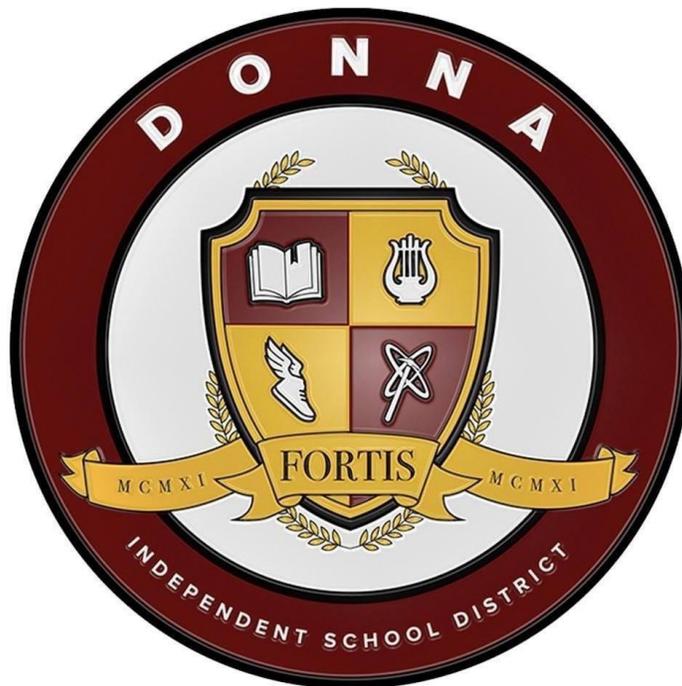




# Donna ISD



## *"THE DISTRICT"* **2022-2023 Employee Handbook**

If you have difficulty accessing the information in this document because of a disability, please contact the Human Resources Office at 956-464-1607. (Updated 07.05.2022)

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# 2022-2023 Employee Handbook Receipt

Name \_\_\_\_\_

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

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

Employees have the option of receiving the handbook in electronic format or hard copy.

The employee handbook can be viewed at [www.donnaisd.net](http://www.donnaisd.net). Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- I choose to receive a hard copy of the employee handbook and understand I am required to contact \_\_\_\_\_ to obtain a hard copy.

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please sign and date this receipt and forward it to the Human Resources Office.

# Introduction

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

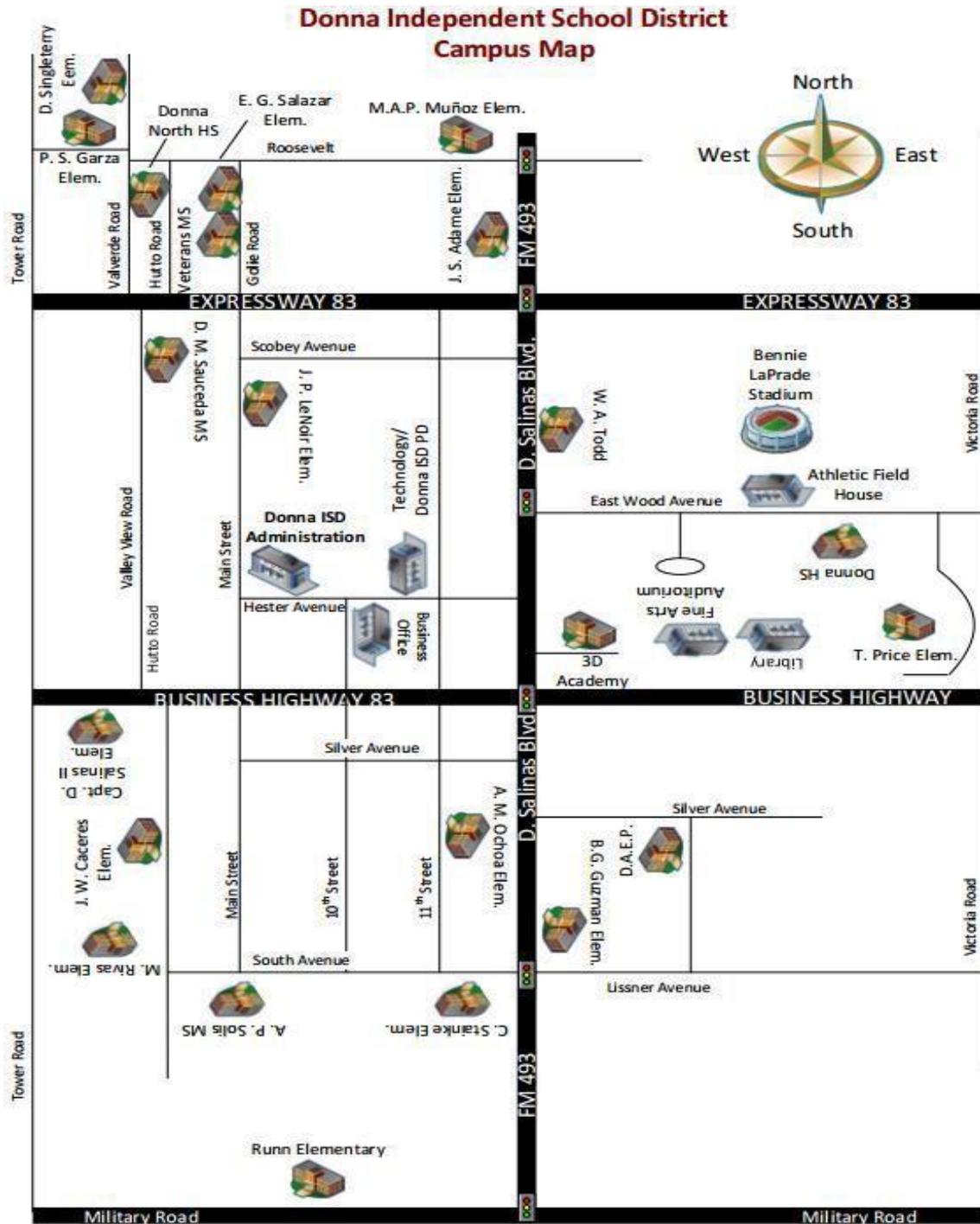
This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of non-contract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed Online at [www.donnaisd.net](http://www.donnaisd.net)

# District Information

## Description of the District

Donna is located in Hidalgo County and it covers 89.2472 square miles. The Donna Independent School District's geographic boundary area to the north is Curve and Anderson Road; to the east is Midway Road; to the south is the Rio Grande River and to the west is Tower Road. Primarily, the District generates income from an industry that is agriculturally related. The school district is accredited by the Texas Education Agency. The high schools of Donna ISD are accredited by the South Association of Colleges and Schools. The students are taught in fourteen elementary schools (pre-kindergarten through grade 5), four middle schools (grades 6 through 8), and two high schools (grades 9 through 12). Other campuses include DAEP (all grade level discipline).

# District Map



# Mission Statement, Goals, and Objectives

Policy [AE](#)

**DONNA ISD'S STRATEGIC PLAN**

**DISD GRADUATES ALL STUDENTS READY FOR COLLEGE, CAREER, OR THE MILITARY**

**MISSION**

The mission of Donna ISD is to provide a rigorous and supportive learning environment with meaningful and relevant learning experiences that inspire creativity, character development, and critical thinking that ensures educational excellence for all students.

**VISION**

All Donna ISD students are empowered with academic and life skills to boldly lead and achieve personal success in a global society.

**FOCUS ON STUDENT SUCCESS**

**FOCUS ON FAMILY AND COMMUNITY ENGAGEMENT**

**FOCUS ON OPERATIONAL EXCELLENCE**

**FOCUS ON EMPLOYEES AND ORGANIZATIONAL EXCELLENCE**

**FOCUS ON FINANCIAL STEWARDSHIP**

**ALL DONNA ISD GRADUATES...**

- EMBODY A STRONG WORK ETHIC**
- MASTER CRITICAL THINKING SKILLS**
- EXHIBIT RESILIENCE**
- COMMUNICATE EFFECTIVELY**
- DISPLAY AMBITION**
- DEMONSTRATE SOCIAL AND EMOTIONAL SKILLS**

## **Board of Trustees**

*Policies [BA](#), [BB series](#), [BD series](#), and [BE series](#)*

[Board Policy Manual](#)

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

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

Current board members include:

- David De Los Rios, President
- Jose L. Valdez, Vice-President
- Fernando Castillo, Secretary
- Dr. Maricela Valdez, Member
- Eva C. Watts, Member
- Jose R. Reyna, Member
- Lt. Col. Roberto Perez, Member

The board usually meets on the second Tuesday of the month at Staff Development Center/Board Room Located at the Administration Building (904 Hester Ave) at 6:00 p.m. Special board meetings may be called when necessary. In the event that large attendance is anticipated, the board will announce the location in a timely manner. A written notice of regular and special meetings will be posted on the district website and on the bulletin board outside the Administration Office at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a one-hour notice.

