Agenda of Regular

The Board of Trustees
Mineral Wells ISD

A Regular of the Board of Trustees of Mineral Wells ISD will be held Tuesday, August 16, 2005, beginning at 6:00 PM in the District Services Complex.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order/Establish Quorum**
2. **Closed Session**
   - A. Resignations of Certified Personnel
   - B. Employment/Appointment/Reassignment/ Evaluation/ Compensation/Duties of Personnel
   - C. Renewal/Nonrenewal/Assignment/Reassignment/Probationary Status/Return to Probationary Status/Continuing Status of District Personnel
   - D. Consideration of New Teacher Pay Scale
   - E. Discuss Land Purchase
3. **Open Session**
4. **Prayer**
5. **Pledge of Allegiance**
6. **Certification of Public Notice**
7. **Public Forum - Delegations/Communications**
8. **Comments & Compliments**
   - A. Performance by Mineral Wells High School Flute Trio
9. **Superintendent's Report**
   - A. Report on Budget/Tax Rate
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10. **Consent Agenda Items**
    - A. Monthly financial report - bills and checks written since the last meeting 3
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15. **Selection of MWISD Foundation Members**
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18. **Adjournment**

REPORT # **26** **DATE:** **7/7/2005**

	RECEIPTS		*GENERAL FUND*		*INT & SINK*	
YEAR	**TAXES**	**P/I**	**TAXES**	**P/I**	**TAXES**	**P/I**
2004	$26,857.09	$4,062.42	$24,080.07	$3,642.37	$2,777.02	$420.05
2003	$915.38	$265.45	$819.72	$237.71	$95.66	$27.74
2002	$787.09	$322.71	$718.93	$294.76	$68.16	$27.95
2001	$409.97	$217.26	$374.47	$198.45	$35.50	$18.81
2000	$33.91	$22.05	$30.47	$19.82	$3.44	$2.23
1999	$26.59	$20.48	$24.06	$18.53	$2.53	$1.95
1998	$688.14	$612.45	$494.43	$440.05	$193.71	$172.40
1997	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
1996	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
1995	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
PRIOR	$106.78	$138.52	$71.54	$92.81	$35.24	$45.71
CED	$56.57		$56.57			
TOTAL	$29,881.52	$5,661.34	$26,670.26	$4,944.49	$3,211.26	$716.85
1% CURR	$268.57	$40.63	$309.20			
1% PRIOR	$29.69	$15.99	$45.68			
1% TOTAL	$298.26	$56.62	$354.88			
TOTAL	$29,583.26	$5,604.72	$26,315.38	$4,944.49	$3,211.26	$716.85

DEPOSIT BREAKDOWN	**LM FUND**	**I & S FUND**	**TOTAL**
CURRENT YEAR			
CURR YEAR PAST DUE	$23,770.87	$2,777.02	$26,547.89
CURRENT YEAR P/I	$3,642.37	$420.05	$4,062.42
PRIOR YEAR	$2,487.95	$434.23	$2,922.18
PRIOR YEAR P/I	$1,302.12	$296.80	$1,598.92
IN LIEU OF TAXES			$0.00
MH RELOC TAX OVERAGE	$0.00		$0.00
CED	$56.57		$56.57
INTEREST ON DEPOSITS	$47.88		$47.88
TOTAL	$31,307.76	$3,928.10	$35,235.86

YTD TAX COLLECTIONS-LM FUND	$11,054,640.92
YTD TAX COLLECTIONS-I&S FUND	$687,179.91
TOTAL YTD TAXES COLLECTED	$11,741,820.83

BREAKDOWN OF TAX RECEIPTS RECEIVED FROM TAX ASSESSOR-COLLECTOR

REPORT # **27** **DATE:** **7/20/2005**

	RECEIPTS		***GENERAL FUND***		***INT & SINK***	
YEAR	**TAXES**	**P/I**	**TAXES**	**P/I**	**TAXES**	**P/I**
2004	$25,891.75	$3,968.55	$23,214.54	$3,558.20	$2,677.21	$410.35
2003	$4,242.84	$1,263.30	$3,799.46	$1,131.29	$443.38	$132.01
2002	$715.80	$299.69	$653.81	$273.74	$61.99	$25.95
2001	$592.95	$318.83	$541.60	$291.22	$51.35	$27.61
2000	$197.96	$130.64	$177.91	$117.41	$20.05	$13.23
1999	$84.59	$65.99	$76.55	$59.72	$8.04	$6.27
1998	$73.83	$66.45	$53.05	$47.74	$20.78	$18.71
1997	$6.12	$6.24	$5.24	$5.35	$0.88	$0.89
1996	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
1995	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
PRIOR	$4.57	$6.87	$3.06	$4.60	$1.51	$2.27
CED	$0.04		$0.04			
TOTAL	$31,810.45	$6,126.56	$28,525.27	$5,489.26	$3,285.18	$637.30
1% CURR	$258.90	$39.68	$298.58			
1% PRIOR	$59.14	$21.58	$80.72			
1% TOTAL	$318.04	$61.26	$379.30			
TOTAL	$31,492.41	$6,065.30	$28,145.97	$5,489.26	$3,285.18	$637.30

DEPOSIT BREAKDOWN	**LM FUND**	**I & S FUND**	**TOTAL**
CURRENT YEAR			
CURR YEAR PAST DUE	$22,915.96	$2,677.21	$25,593.17
CURRENT YEAR P/I	$3,558.20	$410.35	$3,968.55
PRIOR YEAR	$5,229.97	$607.97	$5,837.94
PRIOR YEAR P/I	$1,931.06	$226.95	$2,158.01
IN LIEU OF TAXES	$2,235.35		$2,235.35
MH RELOC TAX OVERAGE	$0.00		$0.00
CED	$0.04		$0.04
INTEREST ON DEPOSITS	$40.61		$40.61
TOTAL	$35,911.19	$3,922.48	$39,833.67

YTD TAX COLLECTIONS-LM FUND	$11,054,640.92
YTD TAX COLLECTIONS-I&S FUND	$687,179.91
TOTAL YTD TAXES COLLECTED	$11,741,820.83

Accounts Payable Invoice Listing Report

VENDOR	INVOICE NUMBER	DESCRIPTION	AMOUNT
AWARDS & MORE ENGRAVING	13295	TROPHY BASE PLATE	$ 11.90
AWARDS & MORE ENGRAVING	13490	SUPPLIES	$ 45.00
BUCK'S COLLISION CENTER CO.	10265	TRANSPORTATION EXPENSE	$ 2,981.81
BUCKS WHEEL & EQUIP CO	43700	TRANSPORTATION EXPENSE	$ 165.47
CERTIFIED LABORATORIES	46127	TRANSPORTATION EXPENSE	$ 138.51
CHEM-SERV	49026	TRANSPORTATION EXPENSE	$ 292.80
DAVID B RAMSEY, M D	816	TRANSPORTATION EXPENSE	$ 375.00
DOUBLE H TIRE	90443	TRANSPORTATION EXPENSE	$ 494.40
DOUBLE H TIRE	90518	TRANSPORTATION EXPENSE	$ 1,102.50
DOUBLE H TIRE	90519	TRANSPORTATION EXPENSE	$ 50.00
DOUBLE H TIRE	90689	TRANSPORTATION EXPENSE	$ 50.00
DOUBLE H TIRE	90691	Supplies	$ 64.36
DOUBLE H TIRE	90766	TRANSPORTATION EXPENSE	$ 274.00
ELIZABETH WILEY	816	SUPPLIES	$ 45.77
ENTERPRISE RENT-A-CAR	D914653	TRANSPORTATION EXPENSE	$ 490.00
FRY'S ELECTRONICS	10089948	Misc. supplies	$ 2,521.76
HENSLEE, FOWLER ET AL	43942	LEGAL FEES	$ 742.55
INTERSTATE BATTERIES	50065292	TRANSPORTATION EXPENSE	$ 176.90
JACK POWELL FORD-MERCURY	11518	TRANSPORTATION EXPENSE	$ 122.66
JACK POWELL FORD-MERCURY	11556	TRANSPORTATION EXPENSE	$ 63.11
JACK POWELL FORD-MERCURY	11569	TRANSPORTATION EXPENSE	$ 21.24
JODIE'S ALTERNATOR	5231	TRANSPORTATION EXPENSE	$ 80.65
KWIK KAR	1422271	TRANSPORTATION EXPENSE	$ 89.99
MANTEK	351254	TRANSPORTATION EXPENSE	$ 177.73
MARLA WHARTON	816	SUPPLIES	$ 324.82
MARTIN OIL COMPANY	11052	TRANSPORTATION EXPENSE	$ 507.74
MCGRAW MOTORS, INC	41509	TRANSPORTATION EXPENSE	$ 167.57
MCGRAW MOTORS, INC	41573	TRANSPORTATION EXPENSE	$ 169.60

MCGRAW MOTORS, INC	41575	TRANSPORTATION EXPENSE	$	(167.57)
MINERAL WELLS FLORAL	7784	FLOWERS	$	200.00
NAPA AUTOMOTIVE PARTS CO	53077	TRANSPORTATION EXPENSES	$	62.94
NAPA AUTOMOTIVE PARTS CO	53078	TRANSPORTATION EXPENSES	$	623.52
NAPA AUTOMOTIVE PARTS CO	53083	TRANSPORTATION EXPENSES	$	7.13
NAPA AUTOMOTIVE PARTS CO	53084	TRANSPORTATION EXPENSES	$	548.39
NAPA AUTOMOTIVE PARTS CO	53108	TRANSPORTATION EXPENSES	$	32.39
NAPA AUTOMOTIVE PARTS CO	53140	TRANSPORTATION EXPENSES	$	(132.00)
NAPA AUTOMOTIVE PARTS CO	53148	TRANSPORTATION EXPENSES	$	36.49
NAPA AUTOMOTIVE PARTS CO	53163	TRANSPORTATION EXPENSES	$	155.95
NAPA AUTOMOTIVE PARTS CO	53200	TRANSPORTATION EXPENSES	$	272.17
NAPA AUTOMOTIVE PARTS CO	53211	TRANSPORTATION EXPENSES	$	107.61
NAPA AUTOMOTIVE PARTS CO	53233	TRANSPORTATION EXPENSES	$	22.58
NAPA AUTOMOTIVE PARTS CO	53240	TRANSPORTATION EXPENSES	$	61.49
NAPA AUTOMOTIVE PARTS CO	53275	TRANSPORTATION EXPENSES	$	3.38
NAPA AUTOMOTIVE PARTS CO	53286	TRANSPORTATION EXPENSES	$	381.14
NAPA AUTOMOTIVE PARTS CO	53289	TRANSPORTATION EXPENSES	$	214.26
NAPA AUTOMOTIVE PARTS CO	53309	TRANSPORTATION EXPENSES	$	(88.05)
NAPA AUTOMOTIVE PARTS CO	53343	TRANSPORTATION EXPENSES	$	35.99
NAPA AUTOMOTIVE PARTS CO	53359	TRANSPORTATION EXPENSES	$	515.83
NAPA AUTOMOTIVE PARTS CO	53444	TRANSPORTATION EXPENSES	$	(71.00)
NAPA AUTOMOTIVE PARTS CO	53451	TRANSPORTATION EXPENSES	$	725.13
NAPA AUTOMOTIVE PARTS CO	53492	TRANSPORTATION EXPENSES	$	214.26
NAPA AUTOMOTIVE PARTS CO	53508	TRANSPORTATION EXPENSES	$	77.60
NAPA AUTOMOTIVE PARTS CO	53538	TRANSPORTATION EXPENSES	$	4.58
NAPA AUTOMOTIVE PARTS CO	53711	TRANSPORTATION EXPENSES	$	103.58
NAPA AUTOMOTIVE PARTS CO	54202	TRANSPORTATION EXPENSES	$	184.47
NAPA AUTOMOTIVE PARTS CO	54328	TRANSPORTATION EXPENSES	$	231.43
NAPA AUTOMOTIVE PARTS CO	54390	TRANSPORTATION	$	9.75

		EXPENSES		
NAPA AUTOMOTIVE PARTS CO	54447	TRANSPORTATION EXPENSES	$	225.07
NAPA AUTOMOTIVE PARTS CO	54461	TRANSPORTATION EXPENSES	$	816.61
NAPA AUTOMOTIVE PARTS CO	54504	TRANSPORTATION EXPENSES	$	6.64
NAPA AUTOMOTIVE PARTS CO	54579	TRANSPORTATION EXPENSES	$	315.21
NAPA AUTOMOTIVE PARTS CO	54682	TRANSPORTATION EXPENSES	$	33.49
NAPA AUTOMOTIVE PARTS CO	54685	TRANSPORTATION EXPENSES	$	38.88
NAPA AUTOMOTIVE PARTS CO	54697	TRANSPORTATION EXPENSES	$	(3.70)
NAPA AUTOMOTIVE PARTS CO	54736	TRANSPORTATION EXPENSES	$	82.56
NAPA AUTOMOTIVE PARTS CO	54750	TRANSPORTATION EXPENSES	$	53.70
NAPA AUTOMOTIVE PARTS CO	54768	TRANSPORTATION EXPENSES	$	60.16
NAPA AUTOMOTIVE PARTS CO	54842	TRANSPORTATION EXPENSES	$	83.58
NAPA AUTOMOTIVE PARTS CO	54900	TRANSPORTATION EXPENSES	$	846.26
NAPA AUTOMOTIVE PARTS CO	55091	TRANSPORTATION EXPENSES	$	24.95
NAPA AUTOMOTIVE PARTS CO	55103	TRANSPORTATION EXPENSES	$	103.57
NAPA AUTOMOTIVE PARTS CO	55128	TRANSPORTATION EXPENSES	$	438.34
NAPA AUTOMOTIVE PARTS CO	55132	TRANSPORTATION EXPENSES	$	8.49
NAPA AUTOMOTIVE PARTS CO	55151	TRANSPORTATION EXPENSES	$	161.48
NAPA AUTOMOTIVE PARTS CO	55202	TRANSPORTATION EXPENSES	$	194.02
NAPA AUTOMOTIVE PARTS CO	55263	TRANSPORTATION EXPENSES	$	33.95
NAPA AUTOMOTIVE PARTS CO	55272	TRANSPORTATION EXPENSES	$	181.28
NAPA AUTOMOTIVE PARTS CO	55279	TRANSPORTATION EXPENSES	$	38.75
NAPA AUTOMOTIVE PARTS CO	55317	TRANSPORTATION EXPENSES	$	10.00
NAPA AUTOMOTIVE PARTS CO	55319	TRANSPORTATION EXPENSES	$	(40.00)
NAPA AUTOMOTIVE PARTS CO	55344	TRANSPORTATION EXPENSES	$	10.99
NAPA AUTOMOTIVE PARTS CO	55366	TRANSPORTATION EXPENSES	$	60.26
NAPA AUTOMOTIVE PARTS CO	55451	TRANSPORTATION EXPENSES	$	168.47
NAPA AUTOMOTIVE PARTS CO	55467	TRANSPORTATION EXPENSES	$	162.20
NAPA AUTOMOTIVE PARTS CO	55507	TRANSPORTATION	$	(63.10)

		EXPENSES	
NAPA AUTOMOTIVE PARTS CO	55513	TRANSPORTATION EXPENSES	$ 31.38
NAPA AUTOMOTIVE PARTS CO	55518	TRANSPORTATION EXPENSES	$ (15.38)
NAPA AUTOMOTIVE PARTS CO	55573	TRANSPORTATION EXPENSES	$ (25.00)
NAPA AUTOMOTIVE PARTS CO	55574	TRANSPORTATION EXPENSES	$ 61.95
NATIONAL ASSOCIATION OF	2000499153	SUPPLIES	$ 66.00
PALO PINTO GENERAL HOSPITAL	810	TRANSPORTATION EXPENSE	$ 200.00
PENNY'S FLOWER SHOP	816	FLOWERS	$ 107.00
PRECISION BUSINESS MACHINES	45536	SUPPLIES	$ 434.70
REDI AUTO SUPPLY	D243074	Supplies	$ 5.49
REGIONAL CHEM LABS, INC	1818	TRANSPORTATION EXPENSE	$ 1,531.02
RESOURCES FOR EDUCATORS	926606-B2	SUPPLIES	$ 297.00
REXEL MINERAL WELLS	301723801	Maintenance	$ 7.42
RIVERS & ASSOCIATES	2590	SUPPLY	$ 2,675.00
ROBERT MATLOCK TOOL COMPANY	3319	TRANSPORTATION EXPENSE	$ 44.00
SAFETY-KLEEN CORPORATION	29468845	TRANSPORTATION EXPENSE	$ 156.15
TEXAS REFINERY CORPORATION	749323	TRANSPORTATION EXPENSE	$ 270.00
TY L. GORE, M.D.	43491	TRANSPORTATION EXPENSE	$ 85.00
UNIFIRST CORPORATION	8290653928	TRANSPORTATION EXPENSE	$ 60.16
UNIFIRST CORPORATION	8290655920	TRANSPORTATION EXPENSE	$ 60.16
UNIFIRST CORPORATION	8290657868	TRANSPORTATION EXPENSE	$ 60.16
UNIFIRST CORPORATION	8290659816	TRANSPORTATION EXPENSE	$ 162.64
UNIFIRST CORPORATION	8290661783	TRANSPORTATION EXPENSE	$ 72.44
ZIA BUS SALES, INC.	26349	TRANSPORTATION EXPENSE	$ 62.36
ZIA BUS SALES, INC.	26355	TRANSPORTATION EXPENSE	$ 43.89
ZIA BUS SALES, INC.	26362	TRANSPORTATION EXPENSE	$ 222.58
ZIA BUS SALES, INC.	26412	TRANSPORTATION EXPENSE	$ 102.64
General Fund Total			$26,952.15

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT
MINERAL WELLS, TEXAS

REGULAR BOARD MEETING

The Board of Trustees of the Mineral Wells Independent School District met on Tuesday, July 19, 2005, in the District Services Complex, 906 S.W. 5th Avenue, Mineral Wells, Texas. Board President Dr. Ty L. Gore called the meeting to order at 6:07 p.m.

BOARD MEMBERS PRESENT:

Dr. Ty L. Gore, President; Rodney Henderson, Vice-President; Doug Pennington, Holt Price, and Joel Hardeman

MEMBERS ABSENT:

Dr. Moss Dickerson and Reyes Garcia III

CENTRAL ADMINISTRATORS PRESENT:

Ray M. Crass, Superintendent; Linda Porter-Bradford, Assistant Superintendent; Russell Cotton, Assistant Superintendent; and Bobbye Estes, Assistant Superintendent

CLOSED SESSION:

The Board adjourned into closed session at 6:07 p.m.

The Board adjourned from closed session at 6:59 p.m.

OPEN SESSION:

The Board reconvened in open session at 7:00 p.m.

PRAYER:

Holt Price opened the meeting with prayer.

PLEDGE OF ALLEGIANCE:

The Board led the audience in the pledge of allegiance.

CERTIFICATION OF PUBLIC NOTICE OF MEETING:

Ray M. Crass, superintendent, certified that the provisions of Texas Government Code Chapter 551 had been complied with in connection with public notice of meeting.

PUBLIC FORUM - DELEGATIONS/COMMUNICATIONS:

None

COMMENTS & COMPLIMENTS:

None

SUPERINTENDENT'S REPORT:

Superintendent Crass announced that the district's administrators are working very hard in preparing for the new school year, which will be starting very soon.

CONSENT AGENDA ITEMS:

Doug Pennington moved and Rodney Henderson seconded a motion to approve the consent agenda items as follows:

- Approved the monthly financial report – bills and checks written since the last meeting.
- Approved the budget amendment as presented. (copy attached)
- Approved the quarterly investment report as presented. (copy attached)
- Approved the minutes for June 21, 2005, meeting of the Board.
- Approved the Early Release Waiver/Modified Schedule/TAKS Testing Days Waiver as presented. (copy attached)

The motion carried 5-0.

BIDS FOR OFFICE, INSTRUCTIONAL, LIBRARY, AND ATHLETIC SUPPLIES:

Holt Price moved and Doug Pennington seconded a motion to approve bids for office, instructional, library, and athletic supplies and to place them on the approved vendor list. The motion carried 5-0. (copy attached)

COMMITMENT TO PARTICIPATE IN TASB ELECTRICITY AGGREGATION AGREEMENT - POOL 7

Doug Pennington moved and Holt Price seconded a motion to approve the commitment to participate in the TASB Electricity Aggregation Agreement – Pool 7. The motion carried 5-0. (copy attached)

VOTE ON CLOSED SESSION ITEMS:

Rodney Henderson moved and Doug Pennington seconded a motion to employ the following individuals for the 2005-2006 school year:

NAME	ASSIGNMENT	EFFECTIVE DATE
Tamara Smith	Mineral Wells Junior High	August 15, 2005
Kelly Andreatta	Travis Elementary	August 15, 2005
Janice Boyd	Travis Elementary	August 15, 2005
Debbie Mason	Travis Elementary	August 15, 2005
Melanie Blakely	Mineral Wells High School	August 15, 2005
Neva Cox	Mineral Wells High School	August 15, 2005
Garry Fade	Mineral Wells High School	August 15, 2005
Kirby Jackson	Mineral Wells High School	August 15, 2005
Robert Lloyd	Mineral Wells High School	August 15, 2005
Amy Sparks	Mineral Wells High School	August 15, 2005
Dianne Stanley	Mineral Wells High School	August 15, 2005
Madeline Miller	Mineral Wells Junior High	August 15, 2005

The motion carried 5-0.

Doug Pennington moved and Holt Price seconded a motion to employ the following administrator for the 2005-2006 school year.

NAME	ASSIGNMENT	EFFECTIVE DATE
David Moore	DSC-Technology Director	August 1, 2005

The motion carried 5-0.

Rodney Henderson moved and Joel Hardeman seconded a motion to accept the resignations of the following individuals:

NAME	ASSIGNMENT	EFFECTIVE DATE
Robert Cox	Mineral Wells High School	June 23, 2005
Carrie Forehand	Mineral Wells High School	June 14, 2005
Patrick Goodman	Mineral Wells High School	June 24, 2005
Geoff Madey	Mineral Wells High School	June 23, 2005
Amanda Smedley	Mineral Wells High School	June 24, 2005
Kelly W. West	Mineral Wells High School	July 29, 2005
Sabrina Harris	Mineral Wells Junior High	June 24, 2005
Keri Wright	Mineral Wells Junior High	June 28, 2005
Devin Gulliford	Travis Elementary	July 8, 2005
Shirley Knight	Travis Elementary	June 21, 2005

The motion carried 5-0.

ADJOURNMENT:

Upon a motion by Doug Pennington and a second by Holt Price, the meeting was adjourned at 7:07 p.m. The motion carried 5-0.

_____
Dr. Ty L. Gore, President

_____
Doug Pennington, Secretary

jb

MINERAL WELLS
INDEPENDENT SCHOOL DISTRICT
TEACHER HANDBOOK
2005-2006

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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 Linda Porter-Bradford, Mineral Wells I.S.D. District Services Complex.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. Policy manuals are located in each campus office and on the Mineral Wells I.S.D. homepage, www.mwisd.net, and are available for employee review during normal working hours.

Employee Handbook Receipt

Name _____

Campus/department _____

I hereby acknowledge receipt of my personal copy of the Mineral Wells 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.

Electronic copies may be found at www.mwisd.net .

Please indicate your choice by checking the appropriate box below:

(All 2005-2006 employees will receive hard copies.)

☐ I choose to receive the employee handbook in electronic format and accept responsibility for accessing according to the instructions provided.

☐ I choose to receive a hard copy of the employee handbook.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this booklet. 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 Assistant Superintendent for Personnel, Linda Porter-Bradford, if I have questions or concerns or need further explanation.

_____ _____

Signature Date

Note: You have been given two copies of this form. Please sign and date one and keep it. Sign and date the other copy and forward it to your campus principal.

Chapter 1: District information

Description of the district

The Mineral Wells Independent School District is committed to excellence. Academic achievement is the top priority for MWISD's 3,600 plus students. It is truly a place where the interests of the children come first.

Facilities and Staff . . .
The children of this historic community attend three elementary schools, one junior high, and one high school (4A). The district has a well-established alternative education center. A total district staff of 556 provides a quality education for students. Five full-time nurses and ten counselors are an important part of this team.

Technology . . .
Each of the district's five schools are equipped with up-to-date computer labs and utilize technology-assisted instruction, with one school being a Cox Communications model school for technology. All schools have computerized libraries. A distance learning site and professional development center are located at the District Services Complex. The district is connected with a fiber-optics network.

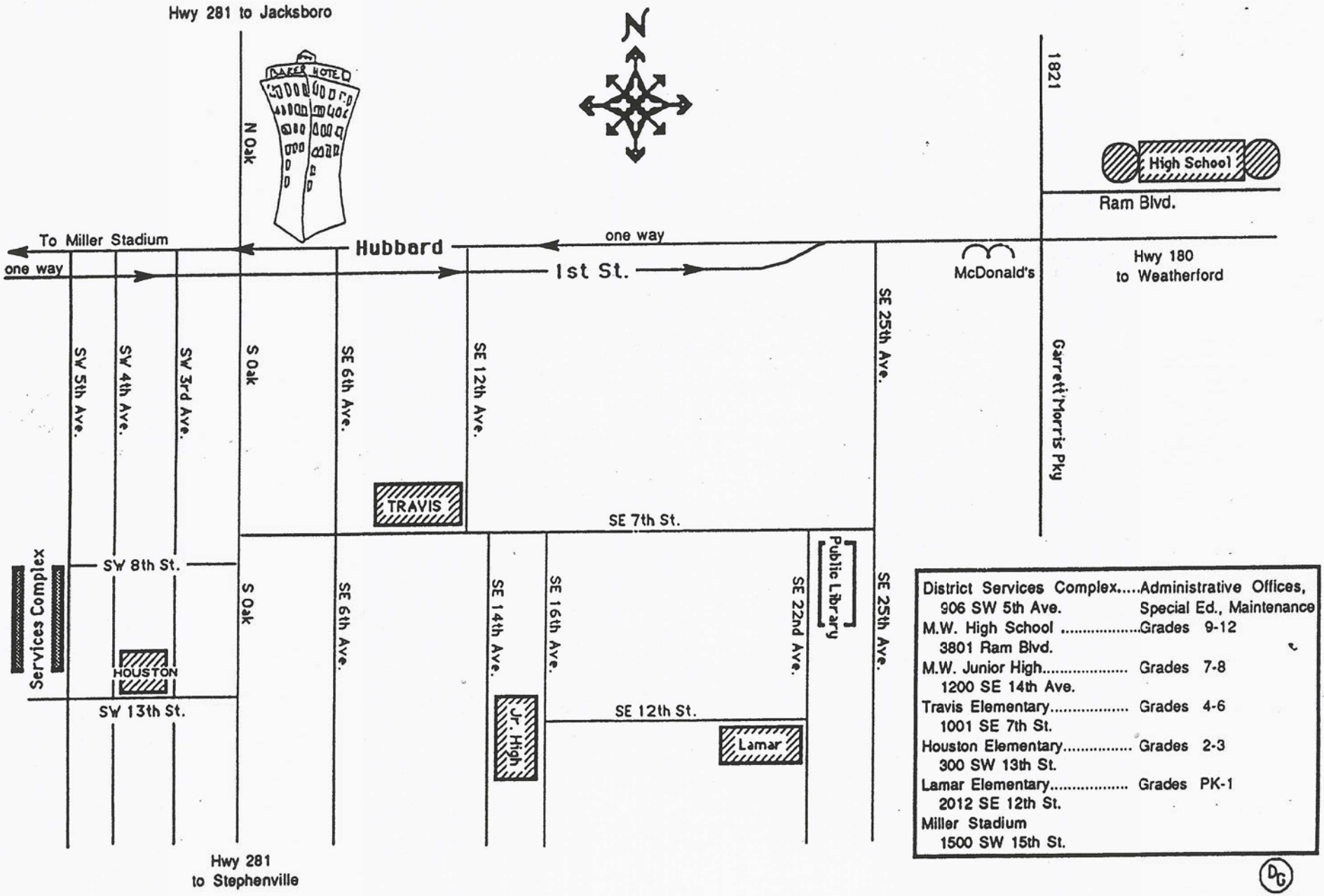
Programs . . .
Many innovative and varied programs are used throughout the district to meet student needs and promote academic achievement. Academically gifted students in grades K-12 are provided challenging curriculum and activities. Strong fine arts and athletic programs in MWISD schools, along with solid core subjects, provide a well-balanced curriculum for all students. The state of the art high school that opened in the school year 2000-2001 has an extensive selection of technical and certification programs, varying from computer technology, career, agriculture, and culinary arts. The campus offers many advanced placement classes.

Networking with Universities . . .
The school district reaches beyond its boundaries by working in conjunction with Tarleton State University, University of North Texas, Texas Women's University and Weatherford College in various programs to bring excellence to MWISD.

The Effective Schools Project, with Tarleton State University, provides for teacher staff development and training.

District map

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT



District Services Complex	Administrative Offices, Special Ed., Maintenance
906 SW 5th Ave.	
M.W. High School	Grades 9-12
3801 Ram Blvd.	
M.W. Junior High	Grades 7-8
1200 SE 14th Ave.	
Travis Elementary	Grades 4-6
1001 SE 7th St.	
Houston Elementary	Grades 2-3
300 SW 13th St.	
Lamar Elementary	Grades PK-1
2012 SE 12th St.	
Miller Stadium	
1500 SW 15th St.	

DG

1993

Mission statement

The District is committed to building a community of life-long learners in a student-centered climate of acceptance and responsibility.

Vision statement

The District is dedicated to providing a quality education so that our students become:

1. Responsible
2. Able team members and communicators
3. Motivated, life-long learners
4. Solvers of problems

District goals and objectives

- Continue to improve the effectiveness of the total Instructional Program.
- Improve School Climate in the areas of discipline, morale, and facilities.
- Improve Communications to create a unified district and community.
- Strengthen Management techniques of instructional leaders.
- Promote higher Student Expectations by increasing the professional Staff Expectations.

Board of trustees

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

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

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees are elected at large and serve three-year terms. (Positions one and two – 1997, 2000, 2003, etc. Positions three, four and five – 1998, 2001, 2004, etc. Positions six and seven – 1999, 2002, 2005, etc.) Trustees serve without compensation, must be registered voters, and must reside in the district.

Current board members include:

Dr. Ty Gore - President
Rodney Henderson - Vice President
Doug Pennington - Secretary

Holt Price
Dr. Moss Dickerson
Reves Garcia
Joel Hardeman

The board usually meets at the Mineral Wells I.S.D. District Services Complex, 906 Southwest 5th Avenue, Mineral Wells, Texas at 7:00 p.m. on the second Tuesday of each month. In the event that large attendance is anticipated, the board may meet at Mineral Wells High School Auditorium. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted at the District Services Complex at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

Administration

Superintendent	Ray M. Crass
Assistant Superintendent	Linda Porter-Bradford
Assistant Superintendent	Russell Cotton
Assistant Superintendent	Bobbye Estes
Secondary Curriculum Coordinator	Carolyn Cooper
Special Education Director	Dennis Scott
ESL/Bilingual Coordinator	Lupe Ortiz
Gifted/Talented Coordinator	Cathey Drew
Transportation Director	David Kimbrough
Food Services Director	Kathy Haney
Director of Maintenance	Bill Ralph
Athletic Director	Sean Harvey
Technology Coordinator	David Moore
Director of Public Relations	Mary Creighton

School calendar

Mineral Wells Independent School District

A commitment to Excellence

2005 - 2006 School Calendar

July 2005

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

August 2005

M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

September 2005

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

October 2005

M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

November 2005

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

December 2005

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

January 2006

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

February 2006

M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28			

March 2006

M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

April 2006

M	T	W	T	F
3	4	5	6	7
10	11	12	*13	14
17	18	19	20	21
24	25	26	27	28

* Sat. 29

May 2006

M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

June 2006

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

Schools & Administrative Offices

Lamar Elementary (PK-1)	325-5303
Houston Elementary (2-3)	325-3427
Travis Elementary (4-6)	325-7801
Mineral Wells Junior High (7-8)	325-0711
Mineral Wells High School (9-12)	325-4408
District Services Complex	325-6404
Food Services	325-6404
Special Services	325-6404
DREAM	325-3033
Alternative Education Center	325-7513
Transportation	325-4290

Age Requirements (State Law)

Prekindergarten: 4 years of age on or before Sept. 1 of current school year and must meet financial guidelines.

