA employee may access another employee's computer, computer files, or email messages without prior authorization from Human Resources designated to allow access to email accounts.

### 10.3 Use of Third-Party Platforms

On occasion, employees may find it useful to use third-party platforms not belonging to IDEA to assist in the performance of their duties. This includes, but is not limited to, third-party platforms such as Google Docs, Google Classroom, Zoom, or other similar technology solutions.

Before using any third-party software platform or solution that has not previously been sanctioned by IDEA, employees **must obtain written permission from IT** due to security and confidentiality concerns. Employees do not have authority to enter into service agreements with third-party platforms, or to install non-approved software or solutions on IDEA's technology resources. Failure to obtain prior permission may result in disciplinary action, up to and including termination.

### 10.4 System Security

On occasion, IDEA may need to access its information resources including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on IDEA's electronic network, including personal information or messages. IDEA may, at its discretion, inspect all files or messages on its electronic network at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate allegations of misconduct, to locate information, or for any other business purpose.

Users are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use them. Users must not provide their password(s) to another person. Users must immediately notify IT if they have identified a possible security problem. Users should not go looking for security problems, as doing so may be construed as an illegal attempt to gain access.

Users are responsible to maintain their passwords and are required to reset the password according to our

Security Password Policy. They are also required to maintain the use of 2-factor authentication on all IDEA applications as applicable.

Users will not attempt to gain unauthorized access to any portion of the IDEA electronic network. This includes attempting to log in through another person's account or accessing another person's folders, work, or files.

Users will not make deliberate attempts to disrupt IDEA's electronic network or computer system or destroy data by spreading computer viruses or by any other means.

Users will not attempt to access Web sites blocked by IDEA policy, including the use of proxy services, software, or web sites. Users will not use "sniffing" or remote access technology to monitor the network or other user's activity.

Users will not attempt to circumvent any of IDEA's security controls set in place to protect all of IDEA's data, systems, network or resources.

## **10.5 Software and Files**

Software is available to users to be used as an educational resource or to conduct IDEA business. Users may not install, upload, or download software without permission from the IT department. A user's account may be limited or terminated if a user intentionally misuses software on any IDEA-owned equipment.

Files stored on the network are treated in the same manner as other school storage areas. Routine maintenance and monitoring of IDEA's electronic network may lead to discovery that a user has violated this policy. Users should not expect that files stored on IDEA servers are private. When sharing or storing sensitive information, users must utilize approved network storage devices and applications.

## **10.6 Technology Hardware**

Hardware and peripherals are provided as tools to users for educational purposes and for school-related business. Users are not permitted to relocate hardware (except for portable devices), install peripherals, or modify settings to equipment without permission from the IT department.

IDEA may permit the use of personally-owned computing devices on its network, at the discretion of IDEA. All "guest" users must comply with administrative regulations governing the use of IDEA's technology resources and agree to allow monitoring of their usage and to comply with the regulations. Non-compliance may result in suspension of access or termination of privileges and other disciplinary actions consistent with IDEA policy.

## **10.7 Vandalism**

Any malicious attempt to harm or destroy data, the network, other network components connected to the network, hardware, or software will result in cancellation of network privileges. Disciplinary measures in compliance with IDEA policy will be enforced.

## **10.8 Personal Use of Electronic Media**

Electronic media includes all forms of social media, such as text messaging, instant messaging, email, web logs

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

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

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

- The employee may not set up or update the employee's personal social network page(s) using IDEA's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct IDEA business.
- The employee shall not use IDEA's logo or other copyrighted material of IDEA without express written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student information, including photos.
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law.
  - Confidentiality of IDEA records, including educator evaluations and private e-mail addresses.
  - Copyright law.
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system.

## 10.9 Use of Electronic Media and Electronic Communications with Students

Employees given approval by IDEA may communicate through electronic media with students who are currently enrolled in IDEA **for educational purposes only**. All other employees are prohibited from communicating with students who are enrolled in IDEA through electronic media.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For instance, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

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

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g. YouTube), editorial comments posted on the Internet, and social network sites (e.g. Facebook, Twitter,

LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.

- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g. a posting on the employee's personal social network page or a blog) is not a communication; however, the employee may be subject to regulations on personal electronic communications. See Part 10.7 above. Unsolicited contact from a student through electronic means is not a communication.

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

- Employees should avoid sending text messages to students. Exceptions may apply for a teacher or other employee who has an extracurricular duty, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging should attempt to include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message. Additionally, for each text message addressed to one or more students, the employee must send a copy of the text message to the employee's IDEA email address.
- Employees should avoid one on one video conferencing with students. A group setting is advised.
- Employees shall limit communications to matters within the scope of the employee's professional responsibilities (e.g. for classroom teachers, matters relating to class work, homework, and tests; for an employee with extracurricular duties, matters relating to the extracurricular activity).
- Employees are prohibited from knowingly communicating with students through personal social network pages.
- Employees shall not communicate directly with any student between the hours of 10:00 pm and 6:00 am, except when necessary to notify students about urgent scheduling or transportation issues. Employees may, however, make public posts to a social network site, blog, or similar application at any time.
- Employees do not have an absolute right to privacy with respect to communications with students and parents.
- Employees continue to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics including:
  - Compliance with FERPA, including retention and confidentiality of student records; and
  - Copyright law.
- Employees shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- Upon request from IDEA's administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently enrolled student.
- Upon written request from a parent or student, an employee shall discontinue communicating with a student through email, text messaging, instant messaging, or any other form of one-to-one electronic communication.
- Employees shall refrain from inappropriate communications with students. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
  - The nature, purpose, timing, and amount of the communication;
  - The subject matter of the communication;
  - Whether the communication was made openly or the employee attempted to conceal the communication;
  - Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;



- Whether the communication was sexually explicit; and
- Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the student.