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

## Board's Role

The Board will:

**1. Ensure creation of a shared vision that promotes improved student outcomes.**

- The Board shall accomplish this by incorporating the community's vision and values into Student outcome goals, Superintendent constraints, and Board constraints.

**2. Measure and communicate how well the vision is being accomplished.**

- The Board shall accomplish this by collectively ensuring accountability through monthly monitoring of school system performance to ensure progress toward the vision, values and by regular communications with the community.

**3. Provide guidance and direction for accomplishing the vision.**

- The Board shall accomplish this by creating structure for the school system through distinct Board and Superintendent roles and responsibilities, which includes selecting the Superintendent, delegating to the Superintendent the authority and responsibility to implement the Board's goals within law and the Superintendent constraints, and considering and voting on the Superintendent's recommendations.

**4. Promote the vision.**

- The Board shall accomplish this by providing advocacy for students, families, staff, and stakeholders.

**5. Work with the superintendent to lead the school system toward the vision.**

- The Board shall accomplish this by behaving in a manner that demonstrates the unity of the Board and the school system. In carrying out the above activities, the Board shall rely on the support of a Lone Star Governance coach and shall at all times comply with the Education Code and other laws, as applicable.

### **Guiding Principles Regarding Employee Grievances and Complaints [DGBA Local](#)**

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. It is the expectation that all employees address concerns following chain of command.

# Board Meeting Schedule

## 2022-2023 Schedule for Regular/Special Board Meeting



### **DONNA INDEPENDENT SCHOOL DISTRICT** **Schedule for Regular/Special Board Meetings and** **Agenda Item Due Dates** **2022-2023**

<b>BOARD MEETING</b>	<b>DUE DATE FOR ITEMS</b>	<b>PRESENT TO CABINET</b>
July 28, 2022	Wednesday, June 22, 2022	Thursday, July 21, 2022
August 9, 2022	Monday, August 1, 2022	Thursday, August 4, 2022
August 23, 2022 <i>(Special Board Meeting)</i>	Monday, August 15, 2022	Thursday, August 25, 2022
September 13, 2022	Monday, August 29, 2022	Thursday, September 8, 2022
October 11, 2022	Monday, September 26, 2022	Thursday, October 6, 2022
November 15, 2022	Monday, October 31, 2022	Thursday, November 10, 2022
December 13, 2022	Monday, November 28, 2022	Thursday, December 8, 2022
January 10, 2023	Monday, December 19, 2022	Thursday, January 5, 2023
February 14, 2023	Monday, January 30, 2023	Thursday, February 9, 2023
March 7, 2023	Monday, February 20, 2023	Thursday, March 2, 2023
April 11, 2023	Monday, March 27, 2023	Thursday, April 6, 2023
May 9, 2023	Monday, May 1, 2023	Thursday, May 4, 2023
June 13, 2023	Tuesday, May 30, 2023	Thursday, June 8, 2023

# **Donna ISD Administration**

## **Superintendent of Schools**

Ms. Angela Dominguez

## **Assistant Superintendent for Human Resources**

Ms. Adela Troncoso

## **Assistant Superintendent for Leadership**

Mrs. Rebecca Castaneda

## **Assistant Superintendent for Educational Services**

Mr. Rashad J. Rana

## **Assistant Superintendent for Business & Finance**

Mr. Alfonso H. Perez Jr.

## **Executive Director for Curriculum and Instruction**

Mrs. Stephanie Powelson-Garza

## **Executive Director for Special Projects**

Mrs. Velma Rangel

## **Executive Director for Data Evaluation & Performance Outcome**

Mr. Javier Villanueva

# Academic School Calendar



2022-2023

**“THE DISTRICT”**

**CALENDAR KEY**

- Student Early Release/Planning
- New Teacher Orientation
- Staff Development
- Staff Work Days
- Bad Weather Days
- Holiday Break
- Spring Break
- First/Last Day of Six Weeks
- Testing Window-STAAR
- Early Release Students & Staff

**SIX WEEKS PERIODS**

1st Six Weeks	Aug.22 - Sept. 23	25 days
2nd Six Weeks	Sept. 26 - Nov. 4	29 days
3rd Six Weeks	Nov. 7 - Dec.21	28 days
4th Six Weeks	Jan. 9 - Feb. 17	29 days
5th Six Weeks	Feb. 20 - Apr. 14	33 days
6th Six Weeks	Apr.17 - June 2	34 days

**DHS GRADUATION**



June 2, 2023

**DNHS GRADUATION**



June 2, 2023

**HOLIDAYS**

Thanksgiving Nov. 21 - Nov. 25

Winter Break Dec. 22 - Jan. 4

Holidays Oct. 10, Apr. 7 & May 29

Spring Break March 13-17

**DAYS OF INSTRUCTION**

Semester 1	82	days
Semester 2	96	days
<b>Total Days</b>	<b>178</b>	<b>days</b>
Minutes	79,200	

**BAD WEATHER DAYS**

Feb. 13 & Apr. 10

**EARLY RELEASE / PLANNING DAYS**

Nov. 18, Feb. 24, Apr. 21

**STAFF DEVELOPMENT**

Aug. 12, Aug.15-17, Jan 5

**STAFF WORK DAYS**

Aug 18-19, Jan 6, June 3

**EARLY RELEASE ALL**

Dec. 21

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Tweet us @donna\_isd

Visit us at [www.donnaisd.net](http://www.donnaisd.net)