Kindergarten: 5 years of age on or before Sept. 1 of current school year.

First Grade: 6 years of age on or before Sept. 1 of current school year.

Holidays

Labor Day	September 5
Thanksgiving	November 23-25
Christmas	December 21 - 30
Martin Luther King Day	January 16
Spring Break	March 13-17
Easter Holiday	April 14
Memorial Day	May 29
Bad Weather Days	April 13 & April 29

Staff Development

New Teacher Orientation	August 15
	August 15-19
Student Early Release/Staff Development	October 10
	May 30-31

Grading Periods

Beginning of First Semester	August 22
End of First 6 Weeks	September 30
End of Second 6 Weeks	November 11
End of Third 6 Weeks & End of First Semester	December 20
Beginning of Second Semester	January 2
End of Fourth 6 Weeks	February 17
End of Fifth 6 Weeks	April 7
End of Sixth 6 Weeks	May 26
End of Second Semester & Last Day of Instruction	May 26

High School Graduation June 2

Key: ⊏ ⊐ Beginning/End of 6 Weeks ● Holiday ☐ Staff Development Day / Student Early Release Day * Bad Weather Day

Courtesy of Bank of America

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.

School directory

Mineral Wells I.S.D. 2005-2006

HIGH SCHOOL	John Corsi, Principal	801 Ram Blvd.	325-4408
Fax 325-7623	Jim Yancey, Asst. Principal		325-4408
	John Kuhn, Asst. Principal		325-4409
	Angie Myrick, Asst. Principal		325-6211
	Rhonda Conally, Principal's Secretary		325-8461
	Joyce Cox, Asst. Principal's Secretary		325-7993
	Lucy Garcia, PEIMS Secretary		
	Nora Soloman, Attendance Clerk		
	Coaches Office		325-8531
JUNIOR HIGH	Jay Walsworth, Principal	1301 SE 14 Ave.	325-0711
Fax 328-0450	Phil Moore, Asst. Principal		325-0712
	Nan Brandt, Dean of Students		325-1371
	Brenda Procter, Principal's Secretary		
	Patricia Shewmake, Asst. Principals' Secretary		
	Elva Norman, PEIMS Secretary		
	Linda Windham, Attendance Clerk		
TRAVIS	Bruce Butler, Principal	1001 SE Martin Luther King St.	325-7801
Fax 328-0972	John Uptergrove, Asst. Principal		325-7802
	Millie Ragle, Asst. Principal		
	Marilyn Nimmo, Principal's Secretary		
	Lora Watkins, Asst. Principals' Secretary		
	Glenda Marsden, PEIMS Secretary		
HOUSTON	Kelly Wilkerson, Principal	300 SW 13 St.	325-3427
Fax 325-7683	Natalie Griffin, Asst. Principal		325-7121
	Brenda Blevins, Principal's Secretary		
	Malenda Pugh, PEIMS Secretary		
LAMAR	Parisa Lerma, Principal	2012 SE 12 St.	325-5303
Fax 325-3266	Michelle Oswalt, Asst. Principal		
	Maria Thomas, Principal's Secretary		
	Kay Wheeler, PEIMS Secretary		
SPECIAL EDUCATION	Dennis Scott, Director	906 SW 5 Ave.	325-6404
	Eldonna Goen, Secretary		
DAEP	Linda Lawson, Principal	1806 NE 1st Ave.	325-7513
			328-0479
DREAM ACADEMY	Rena' Jennings, Principal	3810 Ram Blvd.	325-3033
	Frances Cleveland – PEP Coordinator		
VISITING TEACHER	Bill Midkiff	1806 NE 1st Ave.	325-6881
FOOD SERVICE	Kathy Haney, Director	906 SW 5 Ave.	325-6404
PUBLIC RELATIONS	Mary Creighton, Director	906 SW 5 Ave.	325-6404

TECHNOLOGY	David Moore, Director	906 SW 5 Ave.	325-6404
MAINTENANCE	Bill Ralph, Director Sheila Tidmore, Secretary	906 SW 5 Ave.	325-6404
SUPPORT SERVICES	David Kimbrough, Director	Bus Terminal	325-4290
BUS TERMINAL	Fred White, Bus Maintenance	Fort Wolters	325-3468
MILLER STADIUM		1500 SW 15 St.	325-7276

Chapter 2: Employment

Equal employment opportunity

Policy DAA (see Appendix A)

The Mineral Wells ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, military status, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination on the basis of race, color, religion, sex, national origin, age, or military status should contact Linda Porter-Bradford, the district's Title IX coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact Nan Brandt.

Job vacancy announcements

Policy DC (see Appendix A)

To the extent possible, announcements of job vacancies by position and location are distributed on a regular basis and posted at the central administration building, on each campus and on the district's website.

Employment after retirement

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in certain positions or on a part-time basis without affecting their benefits, according to TRS rules and state law. Service retirees who retire before May 31 may return to work in a Texas public school without a reduction in benefits one full calendar month after the retirement date provided they meet specific conditions. Retirees may work in the following capacities without a loss of retirement benefits:

- As a principal or assistant principal or teacher in an acute shortage area on a full-time basis, if appropriately certified and following a 12-month break in service. Retirees that retired under early age or disability provisions are excluded.
- As a full-time bus driver (early age and disability retirees excluded).

- As a substitute at no more than the established daily substitute pay rate. (Individuals receiving disability retirement benefits may not work for more than 90 days in a school year.)
- On a half-time or less basis during any month. Half-time employment cannot exceed the lesser of 50 percent of the position's full-time load or 92 hours in a month.
- On a full-time basis during a six-month period during a school year, provided that this is their only employment in a Texas public school. Individuals who retire in August may begin employment in October of the school year following their retirement.

Under this last provision, retirees must submit annual written notice to TRS by the last day of the first month of full employment to avoid a disruption of benefits. Working any part of a month counts as a full month.

Other restrictions apply when a person has retired because of a disability. Individuals retiring because of a disability should contact TRS for details about employment restrictions.

Shortage areas. Certain retirees may return to work on a full-time basis as a principal or assistant principal or teacher in an acute shortage area without a reduction in their TRS annuity benefits. Acute teaching shortage areas are determined by the board based on Commissioner of Education guidelines. When filling acute shortage area positions, the district must give hiring preference to certified applicants who are not retirees. To be eligible for full TRS benefits a retiree must meet the following criteria:

- Have not been subject to a reduction in benefits for retirement at an early age or retired under disability provisions
- Have a 12-month continuous break in public school service since retirement
- Be appropriately certified for the position in the applicable school year

Employees can contact Linda Porter-Bradford for additional information or contact TRS by calling 800-223-8778 or 512-542-6400. TRS information is also available on the Web (www.trs.state.tx.us).

Contract and noncontract employment

Policies DC, DCA, DCB, DCC, DCD, DCE (see Appendix A)

State law requires the district to employ all full-time professional employees in positions requiring a certificate from State Board for Educator Certification (SBEC) and nurses under probationary or term 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 at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years (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 and continuing 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. Teachers employed before January 1, 1996 are employed by continuing contract. Teachers employed after that date are employed by term contracts. Campus principals and central office administrators are employed under two-year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract and employment policies.

Noncertified professional and administrative employees. Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional 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.

Searches and alcohol and drug testing

Policy DHE (see Appendix A)

Noninvestigatory 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, work areas, 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 who is required to have a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in

the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

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

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

First aid and CPR certification

Policy DBA

Head marching band directors, head coaches, or chief sponsors of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or University Interscholastic League (UIL) must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation (CPR). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Certification documentation will be maintained in the employee's personnel file.

Reassignments and transfers

Policy DK (see Appendix A)

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent 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. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Employees 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. Teachers requesting a transfer to another campus before the school year begins must submit their request by June 1 of current year. Requests for transfer during the school year will be considered only when

the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the personnel office and must be approved by the receiving supervisor.

Workload, work schedules and staff attendance

Policy DL (see Appendix A)

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

The scheduled work day for teachers on all Mineral Wells I.S.D. campuses is 7:45 a.m. to 4:00 p.m. Teachers who have afternoon duty may need to stay later until students under their supervision have left campus. It is important for good school operation that faculty members report to school in the morning and to class during the day at the scheduled time. Teachers are to be in their first period classroom by 7:50 a.m. You should greet students as they enter your classroom.

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

The conference period is set aside to give teachers an opportunity to carry out plans for both classroom work and individual guidance of students. It is the designated time for a parent conference when one is deemed necessary.

Teachers should feel free to use a reasonable amount of time for relaxation during their conference period, but shall remain at school and available to students and the school program.

First and last period conferences do not allow for late arrivals or early departures unless approved by the principal or designee. If for any reason a teacher must leave campus, the teacher must sign out upon leaving and sign in upon returning to campus.

Paraprofessional and auxiliary employees. Support employees are employed at will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. Paraprofessional and auxiliary employee work days are based on an eight-hour day.

Staff Attendance

Teachers and staff members are encouraged to be role models for students concerning attendance. If you must be out for discretionary leave, a form must be submitted to the principal and approved before leave is granted. *(See form, Appendix B)* If you are going to be out for a doctor's appointment or illness of a child, please notify the office in advance if possible. It will help us to ensure that classrooms are covered in the mornings. For all absences, you are responsible for calling to arrange for a substitute through the district substitute coordinator. After school hours please contact the district substitute clerk (682-6626 before 10:00 p.m. or between 6:00 – 6:30 a.m.). Also, call your designated administrator to inform them of your absence.

Always be certain that the substitute teacher has access to all materials needed – including lesson plans, media equipment, and attendance sheets. The substitute folder should be readily available. In addition, any duty assignments should be clearly outlined for the substitute to follow. Experienced substitutes recommend seating charts to assist in identifying students. The teacher should supply the name of another teacher on whom the teacher can rely for answers to questions he/she may have.

Planning Period

The planning period is designed for planning, conferencing with parents, or other professional duties. The only time an employee may leave campus is for legitimate school business. There will be a sign-out sheet in the front office. Employees are expected to sign out and in whenever leaving and returning to campus. Prior approval by the principal or assistant principal is required for an employee to leave during this planning period or any other time except during lunch.

Work Schedule

All professional Mineral Wells I.S.D. staff follow a set workday. The hours are 7:45 a.m. to 4:00 p.m. each day unless otherwise approved by the administration. Additional hours may be necessary to attend meetings and/or school functions.

Notification of parents regarding qualifications

Policy DK, EHBD (see Appendix A)

In schools receiving Title I funds, the district is required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

Texas law also requires that parents be notified if their child is assigned for more than 30 consecutive days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notification under NCLB is sent. Inappropriately certified or uncertified teachers include individuals serving with an emergency permit (including individuals waiting to take the EXCET exam) or individuals who do not hold

any certificate or permit. No later than the 30th instructional day after the date of assignment the superintendent or designee will send a written notice to parents. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status can call Linda Porter-Bradford.

Outside tutoring

Teachers are not allowed to privately tutor their students for pay, except during the summer months.

Performance evaluation

Policy DN, DNA, DNB (see Appendix A)

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 except as permitted in policy DNA (Local). Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

Employee involvement

Policy BQA, BQB (see Appendix A)

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

Staff development

Policy DMA

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

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

renewal, employees shall provide the personnel office with a copy of training hours submitted to SBEC.

Chapter 3: Compensation and benefits

Salaries, wages, and stipends

Policy DEA (see Appendix A)

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid based on hourly wages or provided compensatory time for each overtime hour worked. (See *Overtime*, page 18.)

Salary and wage schedules are reviewed annually and adjusted according to the budgeted amounts approved by the board. 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. Examples include:

- Department Head or Grade Level Chairs
- UIL Academics
- GT/AP
- ESL/Bilingual
- Master Reading Teacher
- Math Increment
- Activity Sponsors

Employees should contact Linda Porter-Bradford for more information about the district's pay schedules or their own pay.

Paychecks

All professional employees are paid monthly. During the school year, paychecks are delivered to each campus. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. During summer breaks, paychecks will be mailed.

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

The schedule of pay dates for the 2005–2006 school year follows:

MINERAL WELLS ISD
PAYROLL CUTOFF AND PAY DATES
2005-2006

	CUTOFF	IN BY NOON	PAYDAY
AUG 2005	8	9	22
SEP 2005	13	14	26
OCT 2005	14	17	28
NOV 2005	9	10	22
DEC 2005	7	8	20
JAN 2006	6	9	20
FEB 2006	8	9	24
MAR 2006	6	7	24
APR 2006	17	18	28
MAY 2006	15	16	26
JUN 2006	**TBA**	**TBA**	**TBA**
JUL 2006	**TBA**	**TBA**	**TBA**
AUG 2006	**TBA**	**TBA**	**TBA**

Automatic payroll deposit

Employees can have their paychecks electronically deposited to their bank account *(see form, Appendix B)*. With automatic deposit, an employee's pay is immediately available on the pay date. Contact Martha Mitchell for more information about the automatic payroll deposit service.

Payroll deductions

Policy CFEA

Automatic payroll deductions for the Teacher Retirement System of Texas (TRS) and federal income tax are required for all full-time employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Temporary and part-time

employees who are not eligible for TRS membership must have their Social Security contributions deducted.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; and annuities. 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

Policy DEA (see Appendix A)

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

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

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

- Employees can accumulate up to 60 hours of compensatory time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval as workload permits.

An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal, vacation). Weekly time sheets will be maintained on all nonexempt employees for the purpose of wage and salary administration.

Travel expense reimbursement

Policy DEE (see Appendix A)

Before any travel expenses are incurred by an employee, the employee's supervisor and business office must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule estab-

lished by the district. Employees must submit receipts, to the extent possible, to be reimbursed for expenses other than mileage.

Health, dental, and life insurance

Policy CRD (see Appendix A)

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

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are regularly scheduled to work at least 10 hours per week

TRS retirees and employees who are not contributing TRS members that are regularly scheduled to work less than 10 hours per week are not eligible to participate in TRS-ActiveCare.

New hires are subject to a 90-day waiting period before the district begins paying for a portion of health insurance premiums for TRS-ActiveCare. An employee may choose to buy the insurance during this period by paying out-of-pocket. Insurance coverage would then begin the first day of the month following the first day of work. Coverage for employees who choose not to buy the insurance would begin on the 91st day of employment. Employees who were contributing members of TRS at the time they were hired are not subject to the 90-day waiting period.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact Debbie Clark, (940) 325-6404, for more information.

Supplemental insurance benefits

Policy CRG

At their own expense, employees may enroll in supplemental insurance programs for dental, vision, life, cancer and disability during open enrollment or upon loss of other coverage if done within designated time period of the plan. Premiums for these programs can be paid by payroll deduction. Employees should contact Debbie Clark 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., cancer and dread disease, dental, and vision). 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 open enrollment. The Section 125 plan year is from February 1 through January 31.

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 effective immediately upon employment. 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 your supervisor. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' compensation benefits,* page 24 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 under the Texas Unemployment Compensation Act. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact Joanna Mitchell.

Teacher retirement

Policy DEG

Employees who plan to retire under TRS should notify their supervisor as soon as possible. Information on the application procedures for TRS benefits are available at www.trs.state.tx.us. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400.

Chapter 4: Leaves and absences

Policy DEC (see Appendix A)

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

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

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than five days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee's fitness to return to work.

Personal and local sick leave is earned on a yearly basis. Leave is available for the employee's use at the beginning of the school year. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

Personal leave

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

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

Discretionary. Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request 48 hours in advance of the anticipated absence to his or her principal or supervisor. Discretionary personal leave will be granted

on a first-come, first-served basis. 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.

Sick leave

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

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 personal business leave

All employees shall have the two workdays of local leave per year to be used for personal business days. Local personal business days shall accumulate without limit and shall be taken with no loss of pay. Prior approval shall be obtained from the supervisor for the use of personal business leave.

Extended leave

When all accumulated leave has been used, each employee shall be granted ten workdays of local extended leave to be used under the terms and conditions applicable to sick leave accumulated prior to May 30, 1995, with one-half the daily rate of pay deducted.

Temporary disability

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. A full-time educator may request to be placed on temporary disability leave or be placed on leave. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. The leave 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 days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

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, your supervisor 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 do the job. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following school year.

Family and medical leave

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

- The birth, adoption, or foster placement of a child
- To care for a spouse, parent, or child with a serious health condition
- An employee's serious health condition

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

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

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

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

- An employee is needed to care for a seriously ill spouse, child, or parent
- An employee requires medical treatment for a serious illness
- An employee is seriously ill and unable to work
- An employee becomes a parent or has a foster child placed in his or her home

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

- Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member
- Second or third medical opinions and periodic recertification of the need for leave
- Periodic reports during the leave regarding the employee's status and intent to return to work
- Medical certification from a qualified health care provider at the conclusion of leave of an employee's ability to return to work

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

Workers' compensation benefits

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

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

Assault leave

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

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

against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

Jury duty

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

Other court appearances

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

Military leave

Paid leave for military service. Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the armed forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days per year. 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 ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they are still qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to personnel office.

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 Debbie Clark for details on eligibility, requirements, and limitations.

Chapter 5: 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 Teacher of the Year, Perfect Attendance, Teacher of the Month, Support Staff of the Month.

District communications

Throughout the school year, the Public Relations office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements.

Complaints and grievances

Policy DGBA (see Appendix A) (see form, Appendix B)

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 process that all employees must follow. 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:

Chapter 6: Employee conduct and welfare

Standards of conduct

Policy DH

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

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

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

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the superintendent first learns of the incident.

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

CODE OF ETHICS AND STANDARD PRACTICES FOR TEXAS EDUCATORS

Statement of Purpose

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. 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.

Professional Standards

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1 The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

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

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

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

Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and

accepted openly from students, parents, 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 applicable 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.

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, sex, disability, or family status.

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 under this chapter.

3. Ethical Conduct toward Students

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

Standard 3.2 The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

Standard 3.3 The educator shall not deliberately or knowingly 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, sex, disability, national origin, religion, or family status.

Standard 3.5 The educator shall not engage in physical mistreatment of a student.

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

Standard 3.7 The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Harassment of employees

Policies DH, DIA (see Appendix A)

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees 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.

Employees who believe they have been harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal or supervisor is the subject of a complaint, the employee should report the complaint directly to the superintendent.

The district's policy that includes definitions and procedures for reporting and investigating harassment may be found in the above-referenced policies.

Harassment of students

Policies DH, FFG, FFH (see Appendix A)

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment or abuse of a student will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting suspected child abuse*, page 30 for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students may be found in the above-referenced policies.

Drug-abuse prevention

Policies DH, DI (see Appendix A)

Mineral Wells ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the workplace. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy regarding employee drug use may be found in the above-referenced policies.

Reporting suspected child abuse

Policy DG, DH, FFG, GRA

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

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

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

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

Fraud and financial impropriety

Policy DG, CAA

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes, but is not limited to, 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
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district

Conflict of interest

Policy BFAA, DBD

Employees are required to disclose to their supervisor 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

An employee with a substantial interest in a business entity or interest in real property must disclose the interest to the district prior to the award of a contract or authorization of payment. This is done by filing an affidavit with the Superintendent, Board President, or designee. An employee is also considered to have substantial interest if a close family member (e.g., spouse, parent, child, or spouse's parent or child) has a substantial interest.

Gifts and favors

Policy DBD (see Appendix A)

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

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.

Safety

Policy CK (see Appendix A)

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

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

Employees with questions or concerns relating to safety programs and issues can contact Russell Cotton.

Tobacco use

Policies DH, GKA, FNCD

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

Employee arrests and convictions

Policy DH

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within three days of the event. Moral turpitude includes, but is not limited to, the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Drug- or alcohol-related offenses
- Acts constituting abuse under the Texas Family Code

Possession of firearms and weapons

Policies FNCG, GKA

Employees, visitors, and students are prohibited from bringing firearms, 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. 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 supervisors or call the administrative office immediately.

Visitors in the workplace

Policy GKC

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

Copyrighted materials

Policy EFE

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

Computer use and data management

Policy CQ

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

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

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

Employees and students who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact David Moore.

Employees are required to sign the district's acceptable use policy and return a signature page to their supervisor. *(see form, Appendix C)*

Asbestos management plan

Policy CKA

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

Pest control treatment

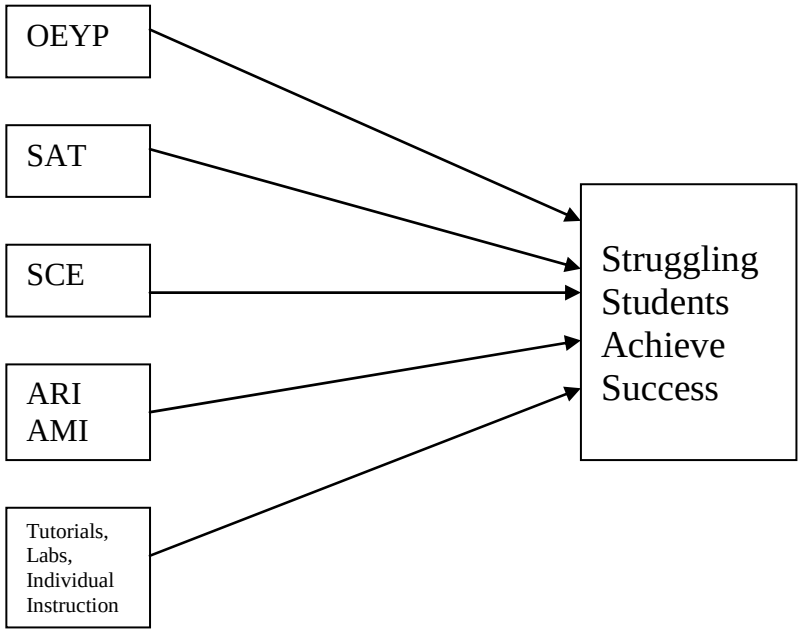
Policy DI, CLB

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

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on the front doors. Pest control information sheets are available from campus principals or facility managers upon request.

Chapter 7: General procedure

Accelerated Instruction



Mineral Wells ISD recognizes the need for intensive academic training for students who have fallen behind. For this reason, the District offers the following:

- **Optional Extended Year Program (OEYP)** – The OEYP provides students additional time to master the state's challenging content and student performance standards. A student identified by district policy as unlikely for promotion to the next grade level is eligible for OEYP services. OEYP eligibility criteria must be based on the district's retention criteria. TAKS may not be used as the sole academic criteria to determine OEYP eligibility. The district will not enroll more than 16 students in an OEYP-funded class. The teacher for an OEYP class must successfully complete a training program on how to teach an OEYP class. Documentation of the training must be maintained by the district.
- **Student Assistance Team (SAT)** – Each campus has a Student Assistance Team in place to assist teachers in helping students who are having difficulty in the regular classroom, and who may need to be referred to special education testing. Among the duties of the SAT are identifying interventions and solutions for students with academic difficulties, supporting teachers as they attempt to meet student needs, providing a systematic approach to meeting the needs of children with difficulties, maintaining documentation of how assistance is being provided to the students, and satisfying pre-referral requirements required by law to reduce inappropriate referral to special education. (For additional information about the SAT on your campus, please see the following "Campus Specific SAT Contacts".)

Lamar – Susan Alcorn
Houston – Lesa Whaley-Davis
Travis – Jolene Williams
Junior High School – Nan Brandt
High School – Angie Myrick

- **State Compensatory Education (SCE) Program** – Compensatory education is defined as a program and/or service designed to supplement the regular education program for students identified as at risk of dropping out of school. The purpose is to increase the academic achievement and reduce the drop out rate of these students. Student performance data, including TAKS, other appropriate assessment instruments, and achievement tests, are used to determine who is at risk of dropping out of school. The use of compensatory funds must be described in district and campus improvement plans. These plans serve as the primary record supporting expenditures attributed to the state compensatory education program. Among the programs offered within the district are: in-school and after-school tutorials, reading and math labs, individualized instruction, Saturday School, TAKS classes, and character education. (For your campus information, please refer to the attachment entitled "Campus Specific Tutorials and Other SCE Programs.") Those students who may participate in SCE Programs are defined by the following criteria:

  "Student at risk of dropping out of school" includes each student who is under 21 years of age and who:

  1. If the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

  2. If the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

  3. Was not advanced from one grade level to the next for one or more school years;

  4. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

  5. Is pregnant or is a parent;

6. Has been placed in an alternative education program under Education Code 37.006 during the preceding or current school year;

7. Has been expelled during the preceding or current school year;

8. Is currently on parole, probation, deferred prosecution, or other conditional release;

9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

10. Is a student of limited English proficiency, as defined by Section 29.052;

11. Is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in the District, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

(See SCE Local Procedures and Program Description Manual – Appendix C)

- **Accelerated Reading Instruction (ARI)** – This program provides early reading intervention for students enrolled in Grades K-5. The program goal is to provide intensive, targeted intervention programs for those students at every campus who are at-risk for reading difficulties, including dyslexia.
- **Accelerated Math Instruction (AMI)** – Like ARI, this program provides intervention for students in Grades K-5. The program provides resource for those students who are unlikely to achieve the TAKS mathematics standards by the end of Grade 5. Again, intensive, targeted instruction is the focus of AMI.

Activity Funds/Fund Raisers

What is an Activity Fund?

Fund 461 – Campus Activity Fund

- Funds which are raised by the student body and are expended on the student body as a whole.
- Example revenue sources include: student pictures and vending
- Uses must comply with applicable purchasing law and policy

- Funds under the control of the campus principal

Fund 865 – Student Activity Fund
- Consist of monies received and held by the campus for the benefit of students
- Monies are used to benefit particular organizations
- Expended based upon a vote of the officers in a manner consistent with policy
- Example: membership dues

Cash Handling Procedures for Activity Accounts
- All cash must be deposited when received
- Sponsor should be present when cash is verified
- Issue pre-numbered cash receipts for all funds with two signatures (Bookkeeper and sponsor)

Booster/PTA Accounts
- The District cannot be the accountant (or auditor) for booster clubs or other similar activities.
- Must maintain their own set of books
- District employees should not handle funds
- Sponsors should at all times be aware of board policies and administrative regulations to help offices of the club to operate within those policies and regulations
- PTA's and booster clubs are non-profit entities and cannot use the District's tax exempt identification number

District Fund Raising Policies
- CFD
- FJ
- GKB

Suggested Fund Raising Guidelines
All fund raisers must be approved on the district form. *(see form, Appendix B)*

Student Funds. Receipts shall be issued by the principal or designee for all funds prior to their deposit into the appropriate District account at the District depository.

Fiduciary Responsibility. The principal and sponsor shall be responsible for the proper administration of student funds in accordance with state and local law, District-approved accounting practices and procedures.

Use and Expenditure. Funds collected by student groups shall be used only for purposes authorized by the organization or upon approval of the sponsor.

Approval. Approval from the immediate supervisor or designee shall be obtained prior to a disbursement being made to the principal.

School-Sponsored. Fund-raising activities by student groups and/or for school-sponsored projects shall be allowed, with prior administration approval and under the supervision of the project sponsor, for students in all grades.

All fund-raising projects shall be subject to the approval of the principal and/or Superintendent.

Loss of Class Time. The collection of monies that takes the time of the students or teachers during school hours is strictly forbidden, unless the monies collected represent payment for school lunches, monies that will benefit the school or its students, or other authorized fees.

Charitable Raffles. A raffle is the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a price. *Occupations Code 2002.002(6)*

A "qualified nonprofit organization" for purposes of the Charitable Raffle Enabling Act may conduct raffles in accordance with the Act to benefit the District or school. A parent-teacher organization may be qualified to hold such raffles if it meets the requirements of the Act. *Occupations Code 2002.003, 2002.051; Atty. Gen. Op. JM-1176 (1990)*

Announcements/Class Interruptions

The principal or designated administrator must approve all announcements prior to their being read.

No one may use the P.A. System without the expressed approval of the Administration – the Principal or his/her designee when he/she is not available. Announcements will not be made at other than the appointed times except in cases of necessity, and only with the expressed approval of the Administration.

Class Interruptions. Interruptions of class non-academic activities are to be severely limited. Use of the intercom for other than emergency announcements is limited to one time per school day. Teachers and administrators are to avoid class interruptions wherever possible. The privilege of planning activities that take students from other teachers' classes is to be reduced and tightly controlled by the principal.

Any teacher desiring to take students from class for any activity must arrange through the principal's office for such absence in advance, so that other teachers affected may plan their work, arrange for students to make up work, and properly account for the student's absence.

Teachers are not to use class time to talk with salesmen, parents, or other non-school persons. If it becomes necessary for a teacher to have a conference during his/her class

time, the authorization will come through the office and necessary arrangements will be made.

Assessments

Mineral Wells ISD uses the state assessment program and locally developed assessments to monitor the progress of individual students and to evaluate our instructional programs.

Purposes of Assessments

1. The Mineral Wells ISD will use the information provided from state and local assessments to determine needs and target resources.
2. The campuses will use the information from state and local assessments to provide appropriate professional development for teachers and to plan instruction and services to meet the needs of all students.
3. Teachers will use the information from assessments to make classroom instructional decisions and provide the necessary support for students to be successful.
4. Parents will be informed about the assessments, so they can monitor the progress of their student.

Statewide Assessments

K-2	Phonemic Awareness and Phonics Inventory (PAPI) Developmental Reading Assessment (DRA) TELPAS
3-11	TAKS SDAA II TELPAS

Local Assessments

The district uses regularly scheduled benchmark assessments as well as teacher made assessments throughout the year. The purposes of these assessments are to measure individual student growth and to guide instruction in the classroom.

Benchmark Assessments will be given during the first semester with a testing window of November 7 through November 17 and during the second semester with a testing window of February 20 through March 3. The benchmarks should include material previously taught and as well as material that may have not been taught yet in the school year. The benchmark can be considered a pretest for checking students' prior knowledge of new material. The benchmark is meant as diagnostic tool and will not be used as a grade. The benchmark results will be shared with staff through either grade level or department meetings led by the principals within 10 days of students taking the tests. The data will be analyzed, and instructional planning will take place during these meetings. The benchmarks will be scored using the AEIS-IT program, and reports will be generated for the data analysis.

The grade levels or departments should be constructing ongoing assessments that match the instructional targets for each six weeks. These assessments could be teacher made tests or tests generated using the WebCATT software. This will give teachers immediate feedback on the mastery of objectives being taught within the grading period. These assessments can be used as part of the student's grade.