## 10.10 Consequences

The guidelines for appropriate use are applicable to all IDEA computers and refer to all IDEA technology and information resources, whether individually controlled, shared, stand alone, or networked. Disciplinary action for staff and other users shall be consistent with IDEA policy and administrative regulations. Violations may result in:

- Use of IDEA's technology and information resources only under direct supervision;
- Suspension of access to IDEA computers and network resources;
- Revocation of access privileges or user accounts; or
- Other disciplinary or legal action, up to and including termination, in accordance with IDEA policies and applicable law.

IDEA may also initiate law enforcement referrals for certain employee misconduct with respect to misuse of technology and information resources. Specific disciplinary measures will be determined on a case-by-case basis.

## 10.11 Incident Management Policy

Whenever a security incident such as a virus, worm, hoax email, discovery of hacking tools, altered data, etc. is suspected or confirmed, and the situation is deemed appropriate by IT, the following incident management procedures must be followed:

- Employees are responsible for immediately notifying IT or their supervisor to initiate the appropriate incident management action.
- IT is responsible for determining the physical and electronic extent of the incident and will determine the need of an investigation of the incident.
- The appropriate technical employees from the IT department are responsible for monitoring that the damage from a security incident is repaired or mitigated and that the vulnerability is eliminated or minimized where possible.
- IT or other IDEA administrators will determine if a widespread communication is required, the content of the communication, and how to distribute the communication.
- The IT department is responsible for initiating, completing, and documenting the incident investigation and, in the case where law enforcement is not involved, the Chief Operations Officer or department manager will recommend disciplinary actions, if appropriate.

## 10.12 Damage to Technology Assets

Employees are responsible at all times for electronic equipment issued by IDEA, and for taking responsible precautions to secure the equipment in such a manner that it will not be subject to theft or damage. Electronic equipment issued to employees may include, but is not limited to, cell phones, computers (desktop or laptop), wireless cards, Bluetooth headsets, projectors, document cameras, digital cameras, video cameras, or any other electronic device issued to an employee for work use.

Damaged, lost, stolen, or improperly working equipment must be reported immediately to the Assistant Principal of Operations or supervisor.

Employees are also responsible and will be held accountable for the security of protected information, including but not limited to information made confidential under FERPA, HIPAA, or other applicable law, that is accessed or maintained on electronic equipment issued by IDEA. As such, equipment should not be left unattended in any unlocked area.

If any piece of electronic equipment issued to an employee is lost, stolen, or damaged due to an employee's intentional act, neglect, or abuse, or because of the employee's failure to follow IDEA policies, rules, or guidelines, the employee may be responsible to reimburse IDEA for the equipment's replacement cost. Such cost may be deducted from the employee's paycheck, in accordance with all applicable wage and payday laws. In no circumstance will a deduction take the employee's pay below minimum wage or, if the employee is assigned to an exempt position, reduce the employee's salary below its predetermined amount.

## **PART 11. MARKETING AND COMMUNICATIONS**

### **11.1 Branding**

The IDEA Public Schools brand includes its name, logo, slogans, mission statement, and the design layout associated with the organization. The logo, fonts, color schemes, symbols, sounds, and look are designed to convey our values, mission, vision, and personality. Through uniform communications, we can convey a professional image that is easily recognizable by the community.

### **11.2 Entity Name**

IDEA Public Schools is the umbrella organization for all IDEA schools. For example, you might be a teacher for IDEA Academy, which is an IDEA Public School. The campus is made up of the academy and college preparatory schools (e.g. IDEA San Benito). Academies serve students in grades PreK or K-5 (e.g. IDEA Academy San Benito). College Preparatory serves students in grades 6-12 (e.g. IDEA College Preparatory San Benito).

When referring to campuses and/or schools, it is very important to use the correct campus name, school name, or abbreviation. "Prep" may be used in lieu of "Preparatory" when speaking or in informal conversation; however, "Preparatory" must be used in all formal written communication. There are no commas, colons, periods, or dashes used in the naming of IDEA campuses or schools.

### **11.3 Logo Usage**

The IDEA logo is made up of the light bulb and the text that accompanies it. The IDEA logo cannot, in any way, shape, or form, be modified or changed without the prior written approval from the Marketing department. The logo should be visible on every piece of communication that goes out from the campus.

### **11.4 Working with Media**

The Communications department is IDEA's contact for the media. This allows IDEA to deliver an appropriate message and avoid giving misinformation in response to any media inquiries. IDEA requests that all employees forward media requests to the Communications department. All publicity requests for events should be sent to the Communications department.