Board Approved: 2/8/22

## Helpful Contacts

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

Name	Position	Ext.	Phone #	Name	Position	Ext.	Phone #
<b>ACCOUNTS PAYABLE 464-1620</b>				<b>CURRICULUM &amp; INSTRUCTION 461-4340</b>			
Rodriguez, Luz M.	Accounts Supervisor	1168		Powelson Garza, Stephanie	Executive Director	1050	
García, Delia	Acct. Payable Specialist	1140		Barron, Ofelia	Secretary	1103	
Lopez, Janie	Clerk	1144		<b>ELA / SOCIAL STUDIES</b>			
Villarreal, Delia	Clerk	1143		Ortega, Allison	Social Studies Director	1099	
<b>ACE/ 21ST CENTURY 464-1771</b>				Vela, Sylvia	ELA Director	7399	
Torres, Raul	Director			Mendez, Melissa	ELA Strategist	7396	
Guerrero, Yolanda	Secretary	2305		Valencia, Virgilio	ELA Strategist	7395	
Gonzalez, Jessica	Family Engagement	2320		Serrano, Lilibian	Strategist - RLA	7393	
<b>ACADEMIC SUPPORT</b>				Vacancy	Instructional Coach	7390	
Villanueva, Dr. Diana	Director of Academic Support	1270		Benavidez, Rosa	Instructional Coach	7397	
Perez, Tina	Secretary	1062		Castaneda, David	Instructional Coach	7391	
<b>ADVANCED ACADEMICS</b>				Villegas, Maricela C.	Instructional Coach	7398	
Castaneda, Rebecca	Asst. Superintendent - Elem. Lear	1266		Perez, Angie	Secretary-Parents/Principals	1040	
Franco, San Juanita	Director	5005		<b>MATH / SCIENCE 461-4328</b>			
Gonzales, Lisa	Secretary	1267		Anderson, Emily	Science Director	1056	
Balderas, Priscilla	Secretary	5018		Vacancy	Math Coordinator	1055	
<b>ATHLETIC OFFICES</b>				Chintapalli, Rama	Strategist	1010	
Head Coach Michael Gonzalez	Donna High School - Head coach	461-7491		Gomez, Flor	Strategist	1061	
Padilla, Annette	Secretary - DHS	461-7492		Perez, April	Strategist	1280	
Head Coach Juan Cuevas	Donna North - Head coach	461-7607		Ramirez, Joanna	Strategist	1053	
Castillo, Bea	Secretary - DNHS	461-7468		Rangel, Yolanda	Strategist	1052	
<b>AUDIO VISUAL - TECH WAREHOUSE 464-1327</b>				Ruiz, Matias	Strategist	1055	
Garza, Robert	Technician	1413		Kennedy, Nelda	Secretary	1073	
<b>BILINGUAL 461-4390</b>				<b>CUSTODIAL 464-1842</b>			
Arellano, Greg	Director	1086		Garza, Joey	Director	1424	
Carballo, Irma M.	Strategist	1095		Avarez, Mark	Supervisor	1496	
Garay, Genieve	Bilingual/ESL Strategist	1093		Medellin, Sandy	Secretary	1423	
Munoz, Ashlee	Clerk	1090		<b>EDUCATIONAL SERVICES</b>			
Munoz, Dora	Clerk/Community Liaison	1089		Rana, Rashad J.	Asst. Superintendent	1012	
Ortiz, Bibi	Secretary - L-Pac	1088		Harris, Debra	Strategist	1101	
<b>BUSINESS OFFICE SWITCHBOARD 464-1620</b>				Bueno, Lupita	Secretary	1042	
Perez, Alfonso	Asst. Superintendent	1134		<b>ESSER</b>			
Cavazos, Jerry	Finance Director	1129		Ibarra, Guadalupe	Coordinator	1077	
Ochoa, Christina	Accountant Supervisor	1127		<b>EVALUATION</b>			
Garza, Javier	Chief Officer of Operations			Villanueva, Javier	Executive Director	1058	
Vasquez, Brenda	Account Specialist	1137		<b>FEDERAL PROGRAMS 461-4264</b>			
García, Jesus	Accountant	1131		Alvarez, Griselda	Director	1260	
Tamez, Yadira	Accountant	1130		Alvarado, Nelida	Coordinator	1261	
Rodriguez, Norma	Bookkeeper	1132		DeHoyos, Ana	Accountant	1258	
Gonzales, Maria E.	Secretary	1133		Guerrero, Elva	Clerk	1262	
Mora, Estefania	Receptionist	1139		Zavala, Victoria	Secretary	1264	
<b>CAREER &amp; TECHNOLOGY (CTE)</b>				<b>FINE ARTS</b>			
Moreno, David	Director	1106		Rivera, Matias	DONNA HIGH - BAND DIRECTOR	464-0377	
Flores, Stephanie	Secretary - Donna High	1067		De Leon, Emilia	Secretary	461-7498	
Sandoval, Erica	Secretary - Donna North	1068		Robledo, Adrian	DONNA NORTH - BAND DIRECTOR	461-7651	
Avila, Irma	Clerk	1426		Cruz, San Juanita	Secretary	461-7650	
<b>CHILD NUTRITION 464-1814</b>				<b>HEALTH RELATED SERVICES 464-1778</b>			
Ortiz, Nancy	Director			Campos, Rosa Maria - RN	Director (SHAG)	1431	
Rodriguez, Sonia	Supervisor	6433		Cerda, Thelma	Secretary	1436	
Garza, Melissa	Child Nutrition Coordinator			Jerma, Elsa	Registered Nurse	1434	
García, Geanie	Dietician	6435		<b>HUMAN RESOURCES 464-1606</b>			
Sosa, Marcy	Accounting Specialist	6441		Troncoso, Adela	Asst. Superintendent	1064	
Gonzalez, Pete	Inventory Clerk	6430		Lugo, Lydia	Director - Human Resources	1041	
Guerrero, Amanda	Meal Accountability Clerk	6436		Hernandez, Laura	HR Supervisor	1066	464-1608
Munoz, Lucy	Production Clerk	6433		Gonzalez, Jessika	HR Specialist - FMLA	1013	464-1631
Zamarripa, Janie	Secretary	464-1814		Hernandez, Erika	HR Specialist	1015	464-1605
<b>CHILD PROTECTIVE SERVICES 1-800-877-5300</b>				Casares, Liz	HR Specialist	1049	
<b>1-800-252-5400</b>							

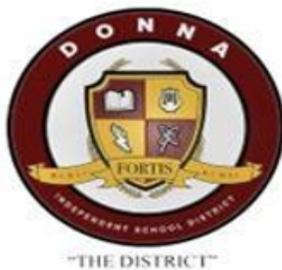
Name	Position	Ext.	Phone #	Name	Position	Ext.	Phone #
<b>HUMAN RESOURCES 464-1606</b>				<b>PURCHASING 464-1620</b>			
Rodriguez, Mayra	HR Specialist	1438		Smedley, Joe	Director	1128	
Rios, Mario	HR Specialist	1014		Garza, Xavier	Secretary	1142	
Cavazos, Maricela	Secretary	1063	464-1607	Woelfler, Chelsea	Clerk	1126	
Cardenas, Christy	HR Clerk	1065		<b>RECORDS DEPARTMENT 464-1637</b>			
<b>INTAKE / ATTENDANCE 461-4322</b>				Ramirez, Patricia	Secretary	1003	
Ballardo, Dr. Melanie Rodz	SEL Supervisor	1425		Gonzalez, Jeremy	Clerk	1002	461-1391
Padilla, Edward	Attendance Coordinator	1435		<b>SAFETY &amp; RISK MANAGEMENT 461-4350</b>			
Cardoza, Nancy	Secretary	1422		Mosqueda, David	Benefits Supervisor / Retirement	1427	
<b>MAINTENANCE 461-5680</b>				Pina, Melody	Secretary	1437	
Flores, Rocky	Field Supervisor			Benavidez, Josie	Clerk	1428	
Medellin, Ciro	Coordinator			<b>SPECIAL EDUCATION 461-4202</b>			
Casares, Josie	Secretary		461-5680	Cardenas, Sylvia	Director	1208	
Arrambide, Maribel	Secretary		461-8965	Navarro, Maritza	Supervisor	1216	
Waldron, Phillip D.	Engergy			Blanco, Maricela	Clerk - Attendance/PEIMS	1210	
<b>MIGRANT 461-4254</b>				Gonzalez, Jessica	Clerk - File/Records	1218	
Rios, Azalia	Migrant Coordinator	1281		Pena, Delia	Secretary	1202	
Valdez, Lily	Migrant Recruiter	1294		Rios, Ester	(child find) / Social Worker	1205	
Gonzalez, Pablo	Migrant Recruiter	1290		<b>SPECIAL PROJECTS</b>			
Longoria, Eli	Migrant Recruiter	1263		Rangel, Velma	Executive Director	1005	
Garcia, Julian	Tutor - ABB	1252		Gonzales, Olivia	Secretary	1004	
Mata, Elena	Parent/Community Liaison	1286		<b>SUPERINTENDENT'S OFFICE 464-1642</b>			
Quintero, Isabel	Specialist - NGS	1249		Dominguez, Angela	Superintendent		
Benitez, Irene	Specialist - NGS	1292		Perez, Irma	Secretary	1023	461-4323
	Secretary	1254		<b>SWITCHBOARD 464-1600</b>			
<b>PARENTAL INVOLVEMENT 461-4230</b>				Zamora, Diana M.	Receptionist	1001	464-1600
Tamez, Tomas	Director	1245		<b>TECHNOLOGY 464-1660</b>			
Guevara, Norma	Secretary	1230		Vacancy	Director	1401	
Cantu, Isabel	Student Engagement			Gonzalez, Janie	Technology Supervisor	1432	
Orozco, Maria	(Homeless, McKinny - Vento)			Chavez, Albert	Network Admin.	1447	
<b>PAYROLL 464-1617</b>				Jimenez, Joe	Network Admin. Assistant	1445	
Marines, Joe	Payroll Coordinator	1150		Jimenez, Rudy	Network Admin. Assistant	1420	
Yerena, Alma	Payroll Specialist	1136		Cardenas, Delia	Clerk - Data Entry	1407	
Lopez, Carol	Clerk	1135		Rivera, Rene	Specialist - Software	1409	
Garcia, Aida	Clerk	1146		Aguirre, Rene	Clerk - Technology	1406	
<b>PEIMS 464-1768</b>				Campa, Roy	MIT	1414	
Morado, Jessica	Manager	1443	461-4201	Crist, Judy	Secretary	1412	
Guevara, Javier	Coordinator	1440		<b>TESTING / EVALUATION 461-4334</b>			
Torres, Maricela	Programmer	1442		Alvarez, Ofelia	Director	1007	461-4274
Villarreal, Mary	Secretary	1444		Lopez, Luz	Data Analyst	1037	
Torres, Maria D.	PEIMS Clerk	1439		Herevia, Marivel	Secretary	1034	
<b>POLICE 464-1735</b>				<b>TEXTBOOKS 464-1818</b>			
Crist, Don	Police Chief	1416		Garza, Frank	Coordinator		464-1818
Park, Jerry	Sergeant	1480		<b>TRANSPORTATION 464-1870</b>			
Aguirre, Domingo	Sergeant	1446		Castillo, Arturo	Director		461-8930
McCandless, Joshua	Criminal Investigation	1497		Reynaldo Alegria	Supervisor - Transportation		461-8943
Villa, Rebecca	Dispatcher Supervisor	1418		Ortiz, Juan	Asst. Supervisor		
Guerra, Araceli	Secretary	1417		Perez, Viola	Secretary		461-8948
<b>PUBLIC RELATIONS</b>				Tamez, Celestino (Tino)	Bookkeeper		461-8933
Ysquierdo, Brenda	Secretary			Martinez, Danny	Traffic Control		461-8939
Ferrer, Thomas	Public Relations	1109		Borrego Jr., Pablo	Traffic Control		461-8936
Gonzalez, Freddy	Public Relations	1107		Herwing, Saul	Traffic Control		461-8961
Marentes, Miriam	Public Relations	1297		<b>WAREHOUSE 464-1974</b>			
Quintanilla, Sandra	Public Relations	1105		Vacancy	Supervisor		
				Cantu, Vanessa	Asst. Manager, Secretary		464-1974