District and Campus Testing Coordinators

District Coordinator:	Bobbye Estes
Mineral Wells High School	Carolyn Cooper
Mineral Wells Junior High:	Nan Brandt
Travis Elementary:	Cathey Drew
Houston Elementary:	Lesa Whaley- Davis
Lamar Elementary/ DREAM/ ABU:	Susan Alcorn

Athletics Facilities

Gymnasium – Students must be supervised by their teacher at all times, proper clothing (with regard to safety) must be worn; sneakers or other appropriate footwear.

Locker Rooms – must be supervised at all times when students are present. Floor must be kept free of debris – soap, glass, etc. Locker rooms are to be secured and locked during class periods and athletic events.

Weight room – must be locked when not used. It may only be used when visual supervision is available.

Field House – the field house must be supervised at all times when in use, either by coaches, faculty members or the designated employees. Keys to the field house will be issued by the Administration to specific individuals. Students are not to have keys, nor are unauthorized persons. Any person found in the area without proper authority will be considered trespassing without permission.

Calendar

The official school calendar with dates of school activities scheduled will be kept in the office. Teachers will need to fill out an information sheet whenever they need to add an event to the master calendar *(see form, Appendix B).* It is important that every teacher who expects to place activities on the calendar do so at the earliest date possible. The calendar should show athletic events, UIL events, plays, musical programs, assemblies, class meetings, banquets, field trips, practices, and all other activities involving students.

An official district-wide activities calendar will be maintained on the MWISD website. All events must be entered on this calendar, which will be the official check against conflicts, availability of facilities and dates for school functions.

Classroom Maintenance

Classroom Maintenance

Your room sets the tone for learning. Neatness and orderliness influence students, visitors, and you. Use the following guide:

a) Teach students to pick up papers at all times.
b) Maintain current, attractive bulletin boards at all times. Replace faded paper and tattered items.
c) Only teachers will remove staples/pins from walls and empty pencil sharpeners. When you take down student work, take the time to remove staples and/or tape.
d) Please limit coffee, tea, coke, or greasy food being brought into classrooms.
e) Teachers are responsible for keeping all desks, cabinets, etc. free of pencil and crayon marks. Students are not to use the cleaners due to possible allergic reactions.

Room Care

Things that should not be in classrooms:

All bulletin boards should be in use with orderly materials that pertain to the subject being taught.
The applicable fire code will be strictly enforced.
No candles.
No animals unless approved by the campus principal.

Repair. The need for repairs or maintenance to the room, furniture, or equipment should be reported to the Principal on the work order form.

Inventory. Each teacher will prepare an inventory of his assigned room in the fall and spring under the supervision of the Assistant Principal or Principal.

Clubs

MINERAL WELLS HIGH SCHOOL
CLUB/ORGANIZATION SPONSORS
2005-2006

Art	Libby Wiley
Band	George Strandberg
Burro	Donna Parker
Cheerleaders	Rhonda Conally
Choir	Robert Lloyd
Crime Stoppers	Officer Harrison
Drama	Angela Destro

Drill Team	Peggy Harvey
FBLA	Michelle Carlson
FCA	Greg Wright/ Brett Lang
FCCLA	Lynn Deisher
FEA	Michelle Stone
FFA	David Hardy/Blake Edwards
HOSA	Garry Fade
Key Club	Stefany Gillen
Los Latinos	Misty Avila
National Honor Society	Patsy Myers
Pathfinders	Kim Ortiz
Skills USA	Cannon/Griffin/Whittenburg
STUCO	Deeann Hampton
Z –Club	Katrina Brister
UIL Academic	Donna Parker
UIL Sports	Sean Harvey

Dress Code

Faculty and staff will dress professionally at all times. The MWISD school board has determined that business casual or job appropriateness is the dress code of MWISD employees in determining what is acceptable wear under the new code:

ACCEPTABLE
Minimal Business Casual

Men

1. Collared sports shirt
2. Docker type slacks
3. Dress slacks
4. Open collar shirt
5. Polo shirts
6. Dress shoes (no sandals)
7. Boots
8. Belts (if required by slacks)
9. Sweaters with undershirt

Women

1. Slacks
2. Shirts and blouses
3. Capri pants
4. Sweaters
5. Shoes
6. Sandals
7. Skirts
8. Dresses

The above listed items are minimum standards!
Good grooming and appropriate attire should be modeled at all times.
Note: *All garments must extend to the top of the knee.*

UNACCEPTABLE

1. Corduroy or denim blue jeans
2. Wind suits
3. Athletic shoes
4. Shorts
5. Uncovered tattoos

Exception: Friday at MWISD will continue to be "School Spirit Day." Nice blue jeans and a spirit building shirt will be acceptable wear for this day. Business casual/job appropriate will remain the standard for all other types of clothing on Friday. Campus administrators may approve other "special occasion" dress.

ID badges are required at all times. Coaches in the main building will meet expected dress requirements. Coaches in the gym, weight room, and engaged in outside coaching may dress as is appropriate to the activity. Jeans are deemed appropriate for teachers working in unairconditioned environments such as auto tech, woodworking, metal trades, ag, or any area approved by the principal.

Equipment Usage

Audio-Visual Equipment
Teachers may obtain camera equipment, TV, and/or VCR from their department head. Teachers are responsible for insuring that all equipment is maintained in working order and is securely kept in the classroom.

Bicycles (Travis Campus Only)
The school has approximately 24 ten-speed bikes that teachers are allowed to use for their class. You will need to get permission from the assistant principal. They are located in the building on the playground. They will probably need to be aired up so plan ahead to ask campus maintenance about getting this accomplished.

Copy Machines
Each campus has copy machines available in the teacher workrooms. Each user is given a code for use and should use the code for all copies made. Copies are to be for school use only.

E-mail
E-mail will be an expected means of communication on this campus. You will need to check your e-mail once in the morning and once in the afternoon. The e-mail address you have been issued is a district privilege. It should be used for professional communication and should adhere to the district acceptable use policy.

Fax Machine
The fax machine is located in the main office. The instructions for use are located on the machine.

Keys
School keys **ARE NEVER** to be loaned to students, student managers, student aides, or anyone at anytime for any reason. There is NO reason at any time for keys to be in the possession of someone other than authorized personnel. Teachers will be held accountable for violations of this policy.

In the event a key is lost, the Principal or Assistant Principal should be notified immediately and the teacher will be charged a fee ($50.00) to replace the lost key.

Classrooms will be kept locked when they are not occupied. Doors should not be left propped open. All visiting adults should be greeted with common courtesy and directed to the front office to sign in and receive a visitor's pass.

Laminating
Due to the cost of laminating film, we are asking that you be mindful of the items that you are laminating. Lamination should be limited to bulletin board items, special student recognition projects (not a project that all students have done), and products that will be used on a yearly basis.

Mailboxes
Please check your mailbox twice a day. Telephone messages will be placed in your box unless there is an emergency. You will be notified immediately in case of an emergency.

Due to legal constraints, handouts are not to be placed in boxes until cleared by an administrator. All persons wanting to place handouts in boxes must have it initialed by an administrator. All persons wanting to place handouts in boxes must have it initialed by an administrator one day prior to the date it is needed. All handouts should be put in boxes before 7:45 a.m., *especially field trip lists.*

NO STUDENTS ARE ALLOWED IN THE WORKROOM OR LOUNGE. THEREFORE, DO NOT SEND STUDENTS TO THE OFFICE TO PICK UP THINGS FROM YOUR MAILBOX.

Personal Use of School Equipment
Teachers desiring to use school equipment for school use at home preparing lessons for MWISD may do so by requesting in writing to the principal. This signed request is to be presented to the principal to retain as a receipt until the equipment is returned. The principal will determine whether or not the equipment is available and that the loan of the equipment will not interfere with normal school use.

Teachers are welcome to use material and equipment with the provision that proper care will be taken at all times and the equipment is returned promptly to the principal.

Field Trips

Whenever possible these trips should be scheduled during the teacher's regularly scheduled class periods, not to conflict with other teacher and student schedules. The trips should have educational value to the subject taught. Teachers should fill out a field trip request form to be given to the principal *(see form, Appendix B)*. A list of eligible students must be attached to the field trip application at the time it is submitted. Establish timeline/deadline and no additional students can be added with prior administration approval.

No field trips may be taken after May 1st without the approval of the Superintendent.

Before the field trip is taken, faculty sponsors will:

- Make an adequate time schedule of the trip to insure that the situation will produce a maximum educational effect.
- For trips lasting more than two hours and involving the noon meal, see that lunches are taken or that lunch arrangements are made. Request sack lunches from the cafeteria one week in advance. Let the cafeteria know how many students will miss lunch.
- For trips lasting more than two hours, check to see that adequate rest room facilities are available.
- Make a personal visit, if possible, to the area or organization to be visited to make necessary arrangements.
- Make sure students have a field trip permission form completed. (This must be on file in the office. Emergency numbers must be included.)
- If the planned trip should cause students to be absent from other classes, an alphabetized list of students involved should be submitted to the office (preferably via email) one week before the trip. These lists will be distributed to classroom teachers.

Once students have boarded the bus and prior to departure, attendance must be taken and an accurate list must be submitted to the office before the bus departs on school days to positively identify those people on the bus, including chaperones.

Attendance must be taken during the trip each time students re-board the bus during the trip – not a head count, but a name roll call. Do not leave a student unless you have the verbal permission of the administration at which time a chaperone is left behind to help locate the student. Physical attendance must be taken at least every two (2) to two and one-half (2½) hours on trips covering entire days where students are permitted to move on their own in parks, museums, etc.

Non-school days are preferable for field trips.

School rules apply for all trips. Additional rules per trip may be drafted for a particular trip by the administration and/or the Board of Education.

Students may be refused trips where previous problems have existed from such.

School day trip must be school-related and no student may be refused because of inability to pay.

A telephone number must be available for reaching an administrator on school and non-school days. It is the head chaperone's responsibility to secure this number.

Instructional Resource Guidelines

Mineral Wells ISD
182903

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, "instructional resources" refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District's educational program. [See EFAA for selection and adoption of state-adopted textbooks]

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that

students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.

4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.

5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

CRITERIA

In the selection of instructional resources other than textbooks, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.

2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, and educational significance.

3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.

4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly.

Selection of materials is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of materials still of educational value.

ELECTRONIC MEDIA

Teachers, other employees, and visitors shall use discretion and consider the suitability and possible unintended detrimental impact on students of scenes, images, or plots depicting

violence, profanity, obscenity, rape, murder, prostitution, perversion, promiscuity, immorality, copulation or other sexually explicit activity, and/or drug abuse in any film, motion picture, or video (on whatever medium or format, and of whatever origin or ownership) before selecting such medium of communication for viewing by students in the classroom or other location related to school activities. Particular discretion should be exercised when considering the use of "unrated" films. Rated films follow the Motion Picture Association of America's rating codes listed here:

1. "G" General audiences. All ages admitted.
2. "PG" Parental guidance suggested. Some material may not be suitable for children.
3. "PG 13" Parents strongly cautioned. Some material may be inappropriate for children under 13.
4. "R" Restricted. Under 17 years old requires accompanying parent or an adult guardian.
5. "NC-17" No one 17 and under admitted.

However, in no instance shall films having the ratings or classification codes established by the MPAA be shown to students without prior notice given to parents or other legal guardians of each student who would view such films. Films with a rating code of "PG" shall not be shown to students in grades lower than 5th grade. Films with a rating of "PG-13" shall not be shown to students in grades lower than 9th grade.

Before the showing of the film, any teacher or other related school employee (counselor, nurse, and the like) planning to show or have a film shown in the classroom shall give the campus principal notice of intent to show the film, along with the film's rating and an explanation of how the film correlates to the unit or lesson being taught. The film shall be previewed by the teacher or school employee intending to show the film, and the principal also shall have the option of previewing the film before showing.

Films or other material rated "R", "NC-17", or other nonrated pornographic content shall not be shown to any audience of viewers in relation to the activities of the District.

CONTROVERSIAL ISSUES

The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify

historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED MATERIALS

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or other knowledgeable professional staff shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned material.

2. The principal or other knowledgeable professional staff shall explain the role the questioned material plays in the educational program, its intended educational usefulness, and any additional information regarding its use.

3. If appropriate, the principal may offer a concerned parent another resource to be used by that parent's child in place of the challenged material.

4. If the complainant wishes to make a formal challenge, the principal shall provide the complainant a copy of this policy and a Request for Reconsideration of Instructional Materials form [see EFA(EXHIBIT)].

FORMAL RECONSIDERATION

All formal objections to instructional resources shall be made on the Request for Reconsideration of Instructional Materials form. The form shall be completed and signed by the complainant and submitted to the principal or designee. Upon receipt of the request, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who either has experience teaching the challenged material or is familiar with the challenged material. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and others deemed appropriate by the principal.

All members of the committee shall review the challenged material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall then prepare a written report. Copies of the report shall be provided to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at Level Two. The appeal shall contain a copy of the original complaint, the reconsideration committee's report, and dates of conferences with the principal or designee.

GUIDING PRINCIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. A parent of a District student, any employee, or any District resident may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.

2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.

3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.

4. Access to challenged material shall not be restricted during the reconsideration process.

The major criterion for the final decision on challenged materials is the appropriateness of the material for its intended educational use. No challenged library material shall be removed solely because of the ideas expressed therein.

All films must have the approval of the principal prior to classroom use *(see form, Appendix B)*.

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UPDATE 73
EFA(LOCAL)-X

Library

Classroom teachers should work closely with the librarian to arrange in advance for all full class assignments in the library. THE TEACHER MUST ALWAYS ACCOMPANY HIS OR HER CLASS TO THE LIBRARY. Small groups of individuals sent from class for library assignments shall be given a written pass with definite instructions concerning their study assignments. Upon entering the library, individual students must sign in. Students who wish to use the internet must have an internet usage permission form signed by their parents on file. Students will not be permitted to check out computers or books without a student ID.

Meetings

All professional staff are expected to attend and remain for each meeting in its entirety.

All professional staff will be responsible for information presented.

Meetings may include, but are not limited to:

- Department meetings
- Faculty meetings
- Team meetings
- Grade level meetings

Faculty meeting schedules will be supplied by the campus principals at the beginning of each school year.

Lamar – Monday
Houston – Monday
Travis – Wednesday
Junior High – Wednesday
High School – every other Wednesday

Called meeting will usually be announced in an e-mail or via the intercom.

Parent Communication

Our task is to initiate contact with parents and keep them informed. It is always more effective to call/visit with a parent about an individual student issue first. Written messages are easily misinterpreted. Be sure to be truthful, yet tactful in both written and oral communication. A colleague should read any notes before you send them to a parent. When you write a class or grade level letter, have the message approved by the principal and give a copy to the office. Be sure to document all conferences with the date, time, who attended, and subject addressed. Designated days for communication with parents and community will be set by campus administrators. There should be one documented personal communication with every parent within your room each six weeks (elementary only). Face-to-face contact shall be made with parents when it becomes

obvious that the success of the student and the support of the parents may be enhanced by such contact.

Parking

Each campus has a parking lot provided for faculty and staff. All personnel are encouraged to park in designated areas. Parking in the front of the building is reserved for parents and visitors.

Parties

Elementary. The students will be allowed two parties for the school year – a winter break and valentine party.

Secondary. Parties cannot be held in the classrooms during class time without permission from the administration. Permission may be granted only when there is a TEKS connection for such a party.

Phone Calls – Cell Phone Use

Staff will not be called to the telephone except in an emergency. Messages will be taken and left in your mailbox. You may return calls during your planning period. *Please do not make extended telephone calls for personal reasons during school time*. Cell phones *must* be turned off during the *instructional time*.

Bad weather closing

Policy CKC

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early, the following radio and television stations will be notified by school officials:

The district may close schools due to bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early, local radio and television stations will be notified. (KXAS – Channel 5, KTVT – Channel 11, WFAA – Channel 8) (KYSX – 95.9 and KJSA – 1120). The campus will have in place a campus phone tree to that individual employees can be notified as soon as an official decision is made. Closings will also be posted on the Mineral Wells I.S.D. website at www.mwisd.net.

Emergencies

Policy CKC

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

Purchasing procedures

Policy CH

Policies Relating to School Accounts

Agency Fund Accounts

The principal is responsible for the agency funds in his/her school. Each check requisition must be approved by the principal with an original signature stating clearly the reason for the expenditure and have the invoice or other sufficient information attached for inventory purposes. Any agency fund requisition received without proper documentation attached will be sent back and not processed for payment until proper documentation is received.

Receipting/Deposit Policies

1. All monies received by school personnel are to be receipted.

2. All monies are to be receipted and deposited as rapidly as accounting procedures permit.

3. Detail of checks and cash to be deposited must be listed on each deposit slip.

Monthly Reports

1. Financial statements are presented to the Board each month.

2. Summary and detail reports are available to all supervisors through our financial software.

Petty Cash

1. Each campus maintains petty cash at an amount designated by the business office. The total of receipts and cash must equal this amount at all times.

2. Expenditures are to be verified with receipts.

3. Checks are not to be cashed from petty cash. I.O.U.'s are disallowed from petty cash or any other agency fund.

4. As with all other school district purchases, sales tax will not be reimbursed. Texas Sales and Use Tax Exemption Certificates are available at the business office.

Disbursement Policies

1. Purchase requisitions are originated at the campus level and must be approved by the supervisor.

2. The purchase requisition and proper documentation (quotes, hotel confirmations, etc.) are sent to the business office for approval.

3. After approval, the requisitions are converted to purchase orders and faxed to the vendor.

4. The yellow receiving copy and pink copy of the purchase order are sent back to the supervisor until merchandise has been received.

5. Once the merchandise has been received, the supervisor must sign and date the yellow receiving copy of the purchase order and send to the business office.

6. Checks will be issued the following business week once yellow receiving copies of purchase orders have been received in the business office with all proper documentation.

7. Any yellow receiving copies of purchase orders without proper documentation will be denied and sent back to the supervisor.

   Proper Documentation

   a) Signed yellow receiving copies

   b) Invoices that equal amounts on purchase orders

   c) Employee Travel Request/Expense Voucher (see attached)

   d) Hotel reservation confirmations with room rates

   e) Printed state mileage guide (see attached)

8. The district does not pay nor reimburse state sales tax (this includes 6% state hotel tax).

9. At the time of purchase/hotel reservations all vendors/hotels must be informed of state sales tax exemption status. All documentation sent to the business office should not include any state sales tax.

10. All employees requesting reimbursement for approved out of town travel must complete the Employee Travel Request/ExpenseVoucher. The district will reimburse travel expense based on the State Mileage Guide at .345 per mile (www.window.state.tx.us/comptrol/texastra.html) *(see illustration, Appendix B)*. Refer to the Employee Travel Request/Expense Voucher for other travel information.

11. Checks will be issued weekly. Special instructions for the distribution of checks should be noted in writing on the first page of documentation. Employee travel checks will be sent to their campus.

Name and address changes

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

Personnel records

Policy GBA

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

- Address
- Phone number
- Social Security number
- Information that reveals whether they have family members

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

Building use

Policy GKD (see Appendix A)

The principal is responsible for scheduling the use of facilities after school hours. Contact Russell Cotton to request to use school facilities and to obtain information on the fees charged.

No employee may use the facilities without prior approval from the campus administrator.

Staff Children on Campus

Staff children will be allowed on campus before our students arrive in the classroom and after dismissal of the students. No staff children should be in their parent's classrooms during instructional day or for special events during the school day. When your children are on campus, they should be supervised at all times in your classroom and be respectful for school property and other staff members. Children are not allowed in the teacher workroom or lounge.

Student Aides

(Junior High and High School Only)

Junior and senior students can earn one local credit per year for serving as a teacher's aide assisting individual teachers with various duties and responsibilities. During pre-registration, students may apply for a position as a teacher's aide with specific approval for the cooperating teacher. Students who apply must have no major discipline or attendance infractions. Attendance for the teacher's aide is monitored in the same manner other attendance is. When the aide is not in attendance, the supervising teacher should report the absence to the office. A roster of all aides and supervising teacher is available in the office.

No aides will be assigned during a teacher's conference period. The teacher should be available to monitor the aide. The aide should remain within the classroom setting without time to wander the halls or visit the cafeteria or other areas of the building. The aides should have enough responsibilities to warrant the position. Job duties within the classroom will not breech confidentiality. **Under no circumstances should the teacher's aide have access to private information about other students.**

Textbooks

Textbook Procedures and Responsibilities

Board of Trustees

1. is designated as the legal custodian of the books,
2. makes arrangements for the distribution of books to pupils in the most economical and effective way, and
3. delegates to its employees the power to requisition, distribute, and manage textbooks.

Superintendent

1. is responsible for reporting district wide memberships to the Commissioner of Education,

2. is ultimately responsible for all textbook activity within the district,
3. may serve as the chairperson of the Local Adoption Committee or appoint a designee, and
4. designates a District Textbook Coordinator

District Textbooks Coordinator

The district Textbook Coordinator shall perform the functions set out in the statutes and regulations and such other duties as may be prescribed by the Superintendent. The District Textbook Coordinator is responsible for:

1. controlling all textbook activity within the district and coordinating all textbook activity with TEA,
2. communicating with district PEIMS Clerk on the status of filing membership/enrollment reports to TEA in order to obtain the proper amount of textbooks for the district; membership/enrollment counts are based on:
    - the superintendent's membership report,
    - projected enrollments by the Department of Student Records (PEIMS Coordinator),
    - campus enrollment projections, and
    - ESL and Special Education projections as needed from the appropriate area or department.

The Textbook Coordinator is responsible for updating population counts at the time of annual requisition.

Chapter 2: maintaining the District's textbook account (Working with business manager to ensure that textbooks funds are used for replacing lost or damaged textbooks),
Chapter 3: working with all campus textbook coordinators on matters regarding errors in shipments, textbook inventories, and other matters regarding textbooks,
Chapter 4: supervising all shipping and receiving of textbooks from TEA and schoolbook depositories,
Chapter 5: making all deliveries and transfers from textbook office (District Services Complex) to school campuses,
Chapter 6: updating and maintaining textbook records system put in place by district
Chapter 7: ensuring that all money collected from the schools for lost or destroyed textbooks is collected and deposited in the textbook fund at central office,
Chapter 8: communicating with business manager on the textbook fund account, and
Chapter 9: certifying that an annual physical inventory of all current adoption textbooks, teacher editions, and kits is conducted on each campus,

Principal / Assistant Principal Responsibilities:

(Campus Textbook Coordinator) The Principal has the primary responsibility for the care and distribution of textbooks at each campus. An assistant principal or clerk may be assigned the duty of campus textbook coordinator by the principal. The campus textbook coordinator will be responsible to the principal for the proper disposition of his/her duties. The principal, however, remains the primary custodian at the campus and is responsible for the following regarding textbooks:

1. keeping all extra textbooks that are within the maximum allowed in a controlled bookroom,
2. tracking any surplus textbooks on the campus,
3. ensuring that all required accounting procedures are followed for moneys collected for all lost, destroyed, or damaged textbooks,
4. sending all money collected from students for sales (including payment for lost and destroyed textbooks) to the Business Office,
5. conducting an annual physical inventory of all textbooks and teacher resources,
6. requiring that all textbooks be covered,
7. requiring regular textbook inspections be conducted,
8. verifying all textbook transactions and report any discrepancies to the District Textbook Coordinator,
9. sending textbook requests (including campus to campus transfers) to the District Textbook Coordinator (for example for use by Special Education Teachers at different campuses),
10. returning all textbooks to the campus textbook storage area at the end of the school year or at the end of the semester/trimester for all classes that do not continue,
11. completing all required reports from the District Textbook Coordinator,
12. reporting all textbooks needing to be replaced due to destruction or wear,
13. reporting all students owing outstanding textbook monies to any campus to which the student transfers, and
14. furnishing ARD requests for large print and books on tape to District Textbook Coordinator by May, for the following year.

Teacher:

The teacher is responsible for the following regarding textbooks:

1. keeping an accurate record of all textbooks received and issued to students,
2. keeping a record of the textbook number located on the inside cover for all books issued to each pupil,
3. ensuring that all textbooks are covered at all times,
4. conducting periodic textbook inspections as required by the principal,
5. writing the name of the student to whom the textbook is issued in the appropriate place inside the textbook, and then initialing with the teacher’s own initials

beside the student's name so that the initials may be used for identification purposes if the book is misplaced,

6. notifying the parent when first becoming aware of a textbook that is lost, destroyed, or damaged,
7. returning all surplus textbooks to the bookroom; surplus textbooks are defined as any extra textbooks in the classroom. For example, if a class has 22 students and each student is eligible to have a textbook but the teacher keeps a classroom set of 25, the teacher is in violation of State rules governing textbook quotas. (With the exception of classroom sets issued by the publisher with some new adoptions),
8. returning all textbooks to the bookroom at the end of the year or the end of the course, for purposes of inventory,
9. checking the textbook number and condition of the textbooks as they are returned by the students.

Student / Parent or Guardian:

The student, parent or guardian is responsible for the following regarding textbooks:

1. keeping all free textbooks covered at all times,
2. ensuring proper use and care of all textbooks,
3. returning textbooks at the close of the school year or at the end of the course or at the time the pupil withdraws.

Each student, or his parent or guardian, shall be responsible to the teacher for all textbooks not returned by the student, and any student failing to return all textbooks shall forfeit his right to free textbooks until the textbooks previously issued but not returned are paid for by the parent or guardian. If a student loses a textbook(s) and fails to return or pay for it, the school shall allow the student to use the textbooks(s) at school during each school day but not to be assigned a textbook for out-of-class use.

Note: Numerous forms for textbook administration may be found in the *Textbook Services & Procedures Manual* provided for each Campus Textbook Coordinator and on the MWISD website.

TEXTBOOK PAYMENTS, REFUNDS, AND FINES

- **Students who fail to pay for lost or damaged textbooks will forfeit their right to free textbooks in the next school term.**
- **Principal or Assistant Principal will be responsible for contacting the parent/guardian in attempt to recover textbooks or payments for the district.** (Sample copy of a letter found in *Appendix B.*)
- All textbook funds should be deposited into a specific textbook account. The campus will be charged for payment at the conclusion of the annual textbook audit. Contact the central office to find out the correct account code.

Refunds

When textbook has been lost and paid for any time during the year, the parent or guardian may receive refund up until the last day of May for the school year the book was paid for. TEA does not offer refunds once a book has been deleted from inventory. Books will not be accepted for refund after May 31st of any given year.

If a parent beats the May 31st deadline for requesting a refund the method below must be followed:

1. The textbook will be returned to the principal or campus textbook coordinator with receipt of payment. The school will submit the request for refund to the Accounting Department according to regulations. The Accounting Department will mail the refund for the textbook(s).
2. Schools may request a refund of a textbook from the textbook office if payment has been made to the textbook office. ***Refund will not be granted after the district textbook office makes payment to TEA on June 1st.*** **(TEA will not refund textbook office.)**

Exceptions

When a textbook is stolen or destroyed in a manner that is unpreventable, a report must be completed and sent to the textbook office. This report is submitted to the Texas Education Agency (TEA) for a waiver to reduce district inventory. In this case, the student is not required to pay for book.

Textbook Damage Fines

In order for a school district to require a student to pay for damage to a textbook, it first must determine that the student was at fault. Generally, a student who has damage to a textbook due to an act of nature (fired and floods, etc.) or third party misconduct (theft) would not be "At Fault" and cannot be required to pay for damage.

The law allows districts to waive or reduce payment for damaged textbooks if the student is from a low-income family. The local board of trustees determines these circumstances. If payment is waived or reduced, the campus is still accountable and must replace the book if needed.

The following are procedures to be used when assessing a fine for a damaged textbook:

1. Campus staff must communicate to the campus textbook coordinator their need to fine a student for damage to a textbook.

2. The campus textbook coordinator and the campus staff will asses a fine to the damage by using the information below. If charges for the damage exceed 50% of

the cost of the textbook, then the textbook is to be considered destroyed and full price will be assessed for the textbook. **Reference the Book Code Listing for the current textbook price.**

3. The student and parent must be informed in writing the title of the textbook and the amount of the fine owed. (Sample letter in *Appendix B*)

4. When the fine is paid, the money will go into the campus textbook account. The campus is responsible to give the student or parent a receipt of payment.

5. If full payment of the textbook occurred, the campus textbook coordinator must follow the Textbook Request Procedure to have a replacement textbook sent to the campus if quota allows. Remember to state on the request that the new textbook is to replace a damaged one.

Any textbook that has been paid in full by a student becomes the property of the student. Mark out the "Property of Mineral Wells ISD" on the inside front cover and indicate that the book has been paid for in full due to damaged, and the date.

Use the chart on the following page when assessing the damage to a textbook.
Fines paid on textbooks shall be noted on the inside of the front cover at the time the fine is paid.

Chart to Assess Damages

Damage	Elementary	Jr. High /High School
Pencil Marks	.10 per page	.25 per page
Ink Marks	.25 per page	.50 per page
Excessive Marks throughout book	Full price of book	Full price of book
Markings on edge of book	.50 per edge	$1.00 per edge
Torn Page	.50 per page	$1.00 per page
Page Torn Out & Missing	Full price of book	Full price of book
Binding Damage	$1.00 to full price	$1.00 to full price
Broken or Bent Cover	$1.00 to full price	$1.00 to full price
Liquid or Water Damage	Full price of book	Full price of book
Book Damage	Full price of book	Full price of book
Lost Book	Full price of book	Full price of book
Inappropriate Language	Full price of book	Full price of book

Mineral Wells ISD Textbook Activity Calendar

August --- Campuses receive and verify fall shipments.
--- Campuses distribute textbooks to teachers/pupils.

September-October	--- Excess textbooks are noted and count is sent to the District Textbook Coordinator for shipment back to state.
October	--- All excess books are returned to TEA. --- Campuses update membership for regular ed students; Special Ed, Bilingual, and ESL rosters are due to the textbook office. --- DTC will order more textbooks as needed.
January-February	--- Campuses should conduct an inventory of all state textbooks. --- Campuses should alert DTC of membership updates.
March	--- Campuses will send an annual textbook requisition to district office to request new adoptions for next year. --- Campuses complete Annual Membership Report and return to district textbook office by Spring Break.
April-May	--- Inventory worksheets will be sent to each campus for completion at the end of school.
June-July	--- Campuses collect books from students and store them for inventory purposes. --- Campuses collect and prepare out-of-adoption books for Disposal. --- Campuses inventory all state owned textbooks. --- Campuses send completed inventory worksheets to the DTC in the following manner:

One week after school is out, all Elementary Schools:
must send to the DTC the completed inventory worksheets; monies collected for all lost and paid for textbooks from the current year go to the business office.

By the second week of June, all junior high and high Schools:
will send their completed inventory worksheets to the DTC; monies collected for all lost and paid for textbooks from the current year go to the business office.

Note: In the summer of each year, all junior high and high school campuses will be physically inventoried and audited by the district textbook office. Half of the elementary schools will be audited each summer. Campuses will be notified a few days before the audit in order that campus textbook coordinators may have all state owned textbooks in one central location.

Visitors

All visitors must first check in at the office and secure permission to visit the school, and be directed to the area desired. Salesmen are not permitted to visit classrooms during school hours. Visitors must have a visitor's badge.

REPORT ALL STRANGERS WITHIN THE BUILDING OR OUTSIDE OF THE BUILDING TO THE OFFICE!

Parents wishing to discuss problems with teachers should make an appointment with the teacher through the school secretary for a conference during the teacher's conference period. Teachers cannot take time away from their students to visit with the parents during class. Parents wishing to visit a particular class should make arrangements with the teacher at least one day in advance. We do not permit students to bring visitors or friends to school.