### Legend

Assistant Superintendents	Directors	Supervisors
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# Donna ISD School Directory

Donna ISD CAMPUS EXTENSIONS & PHONE #'S					
CAMPUS	EXT.	PRINCIPAL	SECRETARY	PHONE #	CODE #
DHS	N/A	Deborah Medrano	Sandra Hernandez	464-1700	001
DNHS	N/A	Dr. Paz Elizondo	Martha Zavala	464-4190	007
DAEP	N/A	Juan Mendoza	Doris Morin	464-1954	005
MIDDLE SCHOOLS					
Solis	1650	Mary L. Rodriguez	Alma Morales	464-1650	045
Veterans	1350	Claudia Guerrero	Delia Zapata	464-1350	046
Sauceda	1360	Karina Robledo	Sylvia Ramirez	464-1360	047
W.A. Todd	1800	Nelda Calderon	Irene Almarez	464-1800	048
ELEMENTARY SCHOOLS					
Adame	4010	Alicia Sarmiento	Rocio Frias	461-4010	118
Cacares	1995	Sara Perez	Marybelle Mata	464-1995	109
Garza	1886	Mari Partida	Priscilla De Los Rios	464-1886	113
Guzman	1920	Emmy De La Garza	Priscilla Castaenda	464-1920	102
LeNoir	1685	Karen Nieto	Mariela Domiter	464-1865	115
Munoz	1310	Romeo Flores	Alma Guerrero	464-1310	114
Ochoa	1900	Alfonso Sayavedra	Gloria Cuellar	464-1900	104
T. Price	1303	Olga L. Cervantes	Donna Handy	464-1303	103
Rivas	1990	Rosalinda Navarro	Elizabeth Torres	464-1990	111
Salazar	1977	Selene C. Garcia	Marlina Garza	464-1977	117
Salinas/Runn-VLA	7413	Maria G. Hinojosa	Irma Sanz	783-1332	112
Singleterry	1845	Christopher Park	Melisa Cortez	464-1845	116
Stainke	1940	Veronica Huerta	Sandra Ramos	464-1940	106



**DONNA**  
INDEPENDENT SCHOOL DISTRICT

# Employment

## Equal Employment Opportunity

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

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

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

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: **Ms. Adela Troncoso, Assistant Superintendent for Human Resources** Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: **Ms. Adela Troncoso, Assistant Superintendent for Human Resources; 904 Hester Ave. Donna, TX; [atroncoso@donnaisd.net](mailto:atroncoso@donnaisd.net); 956-464-1607**

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

## Job Vacancy Announcements

Policy [DC](#)

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

## **Employment after Retirement**

### *Policy [DC](#)*

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

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

### *Policy [DC series](#)*

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

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

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

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

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

administrators) are not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

**Paraprofessional and Auxiliary Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

## **Certification and Licenses**

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

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

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

## **Recertification of Employment Authorization**

*Policy [DC](#)*

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

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

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

*Policy [CQ](#), [DHE](#)*

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

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

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

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

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

## **Health Safety Training**

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

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

extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to Human Resources Office by no later than 10 days after employment. See Policy DMA (LEGAL).

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

## **Reassignments and Transfers**

*Policy [DK](#)*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA(Local).

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

## **Workload and Work Schedules**

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

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

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

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

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

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

Donna ISD is designated as a Texas Mother-Friendly Worksite. The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. **A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided. A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.**

## **Notification to Parents Regarding Qualifications**

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

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

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

request. Employees who have questions about their certification status can call the Human Resources Office at (856)464-1606.

## **Outside Employment and Tutoring**

*Policy [DBD](#)*

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

## **Performance Evaluation**

*Policy [DN series](#)*

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

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

## **Employee Involvement**

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

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

## **Staff Development**

*Policy [DMA](#)*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

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

# Compensation and Benefits

## Salaries, Wages, and Stipends

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

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

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

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

## Paychecks

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

**The schedule of pay dates for the 2022-2023 school year follows:**

Monthly Pay Schedule

**PLEASE POST**

**Donna Independent School District**

Payroll Department

Payroll Schedule 2022-2023 School Year

Professional and Substitute Employees

Monthly Pay Period

Monthly Payroll Number	Dates Worked		Last Day To Approve Time Cards	Payroll Check Date	HOLIDAYS
	From Sunday	To Saturday			
1	August 14, 2022	September 10, 2022	September 12, 2022	September 20, 2022	
2	September 11, 2022	October 8, 2022	October 10, 2022	October 20, 2022	
3	October 9, 2022	November 5, 2022	November 7, 2022	November 17, 2022	Columbus Day Holiday - October 10, 2022
4	November 6, 2022	December 3, 2022	December 5, 2022	December 15, 2022	Thanksgiving Break - November 21 thru November 25, 2022
5	December 4, 2022	January 7, 2023	January 9, 2023	January 20, 2023	Winter Break - December 22 thru January 4, 2023
6	January 8, 2023	February 4, 2023	February 6, 2023	February 17, 2023	
7	February 5, 2023	March 4, 2023	March 6, 2023	March 10, 2023	Bad Weather Day - February 13, 2023
8	March 5, 2023	April 1, 2023	April 3, 2023	April 13, 2023	Spring Break - March 13 thru March 17, 2023
9	April 2, 2023	May 6, 2023	May 8, 2023	May 19, 2023	Easter Holiday - April 7, 2023 Bad Weather Day - April 10, 2023
10	May 7, 2023	June 3, 2023	June 5, 2023	June 20, 2023	Memorial Day Holiday - May 29, 2023
11	June 4, 2023	July 8, 2023	July 10, 2023	July 20, 2023	
12	July 9, 2023	August 5, 2023	August 7, 2023	August 18, 2023	
1	August 6, 2023	September 2, 2023	September 4, 2023	September 20, 2023	

\*First Check for the 2022-2023 School Year will be payable on September 20, 2023.