Workrooms

Room is provided in the building for the exclusive use of the faculty. This room is available for relaxation, for correcting papers and other clerical duties; for holding conferences and exchanging ideas, and for location of materials of professional interest during non-assigned time.

Use of the faculty room is to be restricted to those times when teachers do not have obligations, such as hall duty or supervisory responsibilities. Students are not to be in these rooms at any time. It is incumbent upon each faculty member to keep students from facilities provided for faculty use at all times.

Teachers shall make every effort to keep these areas clean and tidy. All cafeteria trays should be returned to the cafeteria at the end of the lunch period. Teachers should remove items they place in the refrigerators so that they remain free of clutter and old food. **NO** students or staff member's children should be in the teacher's workroom or lounges.

Chapter 8: Termination of employment

Resignations

Policy DFE (see Appendix A)

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

The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in Reports to the State Board for Educator Certification, on page 66.

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

Dismissal or nonrenewal of contract employees

Policies DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFF (see Appendix A)

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

Dismissal of noncontract employees

Policy DCD (see Appendix A)

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, sex, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and grievances*, page 26.)

Exit interviews and procedures

Policy DC (see Appendix A)

Exit interviews will be scheduled for all employees leaving the district according to administrative procedures. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience.

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

Reports to State Board for Educator Certification

Policy DF (see Appendix A)

The dismissal or resignation of a certified employee will be reported to the SBEC when the superintendent first learns about an alleged incident of conduct that involves the following:

- Any form of sexual or physical abuse of a minor or any other illegal conduct with a student or a minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position
- Committing a crime on school property or at a school-sponsored event
- Reports concerning court-ordered withholding

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

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

Chapter 9: Student issues

Attendance (Student)

Attendance and Tardies (Students)

You have a legal and professional responsibility to maintain accurate, current daily attendance records. It is highly important that you discharge this responsibility efficiently, since these records serve as the basis for computing average daily attendance figures on which state funds are distributed. State law requires students to be in attendance for a minimum of 90% of the scheduled class days in the year.

Attendance

The student attendance will be completed on the computer. It is very important that you personally and accurately check and record absences. Each six weeks

you will be asked to sign verification reports that must be compared to your documentation of student absences.

Excessive Absences
The teacher is responsible for calling concerning a student who has been out for three consecutive days. During contact with parent or guardian, remind them to send a note to school to document the absence. Teachers need to document the parent contact. On the fourth consecutive absence with no excuse, the teacher needs to fill out a visiting teacher form and return it to the office that day. The visiting teacher will make a visit, and you will receive a copy of the completed report.

After the fourth absence of the year in Grades PK-6, the office will send a letter about the importance of attendance and urge parents to provide documentation about the absences.

After the third absence of the year in Junior High and High School, the office will send a letter about the importance of attendance and urge parents to provide documentation about the absences.

Tardies
Students lose instruction when they are tardy. After a student has accumulated three tardies, he/she may be assigned noon detention for one day.

Awards

Each Mineral Wells I.S.D. campus recognizes students for their various accomplishments. Recognition procedures are campus specific and will be addressed by the campus administration.

Discipline

Policy FN Series & FO Series (see Appendix A)

Discipline Management Plan
The teacher is the educational leader and manager of the classroom. A student's goal is to receive the best education possible. The following common rules for all students contribute to a positive learning environment and an opportunity for excellence.

Attendance: Be present everyday. Remember that make-up is the student's responsibility.

Responsibility: Be in the room in assigned place with proper materials when the tardy bell rings to prevent detention.

Attitude: Be respectful of yourself, others and out school. Talk only when permission is given. Refrain from cheating, defacing school property or using vulgarity. Follow the dress code which is printed in the student handbook.

Cooperation: Follow instruction. Remember that failure to turn in work results in a "0".

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.

Confiscation of Student Property

Teachers have the authority to confiscate some personal property of students. Items which are considered dangerous, illegal, or distracting may be taken up. Items mentioned in any district policy or handbook are included. Teachers shall secure confiscated items and bring them to the office ASAP labeled with the student's name, date, and teacher. Teachers are responsible for these items while in their possession. Keep them safe.

A general overview of discipline procedures has been provided to inform teachers of issues that arise in disciplinary situations. Please see "A Teacher's Guide to Student Discipline" located in *Appendix C*.

Extracurricular Activities

Definition of Extracurricular Activity

19 TAC §76.1001, Subchapter AA

(a) An extracurricular activity is an activity sponsored by the University Interscholastic League (UIL), the school district board of trustees, or an organization sanctioned by resolution of the board of trustees. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum. Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities, with the exception of public performances specified in paragraph (2) of this subsection.

(1) In addition, an activity shall be subject to the provisions for an extracurricular activity if any one of the following criteria apply:

(A) the activity is competitive;

(B) the activity is held in conjunction with another activity that is considered to be extracurricular;

(C) the activity is held off campus, except in a case in which adequate facilities do not exist on campus;

(D) the general public is invited; or

(E) an admission is charged.

(2) A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance subject to the following requirements and limitations.
(A) Only the criterion listed in paragraph (1)(D) of this subsection applies to the performance.
(B) The requirement for student participation in public is stated in the essential knowledge and skills of the course.

The commissioner of education is not authorized to approve extracurricular organizations outside of school sponsored or UIL sponsored groups. Local boards of trustees are responsible for the sanctioning and approval of outside organizations as "extracurricular organizations" for their individual districts.

APPLICABILITY OF UIL RULES AND DISTRICT POLICIES	A student enrolled in the District or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to District policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of the Board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]
SUSPENSION FROM EXTRACURRICULAR ACTIVITIES	A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the District or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than an identified honors or advanced class.
LENGTH OF SUSPENSION	A suspension continues for at least three school weeks and is not removed during the school year until the conditions of REINSTATEMENT, described below, are met. A suspension shall not last beyond the end of a school year.
GRADE EVALUATION PERIOD	"Grade evaluation period" means: The six-week grade reporting period; or 2. The first six weeks of a semester and each grade

reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

SCHOOL WEEK

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

ADVANCED COURSES

The following are considered "advanced courses" for the purposes of this policy:

1. English Language Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One)*;

2. Fine Arts: All College Board advanced placement courses and International Baccalaureate courses in the discipline, high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One),* Dance IV (not to include drill team activities), Art IV, Music IV, and Theatre IV;

3. Languages other than English: All College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One),* and languages other than English courses Levels IV-VII;

4. Mathematics: All College Board advanced placement courses and International Baccalaureate courses in the discipline, high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One),* and Precalculus;

5. Science: All College Board advanced placement courses and International Baccalaureate courses in

the discipline, and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One);* and

6. Social Studies: Social Studies Advanced Studies, Economics Advanced Studies, all College Board advanced placement courses and International Baccalaureate courses in the discipline and high school/college concurrent enrollment classes that are included in the *Community College General Academic Course Guide Manual (Part One).*

The District may identify additional advanced courses, but must do so before the semester in which any exemptions related to extracurricular activities occur.

19 TAC 74.30

STUDENTS WITH DISABILITIES

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for the District's special education program under Education Code 29.003(b).

Education Code 33.081(e)

PRACTICE OR REHEARSAL

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. *Education Code 33.081(f)*

REINSTATEMENT

Until the suspension is removed or the school year ends, the District shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than an identified honors or advanced class, is equal to or greater than the equivalent of 70 on a scale of 100. The

principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

ATTENDANCE AND PARTICIPATION

The State Board of Education by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The Board may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the District, UIL, or an organization sanctioned by Board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the State Board of Education.

Education Code 33.081(a), 33.0811

STATE BOARD OF EDUCATION RULES

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from the Board. If sanctioned by resolution of the Board, student participation in the organization's activities shall be subject to all provisions of statute and to Texas Administration Code Title 19, section 76.1001. If the Board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

EXTRACURRICULAR ACTIVITIES

An extracurricular activity is an activity sponsored by the UIL, the Board, or an organization sanctioned by Board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills, but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include public performances (except as described below), contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;

2. The activity is held in conjunction with another activity that is considered extracurricular;

3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;

4. The general public is invited; or

5. An admission is charged.

EXCEPTION - PUBLIC PERFORMANCES

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The performance is one to which the general public is invited; and

2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

19 TAC 76.1001(a)

LIMITS ON PARTICIPATION AND PRACTICE

DURING THE SCHOOL WEEK

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below;

2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition;

3. For each extracurricular activity, the District must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.

4. The Commissioner recommends that school districts avoid scheduling extracurricular activities

or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

DURING THE SCHOOL DAY

Limitations on practice and rehearsal during the school day shall be as follows:

1. The District must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.

2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.

4. The District must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.

5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

RECORD OF ABSENCES

The District shall maintain an accurate record of extracurricular absences for each student in the District each school year. *19 TAC 76.1001(c)*

PARENTAL NOTICE AND CONSENT

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (regarding child abuse investigations). *Education Code 26.008(a)*

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. The District may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

A District employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

DISCRIMINATORY CLUB

An extracurricular activity sponsored or sanctioned by the District, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

Education Code 33.082

EXTRACURRICULAR ACTIVITY ABSENCES

The District shall make no distinction between absences for UIL activities and absences for other extracurricular activities approved by the Board. A student shall be allowed ten extracurricular absences not related to post-district

competition, five absences for post-district competition prior to state competition, and two absences for state competition.

A maximum of three additional absences shall be permitted for district-level competition provided that the student has a grade point average of at least 80 in each course/subject/class to be missed and has no more than nine absences (four in a nine-week course) in each course/subject/class to be missed.

USE OF DISTRICT FACILITIES

School-sponsored student groups may use District facilities with prior approval of the appropriate administrator. Other student groups may use District facilities in accordance with policy FNAB.

Mineral Wells ISD
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STUDENT ACTIVITIES: CONTESTS AND COMPETITION — FMF (LOCAL)

UIL ACTIVITIES

State Board and UIL rules shall govern interscholastic activities; however, Board policies and District rules may supplement State Board and UIL rules.

No event shall be scheduled and no student allowed to participate in any UIL event unless all pertinent rules and regulations are strictly enforced. The Superintendent or designee shall maintain all necessary records and reports. Sponsors and coaches are responsible for knowledge of and compliance with rules for eligibility and participation. [See FM]

ATHLETIC PROGRAM

A well-rounded program of interscholastic athletics shall be maintained in the District secondary schools. The operation of the total program, including the starting and ending dates for each sport, shall be in accordance with regulations set by the UIL and the Board.

Supervision of the program shall be the responsibility of the Superintendent, but certain responsibilities may be delegated to other staff members. In each school, the principal shall have direct responsibility to maintain the athletic program as an integral part of the educational program of that school.

	Interschool competitive athletics shall not be part of the elementary grades' program. To the extent practicable, a program of intra-school sports activities for elementary students shall be maintained as part of the physical education program.
NON-UIL ACTIVITIES	Contests and competitive activities that are sponsored by outside organizations shall not be recommended to students unless the activities supplement and do not interfere with the regular school program. Contests and competitive activities shall have the prior approval of the Superintendent or designee, who shall develop the necessary rules and regulations to implement this policy. [See FM]
OVERNIGHT TRIPS	Students involved in UIL competition that requires an overnight trip shall have their expenses paid by the District. [See also FM, FMG]

Equal educational opportunities

Policy FB

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

Questions or concerns about discrimination of students on the basis of race, color, religion, sex, or national origin should be directed to Linda Porter-Bradford, the district's Title IX coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to Nan Brandt.

Grading

The instructional objectives are derived from the Texas Essential Knowledge and Skills for each grade- level subject and course. Assignments, tests, projects, classroom activities, and other instructional activities are designed so that the student's performance indicates the level of mastery of the instructional objectives. Mineral Wells ISD guidelines for grading are established to ensure that grading reflects student achievement and that a sufficient number of grades are taken to support the grade assigned. These guidelines will be clearly communicated to students and parents.

Grading Periods

Beginning of First Semester	August 22
End of First Six Weeks	September 30
End of Second Six Weeks	November 11
End of Third Six Weeks and End of First Semester	December 20
Beginning of Second Semester	January 2

End of Fourth Six Weeks	February 17
End of Fifth Six Weeks	April 7
End of Sixth Six Weeks	May 26
End of Second Semester and Last Day of Instruction	May 26

Grade Reporting
Students will receive report cards at the end of each six weeks period. If a student receives a failing grade in any class on the report card, the parents will be notified of the need for a conference with the teacher who issued the failing grade. All conferences will be documented by the teacher, and this documentation will be given to the principal. The report card must be returned to the district and signed by the parent. Board Policy EIA (Legal)

At the end of the first three weeks of a grading period, teachers will send home progress reports for all students. Teachers will phone parents of those students who do not return their progress reports signed. Teachers will phone parents of any child who begins to fail after the progress reports are sent home at the third week. If a parent can not be contacted by phone after reasonable attempts, a letter must be sent informing the parent of the child's progress. The progress report must be returned to the district and signed by the parent. Board Policy EIA (Legal)

Gradebooks
Teachers are responsible for routinely entering grades in all subjects taught in the electronic gradebook program, eClass. The teacher should print a hardcopy of the grades upon entering new grades. At the end of the six weeks, the teacher should print a copy of all the grades entered and retain for their records. At the end of the year, the teacher will be responsible for turning into the principal a copy of each six weeks grades as a means of documenting grades given. These records will be retained by the district for a period of two years. For pre-kindergarten and kindergarten, these teachers will be responsible for keeping a hard copy gradebook and giving it to the principal at the end of the school year.

Progress reports and six weeks grade reports will be printed by the office for distribution to students. The office will inform teachers of the date when grades must be exported to the office. It is imperative that teachers meet these deadlines and make certain that reports are accurate. Any corrections will need to be reported to the office immediately, so corrections can be made. For pre-kindergarten and kindergarten, progress reports and six weeks grade reported will be done by hand.

Make-up Assignments (EIAB- Local)
Students are expected to make up assignments and tests after absences. For any class missed, the teacher may assign the student make-up work based on the instructional objectives for the subject or course. It is the responsibility of the student to ask for any make-up work and to make arrangements to complete work missed during an absence. Students who are absent have one day for each day absent to make up work before it is counted late. Tests and other major assignments due on the day of an absence or the day

of a return to school from an absence may be completed as scheduled or the teacher may set a different time for completion of the work. Make-up tests and assignments may be modified at the teacher's discretion.

The grade for make-up work after an unexcused absence shall be reduced by 30 percent. The District shall not impose a grade penalty for make-up work after an absence due to suspension. Students shall receive a zero for any assignment not made up during the allotted time.

Late Work (EIAB-Local)
Teachers may assign a late penalty to any project turned in after the due date in accordance with previously established guidelines approved by the principal and disseminated to students.

Lamar and Houston- Students will be expected to complete late work during recess or any other time during the school day as designated by the teacher.

Travis - If work is not turned in on the day due, it is 10 points off the following day. The next day it is 20 points off the grade, and the third day it is 30 points off the grade. Thereafter, the student will have a zero on the assignment.

Junior High and High School- Late work may be accepted up to one day after the due date and will receive a ten point reduction in the grade. After that, late work will not be accepted without a student or parent initiated conference or contact.

Homework
The Mineral Wells ISD Staff recognizes that homework is an integral component of the learning process. The homework assigned should enhance the learning of necessary concepts and direct students toward mastery of the Texas Essential Knowledge and Skills (TEKS). Homework should provide students with opportunities to apply learning and experience necessary practice. It should also develop a certain amount of independence among students and provide an opportunity to take personal responsibility for their own achievement.

Guidelines for Teachers:
1. Homework should be directly related to the instructional objectives of the class.
2. The amount of homework should vary with the difficulty of the instructional objectives.
3. Homework should be utilized to reinforce, clarify, and achieve the instructional objectives that have previously been taught.
4. Time should be given to teach homework procedures and establish a routine with the students under your guidance.
5. Homework tasks should be appropriate to students' levels of achievement and individual differences in ability must be considered. Expectations for homework tasks must then be adapted accordingly. Homework may be varied where appropriate to provide support for learning differences.

6. Homework should be collected by the teacher, graded, and returned in a timely fashion.
7. Teachers are expected to coordinate homework assignments so that on average a student's homework falls within the expected time frame. This may mean that different teachers are assigning homework on different nights. Despite efforts to coordinate homework, there may be times that a student's homework may exceed or be less than the expected average. Honors, TAG, and other advanced classes may require more homework than the expected time frame.
8. When homework assignments are consistently not being completed, parental contact is essential (phone calls, notes in planners, etc.). An appropriate plan of action should be developed between the student, parent, and teacher. This plan should be appropriate to the child's needs and home influences.
9. Long term assignments should have established check points for the teacher to give feedback on the progress being made and to notify parents if satisfactory progress is not being made.

	Lamar	Houston	Travis	Junior High	High School
Amount of homework	20 minutes per day (Monday – Thursday)	20 minutes per day (Monday – Thursday)	30 minutes per day (Monday – Thursday)	Not to exceed 70 minutes in a single evening	30 minutes per day per core subject area
Grading	Part of Work Habits Grade	Part of Conduct Grade	Academic Grade	Academic Grade	Academic Grade
Planner or Assignment Sheet	Homework given on assignment sheet	Homework given on assignment sheet	Homework written in planner	Homework given on assignment sheet	Homework given on assignment sheet

Retention and Promotion

Promotion and course credit shall be based on mastery of the curriculum.

Grades 1-3

In grades 1-3, promotion to the next grade level shall be based on an overall average of 70 or above on a scale of 100 based on course-level, grade-level standards for each subject area listed: language arts, reading, mathematics, science, and social studies.

Grades 4-8

In grades 4-8, promotion to the next grade level shall be based on an overall average of 70 or above on a scale of 100 based on course-level, grade-level standards for each subject area listed: language arts, mathematics, science, social studies, or a passing score on the applicable exit-level examination.

Grades 9-12

Grade level advancement for students in grades 9-12 shall be earned by course credits.

The following criteria will be used to classify students:

Freshman	Less than 5 credits
Sophomore	5 to 11.5 credits
Junior	12 to 17.5 credits
Senior	18 + credits and completion of 3 years of high school and on schedule to meet state graduation requirements by the end of the year

Graduating juniors will be reclassified as seniors at the end of the first term.

Student Success Initiative (EIE Legal and Local)

In addition to local standards for mastery and promotion, students must meet the passing standard for applicable assessment instruments established by the State Board of Education in order to be promoted to the next grade.

3rd Grade	TAKS Reading or SDAA II Reading
5th Grade	TAKS Reading or SDAA II Reading
	TAKS Math or SDAA II Math

Graduation (EIF Legal and Local)

A student may graduate and receive a diploma only if the student successfully completes:
1. The curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit level TAKS for English Language Arts, Math, Science, and Social Studies, or
2. An individualized education program (IEP) developed under Education Code 29.005.

Reteaching, Retesting, and Tutorials

Reteaching and remediation are important parts of instruction. Throughout a daily lesson, the teacher should monitor student understanding which should alert the teacher to possible reteaching. Providing practice with teacher assistance will reduce student failures.

During assessment either formal or informal, it may become apparent that the student needs reteaching and then retesting. Documentation for reassessment for individual students will be shown with a numerical grade in the gradebook.

1. All retest grades will be recorded. A passing retest grade will be counted as a 70.
2. If the retest grade is failing, the higher of the two grades will be used.
3. Unit tests, chapter tests, teacher-made tests are the only areas in which retesting must occur.

Tutorials will be provided for any student who fails any subject during the six weeks period. Tutorials can be occur before, during, and after the school day. Principals will develop a system for monitoring tutorials on each campus.

Credit by Examination with Prior Instruction (EEJA Legal and Local)

With the prior recommendation of the campus administrator, a student may use credit by examination to demonstrate mastery to earn credit in an academic course. To be eligible for the credit by examination, the student must have had prior instruction in the subject

and earned a grade of at least 60 in the course failed. To receive credit, the student must score a grade of 70 or above on the examination. If such credit is given, the District shall enter the examination score on the student's transcript or permanent folder.

Credit by Examination without Prior Instruction (EEJB Legal and Local)
To take an examination for acceleration, the students must be enrolled in the district, and the student and parent must conference with the campus administrator.

In grades 1-5, the district shall accelerate a student one grade level if the student meets the following requirements:

1. The student scores 90 or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A district administrator recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval for acceleration.

The district shall give a student in grades 6-12 credit for an academic subject I which the student has received no prior instruction if the student scores 90 or better on a criterion-referenced examination for acceleration for the applicable course. If such credit is given, the District shall enter the examination score on the student's transcript or permanent folder.

Kindergarten acceleration requires that the student be at least 5 years old, parent must make a request with the principal, student takes test on reading and math readiness, and a committee decides whether the student shall be accelerated.

Elementary Grading

Grading System
The following grades will be reported:

100-90	A	E = Excellent
89-80	B	S= Satisfactory
79-75	C	N= Needs Improvement
74-70	D	U= Unsatisfactory
0-69	F	

The lowest numerical score that will be reported on a six-weeks report will be "50".

Pre-kindergarten and Kindergarten

The report card will use a grading scale of the following:

- ____ Concept not introduced
- __/__ Concept introduced, but not mastered
- __**X**__ Concept mastered

The report card will reflect mastery of specific literacy and math skills as well as social studies and work habits.

Grades 1-3

Reading
A minimum of two reading grades should be taken weekly. Grades may come from the following: literature response, comprehension activities, vocabulary, literary elements, reading strategies, study skills. Two oral reading fluency grades should be taken each six weeks.

Language Arts
A minimum of two grades should be taken weekly. One grade should be taken from the application of the conventions of written language or process writing using a rubric for grading. The other grade should be taken from the application of spelling words.

Math
A minimum of two grades should be taken weekly.

Science and Social Studies
A minimum of one hands-on activity must be incorporated into weekly instruction as well as minimum of two grades recorded each week.

Physical Education/Health, Art, Music
These subjects will receive a grade of either E, S, N, or U. Each week a participation grade of either a +, ✓, or –should be posted in the gradebook. The final grade will reflect combined expectations in performance and behavior.

+ Outstanding performance and participation in all skills areas
✓ Satisfactory performance and participation in all skills areas
- Consistently refused to participates or misbehaves in class
E Student earns mostly +s
S Student earns mostly ✓s
N Student earns some ✓s with a significant amount of –s
U Student earns mostly –s

Handwriting
The emphasis should be on legible handwriting in all curriculum areas. Handwriting will be reflected in the Language Arts grade.

Conduct
If a student chooses to break a rule, their conduct grade will be lowered by one point. Each student begins with a conduct grade of 100, and points are deducted accordingly.

Grades 4-6

Language Arts
A minimum of two reading grades should be taken weekly. Grades may come from the following: literature response, comprehension activities, vocabulary, literary elements, reading strategies, study skills. A minimum of two written communication grades should

be taken weekly. Grades may come from the following: usage, mechanics, sentence structure, composition, and spelling.

Math
A minimum of two grades should be taken weekly.

Science and Social Studies
A minimum of one hands-on activity must be incorporated into weekly instruction as well as minimum of two grades recorded each week.

Physical Education/Health, Art, Music
A minimum of one grade per week will be recorded in the gradebook.

Conduct
If a student chooses to break a rule, their conduct grade will be lowered by one point. Each student begins with a conduct grade of 100, and points are deducted accordingly.

Secondary Grading

Grading System
Grades will be reported as numerical averages:

100-90	A
89-80	B
79-70	C
Below 70	F (Failing; no credit earned)

No grades below 50 will be given on the first, second, fourth, or fifth six weeks report card. At the third and final six weeks of the course, the actual cycle grade may be used.

Junior High

Grade Calculation
There will be a minimum of ten (10) grades per subject per six weeks period.

All grades within the marking period will have the same weight. There will be no distinction, for example, between homework, warm-ups, lab exercises, tests, quizzes, or projects.

A student's work may be assessed in more than one way; therefore, it is possible for one assignment or test to have more than one grade attached to it. No individual assignment or assessment, however, will count more than twenty (20) percent of the average for the six weeks.

If a six weeks test is given, it will count no more than ten percent of the average that marking period and may carry the same weight as other work done during the six weeks.

In calculating final grades for year-long classes, each six weeks will count 1/6 of the final grade if no final exam is given. If a final exam is administered, it, along with each six weeks grade, will count 1/7 of the final grade. In semester classes, each six weeks will count 1/3 of the final grade when no final exam is given and 2/7 if a final is given; the final will count 1/7 in this instance.

Pre-AP classes may use a grading policy which is different from that used in other classes. The details of these grading policies will be supplied in the syllabus for each Pre-AP class. This syllabus is sent home at the beginning of the year.

Extra Credit
Extra credit may be offered at the discretion of the teacher. Credit for this work is not to be given in the place of mastering TAKS objectives.

High School

Grade Calculation
There will be a minimum of ten (10) grades per subject per six weeks period two of which must be tests. Six week cycle grades will be based on 50% daily work and 50% tests. (Advanced Placement Classes are not required to adhere to this grading guideline. The details of each of these grading policies will be supplied in the syllabus for each Pre-AP/AP class. This syllabus is sent home at the beginning of the year.)

In calculating grades, semester grades are computed in this manner: each six weeks grade is 2/7 of the final grade and the exam is 1/7. Final exams are required in all classes. Exam exemptions for students are available as set forth in the exemption policy. Final exams may not be taken early. In extenuating circumstances, the principal may allow a final exam to be made up.

Award of Credit
Provided student attendance in a course meets state and local regulations, semester credits are granted for courses passed (a semester average of 70 or better is required). If a student fails a semester, then he/she receives no credit for that semester with one exception: if a students scores 65-69 in the first semester of a two-semester course (full year), then the two semesters can be averaged together to earn a 70 or better (the student must pass the second semester). In that case, the student may be able to earn a full credit for the course.

Local credit courses (e.g. teacher's aide, office aide, third and fourth year athletics, etc.) will count toward graduation, but will not be computed for GPA.

Final Exam Exemptions
Students may earn exemptions from semester examinations. At the time of the final three week progress report for each semester, a student will become eligible for an exemption in a course if they have met the requirements listed below. Students will still be accountable through the end of the six weeks for attendance and behavior. These

guidelines will be used as the standard for determining eligibility for exemptions **in each class** a student takes.

Grade Average*	Attendance**	Behavior***
90-100 (or above)	3 absences/semester	No suspensions No ISS No DAEP placement
80-89	2 absences/semester	No suspensions No ISS No DAEP placement
70-79	1 absence/semester	No suspensions No ISS No DAEP placement

*The grade average is determined by averaging the first two six-weeks grades of the semester and the final three-week progress report grade.
Attendance is based on absences for the semester. **ANY STUDENT ABSENT ON THE DAY OF A TAKS TEST FOR ANY REASON WILL AUTOMATICALLY BECOME INELIGIBLE FOR EXEMPTIONS.
***Behavior includes any referrals received within the semester which result in the student receiving In-School Suspension (ISS), suspension, or a Disciplinary Alternative Education Program (DAEP) placement.

Dual Credit Courses
Mineral Wells ISD currently partners with Weatherford College for credit from dual credit courses. The dual credit classes enable students to gain high school credit and college credit simultaneously. In addition, dual credit courses with student grades of "B" or better can serve as a part of the advanced measures for the Distinguished Achievement Diploma.

The list of courses ordinarily includes U.S. Government, Economics, College Algebra, and Psychology. Other course offerings are available from time to time. In order to register for the classes, students must provide several pieces of paper work.

- College Application for Admission
- Early Admission Form (available from MWHS counselor; must be signed by principal and parent)
- Copy of high school transcript
- Copy of TAKS scores with ELA essay score included (scores of 2200 on subject area tests and "3" on the essay allow student enrollment without having to take the THEA or COMPASS test)
- Acceptable THEA or COMPASS scores if TAKS scores are not sufficient for admission (contact Weatherford College at 817 598-6488 for more information on test administration times and dates)

While planning for these courses needs to be considered during the junior year, the actual registration process can be completed during the first part of the student's senior year. He or she should express interest during the spring of his junior year, make plans to provide test scores, and plan for the expense of the THEA or COMPASS testing, as well as the cost of the course and the textbooks needed. Once school begins at the high school in August, a Weatherford College counselor will visit interested dual credit course students to take registration information, accept fees for tuition and books, and be sure that all paper work is complete.

Tech Prep Credit

Mineral Wells ISD, in partnership with Weatherford College or TSTC, awards credit for high school Tech Prep classes completed with an 85 or better. After enrolling in Weatherford College and completing at least one other technical course in the career major, credit will be transcribed on the college transcript without any expense to the student. Among the Tech Prep classes currently offered at MWHS are Introduction to Business, Accounting I, Business Computer Information Systems, Computer Aided Design, Child Development/Preparation for Parenting, Individual and Family Living, Food Science and Technology, Family Health Needs, Introduction to Horticulture, and Intro. to Ag Mechanics. Other courses are available from time to time. Students with an interest in Tech Prep classes should visit with their counselors about this course of study.

Correspondence Courses

MWHS makes correspondence courses available to students, but recommends taking them only in an extreme case. Should a student and his or her counselor deem a correspondence course necessary, permission to enroll in such a course must be obtained from the principal or his designee. Failure to obtain such permission will negate any correspondence course credit awarded toward graduation. Students may be enrolled in only one correspondence course at a time. The student is responsible for all costs of the course. A graduating senior enrolled in such a course to earn required graduation credit shall complete the course and submit the grade no later than 30 days prior to the end of the term.

The Texas Education Agency allows no more than two (2) credits by correspondence. Credits earned in this manner are recorded on the student's official transcript and the recorded grade is calculated in the GPA.

Transcripts (Academic Achievement Record)

A transcript is the student's official record of grades and credits earned for high school level courses. Students and parents, by request through the counseling office, have access to the transcript at any time. Copies of transcripts are routinely provided to students during pre-registration for verification and planning. An official transcript will sent free of charge to the college of the student's choice. It is the student's responsibility to notify the office to send transcripts.

Copies of student transcripts are available for teacher perusal in the cumulative folders.

Class Rank and Grade Point System

Class rank for senior students shall be calculated by averaging semester grades earned in grades 9-12 and any high school course taken prior to ninth grade for which a student earned state graduation credit. The numeric semester average shall earn grade points according to the District weighted grade point scale. Class rank shall be calculated at the end of the fifth nine-week grading period.