Bi-Weekly Pay Schedule

**Donna Independent School District**  
**Payroll Department**  
**Payroll Schedule for 2022-2023 School Year**  
**Para-Professional and Auxiliary Personnel**  
**Bi-Weekly Pay Period**

**PLEASE POST**

Monthly Payroll Number	Dates Worked		Last Day To Approve Time Cards	Payroll Check Date	HOLIDAYS
	From Sunday	To Saturday			
1	July 31, 2022	August 13, 2022	August 15, 2022	August 24, 2022	
2	August 14, 2022	August 27, 2022	August 29, 2022	September 7, 2022	
3	August 28, 2022	September 10, 2022	September 12, 2022	September 21, 2022	
4	September 11, 2022	September 24, 2022	September 26, 2022	October 5, 2022	
5	September 25, 2022	October 8, 2022	October 10, 2022	October 19, 2022	
6	October 9, 2022	October 22, 2022	October 24, 2022	November 2, 2022	Columbus Day Holiday - October 10, 2022
7	October 23, 2022	November 5, 2022	November 7, 2022	November 16, 2022	
8	November 6, 2022	November 19, 2022	November 21, 2022	November 30, 2022	
9	November 20, 2022	December 3, 2022	December 5, 2022	December 14, 2022	Thanksgiving Break - November 21 thru November 25, 2022
10	December 4, 2022	December 17, 2022	December 19, 2022	December 28, 2022	
11	December 18, 2022	December 31, 2022	January 2, 2023	January 11, 2023	Winter Break - December 22, 2022 thru January 4, 2023
12	January 1, 2023	January 14, 2023	January 16, 2023	January 25, 2023	
13	January 15, 2023	January 28, 2023	January 30, 2023	February 8, 2023	
14	January 29, 2023	February 11, 2023	February 13, 2023	February 22, 2023	
15	February 12, 2023	February 25, 2023	February 27, 2023	March 8, 2023	Bad Weather Day - February 13, 2023
16	February 26, 2023	March 11, 2023	March 13, 2023	March 22, 2023	
17	March 12, 2023	March 25, 2023	March 27, 2023	April 5, 2023	Spring Break - March 13 thru March 17, 2023
18	March 26, 2023	April 8, 2023	April 10, 2023	April 19, 2023	Easter Holiday - April 7, 2023
19	April 9, 2023	April 22, 2023	April 24, 2023	May 3, 2023	Bad Weather Day -April 10, 2023
20	April 23, 2023	May 6, 2023	May 8, 2023	May 17, 2023	
21	May 7, 2023	May 20, 2023	May 22, 2023	May 31, 2023	
22	May 21, 2023	June 3, 2023	June 5, 2023	June 14, 2023	Memorial Day Holiday - May 29, 2023
23	June 4, 2023	June 17, 2023	June 19, 2023	June 28, 2023	
24	June 18, 2023	July 1, 2023	July 3, 2023	July 12, 2023	
25	July 2, 2023	July 15, 2023	July 17, 2023	July 26, 2023	
26	July 16, 2023	July 29, 2023	July 31, 2023	August 9, 2023	
1*	July 30, 2023	August 12, 2023	August 14, 2023	August 23, 2023	

\*First Check for the 2022-2023 School Year will be payable on August 23, 2023.

## **Automatic Payroll Deposit**

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

## **Payroll Deductions**

*Policy* [CFEA](#)

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

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

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

## **Overtime Compensation**

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

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

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12 a.m. Sunday and ends at 11:59 p.m. Saturday.

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

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

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

## **Travel Expense Reimbursement**

*Policy [DEE](#)*

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

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

*Policy [CRD](#)*

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

The health insurance plan year is from September 1, 2022 through August 31, 2023. New employees must complete enrollment forms within the first **30 days** of employment. Current employees can make changes in their insurance coverage through open enrollment. Employees should contact the **Safety and Risk Management Department** for more information.

## **Supplemental Insurance Benefits**

*Policy [CRD](#)*

At their own expense, employees may enroll in supplemental insurance programs for voluntary products. Premiums for these programs can be paid by payroll deduction. Employees should contact the **Safety and Risk Management Department** for more information.

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

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

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

## **Workers' Compensation Insurance**

*Policy [CRE](#)*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Claims Administrative Services, effective 09/01/22.

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

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

## **Unemployment Compensation Insurance**

Policy [CRF](#)

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

## **Teacher Retirement**

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

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

## **Other Benefit Programs:**

Donna ISD has a Wellness Licensed Professional Counselor (LPC) who provides individual counseling for all district employees upon request. Contact Lydia Lugo, Director for Human Resource Department for more information.

# Leaves and Absences

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

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

Paid leave must be used in ½ and full day increments. **Earned comp time must be used before any available paid state and local leave.** Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Compensation Time
- Local Leave
- State Leave

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deduction from the employee's pay.

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

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

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

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

The district may require medical certification due to an employee’s questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district may also request medical certification when an employee requests FMLA leave for the employee’s serious health condition, a serious health condition of the employee’s spouse, parent, or child, or for military caregiver leave.

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

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

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

## **Personal Leave**

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

**Nondiscretionary.** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered non-discretionary leave. Reasons for this type of

leave allow very little, if any, advance planning. Nondiscretionary may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor three (3) days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

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

## State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave may be used for the following reasons only:

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

## Local Leave

Each employee shall earn five paid local leave days per school year in accordance with administrative regulations. Local leave shall accumulate without limit. Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year. [See DEC(LEGAL)]

## **Extended Leave**

After all available paid leave days and any applicable compensatory time have been exhausted, a professional employee shall be granted in a school year a maximum of 20 leave days of extended sick leave to be used only for the employee's own personal illness or injury, including pregnancy-related illness or injury. A written request for extended sick leave must be accompanied by medical certification of the illness or injury. The District shall deduct the average daily rate of pay of a substitute for the employee's position for each day of extended sick leave taken, whether or not a substitute is employed.

## **Vacation**

*Policy [DED](#)*

Each full-time auxiliary employee in a position normally requiring 12 months of service shall receive paid vacation in accordance with the following guidelines:

1. After 12 months of continuous employment, an eligible employee shall receive five workdays of paid vacation.
2. After 24 months of continuous employment, an eligible employee shall receive ten workdays of paid vacation.

A part-time employee shall not be eligible to receive paid vacation.

If the approved calendar shows a holiday during a workweek, each full-time auxiliary employee shall be granted the holiday off with pay. (See policy DED for more information)

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

An employee who has exhausted all paid leave as well as any applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which District employees may donate local leave for use by the eligible employee. The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool. The Superintendent shall develop regulations for the implementation of the sick leave pool that address the following:

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

An employee may appeal a decision regarding the establishment or implementation of the District's sick leave pool in accordance with [DGBA\(LOCAL\)](#), beginning with the Superintendent or appropriate administrator.

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

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

### **Leave Entitlements**

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

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

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

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

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

## **Benefits and Protections**

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

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

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

## **Eligibility Requirements**

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

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

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

## **Requesting Leave**

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

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

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

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

## **Employer Responsibilities**

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

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

## **Enforcement**

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

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

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## **Local Procedures for Implementing Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month from January 1 through December 31

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

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

**Intermittent Leave.** When medically necessary or in the case of a qualifying emergency, an employee may take leave intermittently or on a reduced schedule. The district does not permit

the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. The district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

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

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according to the procedures outlined in policy (see DECA(LEGAL)).

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

**District Contact.** Employees that require FML or have questions should contact Human Resources Office for details on eligibility, requirements, and limitations.

## **Temporary Disability Leave**

**Certified Employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It

may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

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

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

When an employee is ready to return to work, **Safety and Risk Management Office** should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

## **Workers' Compensation Benefits**

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

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

## **Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury and should be immediately reported to **Safety and Risk Management Office**.

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

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

## **Bereavement Leave**

Bereavement leave of up to three days may be granted for the death of an immediate family member. The days will not be deducted from the employee's time off. Additional days of absence may result in a deduction of accumulated time off (DEC LOCAL).

## **COVID-19**

All employees may refer to the District Website on COVID-19 screening, reporting and leave for more information.

## **Jury Duty**

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

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

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

## Compliance with a Subpoena

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

## Truancy Court Appearances

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

## Religious Observance

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

## Military Leave

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

**Reemployment after Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can

be qualified to perform the required duties. Employees returning to work following military leave should contact **Human Resources Department**. In most cases, the length of federal military service cannot exceed five years.

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

## **Leave for Peace Officers**

Peace officers are provided mental health leave and quarantine leave as requested.

## **Payment for Accumulated Leave Upon Separation**

The following leave provisions shall apply to local leave accumulated beginning on the original effective date of this program. An employee who separates from employment with the District shall be eligible for payment for accumulated local leave under the following conditions:

1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or non-renewed.
2. The employee provides advance written notice of intent to separate from employment. Contract employees must provide written notice at least 90 days before the last day of employment. Noncontract employees must provide written notice at least two weeks before the last day of employment.

The employee shall receive payment for each day of accumulated local leave, at a rate of \$20 per day. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

# Employee Relations and Communications

## Employee Recognition and Appreciation

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

- Posting employee accomplishments on Social Media (Facebook and Twitter)
- Submitting news articles highlighting employee successes in local newspapers (The Monitor and Mid Valley Town Crier)
- Soliciting news coverage from local TV stations (KRGV, CBS 4 News, News Center 23, Telemundo, and Univision) to air employee achievements.
- Organizing Teacher of the Year Banquet
- Organizing Years of Service Celebration

## District Communications

Throughout the school year, the Public Relations office publishes newsletters “Tribal News”, graphic images, flyers, brochures, news releases, and other communication materials. The department also produces promotional/recruitment videos. These methods of communication are used to inform Donna ISD employees and the community about events, activities, programs and student/faculty successes and achievements. The district also uses social media such as:

- Facebook, Instagram, Twitter, Youtube & TikTok
- The Monitor newspaper’s educational segment on Tuesdays to promote Donna ISD

Contact person is Sandra Quintanilla, Public Relations Officer.

# Complaints and Grievances

## *Policy DGBA*

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

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

[DGBA LEGAL](#)

[DGBA LOCAL](#)

**United States  
Constitution**

The District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. *U.S. Const. Amend. I, XIV*

The Board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the Board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968) [See DG]

**Texas Constitution**

Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n of College Educators v. El Paso County Cmty. [College] District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

**Federal Laws**

Section 504

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. *34 C.F.R. 104.7(b)*, .11

Americans with  
Disabilities Act

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107*, .140

Title IX

A district that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. *34 C.F.R. 106.8(b)*; *North Haven Bd. of Educ. v. Bell*, 456 U.S. 512 (1982)

**State Laws**

Wages, Hours,  
Conditions of Work

The prohibition against collective bargaining and strikes [see DGA] does not impair the right of employees to present grievances concerning their wages, hours of employment, or conditions of work,

either individually or through a representative that does not claim the right to strike. *Gov't Code 617.005*

The term "conditions of work" should be construed broadly to include any area of wages, hours or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. *Atty. Gen. Op. JM-177 (1984); Corpus Christi Fed. of Teachers v. Corpus Christi Indep. Sch. Dist., 572 S.W.2d 663 (Tex. 1978)*

The statute protects grievances presented individually or individual grievances presented collectively. *Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.)*

Representative

The District cannot deny an employee's representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. *Lubbock Prof'l Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)*

The District should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. *Atty. Gen. Op. H-422 (1974); Corpus Christi Indep. Sch. Dist. v. Padilla, 709 S.W.2d 700 (Tex. App.—Corpus Christi, 1986, no writ)*

Employment Policy

The District's employment policy must provide each employee with the right to present grievances to the Board.

The policy may not restrict the ability of an employee to communicate directly with a member of the Board regarding a matter relating to the operation of the District, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the Board.

*Education Code 11.1513*

<b>Grievance Policy</b>	<p>The District's grievance policy must permit an employee to report a grievance against a supervisor to a different supervisor if the employee alleges that the supervisor:</p> <ol style="list-style-type: none"><li>1. Violated the law in the workplace; or</li><li>2. Unlawfully harassed the employee.</li></ol>
<i>Telephone Representation</i>	<p>If the District's grievance policy provides for representation, the policy must permit an employee's representative to represent the employee through a telephone conference call at any formal grievance proceeding, hearing, or conference at which the employee is entitled to representation according to the policy. This provision applies to grievances under Education Code 11.171(a) and only if the District has the equipment necessary for a telephone conference call.</p> <p><i>Education Code 11.171(a), (c)</i></p>
<i>Audio Recording</i>	<p>The District's grievance policy must permit an employee who reports a grievance to make an audio recording of any meeting or proceeding at which the substance of a grievance that complies with the policy is investigated or discussed. The implementation of an employee's authorization to make an audio recording may not result in a delay of any time line provided by the grievance policy. The District is not required to provide equipment for the employee to make the recording. <i>Education Code 11.171(b)</i></p>
<b>Finality of Grades</b>	<p>An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the District's grading policy applicable to the grade, as determined by the Board.</p> <p>The Board's determination is not subject to appeal.</p> <p><i>Education Code 28.0214</i></p>
<b>Open Meetings Act</b>	<p>The Board is not required to conduct an open meeting to hear a complaint or charge against an employee. However, the Board may not conduct a closed meeting if the employee who is the subject of the hearing requests a public hearing. <i>Gov't Code 551.074</i> [See BEC]</p>
<b>Closed Meeting</b>	<p>The Board may conduct a closed meeting on an employee complaint to the extent required or provided by law. <i>Gov't Code 551.082</i> [See BEC]</p>
<b>Record of Proceedings</b>	<p>An appeal of the Board's decision to the Commissioner shall be decided based on a review of the record developed at the District level. "Record" includes, at a minimum, an audible electronic</p>

recording or written transcript of all oral testimony or argument.  
*Education Code 7.057(c), (f)*

It is the District's responsibility to make and preserve the records of the proceedings before the Board. If the District fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the District. The record shall include:

1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used:
  - a. The tape recording must be complete, audible, and clear; and
  - b. Each speaker must be clearly identified.
2. All evidence admitted;
3. All offers of proof;
4. All written pleadings, motions, and intermediate rulings;
5. A description of matters officially noticed;
6. If applicable, the decision of the hearing examiner;
7. A tape recording or transcript of the oral argument before the Board; and
8. The decision of the Board.

*19 TAC 157.1073(d)*

**Whistleblower  
Complaints**

Before bringing suit, an employee who seeks relief under Government Code Chapter 554 (whistleblowers) must initiate action under the District's grievance or appeal procedures relating to suspension or termination of employment or adverse personnel action. *Gov't Code 554.006* [See DG]

<b>Complaints</b>	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
<b>Other Complaint Processes</b>	<p>Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:</p> <ol style="list-style-type: none"><li>1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.</li><li>2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.</li><li>3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.</li><li>4. Complaints concerning instructional resources shall be submitted in accordance with EF.</li><li>5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.</li><li>6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.</li><li>7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.</li></ol>
<b>Notice to Employees</b>	The District shall inform employees of this policy through appropriate District publications.
<b>Guiding Principles</b> Informal Process	<p>The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>

<b>Direct Communication with Board Members</b>	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
<b>Formal Process</b>	<p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.</p>
<b>Freedom from Retaliation</b>	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
<b>Whistleblower Complaints</b>	Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
<b>Complaints Against Supervisors</b>	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.
<b>General Provisions Filing</b>	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings 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 filings shall be timely filed if they are post-marked 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.
<b>Scheduling Conferences</b>	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District 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.
Days	"Days" shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	<p>"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.</p>
Consolidating Complaints	<p>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.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.

<b>Complaint and Appeal Forms</b>	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.</p> <p>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.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing.</p>
<b>Audio Recording</b>	<p>As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.</p>
<b>Level One</b>	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none"><li>1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and</li><li>2. With the lowest level administrator who has the authority to remedy the alleged problem.</li></ol> <p>In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.</p> <p>If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.</p> <p>If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.</p> <p>The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.</p>

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

## Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, 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.

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

The Level One record shall include:

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

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

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

### **Level Three**

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

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

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

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

The Level Two record shall include:

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

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

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

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

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three

presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

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

The forms on the following pages are provided to assist the District in processing employee complaints/grievances.

- Exhibit A: Employee Complaint Form — Level One — 2 pages
- Exhibit B: Response to Level One Complaint — 1 page
- Exhibit C: Level Two Appeal Notice — 1 page
- Exhibit D: Response to Level Two Appeal — 1 page
- Exhibit E: Level Three Appeal Notice — 1 page
- Exhibit F: Board's Response to Level Three Appeal — 1 page

EXHIBIT A

EMPLOYEE COMPLAINT FORM — LEVEL ONE

To file a formal complaint, please fill out this form completely and submit it by hand delivery, fax, or U.S. mail to the appropriate administrator within the time established in DGBA(LO-CAL). All complaints will be heard in accordance with DGBA(LEGAL) and (LO-CAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_) \_\_\_\_\_
3. Position \_\_\_\_\_ Campus/Department \_\_\_\_\_
4. If you will be represented in voicing your complaint, please identify the person representing you.  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_) \_\_\_\_\_
5. Please describe the decision or circumstances causing your complaint (give specific factual details).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. What was the date of the decision or circumstances causing your complaint?  
\_\_\_\_\_
7. Please explain how you have been harmed by this decision or circumstance.  
\_\_\_\_\_  
\_\_\_\_\_

8. Please describe any efforts you have made to resolve your complaint informally and the responses to your efforts.

---

---

---

With whom did you communicate?