For the purpose of assigning grade points to determine student ranking in class in grades 9-12, the following conversion table is used:

WEIGHTED GRADING SYSTEM					
	Grade	AP	Pre-AP, G/T, & Honor	Regular	Modified
	100	5.3	5.0	4.0	3.0
	99	5.2	4.9	3.9	2.9
	98	5.1	4.8	3.8	2.8
	97	5.0	4.7	3.7	2.7
	96	4.9	4.6	3.6	2.6
	95	4.8	4.5	3.5	2.5
	94	4.7	4.4	3.4	2.4
	93	4.6	4.3	3.3	2.3
	92	4.5	4.2	3.2	2.2
	91	4.4	4.1	3.1	2.1
	90	4.3	4.0	3.0	2.0
	89	4.2	3.9	2.9	1.9
	88	4.1	3.8	2.8	1.8
	87	4.0	3.7	2.7	1.7
	86	3.9	3.6	2.6	1.6
	85	3.8	3.5	2.5	1.5
	84	3.7	3.4	2.4	1.4
	83	3.6	3.3	2.3	1.3
	82	3.5	3.2	2.2	1.2
	81	3.4	3.1	2.1	1.1
	80	3.3	3.0	2.0	1.0
	79	3.2	2.9	1.9	0.9
	78	3.1	2.8	1.8	0.8
	77	3.0	2.7	1.7	0.7
	76	2.9	2.6	1.6	0.6
	75	2.8	2.5	1.5	0.5
	74	2.7	2.4	1.4	0.4
	73	2.6	2.3	1.3	0.3
	72	2.5	2.2	1.2	0.2
	71	2.4	2.1	1.1	0.15
	70	2.3	2.0	1.0	0.1
	Below 70	0.0	0.0	0.0	0.0

Student records

Policy FL

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:
Parents of a minor or of a student who is a dependent for tax purposes
The student (if 18 or older or attending an institution of postsecondary education)
School officials with legitimate educational interests

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

Professional educators should help to review and maintain the cumulative records of students. Each record is an invaluable tool in guiding the student's education and career development and is equally vital to the efficient administration of the school system in areas such as instruction, guidance, and research. Every educator should know the location of the cumulative folders and should review and maintain the folders as follows:

Elementary Schools:

- Classroom teachers will review their students' cumulative folders at the beginning of each school year. Using the Mineral Wells ISD Student Records Checklist (located at the front of the cum folder) as a guide to the order of items, the educator will check test scores, custody documents, medical information, and other materials designated by the principal of the school. Once the information has been checked, the teacher should make sure that the information in the cum folder is replaced in the order listed on the Student Record Checklist.
- At the end of the year, the teacher will assure that the Record of Attendance, Scholarship, and Residence for the year has been completed. This information is generated from WinSchool and is attached as a sticker to the folder.
- For those students requiring an Accelerated Instruction Plan at third and/or fifth grades, pertinent information should be added to the cumulative folder with the At Risk Profile Sheet.
- The PEIMS secretary, counselor, or the principal's designee will attach the TAKS score stickers to the cumulative folder in a timely manner.

Secondary Schools:

- Classroom teachers may review their students' cumulative folders at the beginning of each school year. Using the Mineral Wells ISD Student Records Checklist (located at the front of the cum folder) as a guide to the order of items, the educator should check test scores, custody documents, medical information, and other materials designated by the principal of the school. Once the information has been checked, the teacher should make sure that the

information in the cumulative folder is replaced in the order listed on the Student Record Checklist.

- At the end of the school year, the PEIMS secretary, counselor, or the principal's designee shall place a copy of the student's Academic Achievement Record in/on the cum folder.
- For those students requiring a Personal Graduation Plan, counselors will supply pertinent information to the cumulative folder with the appropriate documentation as stipulated by TEC 28.0212.
- The PEIMS secretary, counselor, or the principal's designee will attach the TAKS score stickers to the cumulative folder in a timely manner.

The principal of each school shall assure that cumulative folders are transferred in a timely and orderly manner as students move from school to school within the district. Before transferring the folders, the principal and/or counselor should check each folder for accuracy and completion, and generate a list of all student folders being transferred. The receiving school should sign the list of folders received and make a copy of the list for its own records. Any withdrawn students' folders should be transferred with the class of which they were a part.

Once a student has graduated from high school, the counselor is responsible for assuring that the following information remain within the cumulative folder: Academic Achievement Record, cumulative record for PK-8, birth certificate, copy of social security card, home language survey, withdrawal forms, TAKS scores, any standardized test scores, FERPA documentation, and any access to information documentation.

Parent and student complaints

Policy FNG

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

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

Administering medication to students

Policy FFAC (see Appendix A)

Only designated employees can administer medication to students. A student who must take prescription medication during the school day must bring a written request from his or her parent and the medicine, in its original, properly labeled container. Contact the

principal or school nurse for information on procedures that must be followed when administering medication to students.

Nurse

Policy FFAC, FFAD (see Appendix A)

Medications

Any medications given at school must be given through the nurse's office. We must have a medication administration form on file that is filled out and signed by the parent.

Head Checks

We now have a no nits policy, so children will be sent home for nits as well as lice. Remember a nit will be white and attached only to one side of the hair shaft, it will not go around the hair and it will not pull off easily. Empty or dead nit sacs will be brown in color, but will remain attached. Lice can be as small as a large flea or as big as a small tick. They will range in color from almost clear to a dark brown. One thing to remember with lice is they hate light and will try to get away from it as soon as possible. When looking for lice, look at the scalp first and work your way down the hair shaft. We will have unscheduled head checks to attempt to control the problem.

Clinic Visits

All students must have a clinic slip filled out with their name, teacher's name, date, time, and reason for visit. No student will be seen without a clinic slip, unless it is an emergency, at which time the nurse should be called to come to the student.

When the Nurse Should Come to the Student

Here is a list of when the nurse should be called to come to the child:

- If the child gets hit in the head and is unconscious, even for a few seconds or is dizzy after more than 10-15 seconds.
- An accident where there is blood, more than a scrape or a scratch.
- An injury where the child might have fallen on his/her head, neck, back or tail bone – **this child must be kept completely still!**
- A severe nose bleed, one that cannot be contained with a Kleenex.
- Any injury where the child has possibly broken or dislocated a limb.
- If the child chokes and required help.
- Any type of seizure activity, your only responsibility is to try and ease the child to the floor, remove anything around them that they might get hurt on and loosen any clothing around the neck if possible.
- Any eye wound where there has been a cut, if there appears to be something embedded in the eye, or if any chemicals get in the eye. The child must wash the eye out until the nurse gets there.
- Fainting or heat exhaustion, if they wake before the nurse gets there, then move them to a shaded cool area and stay with them.

REMEMBER TO FILL OUT ACCIDENT REPORTS ASAP AND GIVE TO THE NURSE. THIS IS VERY IMPORTANT!

Dietary supplements

Policy DH, FFAC (see Appendix A)

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 (see Appendix A)

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

Recess

(Elementary only)

Each class has a scheduled recess time. The recess time is a part of each teacher's assigned duties. Teachers *should be* directing activities and monitoring the playground. It is not a time for *sitting and observing or visiting with other teachers.* Your close supervision will help to prevent student conflict and will enhance student safety during recess time.

Student Passes

Students need to be in class. If a student must leave the room during a regular period, he/she shall be given a proper pass. **Students are not to be sent off campus.** Teachers should not permit students from other classes to come and ask to see students in their classroom without a proper pass from an administrator. Send only one student out at any given time unless extreme circumstances warrant otherwise.

Supervision of Students

Teachers are expected to attend and help supervise school functions during the school day.

When the dismissal bell rings, be at your door in the hall to clear the halls and direct students to their assigned rooms and be sure to greet your class.

Check students in the hall to determine the legality of their presence. If there is any question on a student's presence in the halls, return the student to the responsible teacher.

If the situation demands, bring the student to the office. Students must have signed, written passes in order to be in the corridors during class time.

Check visitors and strangers in the building, both within the building and outside of the building. Refer or report all strangers to the office.

Never leave your students in class unattended.

UIL

Limitations of Awards

A participant school or member of the school district may not give an award in excess of $50 in money, product, or service to a student during his high school enrollment at the same school for participation in an interschool contest for which the UIL has a contest plan, but may give once a year an additional symbolic award generally sold for no more than $8 (retail) for each interschool contest activity.

UIL Sponsorship

All UIL sponsors must attend training on the UIL Constitution and Contest Rules every year. Campus administration will indicate the amount of stipends for any UIL event. The stipend is not considered part of the employee's contract. *(see form, Appendix B)*

Hazing

Policy FNCC, FO

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. 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 discipline person.

Appendix A - Board Policy

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Mineral Wells ISD
182903

REQUIRED PLANS

The Board shall ensure that a District improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. The Board shall annually approve District and campus performance objectives and shall ensure that the District and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and

2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

DISTRICT IMPROVEMENT PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators. [See GND]

The District improvement plan must include provisions for:

1. A comprehensive needs assessment addressing District student performance on the academic excellence indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the District, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.

2. Measurable District performance objectives for all appropriate academic excellence indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.

3. Strategies for improvement of student performance that include:

    a. Instructional methods for addressing the needs of student groups not achieving their full potential.

    b. Methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs.

    c. Dropout reduction.

    d. Integration of technology in instructional and administrative programs.

    e. Discipline management.

    f. Staff development for professional staff of the District.

    g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

    h. Accelerated education.

4. Strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:

    a. Higher education admissions and financial aid opportunities.

b. The TEXAS grant program and the Teach for Texas grant program.

c. The need for students to make informed curriculum choices to be prepared for success beyond high school.

d. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Time lines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

The District's plan for the improvement of student performance is not filed with TEA, but the District must make the plan available to TEA on request.

Education Code 11.252(a), (b)

CAMPUS-LEVEL PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the academic excellence indicators and any other appropriate performance measures for special needs populations.

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the academic excellence indicator system.

2. Set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.

3. Identify how the campus goals will be met for each student.

4. Determine the resources needed to implement the plan.

5. Identify staff needed to implement the plan.

6. Set time lines for reaching the goals.

7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.

8. Provide for a program to encourage parental involvement at the campus.

9. Include goals and methods for violence prevention and intervention on campus.

Education Code 11.253(c), (d)

EVALUATION

At least every two years, the District shall evaluate the effectiveness of the District's decision-making and planning policies, procedures, and staff development activities related to District- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

PLANNING AND DECISION-MAKING PROCESS

The Board shall adopt a policy to establish a District- and campus-level planning and decision-making process that will involve the professional staff of the District, parents of students enrolled in the District, business representatives, and community members in establishing and reviewing the District's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

ADMINISTRATIVE PROCEDURE

The Board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the Superintendent, central office staff, principals, teachers, District-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The Board shall also ensure that the District-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the District and campus levels.

Education Code 11.251(d)

REQUIREMENTS

The District policy must provide that all pertinent federal planning requirements are addressed through the District- and campus-level planning process. *Education Code 11.251(f)*

The planning and decision-making requirements do not:

1. Prohibit the Board from conducting meetings with teachers or groups of teachers other than the District-level committee meetings.

2. Prohibit the Board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in District- or campus-level planning and decision making.

3. Limit or affect the power of the Board to govern the public schools.

4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g)

DATE ISSUED: 12/16/2003
UPDATE 72
BQ(LEGAL)-A

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

DISTRICT MISSION, GOALS, AND OBJECTIVES AND CAMPUS OBJECTIVES	The Board shall approve and periodically review the District's mission and goals to improve student performance. The mission, goals, and the approved District and campus objectives shall be mutually supportive and shall support the state goals and objectives under Education Code, Chapter 4. [See AF(EXHIBIT)]
DISTRICT IMPROVEMENT PLANNING PROCESS	The District's planning process to improve student performance includes the development of the District's educational goals, the legal requirements for the District and campus improvement plans, all pertinent federal planning requirements, and administrative procedures. The Board shall approve the process under which the educational goals are developed and shall ensure that input is gathered from the District-level committee.
PARENTAL INVOLVEMENT PLAN	The Board shall ensure that the District and campus improvement plans, as applicable, address all elements required by federal law for receipt of Title I, Part A funds, including elements pertaining to parental involvement. The District-level and campus-level committees shall involve parents in the development of such plans and in the process for campus review and improvement of student academic achievement and campus performance. [See EHBD]
ADMINISTRATIVE PROCEDURES AND REPORTS	The Board shall ensure that administrative procedures meet legal requirements in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization; adequately reflect the District's planning process; and include implementation guidelines, time frames, and necessary resources. The Superintendent shall report periodically to the Board on the status of the planning process, including a review of the related administrative procedures, any revisions to improve the process, and progress on implementation of identified strategies.
EVALUATION	The Board shall ensure that data are gathered and criteria are developed to undertake the required biennial evaluation to ensure that policies, procedures, and staff development activities related to planning and decision-making are effectively structured to positively impact student performance.

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UPDATE 71
BQ(LOCAL)-A1

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PROCESS

The Board shall establish a procedure under which meetings are held regularly by the District-level planning and decision-making committee that includes representative professional staff, parents of students enrolled in the District, business representatives, and community members. The committee shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. The Board, or the Board's designee, shall periodically meet with the District-level committee to review the District-level committee's deliberations. *Education Code 11.251(b)*

COMMITTEE

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the District-level committee. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the District-level committee.
2. The selection of community members and business representatives to serve on the District-level committee in a manner that provides for appropriate representation of the community's diversity.

Education Code 11.251(e)

Note: See BF for information on the committee's role in requesting waivers.

DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.
4. Community members must reside in the District and must be at least 18 years of age.

Education Code 11.251(c)

CONSULTATION

A Superintendent shall regularly consult the District-level committee in the planning, operation, supervision, and evaluation of the District educational program. *Education Code 11.252(f)*

DISTRICT IMPROVEMENT PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators. *Education Code 11.252(a)* [See BQ]

DROPOUT PREVENTION REVIEW

The District-level planning and decision-making committee shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records required by Education Code 39.055;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;

3. The number of students who enter a high school equivalency certificate program and:

    a. Do not complete the program,

    b. Complete the program but do not take the high school equivalency examination, or

    c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

4. For students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and

5. The results of an evaluation of each school-based dropout prevention program in the District.

The District-level planning and decision-making committee shall use the information reviewed under this policy in developing District improvement plans.

Education Code Section. 11.255

PUBLIC MEETINGS

The District-level committee established under Education Code 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual District performance report from the agency for the purpose of discussing the performance of the District and the District performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the District-level committee. This does not create a new cause of action or require collective bargaining. *Education Code 11.252(e)*

DATE ISSUED: 12/16/2003
UPDATE 72
BQA(LEGAL)-A

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DISTRICTWIDE EDUCATIONAL IMPROVEMENT COUNCIL	In compliance with Education Code 11.251, the Districtwide Educational Improvement Council (committee) shall advise the Board or its designee in establishing and reviewing the District's educational goals, objectives, and major Districtwide classroom instructional programs identified by the Board or its designee. The committee shall serve exclusively in an advisory role except that the committee shall approve staff development of a Districtwide nature.
CHAIRPERSON	The Superintendent shall be the Board's designee and shall name the chairperson of the committee from among the committee's members. The Superintendent shall meet with the committee periodically.
MEETINGS	The chairperson of the committee shall set its agenda, and shall schedule at least five meetings per year; additional meetings may be held at the call of the chairperson. All committee meetings shall be held outside of the regular school day.
DUTIES OF COMMITTEE	The committee shall perform duties as described in BQA(LEGAL).
COMPOSITION	The committee shall be composed of members who shall represent campus-based professional staff, District-level professional staff, parents, businesses, and the community. At least two-thirds of the District and campus professional staff shall be classroom teachers. The remaining one-third shall be professional nonteaching District- and campus-level staff. For purposes of this policy, District-level professional staff shall be defined as professionals who have responsibilities at more than one campus, including, but not limited to, central office staff.
COMMUNITY INPUT	The Superintendent or designee shall ensure that the District-level committee obtains broad-based community, parent, and staff input and provides information to those persons on a systematic basis. Methods of communication shall include, but not be limited to: 1. Periodic meetings to gather input and provide information on the work of the committee. These meetings shall be advertised in District publications and through the media. 2. Articles in in-house publications regarding work of the committee. 3. Regular news releases to the media in the District regarding the work of the committee. 4. Periodic reports to the principals on the work of the committee that may be posted on campus bulletin boards.
PARENTS	The committee shall include parents of students currently enrolled within the District, selected in accordance with administrative procedures. The Superintendent shall, through various channels, inform all parents of District students about the committee's duties and composition, and shall solicit volunteers. [See BQA(LEGAL)]
COMMUNITY MEMBERS	The committee shall include community members selected by a process that provides for adequate representation of the community's diversity, in accordance with administrative procedures. The Superintendent shall use several methods of communication to ensure that community residents are informed of the committee and are provided the opportunity to participate, and shall solicit volunteers. The community member representatives must reside in the District.
BUSINESS REPRESENTATIVES	The committee shall include business persons, selected by a process that provides for adequate representation of the community's diversity, in accordance with administrative procedures. The Superintendent shall use several methods of communication to ensure that community residents are informed of the committee and are provided the opportunity to participate, and shall solicit volunteers. The business member representatives need not reside in nor operate businesses in the District.
PROFESSIONAL STAFF	The campus-level members shall consist of: two regular program elementary classroom teachers from each campus, two regular program secondary classroom teachers from each campus, one nonteaching campus-based professional employee from each campus, one classroom teacher from the District's Alternative Education Center, and one classroom teacher elected on a rotating basis each year from one of the five campuses. Each representative shall be nominated by and elected from the representative grouping.

	The District-level membership shall consist of District-level nonteaching professional members who shall be nominated by and elected from the District-level professional staff.
ELECTIONS	An employee's affiliation or lack of affiliation with any organization or association shall not be a factor in either the nomination or election of representatives on the committee. [See also DGA] The consent of each nominee shall be obtained before the person's name may appear on the ballot. Election of the committee shall be held in the fall of each school year at a time determined by the Board or its designee. Nomination and election shall be conducted in accordance with this policy and administrative regulations.
TERMS	Representatives shall be elected or selected annually and shall be limited to five consecutive terms on the committee.
VACANCY	If a vacancy occurs among the representatives, nominations shall be solicited and an election held or selection made for the unexpired term in the same manner as for the annual election.
OTHER ADVISORY GROUPS	The existence of the District-level committee shall not affect the authority of the Board or its designee to appoint or establish other advisory groups or task forces to assist it in matters pertaining to District instruction.

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LDU-30-00
BQA(LOCAL)-X

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The District shall maintain current policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. *Education Code 11.253(a)*

COMMITTEES

The District's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)-(e). *Education Code 11.253(b)*

CONSULTATION

A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. *Education Code 11.253(h)*

RESPONSIBILITIES

In accordance with the administrative procedures established under Education Code 11.251(b), the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.253(e)*

CAMPUS IMPROVEMENT PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations with respect to the academic excellence indicators [see GND] and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)* [See BQ]

STAFF DEVELOPMENT

The campus-level committee must approve the portions of the campus plan addressing campus staff development needs.

The above paragraphs do not create a new cause of action or require collective bargaining.

Education Code 11.253(e), (f)

DROPOUT PREVENTION REVIEW

Each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records required by Education Code 39.055;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;
3. The number of students who enter a high school equivalency certificate program and:
    a. Do not complete the program,
    b. Complete the program but do not take the high school equivalency examination, or
    c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the District.

Each campus-level planning and decision-making committee shall use the information reviewed under this policy in developing District or campus improvement plans.

Education Code 11.255

PROCESS

The Board shall establish a procedure under which meetings are held regularly by campus-level planning and decision-making committees that include representative professional staff, parents of students enrolled in the

District, business representatives, and community members. The committees shall include a business representative, without regard to whether the representative resides in the District or whether the business the person represents is located in the District. *Education Code 11.251(b)*

SELECTION OF COMMITTEES

The Board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff in the District to nominate and elect the professional staff representatives who shall serve on the campus planning and decision-making committees. At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and District-level professional staff members.

Board policy must provide procedures for:

1. The selection of parents to the campus-level committees.
2. The selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

Education Code 11.251(e)

Note: See BF for information on the committee's role in requesting waivers.

DEFINITIONS

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of the District is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.
4. Community members must reside in the District and must be at least 18 years of age.

Education Code 11.251(c)

PRINCIPAL PERFORMANCE INCENTIVES

A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.094(a). *Education Code 21.357(c)*

PUBLIC MEETING

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from the agency to discuss the performance of the campus and the campus performance objectives. District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g)*

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CAMPUS IMPROVEMENT COUNCIL	A Campus Improvement Council (committee) shall be established on each campus to assist the principal. The committee shall meet for the purpose of implementing planning processes and site-based decision-making in accordance with Board policy and administrative procedures and shall be chaired by the principal. The committee shall serve exclusively in an advisory role except that each committee shall approve staff development of a campus nature.
DUTIES OF COMMITTEE	The committee shall perform duties as described at BQB(LEGAL).
CAMPUS PERFORMANCE OBJECTIVES	Each principal shall be responsible for the development of campus performance objectives. These objectives shall be formulated annually in accordance with a schedule established by the District, shall support the District's educational goals and objectives, and shall be specific to the academic achievement of students served by the campus. The Board shall review and approve campus performance objectives.
WAIVERS	The principal shall be responsible for ensuring that no campus-initiated decision violates rule, law, or policy, unless the campus has obtained a waiver [see BQB(LEGAL) preceding and BF]. Except as prohibited by law [see BF], a campus may apply to the Board for a waiver of a local policy. An application for a waiver must state the achievement objectives of the campus and the reasons for requesting the waiver.
COMMUNICATIONS	The principal or designee shall ensure that the campus-level committee obtains broad-based community, parent, and staff input, and provides information to those persons on a systematic basis. Methods of communication shall include, but not be limited to: 1. Periodic meetings to gather input and provide information on the work of the committee. Meetings shall be advertised in the District or campus publications and through the media. 2. Articles in District or campus publications regarding work of the committee. 3. Regular news releases to the media in the District regarding the work of the committee. 4. Periodic reports on the work of the committee that may be posted on campus bulletin boards.
COMPOSITION	The committee shall be composed of members who shall represent campus-based professional staff, parents, businesses, and the community. At least two-thirds of the District and campus professional staff shall be classroom teachers. The remaining one-third shall be professional nonteaching District- and campus-level staff. For purposes of this policy, District-level professional staff shall be defined as professionals who have responsibilities at more than one campus, including, but not limited to, central office staff.
PARENTS	The committee shall include at least two parents of students currently enrolled within the District, selected in accordance with administrative procedures. The principal shall, through various channels, inform all parents of campus students about the committee's duties and composition, and shall solicit volunteers. [See BQB(LEGAL)]
COMMUNITY MEMBERS	The committee shall include at least two community members, selected in accordance with administrative procedures that provide for adequate representation of the community's diversity. The principal shall use several methods of communication to ensure that community residents are informed of the committee and are provided the opportunity to participate, and shall solicit volunteers. All community member representatives must reside in the District.
BUSINESS REPRESENTATIVES	The committee shall include at least two business representatives, selected in accordance with administrative procedures that provide for adequate representation of the community's diversity. The principal shall use several methods of communication to ensure that community residents are informed of the committee and are provided the opportunity to participate, and shall solicit volunteers. Business member representatives need not reside in nor operate businesses in the District.
CLASSROOM TEACHERS	Classroom teachers shall be nominated and elected by classroom teachers assigned to that campus.

CAMPUS-BASED NONTEACHING PROFESSIONALS	Other campus-based nonteaching professionals shall be nominated and elected by nonteaching professionals assigned to that campus.
DISTRICT-LEVEL PERSONNEL	District-level personnel shall be nominated and elected by campus nonteaching professional staff.
ELECTIONS	An employee's affiliation or lack of affiliation with any organization or association shall not be a factor in either the nomination or election of representatives on the committee. Nominated employees shall give their consent to serve on the committee before they are eligible for election. Nominations and elections shall be conducted in accordance with this policy and administrative regulations.
TERMS	Representatives shall be elected or selected annually and shall be limited to five consecutive terms on the committee.
VACANCY	A vacancy during a term shall be filled for the remainder of the term by election or selection as appropriate for the category.
MEETINGS	The committee shall meet at the call of the principal. The principal shall set the agenda for each meeting. All meetings shall be held outside the regular school day.

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BQB(LOCAL)-X

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COMPREHENSIVE SAFETY PROGRAM

The District shall take every reasonable precaution regarding the safety of its students, employees, visitors, and all others with whom it conducts business. The Superintendent or designee shall be responsible for developing, implementing, and promoting a comprehensive safety program.

The general areas of responsibility include, but are not limited to, the following:

EMERGENCY STRATEGIES

1. Guidelines and procedures for responding to emergencies.

LOSS PREVENTION STRATEGIES

2. Program activities intended to reduce the frequency of accident and injury, including:
    a. Inspecting work areas and equipment.
    b. Training frontline and supervisory staff.
    c. Establishing safe work procedures and regulations.
    d. Reporting, investigating, and reviewing accidents.
    e. Promoting responsibility for District property on the part of students, employees, and the community.

LOSS CONTROL STRATEGIES

3. Program activities intended to reduce the ultimate cost of accidents and injuries through investigation and documentation.

LOSS FINANCING STRATEGIES

4. Program activities that identify and develop prudent methods of financing loss costs on an annual basis, including the purchase of commercial insurance, selfinsured retentions, and risk pooling.

VEHICULAR SAFETY STRATEGIES

5. Driver education programs, when available.
6. Vehicle safety programs.
7. Traffic safety programs and studies related to employees, students, and the community.

INFORMATION MANAGEMENT

The Superintendent or designee shall be responsible for the collection, storage, and analysis of relevant operational and historical data required to develop sound procedures for implementation and operation of the comprehensive safety program.

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UPDATE 41
CK(LOCAL)-A

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NONDISCRIMINATION - IN GENERAL

The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older); or
5. Disability.

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12100 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); U.S. Const. Amend. I; Labor Code Chapter 21 (Texas Commission on Human Rights Act)

JOB QUALIFICATION

The District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f)*

EMPLOYMENT POSTINGS

The District shall not print or publish any notice or advertisement relating to District employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b)*

HARASSMENT OF EMPLOYEES

The District has an affirmative duty to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e et seq.; 29 CFR 1606.8(a), 1604.11* [See DIA]

RETALIATION

The District may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 CFR 100.7(e) (Title VI); 34 CFR 110.34 (Age Act); 42 U.S.C. 12203 (ADA)*

NOTICES

The District shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

SECTION 504 NOTICE

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the District does not discriminate in employment in its programs and activities; and
2. The identity of the District's 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in District publications; and
4. Distributing memoranda or other written communications.

If the District publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 CFR 104.8

AGE DISCRIMINATION

The District may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f)*

SEX DISCRIMINATION

PREGNANCY

The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. The District shall treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k)*

EQUAL PAY

The District may not pay an employee at a rate less than the rate the employer pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d); 34 CFR 106.54*

RELIGIOUS DISCRIMINATION

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless the District demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the District's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 CFR 1605.2*

The District may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

DISABILITY DISCRIMINATION

The District shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of the District. *42 U.S.C. 12112(b); 29 CFR 1630.9; 29 U.S.C. 794; 34 CFR 104.11; Labor Code 21.051* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

DISCRIMINATION BASED ON RELATIONSHIP

The District shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 CFR 1630.8; 34 CFR 104.11*

DEFINITIONS

"Disability" means a physical or mental impairment that substantially limits one or more of an individual's major life activities, a record of having such an impairment, or being regarded as having such an impairment. "Major life activities" are such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *42 U.S.C. 12102(2); 29 CFR 1630.2(g)-(l); 28 CFR 35.104; 34 CFR 104.3(j), (l); Labor Code 21.002(6)*

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to the District's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions. *42 U.S.C. 12111(8); 29 CFR 1630.2(m), (n); 34 CFR 104.3(l); Labor Code 21.105*

USE OF ILLEGAL DRUGS

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the District acts on the basis of such use.

DRUG TESTING

The District is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d) [See DHE]

ALCOHOL USE

The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 705(20)(C)*

REASONABLE ACCOMMODATION

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 CFR 1630.2(o); 34 CFR 104.12(b)

UNDUE HARDSHIP	"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the District, and other factors set out in law. *42 U.S.C. 12111(10); 29 CFR 1630.2(p); 34 CFR 104.12(c)*
DIRECT THREAT TO HEALTH OR SAFETY	As a qualification standard, the District may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 CFR 1630.2(q)*
COMMUNICABLE DISEASES	The District may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(d); 29 U.S.C. 705(20)(D); 29 CFR 1630.16(e); Labor Code 21.002(6)(B)*
MILITARY SERVICE	The District shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The District shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). *38 U.S.C. 4311* [See also DEC]
GRIEVANCE POLICIES	
SECTION 504	A district that receives federal financial assistance and that employs fifteen 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. *34 CFR 104.7(b), 104.11*
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 Americans with Disabilities Act. *28 CFR 35.107, 35.140*
TITLE IX	A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [See DGBA]
COMPLIANCE COORDINATOR	The District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. *34 CFR 104.7(b), 104.11*; *28 CFR 35.107, 35.140*; *34 CFR 106.8(b)*

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UPDATE 75
DAA(LEGAL)-B

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	The Superintendent shall serve as coordinator for purposes of District compliance with antidiscrimination laws, except as provided below.
TITLE IX COORDINATOR	The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended: Name: Linda Porter-Bradford Position: Assistant Superintendent of Personnel and Administration Address: 906 S.W. 5th Avenue, Mineral Wells, TX 76067 Telephone: (940) 325-6404
ADA / SECTION 504 COORDINATOR	The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973: Name: Nan Brandt Position: Junior High School Dean of Student Services Address: 1301 S.E. 14th Avenue, Mineral Wells, TX 76067 Telephone: (940) 325-0711
COMPLAINTS	Allegations of unlawful discrimination shall be directed to the appropriate coordinator and shall be heard through DGBA(LOCAL). Reports regarding prohibited harassment, including sexual harassment, shall be made according to DIA(LOCAL).
RECORDS RETENTION	Copies of reports alleging discrimination or prohibited harassment, including sexual harassment; investigation reports; and related records shall be maintained by the District for a period of at least three years.

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HOLDING CIVIL OFFICE

No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 291 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993).*

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies. *Tex. Const., Art. XVI, Sec. 40(b); Atty. Gen. Op. DM-55 (1991)*

RESTRICTIONS ON `PUBLIC SERVANTS'

"Public servant" includes a person elected, selected, appointed, or employed as an officer, employee, or agent of the government. *Penal Code 1.07(41)* [See also BBFA and DH]

ABUSE OF PUBLIC EMPLOYMENT

A public servant commits an offense if he or she, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the public servant's office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government, that has come into his or her custody or possession by virtue of his or her office or employment. *Penal Code 39.02(a)*

"Law relating to the public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

HONORARIA AND EXPENSES

A public servant commits a Class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

GIFTS

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits a Class A misdemeanor offense if he or she solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions, unless a statutory exception applies. *Penal Code 36.08(d), 36.10.*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(i).*

TEXTBOOKS

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if that person receives any commission or rebate on any textbooks used in the schools with which the person is associated as a Trustee, administrator, or teacher.

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence a Trustee, administrator, or teacher in the selection of a textbook; and
3. Could not be lawfully purchased with funds from the state textbook fund.

"Gift, favor, or service" does not include staff development, in-service, or teacher training; or instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

A person commits a Class C misdemeanor offense if the person knowingly violates any law providing for the purchase or distribution of free textbooks for the public schools. *Education Code 31.153*

Note: See also CBB for requirements when federal funds are involved.

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UPDATE 74
DBD(LEGAL)-P

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	An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA]
DISCLOSURE	An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or that creates a potential conflict of interest with the best interest of the District.
	Prior to the award of a contract or authorization of payment by the District, an employee shall file with the Superintendent, Board President, or a designee an affidavit disclosing any substantial interest in a business entity or interest in real property, as defined at BBFA, if the employee is in a position to affect a financial decision involving the business entity or the real property.
ENDORSEMENTS	An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.
SALES	An employee shall not use his or her position with the District to attempt to sell products or services.

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DBD(LOCAL)-A

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EMPLOYMENT POLICY

The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:

1. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent; and

2. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202. [See DP]

The employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District.