---

On what date? \_\_\_\_\_

9. Please describe the outcome or remedy you seek for this complaint.

---

---

---

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Employee signature \_\_\_\_\_

Signature of employee's representative \_\_\_\_\_

Date of filing \_\_\_\_\_

*Complainant, please note:*

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

*Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.*

EXHIBIT B

RESPONSE TO LEVEL ONE COMPLAINT

\_\_\_\_\_ (date)  
\_\_\_\_\_ (name of complainant)  
\_\_\_\_\_ (address of complainant)  
\_\_\_\_\_

Dear \_\_\_\_\_:

Having considered the complaint we discussed in our Level One conference on \_\_\_\_\_ (date), I have decided on the following response:

*[Note: When preparing the letter, include only one of the following sentences.]*

For the following reasons, I am unable to provide the remedy you seek:

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

I will take the following actions to grant the remedy you seek for your complaint:

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

Although I am unable to provide the full remedy you seek for your complaint, I will take the following actions to provide a partial remedy:

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

\_\_\_\_\_ (signature of supervisor, principal, or other appropriate administrator)

*Complainant, please note:*

*To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limits set in DGBA(LOCAL). The necessary forms are available at \_\_\_\_\_ during regular business hours.*

EXHIBIT C

LEVEL TWO APPEAL NOTICE

To appeal a Level One decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, fax, or U.S. mail to the Superintendent or designee within the time established in DGBA(LOCAL). Appeals will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_
  2. Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_) \_\_\_\_\_
  3. Position \_\_\_\_\_ Campus/Department \_\_\_\_\_
  4. If you will be represented in voicing your appeal, please identify the person representing you.  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_) \_\_\_\_\_
  5. To whom did you present your complaint at Level One? \_\_\_\_\_  
Date of conference \_\_\_\_\_  
Date you received a response to the Level One conference \_\_\_\_\_
  6. Please explain specifically how you disagree with the outcome at Level One.  
\_\_\_\_\_  
\_\_\_\_\_
  7. Attach a copy of your original complaint and any documentation submitted at Level One.
  8. Attach a copy of the Level One response being appealed, if applicable.
- Employee signature \_\_\_\_\_  
Signature of employee's representative \_\_\_\_\_  
Date of filing \_\_\_\_\_

EXHIBIT D

RESPONSE TO LEVEL TWO APPEAL

\_\_\_\_\_ (date)  
\_\_\_\_\_ (name of complainant)  
\_\_\_\_\_ (address of complainant)  
\_\_\_\_\_

Dear \_\_\_\_\_:

Having considered the appeal you presented at Level Two on \_\_\_\_\_ (date), I have decided on the following response:

*[Note: When preparing the letter, include only one of the following sentences.]*

I am unable to grant your appeal. I will uphold the decision made at Level One by \_\_\_\_\_ (name) and communicated to you in the Level One response.

I wish to grant your appeal and have instructed \_\_\_\_\_ (name) to find a resolution in keeping with the remedy you seek.

Although I am unable to fully grant your appeal, I have instructed \_\_\_\_\_ (name) to take the following actions as a partial remedy to your complaint:

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

Superintendent (or designee) \_\_\_\_\_

*Complainant, please note:*

*To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limits set in DGBA(LOCAL). The necessary forms are available at \_\_\_\_\_ during regular business hours.*

EXHIBIT E

LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level Two conference, please fill out this form completely and submit it by hand delivery, fax, or U.S. mail to the Superintendent or designee within the time established in DGBA(LOCAL). Appeals will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_
  2. Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_)\_\_\_\_\_
  3. Position \_\_\_\_\_ Campus/Department \_\_\_\_\_
  4. If you will be represented in voicing your appeal, please identify the person representing you.  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone number (\_\_\_\_)\_\_\_\_\_
  5. To whom did you present your appeal at Level Two? \_\_\_\_\_  
Date of conference \_\_\_\_\_  
Date you received a response to the Level Two conference \_\_\_\_\_
  6. Please explain specifically how you disagree with the outcome at Level Two.  
\_\_\_\_\_  
\_\_\_\_\_
  7. Do you want the Board to hear this appeal in open session? \_\_\_\_\_  
*If so, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.*
  8. Attach a copy of your original complaint and any documentation submitted at Level One and a copy of your Level Two appeal notice.
  9. Attach a copy of the Level Two response being appealed, if applicable.
- Employee signature \_\_\_\_\_  
Signature of employee's representative \_\_\_\_\_  
Date of filing \_\_\_\_\_

Donna ISD  
108902

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(EXHIBIT)

EXHIBIT F

BOARD'S RESPONSE TO LEVEL THREE APPEAL

\_\_\_\_\_ (date)  
\_\_\_\_\_ (name of complainant)  
\_\_\_\_\_ (address of complainant)  
\_\_\_\_\_

Dear \_\_\_\_\_:

Having heard the presentation of your appeal at Level Three, the Board took the following action at its meeting on \_\_\_\_\_ (date):

*[Note: When preparing the letter or announcing the decision at the Board meeting, include only one of the following sentences.]*

We have denied the appeal and have upheld the decision made by the Superintendent (or designee) at Level Two.

We have granted the appeal and have instructed the Superintendent to find a resolution in keeping with the remedy you seek.

We have partially denied and partially granted the appeal and have instructed the Superintendent as follows:

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

Sincerely,

President of the Board of Trustees \_\_\_\_\_

\_\_\_\_\_ SD

# Employee Conduct and Welfare

## Standards of Conduct

Policy [DH](#)

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

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

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC no later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency*, for additional information.

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

## *Texas Educators' Code of Ethics*

### **Purpose and Scope**

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

### **Enforceable Standards**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;

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

## **Dress Code**

### DH Local

Administrative, professional, and paraprofessional staff are expected to exhibit good taste and professional judgment in the selection of school apparel. Staff shall dress neatly and more formally than students. The following guidelines apply:

1. Clothing with symbols, phrases, or slogans advertising tobacco, alcohol products, or any controlled substances is unacceptable.
2. Physical education/fine arts staff must wear appropriate shorts and/or warm-ups during the physical education/fine arts instructional period (**leggings and tights are prohibited**).
3. Instructors in shop courses may wear aprons, smocks, or overalls during the instructional period.
4. All staff members are expected to exhibit exemplary grooming insofar as hair length and styling are concerned.
5. For the general staff, warm-ups are unacceptable.
6. Support staff (custodial, food service, maintenance, and transportation employees) shall be neat, clean, and well dressed, as described in their respective handbooks.
7. Thong shoe wear, jogging shoes, or shower shoes are unacceptable.
8. Special attire may be permitted by the administrator at given times.
9. Attire guidelines for female staff are as follows:

- a. Female staff shall wear dresses or appropriate professional attire. In keeping with current fashion, pant ensembles are permitted.
- b. Halter tops, tank tops, undershirts, T-shirts, midriff blouses, see through mesh, or net like materials are unacceptable.
- c. Hems for skirts and dresses must be a minimum of knee length.
- d. Pant suits, Capri pants, slacks, denim dresses, and denim skirts are permitted.
- e. Tights and any garment that may appear to be undergarment (such as spandex, leggings, or yoga pants may not be worn as an exterior garment.
- f. Skirts, blouses, dresses and skirts that allow for inappropriate exposure of skin are prohibited (i.e. Skirts with exaggerated slits and low-cut blouses).

10. Attire guidelines for male staff are as follows:

- a. Male instructional staff shall wear slacks, shirts or appropriate professional attire and are encouraged to wear ties.
- b. Male administrative staff shall wear shirts and ties. Acceptable alternatives for a shirt and tie are: collared shirt and pullover sweater and sport coat.
- c. Male staff members may wear neatly trimmed mustaches or beards. Sideburns shall be no lower than the bottom of the earlobe, and hair length shall be above the collar.
- d. Jeans are unacceptable, unless approved by the principal for special assignments or special days.

11. Attire guidelines for central office administrators/campus administration:

- a. Males shall wear business attire or sports coats with ties.
- b. Females shall wear business attire, business dresses, or professional blazers.
- c. Spirit tops with professional slacks or skirts may be worn on Fridays.
- d. Polo spirit tops are allowed on Fridays with professional looking jeans.

12. Campus principals may approve changes to the dress code policy for staff for

extenuating circumstances (i.e. medical excuses or special events).