Education Code 11.163(a), (c)

ACTION ON RECOMMENDATION

The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. *Education Code 11.163(b)*

NEPOTISM

A superintendent to whom a board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See DBE]

FORMER TRUSTEE EMPLOYMENT

A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

EMPLOYMENT OF RETIREES

ACUTE SHORTAGE AREAS

For purposes of hiring retirees, the Board shall determine by rule whether there are acute shortage areas in the District based on TEA's acute shortage area guidelines. The guidelines must include:

1. A list of acute shortage areas;

2. Suggested criteria for identifying local acute shortage areas; and

3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.

Gov't Code 824.602(m)

NOTICE TO TRS

The District shall furnish TRS a monthly certified statement of all employment of all TRS service or disability retirees. The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District. The statement shall contain information necessary for the executive director to classify employment under Government Code 824.602. *34 TAC 31.2*

EMPLOYEE INFORMATION

The District shall ensure that an employee properly completes section 1-``Employee Information and Verification"-on Form I-9 at the time of hire.

VERIFICATION OF EMPLOYMENT ELIGIBILITY

The District must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If the District hires an individual for employment for a duration of less than three business days, the District must verify employment at the time of hire.

   The District shall not be deemed to have hired an individual if the individual is continuing in his or her

employment and has a reasonable expectation of employment at all times.

When the District rehires an individual, the District may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)

SOCIAL SECURITY NUMBERS

It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF USES

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552(a); Pub. L. 94-455, Stat. 1520 (1976)

CONTRACT POLICY

The District shall employ each classroom teacher, principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. [See DCA, DCB, and DCC] The District is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. [See DCD and DCE]

"Classroom teacher" means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instruction setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator.

The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply.

Education Code 21.002, 5.001(2)

DAYS OF SERVICE

A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service.

EXCEPTION

The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator's salary.

Education Code 21.401

EDUCATIONAL AIDES

The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.214(f); 19 TAC Chapter 21*

CRIMINAL HISTORY RECORD

The District may obtain from any law enforcement or criminal justice agency all criminal history information that relates to:

1. A person the District intends to employ in any capacity;

2. A person who has indicated, in writing, an intention to serve as a volunteer with the District; or

3. A volunteer or employee of the District.

Criminal history record information regarding a person who is a volunteer or employee of the District may be obtained no more than twice each year.

Education Code 22.083(a), (c); Gov't Code 411.097(b)

CONFIDENTIALITY OF CRIMINAL HISTORY	Criminal history record information obtained by the District may not be released or disclosed to any person, other than the individual who is the subject of the information, TEA, or SBEC (State Board for Educator Certification). *Gov't Code 411.097(d)* [See CNA]
SBEC NOTIFICATION	The Superintendent shall promptly notify SBEC in writing by filing a report with the executive director of SBEC within seven calendar days of the date the Superintendent obtains or has knowledge of information indicating that an applicant for or holder of a certificate issued under Chapter 21, Subchapter B, of the Education Code has a reported criminal history. *Education Code 22.083(d); 19 TAC 249.14(d)(1)* [See also DF]
CONTRACTED TRANSPORTATION SERVICES	If the District contracts with a person for transportation services, the District shall obtain criminal history record information as authorized by Education Code 22.084. [See CNA]
DISCHARGE OF CONVICTED EMPLOYEES	The District may discharge an employee if the District obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the District. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code Section 207.044 (unemployment compensation). *Education Code 22.085*
NEW HIRE REPORTING	The District shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and Social Security number of each newly hired employee. The report shall also contain the District's name, address, and employer identification number. The District may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the District's payroll address for mailing of notice to withhold child support. The District shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the District and in a format acceptable to the attorney general.
DEADLINE	New hire reports are due: 1. Not later than 20 calendar days after the date the District hires the employee; or 2. In the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart. New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency. *42 U.S.C. 653a(b), (c); Family Code 234.101-234.104; 1 TAC 55, subchapter I*

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UPDATE 75
DC(LEGAL)-P

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Policy DC (LOCAL)

Mineral Wells ISD
182903

FILLING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees are eligible to apply for any vacancy.
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information in applications for contractual positions shall be verified before a contract is offered, and information in applications for noncontractual positions shall be verified before hiring or as soon as possible thereafter.
SELECTION OF PERSONNEL	The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.
CONTRACTUAL CERTIFIED	Final authority for selection and employment of classroom teachers, principals, librarians, nurses, counselors, and other certified contractual personnel shall be retained by the Board. [See DCA, DCB, and DCC as appropriate]
OTHER PERSONNEL	The Board delegates to the Superintendent final authority to hire noncontractual employees on an at-will basis. [See DCD(LOCAL)]
CRIMINAL HISTORY RECORD	The District shall obtain criminal history record information on a person the District intends to employ. [See DC(LEGAL)]
EXIT INTERVIEWS AND TERMINATION REPORTS	An exit interview shall be conducted and a termination report prepared, if possible, for every employee who leaves employment with the District. These interviews shall be conducted in accordance with administrative procedures.

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DC(LOCAL)-A

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PERSONS UNDER PROBATIONARY CONTRACTS

Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the District for the first time or if the person has not been employed by the District for two consecutive school years subsequent to August 28, 1967:

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. Counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B.
6. Nurse.

EXCEPTIONS

REHIRES

A person who previously was employed as a teacher by the District, and after at least a two-year lapse in District employment returns to District employment, may be employed under a probationary contract.

PRINCIPAL OR CLASSROOM TEACHER

The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Section 21.102.

Education Code 21.101, 21.102(a), 21.202(b)

TERM OF CONTRACT

A probationary contract may not be for a term exceeding one school year.

MAXIMUM

A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.

EXCEPTION

A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the Board determines that it is doubtful whether a continuing contract or a term contract should be given. If the Board makes such a determination, the District may make a probationary contract for a term ending with the fourth consecutive school year.

Education Code 21.102

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Policy DCB (LEGAL)

Mineral Wells ISD
182903

REQUIREMENTS

CERTIFICATE	A person who desires to teach in a public school shall present the person's certificate for filing with the District before the person's contract with the Board is binding. *Education Code 21.053(a)* [See DCB(LOCAL) for listing of term contract positions]
PROBATIONARY CONTRACT PREREQUISITE	Except as provided below, before a term contract may be issued, the employee must be employed under a probationary contract.
EXCEPTION FOR PRINCIPAL OR CLASSROOM TEACHER	The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Section 21.102. *Education Code 21.202* [See DCA]
EMPLOYMENT POLICIES	Except as provided by Education Code 21.352(c), the Board's employment policies, which must include reasons for not renewing a term contract at the end of a school year, must require a written evaluation of each term contract employee at annual or more frequent intervals. *Education Code 21.203* [See DFBB and DN series]
CONTRACT TERMS	A term contract must be in writing and include the terms of employment prescribed by Education Code Chapter 21, Subchapter E; the Board may include other provisions in a term contract that are consistent with that subchapter. Each term contract is subject to the approval of the Board. The Board shall provide each "teacher," as that term is defined in Education Code 21.201, with a copy of the teacher's contract.
COPY OF POLICIES	The Board shall also provide each teacher a copy of the Board's employment policies upon the teacher's request. If the District has an Internet Web site, the District shall place the Board's employment policies on that Web site. At each school in the District, the Board shall make a copy of the Board's employment policies available for inspection at a reasonable time on request. *Education Code 21.204(a)-(d)*
MAXIMUM DURATION	Once the probationary period has been completed, the duration of a term contract may not exceed five school years. *Education Code 21.205*
PROPERTY INTEREST	There is no property interest in a term contract beyond its term. *Education Code 21.204(e)*

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UPDATE 71
DCB(LEGAL)-D

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Policy DCB (LOCAL)

Mineral Wells ISD
182903

EMPLOYMENT PRACTICES: DCB
EDUCATOR TERM CONTRACTS (LOCAL)

ELIGIBLE POSITIONS

The Board has chosen to employ by term contracts, as authorized by Education Code 21.002 and 21.201, the following categories of full-time certified professional employees: certified central office and campus administrators, teachers, counselors, and librarians; and full-time nurses.

In addition, the Board has chosen to employ by term contracts noncertified administrators, other noncertified professionals, and teachers with school district permits.

Any District employee hired under a continuing contract prior to January 1, 1996, shall remain on a continuing contract as long as the employee remains in the same position or in another continuing contract position identified in DCC(LOCAL). [See also DCC(LEGAL)]

Policies relating to term contract employment [see DCB and DFB series] do not apply to employees on continuing contracts.

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Policy DCC (LEGAL)

Mineral Wells ISD
182903

APPLICABILITY

Each employee with whom a continuing contract has been made shall be entitled to continue in the employee's position or a position with the District for future school years without the necessity for annual nomination or reappointment, until such time as the person:

1. Resigns [see DFE];
2. Retires under the Teacher Retirement System;
3. Is released from employment by the District at the end of a school year because of necessary reduction of personnel [see DFCA];
4. Is discharged for good cause, as defined in Section 21.156 of the Education Code [see DFCA] and in accordance with the procedures provided [see DF and DFD];
5. Is discharged for a reason stated in the teacher's contract that existed on or before September 1, 1995, and pursuant to the procedures provided [see DFD]; or
6. Is returned to probationary status, as authorized in Section 21.106 of the Education Code [see DNB].

Education Code 21.154

FORMER ADMINISTRATORS

The Board may grant to a person who has served as a principal or in another administrative position for which certification is required, at the completion of service in such capacity, a continuing contract, if the person qualifies for that position under criteria adopted by the Board. The period of service in an administrative capacity shall be construed as contract service as an employee. *Education Code 21.155*

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DCC(LEGAL)-D

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Policy DCC (LOCAL)

Mineral Wells ISD
182903

EMPLOYMENT PRACTICES: DCC
CONTINUING CONTRACTS (LOCAL)

	As of January 1, 1996, full-time certified professional staff shall be employed on term contracts, as authorized by Education Code 21.002 and 21.201. [See DCB(LEGAL) and (LOCAL)]
CONTRACTS GRANDFATHERED	A District employee hired under a continuing contract prior to January 1, 1996, shall remain on a continuing contract as long as the employee remains in the same position. [See DCC(LEGAL) and DCB(LOCAL)]
	Policies relating to term contract employment [see DCB and DFB series] do not apply to employees on continuing contracts.

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DCC(LOCAL)-B

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Policy DCD (LEGAL)

Mineral Wells ISD
182903

The employment-at-will doctrine is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment. *Jones v. Legal Copy, Inc., 846 S.W. 2d [Tex. App.-Houston (1st Dist.) 1993]*

The employment-at-will doctrine places no duties on an employer regarding an employee's continued employment and thus bars contract and tort claims based on the decision to discharge an employee. *Sabine Pilot Serv., Inc. v. Hauck, 687 S.W. 2d 733 (Tex. 1985)*

In Texas, at-will employment is presumed unless shown otherwise. *Gonzales v. Galveston Ind. Sch. Dist., 865 F.Supp. 1241 (S.D. Tex. 1994)*

Employment for an indefinite term may be terminated at-will and without cause, except as otherwise provided by law. *Garcia v. Reeves County, Texas, 32 F. 3d 200 (5th Cir. 1994); Irby v. Sullivan, 737 F.2d 1418 (5th Cir. 1984); Winters v. Houston Chronicle Pub. Co., 795 S.W. 2d 723 (Tex. 1990)*

EXCEPTION

An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. *Sabine Pilot Serv., Inc. v. Hauck, 687 S.W. 2d 733 (Tex. 1985)* [See DG, DGA, DGB for other exceptions]

NEPOTISM

A superintendent to whom the Board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See DBE]

DISMISSAL PROCEDURE

An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement nor right. *Mott v. Montgomery County, Tex., 882 S.W. 2d 635, 638 (Tex. App.-Beaumont, 1994)*

Termination of employment is a condition of work that is a proper subject for the grievance process. *Fibreboard Paper Products Corp. v. National Labor Relations Board, 85 S.Ct. 398, 402 (1984); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)* [See DGBA]

NOTICE TO THE COMMISSIONER

See policy DF regarding circumstances under which a certified paraprofessional employee's dismissal will be reported to the Commissioner.

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Policy DCD (LOCAL)

Mineral Wells ISD
182903

	The Board delegates to the Superintendent authority to hire and dismiss the following categories of employees, who shall serve on an at-will basis: paraprofessionals and auxiliary personnel.
ASSIGNMENT AND EVALUATION	The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment. Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures.
REASONABLE ASSURANCE OF EMPLOYMENT	District employees in positions normally requiring less than 12 months of service, who are expected to report to work at the beginning of the following school session, shall be provided a letter of reasonable assurance of employment. [See CRF]
DISMISSAL	At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District.
APPEAL TO BOARD	A dismissed employee may request to be heard by the Board in accordance with DGBA(LOCAL).

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Note: *This policy applies only to employees whose contracts are not governed by Chapter 21 of the Education Code.*

WRITTEN CONTRACT-NON-EDUCATOR

A contract of employment with the District creates a property interest in the position only for the period of time stated in the contract. The contract creates no property interest of any kind beyond the period of time stated in the contract. *Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)*

TERMINATION

END OF CONTRACT

The Board may decide by vote or inaction not to offer any employee on a contract not governed by Chapter 21 of the Education Code further employment with the District beyond the term of the contract for any reason or no reason. *Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)*

MIDCONTRACT

An employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

PROCEDURE

Before any employee on a contract not governed by Chapter 21 of the Education Code is dismissed, the employee shall be given reasonable notice of the cause or causes for the termination, set out in sufficient detail to fairly enable him or her to show any error that may exist and the names and the nature of the testimony of the witnesses against him.

Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970) HEARING

The Board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

SUSPENSION

The employee may be suspended with pay pending the outcome of the dismissal hearing. *Moore v. Knowles, 466 F.2d 531 (5th Cir. 1972)*

The employee may be suspended without pay, so long as the suspension is temporary, and the employee receives a due process hearing. *Gilbert v. Homar, 524 U.S. 024 (1997)*

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MINIMUM SALARY

The District shall pay each classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, as specified in Education Code 21.402 and 19 TAC 153.1021.

A classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse employed by the District in the 2000-01 school year is, for as long as the employee is employed by the District, entitled to a salary that is at least equal to the salary the employee received for the 2000-01 school year.

Education Code 21.402(d); 19 TAC 153.1021, 153.1022

PLACEMENT ON SALARY SCHEDULE

The Commissioner's rules determine the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule. The District shall credit the teacher, librarian, counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.403(c), 19 TAC 153.1022*

EMPLOYEES FORMERLY ON CAREER LADDER

As long as a teacher or librarian is employed by the same school district, the teacher or librarian is entitled to:

1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or

2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993.

Education Code 21.403(d)

VALID CERTIFICATE

An educator, as defined in Education Code 5.001(5), who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate. *Education Code 21.053(b)*

MINIMUM WAGE

Employees not exempt under the Fair Labor Standards Act shall be paid minimum wage and receive compensation for overtime under the conditions specified in the act. *29 U.S.C. 206, 207*

WAGE AND HOUR RECORDS

The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. *29 CFR 516.2*

SUPPLEMENTAL COMPENSATION

Each year, the state shall deliver to each district state funds in an amount, as determined by the Teacher Retirement System, equal to:

1. The product of the number of full-time active employees employed by the District, other than in the capacity of professional staff, multiplied by $500 or a greater amount as provided by the General Appropriations Act; and

2. The product of the number of part-time active employees employed by the District, other than in the capacity of professional staff, multiplied by $250 or a greater amount as provided by the General Appropriations Act.

If an active employee is not covered by a cafeteria plan of the District, the TRS supplement shall be paid to the active employee as supplemental compensation in addition to the rate of compensation that:

1. The District paid the employee in the preceding school year; or

2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year.

An employee who is covered under the District's cafeteria plan may choose to receive the TRS benefit as supplemental compensation. [See CRD]

ELIGIBILITY	A member of the professional staff of the District, as defined by TRS rule, is not eligible to receive the state supplement. An employee is not eligible to receive the state contribution until the 90th day after the date the employee is employed. *Insurance Code 1580.051; 34 TAC 41.42(d)*
ATTENDANCE SUPPLEMENT	The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*
PRINCIPAL PERFORMANCE INCENTIVES	A performance incentive awarded to a principal under Education Code 21.357 shall be distributed to the principal's school. The campus level committee shall determine the manner in which the performance incentive shall be used. *Education Code 21.357(c)*

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DEA(LEGAL)-P

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	The Superintendent shall recommend to the Board for approval pay structures and compensation plans for all District employees. Pay structures shall be designed and administered for the purpose of attracting and retaining qualified employees to achieve District goals. The Superintendent shall administer and maintain pay systems in accordance with administrative procedures for the District compensation plan.
PAY SYSTEMS DESCRIPTION	The Superintendent shall assign positions to pay ranges that define the minimum and maximum base pay for the positions. All employees shall be paid within the assigned pay ranges unless exceptions are granted by the Board.
PAY INCREASE BUDGET	The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. Pay increases beyond the budgeted amount for individuals or positions shall be subject to Board approval.
CLASSIFICATION OF POSITIONS	The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act.
EXEMPT	The District shall pay employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA. An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy [see DGBA]. If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.
NONEXEMPT	Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours. A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the Fair Labor Standards Act.
COMPENSATORY TIME	Compensation for overtime hours shall be awarded at one and a half times the employee's regular rate of pay or by time and a half earned in compensatory time. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay. Compensatory time earned by nonexempt employees may not accumulate beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to take compensatory time or, at the District's option, will receive overtime pay. Compensatory time shall be used within the duty year in which it is earned. The District shall pay an employee overtime for all unused compensatory time remaining at the end of the fiscal year. Use of compensatory time may be at the employee's request or as determined by the employee's supervisor to protect the District's schedules and activities.
WORKWEEK DEFINED	For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. Saturday until 11:59 p.m. Friday.
SUPPLEMENTAL DUTIES	The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act, as needed. The employee shall be compensated for these assignments according to the supplemental duty pay schedule established by the Board. These assignments may be discontinued at any time for any reason or no reason, by either party. The assignment of these duties shall not create any expectation of continued assignment to that same duty or any other duty.

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This introductory page outlines the contents of the leaves and absences policy. See the following sections for statutory provisions on:

SECTION I — Sick/Personal Leave

1. State Personal Leave; Accumulated Sick Leave page 2
2. Assault Leave page 2
3. Temporary Disability Leave page 3
4. Family and Medical Leave (FML) pages 4-11
    a. Eligibility, Notice to Employees
    b. Definitions of "Serious Health Condition," "Health Care Provider"
    c. Maintenance of Health Benefits
    d. Duration of Leave: Intermittent and End-of-Term Leaves; Combined Leave for Spouses
    e. Notice by Employees, Foreseen and Unforeseen Leave
    f. Medical Certification, Recertification
    g. Concurrent Use of FML with Paid/Unpaid Leave
    h. Reinstatement
    i. Denial of Restoration to Key Employees

SECTION II — Military Leave

1. Federal page 12
2. State: Short- and Long-Term page 13

SECTION III — Miscellaneous

1. Religious Observances page 14
2. Compliance with a Subpoena page 15
3. Jury Duty page 15
4. Developmental Leave page 15
5. Absence Control page 15

STATE PERSONAL LEAVE — A state minimum personal leave program consisting of five days per year of personal leave, with no limit on accumulation and no restrictions on transfer among districts, shall be provided for District employees. The District may provide additional personal leave beyond this minimum. The Board may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict the purposes for which the leave may be used. *Education Code 22.003(a)*

STATE SICK LEAVE — District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a)

ACCUMULATION

of the Education Code. Former Section 13.904(c), Education Code, continues to govern the use of that sick leave. Sick leave shall be used only for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.

Acts of the 74th Legislative Session, Senate Bill 1, Sec. 66

FORMER EDUCATION SERVICE CENTER (ESC) EMPLOYEES

The District shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center (ESC), not to exceed five days per year for each year of employment. *Education Code 8.007*

ASSAULT LEAVE

In addition to all other days of leave, a District employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. At the request of an employee, the District must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, the District may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave policy benefits will equal 100 percent of the employee's weekly rate of pay.

A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

Education Code 22.003(b), (c)

SICK LEAVE DIFFERENT FROM TEMPORARY DISABILITY LEAVE

An employee's entitlement to sick leave is unaffected by any concurrent eligibility for a leave of absence for temporary disability. The two types of leave are different, and each must be granted by its own terms. *Atty. Gen. Op. H-352 (1974)*

PREGNANCY

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. *29 CFR 1604.10(b)*

TEMPORARY DISABILITY

Each full-time educator shall be given a leave of absence for temporary disability at any time the educator's condition interferes with the performance of regular duties. The contract or employment of the educator may not be terminated while the educator is on a leave of absence for temporary disability. For purposes of temporary disability leave, pregnancy is considered a temporary disability.

AT EMPLOYEE'S REQUEST

A request for a leave of absence for temporary disability must be made to the Superintendent. The request must:

1. Be accompanied by a physician's statement confirming inability to work;
2. State the date requested by the educator for the leave to begin; and
3. State the probable date of return as certified by the physician.

BY BOARD AUTHORITY

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

RETURN TO ACTIVE DUTY

NOTICE

The educator shall notify the Superintendent of a desire to return to active duty no later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's

physical fitness for the resumption of regular duties.

PLACEMENT

An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus voluntarily may approve the appointment of an employee who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, the District must place the employee at the school at which the employee formerly taught or was assigned. *Atty. Gen. Op. DM-177 (1992)*

LENGTH OF ABSENCE

The Superintendent shall grant the length of leave of absence for temporary disability as required by the individual educator. The Board may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 calendar days. *Atty. Gen. Op. H-352 (1974)*

Education Code 21.409

FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)

An employee of a district having 50 or more employees within 75 miles of the worksite who has been employed by the District for at least 12 months and for 1,250 hours during the previous 12-month period shall be entitled to a total of 12 workweeks of leave, without loss of any employment benefit accrued prior to the beginning of the leave, during any 12-month period for one or more of the following reasons:

1. Because of the birth or adoption, including placement for foster care, of the employee's child and in order to care for the child, provided the leave is taken within 12 months of the birth, adoption, or placement of the child. By agreement between the employee and the District, this leave may be taken intermittently or on a reduced leave schedule.

2. To care for the employee's spouse, child, or parent if the spouse, child, or parent has a serious health condition.

3. Because of the employee's serious health condition that makes the employee unable to perform functions of his or her position.

29 U.S.C. 2611(2), 2612(a)

METHODS FOR DETERMINING ENTITLEMENT PERIOD

The District is permitted to choose any one of the following methods for determining the 12-month period for which the 12-week leave entitlement occurs:

1. The calendar year;

2. Any fixed 12-month "leave year," such as a fiscal year, a year required by state law, or a year starting on an employee's "anniversary" date;

3. The 12-month period measured forward from the date any employee's FML begins; or

4. A "rolling" 12-month period measured backward from the date an employee uses any FML (except that such measure may not extend back before August 5, 1993).

29 CFR 825.200(b)(1)-(4)

NOTICE TO EMPLOYEES

The District shall post and keep posted in conspicuous places on each campus where notices to employees are usually posted, a notice approved by the Secretary of Labor that sets out excerpts from or summaries of the Family and Medical Leave Act and information pertaining to the filing of a charge. *29 U.S.C. 2619*

If the District's workforce is comprised of a significant portion of workers who are not literate in English, the District shall be responsible for providing the information required by the notice in a language in which the employees are literate. *29 CFR 825.300(c)*

SERIOUS HEALTH CONDITION

A "serious health condition" that entitles an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor or recovery therefrom) or any subsequent treatment in connection with such inpatient care; or

2. Continuing treatment by a health care provider for a period of incapacity (as described above) for:

    a. More than three consecutive calendar days, and any subsequent treatment or period of

incapacity relating to the same condition.

b. Pregnancy, including severe morning sickness, or prenatal care.

c. Treatment for such incapacity due to a chronic serious health condition (one that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity).

d. A condition for which treatment may not be effective and for which the employee or family member is under the continuing supervision of a health care provider (i.e., Alzheimer's, a severe stroke, or the terminal stages of a disease).

e. The purpose of receiving multiple treatments by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

29 CFR 825.114(a)

HEALTH CARE PROVIDER

For FMLA leave purposes, a "health care provider" is defined as any of the following:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices.

2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state (meaning that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider) and performing within the scope of their practice as defined by state law.

3. Nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law.

4. Christian Science Practitioners who are listed with the First Church of Christ, Scientist in Boston, Massachusetts.

5. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

6. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

29 CFR 825.118

MAINTENANCE OF HEALTH BENEFITS

During any period that an eligible employee takes FMLA leave, the District shall maintain coverage under any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in active duty with the District. *29 U.S.C. 2614(c)(1)*

FAILURE TO RETURN FROM LEAVE

The District may recover its share of health care premiums paid during a period of FMLA leave if an employee fails to return to work after his or her FMLA leave entitlement has been exhausted or expires, unless one of the following conditions exists:

1. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under FMLA; or

2. Other circumstances beyond the employee's control.

When an employee fails to return to work, except for the reasons stated above, health premiums paid by the District during a period of FMLA leave are a debt owed the District by the nonreturning employee, and may be recovered by the District through deduction of any sums due the employee or through legal action.

29 U.S.C. 2614(c)(2); 29 CFR 825.213(a), (f)

DISCRIMINATION PROHIBITED

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to employee's rights. An employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA. An employer is prohibited from discriminating

against employees or prospective employees who have used FMLA. *29 CFR 825.220*

INTERMITTENT LEAVE

An eligible employee other than an instructional employee may take leave intermittently or on a reduced leave schedule when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment for himself or herself. *29 U.S.C. 2612(b)*

Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule reduces the usual number of working days per workweek or hours per workday. The District may limit leave increments to the shortest period of time that its payroll system uses to account for absences or use of leave, provided it is one hour or less. An employee may not be required to take more FMLA leave than necessary to address the circumstance that precipitated the need for the leave, unless the employee is an eligible instructional employee whose request meets the conditions below. *29 CFR 825.203 (a), (d)*

An eligible instructional employee who requests leave to care for a spouse, parent, or child or because of his or her own serious health condition that is foreseeable based on planned medical treatment and who would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required to choose either to:

1. Take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

2. Transfer temporarily to an available alternative position offered by the District for which the teacher is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the teacher's regular employment position.

29 U.S.C. 2618(c)

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers. *29 CFR 825.600(c)*

CHILD CARE / ADOPTION

The District may allow any of its employees to take intermittent leave for child care and/or adoption purposes. *29 U.S.C. 2618(c)(2)*

END-OF-TERM LEAVE

When an instructional employee requests leave near the end of a semester, the District may impose the following restrictions on the timing of a return to duty:

1. If the leave begins more than five weeks before the end of the semester, the District may require the employee to continue taking leave to the end of the semester if the leave will last at least three weeks and the return to employment would occur during the three-week period before the end of the semester.

2. If the leave begins during the five weeks before the end of the semester and is for a purpose other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks and return to employment would occur during the two-week period before the end of the semester.

3. If the leave begins during the three weeks prior to the end of the semester for a purpose other than the employee's own serious health condition and will last more than five working days, the District may require the employee to continue to take leave until the end of the semester.

If the District requires an employee to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA entitlement.

29 U.S.C. 2618(d); 29 CFR 825.600(c), 825.602, 825.603(b)

BOTH SPOUSES EMPLOYED IN DISTRICT

A husband and wife who are eligible for FMLA leave and are both employed in the District may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken:

1. For the birth of a son or daughter or to care for the child after birth.

2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.

3. To care for a parent with a serious health condition.

When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount he or she has taken individually and 12

weeks of FMLA leave for a purpose other than those listed above.

29 U.S.C. 2612(f); 29 CFR 825.202

NOTICE BY EMPLOYEES

FORESEEABLE LEAVE

An employee shall provide at least 30 days' notice before FMLA leave is to begin if the need for leave is foreseeable based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not practicable, such as because of not knowing approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

"As soon as practicable" means as soon as possible and practical taking into account all of the facts and circumstances in the individual case. Ordinarily, it would mean at least verbal notification to the employer within one or two business days of when the need for leave becomes known to the employee.

29 CFR 825.302

LEAVE THAT IS NOT FORESEEABLE

When the need for leave, or its approximate timing, is not foreseeable, an employee shall provide notice to the District as soon as practicable under the facts and circumstances of the particular case. Ordinarily, notice shall be provided within no more than one or two working days of learning of the need for leave. Notice should be provided either in person or by telephone, telegraph, "fax" machine, or other electronic means. *29 CFR 825.303*

SPECIFICITY OF NOTICE

Employees are not required to expressly invoke the FMLA's protection when notifying the District of their need for FMLA leave. *Manuel v. Westlake Polymers Corp., 66 F.3d 758 (5th Cir. 1995).*

MEDICAL CERTIFICATION

The District may require a certification issued by the health care provider of the spouse, child, parent, or employee that the employee is needed to care for the spouse, child, or parent or, in case of leave for the employee's condition, that the employee is unable to perform the functions of his or her position. The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the provider's knowledge regarding the condition. The employee shall in a timely manner provide a copy of the certification to the District. *29 U.S.C. 2613*

RECERTIFICATION

For pregnancy, chronic, or permanent/long-term conditions under the continuing supervision of a health care provider, the District may request recertification no more often than every 30 days, unless more frequent recertification is warranted because:

1. The employee requests an extension of leave.
2. Circumstances described by the original certification have changed significantly (i.e., the duration or nature of the illness or complications).
3. The District receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the requested recertification to the District within the time frame requested by the District (which must allow at least 15 days to submit a recertification), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good-faith efforts.

Any recertification requested by the District shall be at the employee's expense, unless the District provides otherwise. No second or third opinion on recertification may be required.

29 U.S.C. 2613(e); 29 CFR 825.308

CONCURRENT USE OF PAID LEAVE AND FMLA LEAVE

The District may designate any paid leave to which the employee is entitled as substituting for all or some portion of the employee's FMLA leave entitlement. Once the District has acquired knowledge that the leave is being taken for an FMLA-required reason, the District must promptly (within two business days absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as FMLA leave. *29 U.S.C. 2612(d)(2); 29 CFR 825.208(b)(1)*

WORKERS' COMPENSATION RECIPIENTS

The provision for substituting an employee's paid leave does not apply to a workers' compensation absence. However, the District may not deny use of accrued paid leave to an employee who is on FMLA leave and receiving workers' compensation benefits. *29 CFR 825.207(d)(1), (2); Atty. Gen. Op. JC-40 (1999)*

RETURN TO WORK

The District may uniformly require, as a prerequisite for reinstating employees whose FMLA leave was due to their own serious health condition, medical certification of their ability to resume work. *29 U.S.C. 2614(a)(4)*

RETURN TO

An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the

POSITION

leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The determination of how an employee is restored to an equivalent position is based on the District's established policies and practices that clearly explain the employee's restoration rights on return from leave. *29 U.S.C. 2614(a)(1), 2618(e); 29 CFR 825.604*

DENIAL OF RESTORATION

The District may deny restoration to "key employees," as described below, and may delay restoration to any employee who fails to provide a fitness-for-duty certificate to return to work, if such is required by the District.

A "key employee" is a salaried FMLA-eligible employee who is among the highest paid ten percent of all District employees within 75 miles of the employee's worksite. Key employees may be denied restoration to their original or equivalent positions under the following conditions:

1. At the time FMLA leave is requested (or FMLA leave begins, if earlier), the employee has received written notice that he or she is a "key employee," and has been informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the District determines that substantial and grievous economic injury will result to District operations if the employee is reinstated from FMLA leave.

2. The Board determines that denial of restoration is necessary to prevent substantial and grievous economic injury to the District.