13. Adult volunteers, substitutes, student teachers, and interns working with the district shall follow the personnel dress code.

14. Tattoos, body art, or facial piercings must be covered or removed during working hours.

The building principal/department supervisor shall have sole discretion in determining whether clothing will attract unfavorable attention to be disruptive.

## **Dress for Special Occasion Days**

The Superintendent or designee has the authority to allow all or part of the District staff to vary from standard mood of dress and establish a particular mode of attire for special occasion days or for particular school-sponsored or school-related activities.

## **Violations**

Disciplinary actions for failing to comply the District's dress code shall include, but no be limited to:

1. Verbal Warning;
2. Written Reprimand;
3. Suspension; and
4. Dismissal

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

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

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

Individuals who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal, supervisor, or district official is the subject

of a complaint, the complaint should be made directly to the superintendent. A complaint against the superintendent may be made directly to the board.

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

***All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents promptly and investigated. An employee who knows of, or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge of suspicion to appropriate authorities as required by law.***

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

[DIA LOCAL](#)

[DIA REGULATION](#)

## **Harassment of Students**

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

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

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

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, page 73 and *Bullying*, for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is found at [DHB \(LEGAL\)](#) and [FFH \(LOCAL\)](#) at [www.donnaisd.net](http://www.donnaisd.net).

## **Reporting Suspected Child Abuse**

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

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §261.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

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

Reports to Child Protective Services can be made to the **Human Resources Department**, online at <https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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

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

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

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with

investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

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

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at **Human Resources Department**. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

## **Reporting Crime**

*Policy [DG](#)*

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

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is found at [DIA \(LOCAL\)](#) online at [www.donnaisd.net](http://www.donnaisd.net)

**Name: Adela Troncoso**

**Position: Assistant Superintendent for Human Resources**

**Address: 116 N. 10<sup>th</sup> St., Donna, TX 78537**

**Telephone: (956)464-1607**

**Name: David Mosqueda**

**Position: Safety and Risk Management Director**

**Address: 116 N. 10<sup>th</sup> St., Donna, TX 78537**

**Telephone: (956) 461-4350**

**Name: Sylvia Cardenas**  
**Position: Special Education Director**  
**Address: 116 N. 10<sup>th</sup> St. Donna, TX 78537**  
**Telephone: (956) 461-4202**

## **Scope and Sequence**

*Policy [DG](#)*

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

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

## **Technology Resources**

*Policy [CQ](#)*

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

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

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

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

## **Personal Use of Electronic Communications**

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

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

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

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

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.

- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See DH(EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private email addresses. [See Policy GBA]
  - Copyright law [See Policy CY]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See DH(EXHIBIT)]

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

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

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

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or email address.

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

- The employee has provided the parent with a copy of this protocol;

- The employee and the student have a social relationship outside of school;
- The parent understands that the employee’s communications with the student are exempted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

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

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

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

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

- The employee shall include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
- The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- The employee shall not communicate directly with any student between the hours of 6:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators’ Code of Ethics including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.

- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district's record retention policy.
- An employee shall notify his or supervisor in writing within one business day if a student engages in improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

## **Public Information on Private Devices**

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

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

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

## **Criminal History Background Checks**

*Policy [DBAA](#)*

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

## **Employee Arrests and Convictions**

*Policy [DH](#)*

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

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

Moral turpitude includes the following:

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

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

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

*Policy [DH](#)*

Donna ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence

of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The link for the district's policy regarding employee drug use is listed below:

[DH\(LOCAL\)](#)

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

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

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

## **Fraud and Financial Impropriety**

*Policy* [CAA](#)

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

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district

- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

## **Nepotism**

[DBE](#)

A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds if the individual is related to the public official or another member of the board by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree. Tex. Gov't Code §§ 573.002, .041. School district officials who have the power to appoint or employ these persons are subject to the nepotism rules. See policy [DBE](#) for the complete information regarding nepotism

## **Conflict of Interest**

Policy [CB](#), [DBD](#),

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

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

Employees should contact their supervisor for additional information.

## **Gifts and Favors**

*Policy [DBD](#)*

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

## **Copyrighted Materials**

*Policy [CY](#)*

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

## **Associations and Political Activities**

*Policy [DGA](#)*

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

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

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

## **Charitable Contributions**

*Policy [DG](#)*

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

## **Safety**

*Policy [CK](#) series*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See Emergencies for additional information.

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

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

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

Employees with questions or concerns relating to safety programs and issues can contact **Safety and Risk Management Office**.

## **Possession of Firearms and Weapons**

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

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-

sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district-provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor or call **DISD Police Department** immediately.

## **Visitors in the Workplace**

*Policy [GKC](#)*

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

## **Asbestos Management Plan**

*Policy [CKA](#)*

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

## **Pest Control Treatment**

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

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located at building entrances, doors, lounges, and hallways. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

# General Procedures

## Emergency School Closing

The district may close schools because of severe weather, epidemics, or other emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district’s facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district’s website and notify the following radio and television stations:

<i><b>RADIO STATIONS</b></i>		
KKPS- Que Pasa FM 99.5 KFRQ 94.5 KVLV FM 107.9 KHKZ 106.3	661-6000	<a href="http://www.quepasa995.com">www.quepasa995.com</a>  <a href="http://www.hotkiss1063.com">www.hotkiss1063.com</a>
K-TEX FM 100.3	973-9202	<a href="http://www.ktex.net">www.ktex.net</a>
<i><b>TELEVISION STATIONS</b></i>		
KGBT – TV Channel 4	781-4444	<a href="http://www.team4news.com">www.team4news.com</a>
KRGV-TV Channel 5	968-5555	<a href="http://www.newschannel5.tv">www.newschannel5.tv</a>
KNVO-TV Channel 48	661-6000	<a href="http://www.knvo.com">www.knvo.com</a>

## Emergencies

*Policies [CKC](#), [CKD](#)*

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency

drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

## **Purchasing Procedures**

*Policy [CH](#)*

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

## **Name and Address Changes**

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

## **Personnel Records**

*Policy [DBA](#), [GBA](#)*

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

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to **Lydia Lugo, Human Resources Director**. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

## **Facility Use**

*Policies [DGA](#), [GKD](#)*

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

# Termination of Employment

## Resignations

Policy [DFE](#), [DHB](#)

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or other persons designated by the board of trustees, which includes **Human Resources Office**. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

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

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

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

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

## Dismissal or Nonrenewal of Contract Employees

Policies [DF Series](#), [DHB](#)

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are

entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

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

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

## **Dismissal of Noncontract Employees**

*Policies [DCD](#), [DP](#)*

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

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

## **Discharge of Convicted Employees**

*Policy [DF](#)*

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

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

## **Exit Interviews and Procedures**

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

## **Reports to Texas Education Agency**

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

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

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

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges

and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

**Non Certified Employees.** The voluntary or involuntary separation of a noncertified employee from the district must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

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

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

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

# Student Issues

## Equal Educational Opportunities

Policies [FB](#), [FFH](#)

In an effort to promote nondiscrimination and as required by law, Donna ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to [Adela Troncoso, 904 Hester Avenue, Donna TX., atronicoso@donnaisd.net, 956-464-1600](mailto:atronicoso@donnaisd.net), the district Title IX coordinator for students.

Questions or concerns about discrimination on the basis of a disability should be directed to [Sylvia Cardenas, Director for Special Education](#), the district ADA/Section 504 coordinator for students. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

## Student Records

Policy [FL](#)

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

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

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the **Attendance/Intake Department** for assistance.

## **Parent and Student Complaints**

*Policy [FNG](#)*

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

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

## **Administering Medication to Students**

*Policy [FFAC](#)*

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

## **Dietary Supplements**

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

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

## **Psychotropic Drugs**

*Policy [FFAC](#)*

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

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

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

## **Student Conduct and Discipline**

*Policies in the [FN](#) series and [FO](#) series*

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

## **Student Attendance**

*Policy [FEB](#)*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must provide a valid written excuse. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## **Bullying**

*Policy [FFI](#)*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to the **Campus Principal**. The district's policy includes definitions and procedures for reporting and investigating bullying of students and may be found at [FFI \(LOCAL\)](#), online at [www.donnaisd.net](http://www.donnaisd.net)

## **Hazing**

*Policy [FNCC](#)*

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, engaging in or

permitting “hazing” is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

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