3. On making the determination that injury would occur, the District notifies the employee in writing, either in person or by certified mail, of its intent to deny restoration to employment on completion of FMLA leave. The notice must explain the basis for the Board's finding of injury and must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of leave and the urgency of the need for the employee to return.

4. If the employee does not return to work in response to the District's notice, he or she continues to be entitled to maintenance of health benefits at the District's expense. The employee's FMLA rights continue unless and until the employee gives notice he or she no longer wishes to return to duty or the District actually denies restoration at the end of the leave period.

5. An employee who has received notice as set out at item 3 above is still entitled to request reinstatement at the end of the leave period. The District must then determine whether it will suffer substantial and grievous economic injury from reinstatement based on the facts at that time. If such a determination is made, the District shall notify the employee in writing (in person or by certified mail) of denial of restoration.

29 U.S.C. 2614(b); 29 CFR 825.216, 825.217, 825.219, 825.312(c)

FEDERAL LEAVE FOR MILITARY SERVICE

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services (the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or emergency) shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to the District (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);

2. The cumulative length of the absence and of all previous absences from a position of employment with the District does not exceed five years; and

3. The person reports to or submits an application for reemployment to the District and complies with the appropriate procedural requirements that apply under the circumstances.

A person who is reemployed under this act is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

The District is not required to reemploy a person if:

1. The District's circumstances have so changed as to make reemployment impossible or unreasonable;

2. The reemployment of such person would impose an undue hardship on the District; or

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue

indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

STATE LEAVE FOR MILITARY SERVICE

SHORT TERM

All employees of the District who are members of the state military forces or of the reserve components of the United States Armed Forces shall be granted a paid leave of absence from their duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 workdays in a federal fiscal year. *Gov't Code 431.005(a), (b)*

CALLED TO DUTY

A member of the state military forces who is ordered to active state duty by the governor or other proper authority under state law is entitled to the same benefits and protections provided to persons performing service in the uniformed services under 38 U.S.C. 4301-4313 and 4316-4319 and to persons in the military service of the United States under 50 App. U.S.C. 501-536, 560, and 580-594, as those laws existed on April 1, 2003. *Gov't Code 431.017*

Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty. *Gov't Code 431.005(c)*

LONG TERM

Any employee, other than a temporary employee, who leaves a position with the District to enter active military service is entitled to be reemployed by the District in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. *Gov't Code 613.001(3), 613.002*

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the District in a position that the employee can perform and that has like seniority, status, and pay as the former position or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

To be reemployed, a veteran of the military must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. Application must be made in writing to the Superintendent and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard or the Texas State Guard. *Gov't Code 613.001(2)*

USE OF PERSONAL LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

The District may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

RELIGIOUS OBSERVANCES

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 107 S.Ct. 367 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir.1984)*

COMPLIANCE WITH A SUBPOENA

The District may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. *Labor Code 52.051(a)*

JURY DUTY

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, the District shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror. *Education Code 22.006*

DEVELOPMENTAL LEAVES OF ABSENCE

The Board may grant a developmental leave of absence for study, research travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in the District at least five consecutive school years.

A developmental leave of absence may be granted for one school year at one-half regular salary or for one-half of a school year at full regular salary. Payment to the employee shall be made periodically by the District in the same manner, on the same schedule, and with the same deductions as if the employee were on full-time duty.

An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of the District for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in the District.

Education Code 21.452

ABSENCE CONTROL

Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a district that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez, 937 S.W.2d 444 (Tex. 1996) (workers' compensation discrimination case); Texas Division-Tranter, Inc. v. Carrozza, 876 S.W.2d 312 (Tex. 1994) (workers' compensation discrimination case); Swearingen v. Owens-Corning Fiberglas Corp., 968 F.2d 559 (5th Cir. 1992) (workers' compensation discrimination case); Howell v. Standard Motor Prods., Inc., 2001 U.S. Dist LEXIS 12332 (N. D. Tex. 2001) (Family and Medical Leave Act case); Specialty Retailers v. DeMoranville, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); Gonzalez v. El Paso Natural Gas Co., 40 F.E.P. Cases (BNA) 353 (Tex. App.-El Paso 1986, no pet.) (sex discrimination case)*

[Some employees may have protected status even after the expiration of all other leave. See CRE and DAA.]

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UPDATE 71
DEC(LEGAL)-P

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DEFINITIONS

FAMILY

For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:

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

For purposes of the Family and Medical Leave Act, the definition of "family" includes only spouse, parent, and child.

FAMILY EMERGENCY

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

WORKDAY

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

STATE PERSONAL LEAVE - RATE OF ACCRUAL

Each employee shall earn state personal leave at the rate of one-half a workday for each 18 workdays of employment, up to the statutory maximum of five workdays annually.

TYPES OF STATE PERSONAL LEAVE

Under authority of Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program, the Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

1. To be taken at the individual employee's discretion, subject to limitations set out below.

NON-DISCRETIONARY

2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL)]

USE OF DISCRETIONARY LEAVE

REQUEST FOR LEAVE

A written request for use of discretionary personal leave shall be submitted to the immediate supervisor or designee in advance in accordance with administrative regulations. The reasons for which personal leave may be used shall not be limited by the District. In deciding to approve personal leave, however, the supervisor or designee shall consider the effect of the employee's absence on the educational program, as well as the availability of substitutes. [See DEC(LEGAL)]

DURATION OF LEAVE

Discretionary personal leave may not be taken for more than three consecutive days.

SCHEDULE LIMITATIONS

Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments, professional or staff development days, or on the first and last day of school.

LOCAL PERSONAL BUSINESS LEAVE	All employees shall have two workdays of local leave per year to be used for personal business days. Local personal business days shall accumulate without limit and shall be taken with no loss of pay. Prior approval shall be obtained from the supervisor for the use of personal business leave.
EXTENDED SICK LEAVE	When all accumulated leave has been used, each employee shall be granted ten workdays of local extended leave to be used under the terms and conditions applicable to state sick leave accumulated prior to May 30, 1995, with one-half the daily rate of pay deducted.
USE AND RECORDING	For purposes of personal illness, illness in the immediate family, family emergency, or death in the immediate family, available leave shall be used in the following order: 1. State sick leave accumulated prior to the 1995-96 school year. 2. Local personal leave. 3. State personal leave. 4. Extended sick leave. Employees shall be charged leave as used even if a substitute is not employed. Leave shall be recorded in whole workdays and half workdays only, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act or when coordinated with workers' compensation benefits as provided in this policy.
AVAILABILITY	Leave shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year. Leave for the current year shall be available for use at the beginning of the school year. When an employee who has used more leave than he or she had accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.
OTHER ABSENCES	Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD(LOCAL)]
MEDICAL CERTIFICATION	An employee absent more than five consecutive workdays because of personal illness or illness in the immediate family shall submit medical certification of the illness. Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]
FAMILY AND MEDICAL LEAVE	The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as July 1 through June 30.
CONCURRENT USE OF LEAVE	The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave, if applicable.
COMBINED LEAVE FOR SPOUSES	If both spouses are employed by the District, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the District.
INTERMITTENT LEAVE FOR CHILD CARE	Use of intermittent family and medical leave shall not be permitted for the care of a newborn child or upon the adoption or placement of a child with the employee.
CERTIFICATION OF ILLNESS	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability.
MEDICAL RELEASE	The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.
TEACHER REINSTATEMENT	A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL).
RESIGNATION	If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.
TEMPORARY DISABILITY	Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days.
COURT APPEARANCES	Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

WORKERS' COMPENSATION

An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

An employee eligible for workers' compensation wage benefits, and not on assault leave, shall indicate whether he or she chooses to:

1. Receive workers' compensation wage benefits; or
2. Use available paid leave. Workers' compensation wage benefits shall begin when:
    a. Paid leave is exhausted; or
    b. The employee elects to discontinue use of paid leave; or
    c. Leave payments are less than the employee's pre-injury average weekly wage.

REIMBURSEMENT AT RETIREMENT

As an incentive for employees to accumulate sick leave, employees who have completed ten years of service with the District shall be paid upon retirement at the current daily rate for substitutes for all unused accumulated state or local leave.

A retired employee who is rehired by the District within three months of retirement shall have reinstated any unused state or local sick leave from previous employment with the District that was not reimbursed upon retirement.

SICK LEAVE POOL

The District sick leave pool shall be established from voluntary donations by the District staff to assist a fellow employee suffering from personal illness or disability. To receive days from the pool, the requesting employee must first use all of his or her state or local sick leave and personal leave days. The employee may participate in the pool until he or she has used 50 days from the pool.

ESTABLISHMENT

A request for the establishment of a sick leave pool shall be made in writing to the Superintendent. Pooling may be requested when an employee has exhausted his or her state leave, local personal days, and extended sick leave.

The Superintendent or designee shall then initiate the sick leave pool for the employee and notify District staff.

The sick leave pool shall be created by voluntary contributions by District staff for a specific individual and donated days shall be designated to a specific pool. Contributions may consist of one to three personal leave days per person. No staff member may contribute more than three of his or her personal leave days to the pool per school year. A maximum of 50 days may be contributed to a sick leave pool.

CESSATION OF SICK LEAVE POOL

The sick leave pool ceases to exist when the employee returns to work or when each voluntary donation reaches the three-day maximum contribution and the sick leave pool is exhausted. Unused sick leave pool days shall revert to the donors and shall be divided proportionately among individuals according to the amount contributed. Reimbursed days shall be divided in increments of no less than one-half days. No general pool shall remain in existence.

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CLASSROOM SUPPLY REIMBURSEMENT

Beginning not later than the 2005-06 school year, and only if funds are specifically appropriated or TEA identifies available funds, TEA shall establish a reimbursement program under which TEA provides funds to districts for the purpose of reimbursing classroom teachers who expend personal funds on classroom supplies.

LOCAL FUNDS

The District must match any funds provided to the District under the reimbursement program with local funds to be used for the same purpose. The District may not use funds received under the reimbursement program to replace local funds used by the District for the same purpose.

USE OF FUNDS

The District shall allow each classroom teacher in the District who is reimbursed under the reimbursement program to use the funds at the teacher's discretion, except that the funds must be used for the benefit of the District's students.

The District may allow, but not require, teachers to pool their respective supply monies for the purchase of an item, as long as the item meets the student benefit criteria established by the District.

Education Code 21.413; 19 TAC 61.1081(d)(3)

MAXIMUM REIMBURSEMENT

Total reimbursement to an individual teacher in a single year from the Teacher Supply Reimbursement Grant may not exceed $200. Reimbursements from local funds may exceed the matching requirement.

UNEXPENDED FUNDS

Funds for each school year must be expended by July 31 of that school year.

ELIGIBILITY REQUIREMENTS

To be eligible to participate in the classroom supply reimbursement program, the District shall be required to:

1. Reapply to participate each year;

2. Create a Teacher Supply Reimbursement Grant account separate from other accounts to which the grant shall be deposited and account for funds in accordance with applicable state and federal requirements;

3. Deposit in the designated account an amount of local funds at least equal to the greater of the amount of the grant or the previous year's expenditure on teacher supply reimbursements;

    a. "Local funds" are all funds over which the District exercises control or approval authority used to reimburse teachers for tangible items of direct benefit to students.

    b. Individual reimbursements from the Teacher Supply Reimbursement Grant must be matched with an equal amount of local funds.

4. Ensure that items purchased with funds in the designated account are tangible items, of direct benefit to students. In order to participate in the classroom supply reimbursement program, the District's application must include a District policy that would ensure each teacher meets the requirement that an expenditure will benefit students;

5. Retain ownership of all durable goods purchased under this program. The District may develop a policy allowing each teacher to retain ownership of goods of nominal value purchased with grant money;

6. Retain receipts obtained from teachers for reimbursement and make these records available for audit purposes; and

7. Return unexpended Teacher Supply Reimbursement Grant balances at the end of the state fiscal year for which they were awarded.

PENALTIES

A district found in noncompliance with TEA's rules regarding the Teacher Supply Reimbursement Grant program must reimburse the state for funds unaccounted for or used for purposes not meeting with the requirements of the statute.

A district found to have reduced its local expenditures may be required to refund the entire grant to the state.

DISPUTE RESOLUTION AND APPEALS

A determination by the Board of any dispute involving teacher reimbursement is final and may not be appealed to TEA, except as provided in Education Code 7.057. Nothing in this provision precludes TEA from recovering funds from the District pursuant to an audit.

A determination by TEA in the administration of this program is final and may not be appealed.

Note: TEA regulations under Education Code 21.413 expire September 1, 2007.

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19 TAC 61.1081

TRAVEL SERVICES

An employee of the District who is engaged in official business may participate in the Texas Building and Procurement Commission's contract for travel services. *Gov't Code 2171.055(f)*

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Policy DEE (LOCAL)

Mineral Wells ISD
182903

COMPENSATION AND BENEFITS: DEE
EXPENSE REIMBURSEMENT (LOCAL)

PRIOR APPROVAL REQUIRED	An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's immediate supervisor.
TRAVEL EXPENSES	Reimbursement for authorized travel shall be in accordance with legal requirements. Accounting records shall accurately reflect that no state or federal funds were used to reimburse travel expenses beyond those authorized for state employees.
DOCUMENTATION REQUIRED	For any authorized expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses and in accordance with administrative procedures.

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An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension in accordance with applicable policies. *Education Code 26.008(b)* [See DFAA, DFBA, DFCA]

REPORT TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall notify the State Board for Educator Certification (SBEC) if the Superintendent has reasonable cause to believe that:

CRIMINAL RECORD

1. An educator employed by or seeking employment in the District has a criminal record;

RESIGNATION

2. The educator resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 3(a)-(e), below; or

TERMINATION

3. An educator's employment at the District was terminated based on a determination that the educator:

    a. Abused or otherwise committed an unlawful act with a student or minor;

    b. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;

    c. Illegally transferred, appropriated, or expended funds or other property of the District;

    d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

    e. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event. "Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor.

REPORTS

The Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first learns about an alleged incident of misconduct described in items 1-3, above. The report must be in writing and in a form prescribed by SBEC. SBEC shall determine whether to impose sanctions against a superintendent who fails to file a report in violation of this requirement.

The Superintendent shall notify the Board of the District and the educator of the filing of the report.

IMMUNITY

A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

Education Code 21.006, 19 TAC 249.14

ABANDONMENT OF CONTRACT

SBEC shall not pursue sanctions against an educator alleged to have abandoned his or her contract unless the District's Board:

1. Renders a finding that good cause did not exist for the educator to resign his or her position later than the 45th day before the first day of instruction; and

2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.14

REMOVAL / TERMINATION FOR CERTAIN OFFENSES

A school district or open-enrollment charter school that receives notice under Education Code Section 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

AGAINST CHILDREN

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and

2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

These removal and termination requirements apply only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender, and only if the victim of the offense is under 18 years of age.

Education Code 21.058

CONTRACT VOID FOR FAILURE OF CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

1. Does not hold a certificate or permit issued by SBEC; or

2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

DISTRICT'S OPTIONS

After an employee receives notice that the employee's contract is void the District may:

1. Terminate the employee;

2. Suspend the employee with or without pay; or

3. Retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate; and

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

NO APPEAL OR CHAPTER 21 HEARING

The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of this chapter do not apply to the decision.

APPLICABILITY

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

Education Code 21.0031; Nunez v. Simms, 341 F.3D 385 (5th Cir. 2003)

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Policy DFAA (LEGAL)

Mineral Wells ISD
182903

DISCHARGE

Any probationary contract employee may be discharged at any time for good cause as determined by the Board. "Good cause" is the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state. *Education Code 21.104(a)*

Note: See DF regarding circumstances in which a certified employee's dismissal must be reported to the State Board for Educator Certification (SBEC).

SUSPENSION

The District may, for good cause as defined above, suspend an employee without pay in lieu of discharge. The period of suspension may not extend beyond the end of the current school year. *Education Code 21.104(b)*

NOTICE

Before any probationary contract employee is dismissed or suspended without pay for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 105 S.Ct. 1487 (1985)*

HEARING

If a probationary contract employee who has received notice of proposed termination desires a hearing before an independent hearing examiner, the employee must file a written request with the Commissioner not later than the 15th day after the date the employee receives notice of the proposed termination. The employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.

Education Code 21.251, 21.253 [See DFD]

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Policy DFAA (LOCAL)

Mineral Wells ISD
182903

PROBATIONARY CONTRACTS: DFAA
SUSPENSION/TERMINATION DURING CONTRACT (LOCAL)

SUSPENSION WITH PAY A probationary contract employee may be suspended with pay or placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension or administrative leave.

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Policy DFAB (LEGAL)

Mineral Wells ISD
182903

PROBATIONARY CONTRACTS: TERMINATION AT END OF YEAR — DFAB (LEGAL)

GROUNDS FOR TERMINATION	A probationary contract employee may be terminated at the end of the contract period if the Board determines that such termination will serve the best interests of the District.
NOTICE	The Board shall give the employee notice of its decision to terminate the employment not later than the 45th day before the last day of instruction required under the contract.
NO APPEAL	The Board's decision to terminate a probationary employee at the end of a contract period is final and may not be appealed. *Education Code 21.103(a)*
FAILURE TO NOTIFY	Failure to give a probationary employee notice of termination within the time period described above obligates the Board to employ the probationary employee for the following school year. The contract will be for a position in the same capacity under: 1. A probationary contract, if the person has been employed under a probationary contract for less than three consecutive school years; or 2. A continuing or term contract, according to District policy, if the person has been employed under a probationary contract for three consecutive school years. *Education Code 21.103(b)*

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SUSPENSION WITHOUT PAY

The Board may, for good cause as determined by the Board, suspend an employee without pay:

1. Pending discharge, or
2. In lieu of termination.

The suspension may not extend beyond the end of the school year.

Education Code 21.211(b)

BACK-PAY

If no discharge occurs subsequent to a suspension without pay pending discharge, the term contract employee is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

GROUNDS FOR DISMISSAL

The Board may terminate a term contract and discharge a term contract employee at any time for:

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

Education Code 21.211(a)

NOTICE

Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 105 S.Ct. 1487 (1985)*

HEARING

If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the Commissioner not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The term contract employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.

Education Code 21.251, 21.253 [See DFD]

SUSPENSION WITH PAY

The employee may be suspended with pay pending the outcome of the dismissal hearing. *Moore v. Knowles, 482 F.2d 1069 (5th Cir. 1973)*

Note: See DF regarding circumstances in which a certified employee's dismissal must be reported to the State Board for Educator Certification (SBEC).

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Policy DFBA (LOCAL)

Mineral Wells ISD
182903

TERM CONTRACTS: DFBA
SUSPENSION/TERMINATION DURING CONTRACT (LOCAL)

SUSPENSION WITH PAY A term contract employee may be suspended with pay or placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension or administrative leave.

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Policy DFBB (LEGAL)

Mineral Wells ISD
182903

EVALUATIONS — Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. *Education Code 21.203(a)* [See DNA]

REASONS — The Board shall establish by policy reasons for nonrenewal at the end of a school year. *Education Code 21.203(b)*

NOTICE — Not later than the 45th day before the last day of instruction in a school year, the Board shall notify in writing each term contract employee whose contract is about to expire of its proposal to renew or not renew the contract.

The Board's failure to give notice of a proposed renewal or nonrenewal constitutes an election to employ the term contract employee in the same professional capacity for the following school year.

Education Code 21.201, 21.206

REQUEST FOR HEARING — If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed action. The Board shall provide for a hearing to be held within 15 days after receiving written notice from the employee requesting a hearing unless the parties agree in writing to a different date. Such hearing shall be closed unless an open hearing is requested by the employee and shall be conducted in accordance with rules promulgated by the District.

BOARD HEARING — If the employee requests a hearing, the Board shall hold a hearing at which the employee may:

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

Education Code 21.207

BOARD DECISION — To evaluate the evidence put before it, the Board shall use the preponderance of the evidence standard of review. *Whitaker v. Marshall ISD, Comm. Ed. Dec. No. 112-R1-598 (1998)*

Following the hearing, the Board shall take the appropriate action and notify the employee in writing of that action within 15 days following the conclusion of the hearing.

NO HEARING — If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

Education Code 21.208

APPEALS — An employee aggrieved by a decision of the Board to nonrenew a term contract may appeal to the Commissioner for a review of the Board's decision. *Education Code 21.209*

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REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
11. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
12. Conviction of a felony or of any crime involving moral turpitude; conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony; or deferred adjudication for a felony or any crime involving moral turpitude. [See DH]
13. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]
14. Failure to meet the District's standards of professional conduct.
15. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
16. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
17. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
18. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.

19. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.

20. A significant lack of student progress attributable to the educator.

21. Behavior that presents a danger of physical harm to a student or to other individuals.

22. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

23. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

24. Falsification of records or other documents related to the District's activities.

25. Falsification or omission of required information on an employment application.

26. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

27. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.

28. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.

29. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.

30. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.

31. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

32. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS FROM ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. The Superintendent shall require that each administrator's recommendation for nonrenewal be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Copies of written evaluations, other supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal. The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF PROPOSED RENEWAL OR NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR HEARING

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal. When a timely request for a hearing on a proposed nonrenewal is received by the Board President, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING PROCEDURE

The hearing shall be conducted in closed meeting unless the employee requests that it be open, with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until it is their turn to present evidence. The employee and the administration may each be represented by a representative of each party's choice. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the Board President's control and in general shall follow the steps listed

below:

1. After consultation with the parties, the Board President shall impose reasonable time limits for presentation of evidence and closing arguments.

2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.

3. The employee may cross-examine any witnesses for the administration.

4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.

5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

DATE ISSUED: 07/22/2004
UPDATE 73
DFBB(LOCAL)-A

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NOTICE OF PROPOSED CONTRACT NONRENEWAL

(FOR HEARINGS CONDUCTED BY THE BOARD)

Date:_____

Name:_____

Address:_____

City/State/Zip:_____

Dear _____:

YOU ARE HEREBY NOTIFIED that the Superintendent of _____ISD has recommended to the Board of Trustees at a lawfully called meeting of the Board of Trustees on (date) _____, that your employment contract as (job title) _____ in the District not be renewed for the succeeding school year, and the Board voted to propose the nonrenewal.

This notice is given pursuant to the provisions of Section 21.206 of the Texas Education Code.

The recommendation not to renew your contract is being made for the following reasons:

[LIST ALL REASONS IN DETAIL]

If you desire a hearing, not later than the 15th day after receipt of this written notice, you must notify the Board of Trustees in writing of such request. The Board shall provide a hearing to be held not later than the 15th day after receipt of your notice requesting a hearing. Such hearing shall be closed unless you request an open hearing. If you fail to make a timely request for a hearing, the Board may proceed to make a determination upon the Superintendent's recommendation not later than the 30th day after the date the Board sends you notice of the proposed nonrenewal.

If you have any questions concerning any of the reasons supporting the proposed action to nonrenew your contract, please advise the Superintendent in writing.

Attached to this notice is a copy of the District's policy on nonrenewal of term contracts, containing the rules for the hearing.

This notice dated at (City/State/Zip):_____,

Date:_____ BY: _____

President, Board of Trustees

_____ ISD

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Policy DFCA (LEGAL)

Mineral Wells ISD
182903

DISCHARGE

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

SUSPENSION

The District may suspend a teacher without pay and for a period not to extend beyond the end of the current school year in lieu of discharge, for good cause as defined above.

Education Code 21.156

REDUCTION IN FORCE

Continuing contract employees may be released from employment by the District at the end of a school year because of necessary reduction of personnel.

Necessary reduction of personnel shall be made in the reverse order of seniority in the specific teaching fields.

Education Code 21.157

NOTICE

Before any employee under a continuing contract is discharged, suspended without pay in lieu of discharge, or released because of a necessary reduction in personnel, the employee shall be notified in writing by the Board of the proposed action and the grounds for the action. *Education Code 21.158(a)*

An employee who is discharged or suspended without pay for actions related to the inability or failure of the employee to perform assigned duties is entitled, as a matter of right, to a copy of each evaluation report or any other written memorandum that concerns the fitness or conduct of the employee, by requesting in writing a copy of these documents. *Education Code 21.158(b)*

HEARING

If, upon written notification of the proposed action, the employee desires to contest the same, the employee shall notify the Board in writing not later than the tenth day after the date of receipt of the official notice and must provide the Commissioner with a copy of the notice. A timely request for a hearing entitles the employee to a hearing before a hearing examiner.

The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.

Education Code 21.251(a)(1), 21.253, 21.159 [See DFD]

HEARING NOT REQUESTED

If the employee fails to request a hearing not later than the tenth day after receiving notice of the proposed action, the Board shall take the appropriate action and notify the employee in writing of the action not later than the 30th day after the date the Board sent the notice of the proposed action. *Education Code 21.159(c)*

Note: See DF regarding circumstances under which a certified employee's termination during the year shall be reported to the State Board for Educator Certification (SBEC).

DATE ISSUED: 12/16/2003
UPDATE 72
DFCA(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

APPLICABILITY

This hearing process applies only if an employee requests a hearing after receiving notice of a proposed decision to:

1. Terminate a continuing contract at any time;
2. Terminate a probationary or term contract before the end of the contract period; or
3. Suspend without pay.

It does not apply to:

1. A decision to terminate a probationary contract at the end of the contract term; or
2. A decision not to renew a term contract, unless the Board has adopted this process for nonrenewals. [See DFBB]

Education Code 21.251

REQUEST FOR HEARING

Not later than the 15th day after the date the employee receives notice of one of the proposed contract actions listed above, the employee must file a written request with the Commissioner for a hearing before a hearing examiner. The employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. *Education Code 21.253*

ASSIGNMENT OF HEARING EXAMINER BY AGREEMENT

The parties may agree to select a hearing examiner from the list maintained by the Commissioner or a person who is not certified to serve as a hearing examiner, provided that person is licensed to practice law in Texas. If the parties agree on a hearing examiner the parties shall, before the date the Commissioner is permitted to assign a hearing examiner, notify the Commissioner in writing of the agreement, including the name of the hearing examiner selected.

BY APPOINTMENT

If the parties do not select a hearing examiner by agreement, the Commissioner shall assign the hearing examiner not earlier than the sixth business day and not later than the tenth business day after the date on which the Commissioner receives the request for a hearing. When a hearing examiner has been assigned, the Commissioner shall notify the parties immediately.

REJECTION

The parties may agree to reject a hearing examiner for any reason and either party is entitled to reject an assigned hearing examiner for cause. A rejection must be in writing and filed with the Commissioner not later than the third day after the date of notification of the hearing examiner's assignment. If the parties agree to reject the hearing examiner or if the Commissioner determines that one party has good cause for the rejection, the Commissioner shall assign another hearing examiner.

FINALITY OF DECISION

After the employee receives notice of the proposed contract action, the parties may agree in writing that the hearing examiner's decision be final and nonappealable on all or some issues.

Education Code 21.254

POWERS OF HEARING EXAMINER

The hearing examiner may issue subpoenas, administer oaths, rule on motions and the admissibility of evidence, maintain decorum, schedule and recess the proceedings, allow the parties to take depositions or use other means of discovery, and make any other orders as provided by Commissioner rule.

CONDUCT OF HEARING

The hearing and any depositions must be held within the geographical boundaries of the District or at the regional education service center that serves the District.

Education Code 21.255

SCHEDULE RESTRICTION

A hearing before a hearing examiner may not be held on a Saturday, Sunday, or a state or federal holiday, unless all parties agree. *Education Code 21.257(c)*

PRIVATE

A hearing before a hearing examiner shall be private unless the employee makes a written request for a public hearing.

EXCEPTION

If necessary to maintain decorum, the hearing examiner may close a hearing that an employee has requested be public.

PROTECTION OF WITNESSES

To protect the privacy of a witness who is a child, the hearing examiner may close the hearing to receive the testimony or order that the testimony be presented by procedures in Article 38.071, Code of Criminal Procedure.

EMPLOYEE RIGHTS

At the hearing, the employee has the right to:

1. Be represented by a representative of the employee's choice;
2. Hear the evidence on which the charges are based;
3. Cross-examine each adverse witness; and
4. Present evidence.

The hearing is not subject to the Administrative Procedure Act.

The hearing shall be conducted in the same manner as a trial without a jury in state district court. A certified shorthand reporter shall record the hearing.

EVIDENCE

The Texas Rules of Civil Evidence shall apply at the hearing. An evaluation or appraisal of the teacher is presumed to be admissible at the hearing. The hearing examiner's findings of fact and conclusions of law shall be presumed to be based only on admissible evidence.

BURDEN OF PROOF

The District has the burden of proof by a preponderance of the evidence at the hearing.

Education Code 21.256

COSTS

The District shall bear the cost of the services of the hearing examiner and certified shorthand reporter and the production of any original hearing transcript. Each party shall bear its costs of discovery, if any, and its attorney's fees. *Education Code 21.255(e)*

RECOMMENDATION

Not later than the 60th day after the date on which the Commissioner receives a request for a hearing before a hearing examiner, the hearing examiner shall complete the hearing and make a written recommendation. The recommendation must include findings of fact and conclusions of law. The recommendation may include a proposal for granting relief, including reinstatement, back pay, or employment benefits. The proposal for relief may not include attorney's fees or other costs associated with the hearing or appeals from the hearing. The hearing examiner shall send a copy of the recommendation to each party, the Board President, and the Commissioner.

WAIVER OF DEADLINE

The parties may agree in writing to extend by not more than 45 days the right to a recommendation by the date specified above.

Education Code 21.257

CONSIDERATION

The Board or a designated subcommittee shall consider the hearing examiner's record and recommendation at the first Board meeting for which notice can be posted in compliance with the open meetings laws. The meeting must be held not later than the 20th day after the date that the Board President receives the hearing examiner's recommendation and record.

ORAL ARGUMENT AND RECORDING

At the meeting, the Board or subcommittee shall allow each party to present an oral argument to the Board or subcommittee. The Board may, by written policy, limit the amount of time for oral argument, provided equal time is allotted each party. A certified shorthand reporter shall record any such oral argument.

LEGAL ADVICE

The Board or subcommittee may obtain advice from an attorney who has not been involved in the proceedings.

Education Code 21.258, 21.260

DECISION

Not later than the tenth day after the date on which the meeting to consider the hearing examiner's recommendation is held, the Board or subcommittee shall announce its decision, which must include findings of fact and conclusions of law, and may include a grant of relief.

The Board or subcommittee may adopt, reject, or change the hearing examiner's conclusions of law or proposal for granting relief. The Board may reject or change a finding of fact made by the hearing examiner:

1. Only after reviewing the record of the proceedings; and

2. Only if the finding of fact is not supported by substantial evidence.

The Board or subcommittee shall state in writing the reason for and legal basis for a change or rejection.

RECORDING

A certified shorthand reporter shall record the announcement of the decision. The District shall bear the cost of the reporter's services.

Education Code 21.259, 21.260

DATE ISSUED: 12/16/2003
UPDATE 72
DFD(LEGAL)-P

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APPLICABILITY

This policy shall apply only to reductions in force of contractual employees when the reduction in force requires the termination of:

1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
    a. A probationary contract during the contract period;
    b. A term contract during the contract period or
    c. A term contract at the end of the contract period.
2. A contract not governed by Chapter 21 of the Education Code during the contract period.

Note: This policy shall not apply to termination at any time of at-will employment [see DCD]; termination of a continuing contract [see DFCA]; termination of a probationary contract at the end of the contract period [see DFAA]; or termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code [see DCE].

DEFINITIONS

Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
2. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.
3. "Discharge" shall mean termination of a contract during the contract period.
4. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL GROUNDS

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge or nonrenewal of one or more employees in accordance with this policy. Such a determination constitutes sufficient cause for discharge or nonrenewal.

SCOPE OF REDUCTION

When a reduction in force is to be implemented, the Superintendent shall make recommendations to the Board and the Board shall determine the employment areas to be affected. In determining affected employment areas, the Board may combine or coordinate employment areas, as defined below (e.g., the Board may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education program").

EMPLOYMENT AREAS

Employment areas include, but are not limited to:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs.

3. Special programs, such as gifted and talented, bilingual/ESL programs, special education, compensatory education, and migrant education. Each special program is a separate employment area.

4. Counseling programs.

5. Library programs.

6. Nursing and other health services programs.

7. An educational support program that does not provide direct instruction to students.

8. Other Districtwide programs.

9. An individual campus.

10. Any administrative position(s), unit, or department.

11. Other contractual position(s).

CRITERIA FOR DECISION

The Superintendent shall recommend to the Board the discharge or nonrenewal of employees within the affected employment area(s) because of a reduction in force, based on the following criteria. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force, i.e., if all necessary reductions can be accomplished by applying the certification criterion, it is not necessary to apply the performance criterion, etc.

1. Certification: Appropriate certification, endorsement, and/or highly qualified status for current or projected assignment.

2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

   If the Superintendent at his or her discretion decides that the documented performance differences between two or more reduction-in-force prospects are too insubstantial to rely upon, he or she may proceed to apply criterion 3 and, thereafter and to the extent needed, criterion 4.

3. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.

4. Professional Background: Professional education and work experience related to the current or projected assignment.

CONSIDERATION FOR AVAILABLE POSITIONS

Once the Superintendent has identified the appropriate employees in the affected area(s), those employees may apply for other available positions for which they are qualified. An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy.

Up until the date of a hearing requested in accordance with this policy, an employee who applies for an open position must be offered the position if the employee meets the District's objective criteria for that position and is the most qualified internal applicant for the position.

NOTICE AND HEARING

After considering the Superintendent's recommendation, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL

An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB.

DISCHARGE

An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing before an independent hearing examiner in accordance with DFD.

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

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RESIGNATION DEADLINE

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing.

The educator may resign, with the consent of the Board or the Board's designee, at any other time.

ABANDONMENT OF CONTRACT

On written complaint by the District, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a contract for the following school year and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105, 21.160, 21.210

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless the Board:

1. Renders a finding that good cause did not exist for the employee's resignation; and
2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.19(f)

NOTICE TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that an educator resigned and reasonable evidence supported a recommendation by the Superintendent to terminate the educator because he or she committed one of the acts specified at Education Code 21.006(b).

Before accepting the educator's resignation, the Superintendent shall inform the educator in writing that a report will be filed that may result in sanctions against the employee's certificate.

The Superintendent shall notify the Board prior to filing a report of a resignation with SBEC.

Education Code 21.006(b), (c), (d); 19 TAC 249.14(d) [See DF]

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Policy DFE (LOCAL)

Mineral Wells ISD
182903

GENERAL REQUIREMENTS	All resignations shall be submitted in writing to the Superintendent. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing. The Board delegates to the Superintendent the authority to accept resignations in accordance with the requirements of this policy. Once submitted and accepted, a resignation may not be withdrawn without consent of the Board or its designee.
DURING SCHOOL YEAR	Contract employees may not resign during the school year, after active duty has begun, without the consent of the Board or its designee.
DURING SUMMER MONTHS	Acceptance of a resignation after the deadline established by law [see DFE(LEGAL) preceding] is contingent on finding a suitable replacement.

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UPDATE 50
DFE(LOCAL)-A1

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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. *Professional Association of College Educators v. El Paso County Community [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 CFR 104.7(b), 104.11*
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 CFR 35.107, 35.140*
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 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)*
GRIEVANCES CONCERNING 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 ISD, 572 S.W.2d 663 (Tex. 1978)*
GROUP GRIEVANCES	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, writ ref'd n.r.e. 1987)*
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, writ ref'd n.r.e. 1987); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984)*
RESPONSE TO GRIEVANCE	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 ISD v. Padilla, 709 S.W.2d 700 (Tex. App.-Corpus Christi, 1986, no writ)*
GRIEVANCES	An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is

CONCERNING FINALITY OF GRADES	arbitrary, erroneous, or not consistent with the District's grading policy applicable to the grade, as determined by the Board. The Board's determination is not subject to appeal. *Education Code 28.0212*
OPEN MEETINGS ACT	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. *Gov't Code 551.074* [See BEC]
CLOSED MEETING	The Board may conduct a closed meeting on an employee complaint to the extent required or provided by law. [See BEC]
DISRUPTION	It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*
RECORD OF PRESENTATION	An appeal of the Board's decision to the Commissioner of Education shall be decided based on a review of the record developed at the District level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*
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 554.005* [See DG]

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GUIDING PRINCIPLES

INFORMAL PROCESS

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

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

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM RETALIATION

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

NOTICE TO EMPLOYEES

The principal of each campus and other supervisory personnel shall inform employees of this policy.

SPECIFIC COMPLAINTS

For more information on how to proceed with complaints regarding:

1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.
2. Instructional materials, see EFA.
3. A commissioned peace officer who is an employee of the District, see CKE.

OTHER REVIEW PROCESSES

Complaints alleging certain forms of harassment shall be processed in accordance with DIA.

Complaints arising from any of the following must be addressed through the local and statutory processes indicated below:

1. The proposed nonrenewal of a term contract issued under Chapter 21 of the Texas Education Code, in accordance with DFBB.
2. The proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Texas Education Code during the contract term, in accordance with DFAA, DFBA, or DFCA, respectively.

This policy shall apply to all other employee complaints.

DEFINITIONS

For purposes of this policy, terms are defined as follows:

COMPLAINT / GRIEVANCE

The terms "complaint" and "grievance" shall have the same meaning. A complaint under this policy may include:

1. Grievances concerning an employee's wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee's sex, race, religion, national origin, age, or disability;
3. Specific allegations of unlawful discrimination or retaliation based on the employee's exercise of legally protected rights; or
4. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the District or a District employee, i.e.,

"whistleblower complaints." [See DG]

5. Complaints arising from the dismissal or termination of an at-will employee. [See DCD]

6. Complaints arising from the termination at end of year of the probationary contract of a professional employee. [See DFAA]

FILING

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

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.

DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."

REPRESENTATIVE

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

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

WHISTLEBLOWER COMPLAINTS

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL TWO, below. 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 days of the initiation of the complaint. [See DG]

GENERAL PROVISIONS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.

UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

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

COSTS INCURRED

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

COMPLAINT FORM

Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the employee did not know the documents existed before the Level One conference.

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

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and

time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall hold a conference with the employee within ten days after receipt of the written complaint.

The administrator shall have ten days following the conference to provide the employee a written response.

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 after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. At the conference, the Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The Superintendent or designee shall have ten days following the conference to provide the employee a written response.

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 after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

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 with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the employee or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

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. 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 for any reason the Board fails to reach 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.

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PUBLIC SERVANTS

All District employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). *Penal Code 1.07(41), Title VIII* [See DBD and BBFA]

DRUG ABUSE PREVENTION

In compliance with Workers' Compensation Commission rules, the District shall provide a written copy of the local drug abuse policy to each employee:

1. On or before the first day of employment; or
2. Within 30 days after the date the local policy is adopted by the Board.

28 TAC 169.1(b)

TOBACCO USE PROHIBITED

The Board shall prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property.

ENFORCEMENT

The Board shall ensure that District personnel enforce the policies on school property.

Education Code 38.006(1)(3) [See also FNCD and GKA]

DIETARY SUPPLEMENTS

Except as provided at Education Code 38.011(b), the District employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

IMMUNITY FROM INDIVIDUAL LIABILITY

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

`PROFESSIONAL EMPLOYEES'

A professional employee of the District is not personally liable for any act that is incident to or within the scope of the duties of the employee's position of employment and that involve the exercise of judgment or discretion, except in circumstances where, in disciplining a student, the employee uses excessive force or his or her negligence results in bodily injury to the student.

"Professional employee of the District" includes the Superintendent; a principal; teacher, including a substitute teacher or a teacher employed by a company that contracts with the District to provide the teacher's services to the District; a supervisor; social worker; counselor; nurse; teacher's aide; a student in an education preparation program participating in a field experience or internship; a DPS-certified school bus driver, and any other person whose employment requires certification and the exercise of discretion.

MOTOR VEHICLE EXCEPTION

Education Code Section 22.0511 does not apply to the operation, use, or maintenance of any motor vehicle.

Education Code 22.0511(a)-(b), 22.051; Hopkins v. Spring ISD, 756 S.W.2d 617 (Tex. 1987); Barr v. Bernhard, 562 S.W.2d 844 (Tex. 1978)

`INDIVIDUALS'

In addition to the immunity described above [at PROFESSIONAL EMPLOYEES], and under other provisions of state law, an individual is entitled to any immunity and any other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001 (20 U.S.C. Section 6731 et seq.), as amended. [See TEACHERS, below] Nothing in Education Code 22.0511(c) shall be construed to limit or abridge any immunity or protection afforded an

individual under state law. *Education Code 22.0511(c)*

`TEACHERS' (THE PAUL T. COVERDELL TEACHER PROTECTION ACT OF 2001)

Except as provided in 20 U.S.C. Section 6736(b), no "teacher" in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if:

1. The teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

2. The actions of the teacher were carried out in conformity with federal, state, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

3. If appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the state in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

4. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

5. The harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the state requires the operator or the owner of the vehicle, craft, or vessel to:

    a. Possess an operator's license; or

    b. Maintain insurance.

"Teacher" means:

1. A teacher, instructor, principal, or administrator;

2. Another educational professional who works in a school;

3. An individual member of a school board (as distinct from the Board); or

4. A professional or nonprofessional employee who works in a school, and:

    a. In the employee's job, maintains discipline or ensures safety; or

    b. In an emergency, is called on to maintain discipline or ensure safety.

20 U.S.C. Section 6733, 6736(a)

REPORT OF DRUG OFFENSES

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

1. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act.

2. A dangerous drug, as defined by the Texas Dangerous Drug Act.

3. An abusable glue or aerosol paint, as defined by Health and Safety Code Chapter 485, or a volatile chemical, if the substance is used or sold for the purpose of inhaling its fumes or vapors.

4. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

Education Code 37.016

REPORT TO LOCAL LAW ENFORCEMENT

A principal or person designated by the principal is not liable in civil damages for making a good faith report, as required by law [see GRA], to the District's police department, if one exists, and to the police department of the municipality in which the school is located or, if the school is not in a municipality, to the sheriff of the county in which the school is located, when the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Section 508.149, Government Code; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.

2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by

Chapter 481, Health and Safety Code.

3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)-(14) or (16) [see FNCG].

4. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.

5. Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d), or (e).

Education Code 37.015

REPORT TO SBEC OF EDUCATOR MISCONDUCT

The Superintendent shall promptly notify in writing the State Board for Educator Certification (SBEC) by filing a report with SBEC not later than the seventh day after the Superintendent first learns about a criminal record or an alleged incident of misconduct, as described at DF, involving a certified educator. *Education Code 21.006; 19 TAC 249.14*

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All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

All District employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

VIOLATIONS OF STANDARDS OF CONDUCT

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

SAFETY REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees, as defined at DIA.
2. Students, as defined at FFH. [See FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH STUDENTS

Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO USE

Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

ALCOHOL AND DRUGS

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS AND CONVICTIONS

An employee who is arrested for any felony or any offense involving moral turpitude shall report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense shall also report that event to the principal or immediate

supervisor within three calendar days of the event.

MORAL TURPITUDE

Moral turpitude includes but is not limited to:

1. Dishonesty; fraud; deceit; theft; misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

DRESS AND GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

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CODE OF ETHICS AND STANDARD PRACTICES

FOR TEXAS EDUCATORS

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. 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.

1. Professional Ethical Conduct, Practices, and Performance.

   Standard 1.1. The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

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

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

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

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

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, sex, disability, or family status.

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 under this chapter.

3. Ethical Conduct Toward Students.

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

Standard 3.2. The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

Standard 3.3. The educator shall not deliberately or knowingly 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, sex, disability, national origin, religion, or family status.

Standard 3.5. The educator shall not engage in physical mistreatment of a student.

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

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

19 TAC 247.2

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SEARCHES- GENERAL RULE

Citizens, including District employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Fourth Amendment; Tex. Const. Art. I, Sec. 9*

The District may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and

2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

O'Connor v. Ortega, 480 U.S. 709, 107 S.Ct. 1492 (1987); New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985)

In addition, the District may search an employee's workplace for noninvestigatory, work-related purposes, or if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega, 480 U.S. 709, 107 S.Ct. 1492 (1987)*

DRUG / ALCOHOL TESTING

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602, 109 S.Ct. 1402 (1989)*

RANDOM DRUG TESTING

The District may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602, 109 S.Ct. 1402 (1989); National Treasury Employees Union v. Von Raab, 489 U.S. 656, 109 S.Ct. 1384 (1989)*

SAFETY-SENSITIVE POSITIONS

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and the Board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. School Board of LaFayette Parish, 148 F.3d 559 (5th Cir. 1998)*

***Note*:** The following testing requirements apply to every employee of the District who operates a commercial motor vehicle and is subject to commercial driver's license requirements in accordance with federal regulations.

COMMERCIAL MOTOR VEHICLE DEFINED

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

2. Has a gross vehicle weight rating of 26,001 or more pounds; or

3. Is designed to transport 16 or more passengers, including the driver.

49 CFR 382.107

REQUIRED TESTING

The District shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 2717; 49 CFR Part 382*

TESTING PROCEDURES

The District shall ensure that all alcohol or controlled substances testing conducted under 49 CFR Part 382 complies with the procedures set forth in 49 CFR Part 40. *49 CFR 382.105*

TESTS REQUIRED

Required testing includes pre-employment, postaccident, random, reasonable suspicion, return-to-duty, and follow-up testing. No driver shall refuse to submit to a postaccident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a return-to duty or follow-up alcohol or controlled substances test. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 CFR 382.211, 382.309*

POLICY REQUIREMENTS

The District shall provide educational materials that explain the federal requirements and the District's policies and procedures with respect to meeting these requirements and shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided.

The materials to be made available to drivers shall include detailed discussion of at least the following:

1. The identity of the person designated by the District to answer driver questions about the materials.
2. The categories of drivers who are subject to the provisions of 49 CFR Part 382.
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with 49 CFR Part 382.
4. Specific information concerning driver conduct that is prohibited by 49 CFR Part 382.
5. The circumstances under which a driver will be tested for alcohol and/or controlled substances under 49 CFR Part 382.
6. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
7. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with 49 CFR Part 382.
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
9. The consequences for drivers found to have violated 49 CFR Part 382 including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR Part 40, Subpart O.
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

49 CFR 382.601

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UPDATE 70
DHE(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

REASONABLE SUSPICION SEARCHES

The District reserves the right to conduct searches when the District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business.

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

DEPARTMENT OF TRANSPORTATION (DOT) TESTING PROGRAM

PURPOSE

The District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The following conduct constitutes violation of District policy:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Testing positive for alcohol, at a concentration of 0.04 or above, in a postaccident test.
3. Testing positive for controlled substances in a postaccident test.
4. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
5. Testing positive for controlled substances in a random test.
6. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
7. Testing positive for controlled substances in a reasonable suspicion test.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

CONSORTIUM

With specific Board approval, the Superintendent may contract on behalf of the District with outside consultants and contractors and work with a consortium of other local governments to secure the testing services, educational materials, and other component elements needed for this program.

Under such contract, the consortium shall be responsible for implementing, directing, administering, and managing the alcohol and controlled substances program within the U.S. Department of Transportation guidelines. The consortium shall serve as the principal contact with the laboratory and for collection activities in assuring the effective operation of the testing portion of the program.

REASONABLE SUSPICION TESTING

Only supervisors specifically trained in accordance with federal regulations [see DHE preceding] may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of

	the workday that the driver is on duty. The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.
CONSEQUENCES OF POSITIVE TEST RESULTS	In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor(s) and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series] In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.
ALCOHOL RESULTS BETWEEN 0.02 AND 0.04	A driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended without pay from driving duties for 24 hours. Subsequent violation may subject the driver to termination in accordance with Board policy.

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DHE (EXHIBIT)

Mineral Wells ISD
182903

POSTACCIDENT TESTING

This table depicts the circumstances under which an employer is required to perform a postaccident alcohol or controlled substances test, in accordance with 49 CFR 382.303(a).

Types of accidents involved	Citation issued	Test must be performed
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

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UPDATE 60
DHE(EXHIBIT)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

HAZARD COMMUNICATION ACT

The District shall perform the following duties in compliance with the Hazard Communication Act:

NOTICE

1. Post and maintain the notice promulgated by the Texas Board of Health in the workplace. *Health and Safety Code 502.017(a)*

EDUCATION AND TRAINING

2. Provide an education and training program for employees using or handling hazardous chemicals. "Employee" means any person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), 502.009*

3. Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*

WORKPLACE CHEMICAL LIST

4. Compile and maintain a work-place chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the Texas Board of Health for certain highly toxic or dangerous hazardous chemicals. The list shall be readily available to employees and their representatives. *Health and Safety Code 502.005(a), (c)*

5. Update the list as necessary, but at least by December 31 each year, and maintain at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*

LABELING

6. As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled. *Health and Safety Code 502.007*

MATERIAL SAFETY DATA SHEETS

7. Maintain a legible copy of the most current manufacturer's material safety data sheets (MSDS) for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request. *Health and Safety Code 502.006*

PROTECTIVE EQUIPMENT

8. Provide employees with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

PEST CONTROL TREATMENT NOTICE

The chief administrator or building manager shall notify persons who work in a District building or facility of a planned pest control treatment by both of the following methods:

1. Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.

2. Providing the official Structural Pest Control Board Consumer Information Sheet to any individual working in the building, on request.

Occupations Code 1951.455; 22 TAC 595.7

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Policy DI (LOCAL)

Mineral Wells ISD
182903

EMPLOYEE WELFARE

DI
(LOCAL)

DRUG ABATEMENT

The District shall maintain a drug-free environment and shall establish, as needed, a program complying with federal and state requirements. The program shall provide applicable information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]
3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]

EMPLOYEE RESPONSIBILITY

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

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UPDATE 63
DI(LOCAL)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

DI (EXHIBIT)

Mineral Wells ISD
182903

EMPLOYEE WELFARE

DI
(EXHIBIT)

DRUG-FREE SCHOOLS REQUIREMENTS

The District prohibits the unlawful distribution, possession, or use of illegal drugs, inhalants, and alcohol on school premises or as part of any of the District's activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

[This notice complies with notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3224a and 34 CFR 86.201)]

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UPDATE 63
DI(EXHIBIT)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

HARASSMENT OF EMPLOYEES

The District has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 CFR 1606.8(a), 1604.11*

OFFICIAL OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)*

DEFINITION

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HOSTILE ENVIRONMENT

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 1604.11, 1606.8

QUID PRO QUO

Conduct of a sexual nature also constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 CFR 1604.11(a)

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HARASSMENT POLICY

The District should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 CFR 1604.11(f)*

CORRECTIVE ACTION

The District is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the District, its agents, or its supervisory employees knew or should have known of the conduct, unless the District takes immediate and appropriate corrective action. *29 CFR 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, the District may raise the following affirmative defense:

1. That the District exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities

provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775, (1998)

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UPDATE 75
DIA(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

The District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, religion, or age.

Employees shall not tolerate harassment of others and shall make reports as required at reporting procedures, below.

SEXUAL HARASSMENT

Sexual harassment of an employee is defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or

2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

OTHER PROHIBITED HARASSMENT

Harassment of a District employee on the basis of the employee's race, color, gender, national origin, disability, religion, or age includes physical, verbal, or nonverbal conduct related to these characteristics when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;

2. Creates an intimidating, threatening, hostile, or offensive work environment; or

3. Otherwise adversely affects the employee's employment opportunities.

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other types of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to an appropriate person designated below.

Any District employee with supervisory authority who receives notice that another employee has or may have experienced prohibited harassment is required to immediately report the alleged acts and take whatever other steps are required by this policy.

Any other person who knows or believes that a District employee has experienced harassment should immediately report the alleged acts to the appropriate person designated by this policy.

TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.

A District employee may report harassment to his or her supervisor or campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:

DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See DAA(LOCAL)]

2. For all other prohibited harassment, the Superintendent.

	A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.
NOTIFICATION OF REPORT	Upon receipt of a report of harassment, a supervisor or principal shall immediately notify the appropriate District official listed above.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
INVESTIGATION OF THE REPORT	The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form. Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation. If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation. The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.
CONCLUDING THE INVESTIGATION	Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.
DISTRICT ACTION	If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment. The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.
APPEAL	A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level. The complainant shall be informed of his or her right to file a complaint with the Texas Workforce Commission Civil Rights Division, the Equal Employment Opportunity Commission, or the United States Department of Education Office for Civil Rights.
RETALIATION PROHIBITED	Retaliation against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.
RECORDS RETENTION	Retention of records shall be in accordance with DAA(LOCAL).
ACCESS TO POLICY	This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

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UPDATE 75
DIA(LOCAL)-A

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ASSIGNMENT

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A public school employee must have the appropriate credentials, as set forth by the State Board for Educator Certification, for his or her current assignment, unless the appropriate permit has been issued. *Education Code 21.003; 19 TAC 230.601* [See EHBD]

The District is not required to activate a permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below. *19 TAC 230.501(g)*

PERMITS

A degreed, certified teacher employed in the previous year or semester in an assignment for which he or she was fully certified may not be assigned to a position that requires activating a permit unless:

1. The teacher has given written consent to the activation of the permit; or

2. Because of fluctuations in enrollment or changes in course offerings, the teacher's previous assignment no longer exists and no alternative assignment for which the teacher is fully certified is available on that campus. If a permit is activated for a teacher under these circumstances, the teacher shall be offered the opportunity to return to his or her previous assignment or an alternative assignment for which the teacher is fully certified on that campus as soon as such an assignment is available. If a teacher accepts the assignment, the actual transfer of duties shall occur not later than the beginning of the next academic year.

If, under either of the conditions stated above, a permit is activated for a temporary staffing condition within 30 days of the opening of the school year or later during the contract year, the teacher is exempt from the requirement to complete additional coursework or examination requirements for certification for the remainder of the contract year for which the permit is activated. This exemption is not renewable, and a teacher continuing on an emergency permit for a second year must meet the full requirements of an emergency permit.

A teacher under this provision who refuses to consent to activation of a permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the permit. However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with local District policy.

19 TAC 230.501(c)

PRINCIPAL'S APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

PARENT NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY CERTIFIED OR

An "inappropriately certified or uncertified teacher" includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

UNCERTIFIED TEACHER

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by SBEC rules;

2. Serving on a certificate issued due to a hearing impairment;

3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;

4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;

5. Serving on a school district teaching permit; or

6. Employed under a waiver granted by the Commissioner.

The notice requirement above does not apply if a school is required by the No Child Left Behind Act of 2001, 20 U.S.C. Section 6311(h)(6)(B)(ii), to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school provides notice as required by that Act. [See EHBD]

Education Code 21.057; 19 TAC 230.601

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UPDATE 72
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SUPERINTENDENT'S AUTHORITY	All personnel are employed subject to assignment and reassignment by the Superintendent or designee when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract of a contract employee. Any change in an employee's contract shall be in accordance with policy DC. Any employee may request reassignment within the District to another position for which he or she is qualified.
CAMPUS ASSIGNMENTS	The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.
SUPPLEMENTAL DUTIES	Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.
WORK CALENDARS AND SCHEDULES	Subject to the Board-adopted budget and compensation plan and in harmony with employment contracts, the Superintendent shall determine required work calendars for all employees. [See DC, EB] Daily time schedules for all employees shall be determined by the Superintendent or designee and principals.

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UPDATE 73
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Policy DL (LEGAL)

Mineral Wells ISD
182903

PLANNING AND PREPARATION

Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation including parent-teacher conferences, evaluating students' homework, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404*

DUTY-FREE LUNCH

Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. *Education Code 21.405*

EXCEPTION

If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, and in accordance with commissioner rules, the District may require a classroom teacher or librarian to supervise students during lunch no more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, the District shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.

2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the District in jeopardy of a potential roll-back election.

3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the District is unable to find individuals to supervise students during lunch.

19 TAC 153.1001

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Policy DN (LOCAL)

Mineral Wells ISD
182903

GENERAL PRINCIPLES	All District employees shall be periodically appraised in the performance of their duties. The District's employee evaluation and appraisal system shall be administered consistent with the general principles set out below. [See also DNA and DNB]
CRITERIA	The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated.
PERFORMANCE REVIEW	Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary. [For teachers eligible for appraisals less frequent than annually, see DNA.]
DOCUMENTATION AND RECORDS	Appraisal records and forms, reports, correspondence, and memoranda may be placed in each employee's personnel records to document performance. All records that support appraisal ratings shall be maintained for at least two years. Official appraisal records shall be maintained throughout a person's employment with the District and for two years after an employee ceases to be employed with the District.
EMPLOYEE COPY	All employees shall receive a copy of their annual written evaluation.
COMPLAINTS	Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's complaint policy for employees. [See DGBA]

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FREQUENCY

Except as provided below, each teacher must be appraised at least once during each school year. *Education Code 21.203, 21.352(c); 19 TAC 150.1003(a)*

EXCEPTION

A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. *Education Code 21.352(c)*

For purposes of the Professional Development and Appraisal System (PDAS), an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (that is, for all domains) to be eligible for less frequent appraisals.

District policy may stipulate:

1. Whether the appraisal option is to be made available to all teachers;
2. Whether the appraisal option is to be adopted Districtwide or is to be campus specific;
3. If the appraisal accompanying a teacher new to the District or campus meets the option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
4. Whether an appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented by cumulative data, including third-party information.

The District may choose annually to review the written agreement with the teacher. However, at the end of the school year, the District may modify appraisal options through Board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous years.

19 TAC 150.1003(l)

ROLE OF EXTRACURRICULAR ACTIVITIES

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

ACCESS TO EVALUATIONS

The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

CONFIDENTIALITY

A document evaluating the performance of a teacher is confidential. *Education Code 21.355*

CHOICE OF APPRAISAL METHOD

The District shall use one of the following methods to appraise teachers:

1. The appraisal process and performance criteria developed by the Commissioner [see STATE METHOD, below]; or
2. A locally developed appraisal process and performance criteria [see DISTRICT OPTION and CAMPUS OPTION, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

SELECTION OF APPRAISAL METHOD

The Superintendent, with the approval of the Board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher-appraisal system must follow the requirements set forth below at DISTRICT OPTION or CAMPUS OPTION. *19 TAC 150.1001(c)*

Note: The following provisions apply to teacher appraisal using the state appraisal method.

STATE METHOD (PDAS)

The state appraisal method is the Professional Development and Appraisal System. The foundation for the PDAS is the teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators. 19 TAC 150.1001(b), 150.1002(a)*

PERFORMANCE DOMAINS

Each teacher shall be appraised on the following domains:

1. Domain I: Active, successful student participation in the learning process;
2. Domain II: Learner-centered instruction;
3. Domain III: Evaluation and feedback on student progress;
4. Domain IV: Management of student discipline, instructional strategies, time, and materials;
5. Domain V: Professional communication;
6. Domain VI: Professional development;
7. Domain VII: Compliance with policies, operating procedures, and requirements; and
8. Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System [AEIS]).

Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process from observations, the Teacher Self-Report Form, and other documented sources.

The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.

19 TAC 150.1002(b), (c)

Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

RATINGS

Each teacher shall be evaluated on Domains I through VIII using the following categories:

1. Exceeds expectations;
2. Proficient;
3. Below expectations; and
4. Unsatisfactory.

The teacher evaluation in Domain VIII shall include the following areas:

1. Efforts to enhance academic performance;
2. Efforts to enhance student attendance;
3. Efforts to identify and assist students in at-risk situations; and
4. Campus performance ratings.

Campus performance rating data for Domain VIII shall be reported (not scored) by the campus or District for the first year of the PDAS implementation and/or during the first year for new teachers to the campus.

19 TAC 150.1002(d)-(f)

ORIENTATION

The District shall ensure that all teachers are provided with an orientation to the PDAS no later than the final day of the first three weeks of school and at least three weeks before the first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. A teacher new to the District shall be provided with an orientation to the PDAS at least three weeks before the teacher's first observation.

The orientation shall include materials approved by the Commissioner. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length to allow teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

19 TAC 150.1007

TRAINING UPON ADOPTION OF PDAS

In the initial year of adoption and implementation of the PDAS, selected teachers from each campus shall be given the opportunity to participate in the appraisal training for purposes of disseminating information to colleagues on their campus and assisting, at the discretion of the principal, in the orientation of all campus teachers. These teachers shall be designated as appraisal-orientation facilitators.

Each campus shall offer the opportunity to participate in appraisal training to a number of teachers equal to the number of campus administrators; however, each campus shall have at least one teacher participant. The principal shall select representative teachers from nominations submitted by the site-based decision-making (SBDM) committee. The principal may select representatives other than those nominated by the SBDM committee when nominated teachers are unable to attend appraisal training.

The District shall pay the training fees for its teachers attending the PDAS appraisal training.

The District shall make available additional training for teachers as part of the District's menu of professional development opportunities. All teachers are eligible to participate in appraisal and/or Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training at their own expense.

19 TAC 150.1008

APPRAISERS

The teacher appraisal process requires at least one appraiser.

TEACHER'S SUPERVISOR

The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification. An appraiser other than the teacher's supervisor must be approved by the Board, hold a valid teaching certificate, and have at least three years of prekindergarten, elementary, or secondary teaching experience.

SAME CAMPUS

A classroom teacher may not appraise another classroom teacher at the same campus unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities.

CERTIFICATION

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed uniform appraiser training. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1006

APPRAISAL CALENDAR

The District shall establish a calendar for teacher appraisals. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The calendar shall:

1. Exclude observations in the three weeks after the day of completion of the PDAS orientation in the school years when an orientation is required;

2. Exclude observations in the three weeks after the day of completion of the PDAS orientation for teachers new to the PDAS;

3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;

4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and

5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

APPRAISAL PROCESS

The annual appraisal shall include:

CLASSROOM OBSERVATION

1. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the appraiser.

   By mutual consent of the teacher and appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.

   A written summary of each observation shall be given to the teacher within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or appraiser;

TEACHER SELF-REPORT

2. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:

   a. Within the first three weeks from the day of completion of the PDAS orientation;

   b. Within the first three weeks from the day of completion of the PDAS orientation, for teachers new to the PDAS; or

   c. Within the first three weeks of instruction in the school years when the PDAS orientation is not required.

   Revision of Section I, if necessary, and completion of Sections II and III of the Teacher Self-Report Form shall be presented to the principal at least two weeks before the summative annual conference;

CUMULATIVE DATA

3. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations; and

SUMMATIVE REPORT AND CONFERENCE

4. A written summative annual appraisal report and a summative annual conference, described below. *19 TAC 150.1003(b), (g)*

SUMMATIVE REPORT

A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

SUMMATIVE CONFERENCE

Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the District calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources. *19 TAC 150.1003(i)*

If the appraiser is not an administrator on the teacher's campus, the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference. *19 TAC 150.1003(j)*

DOCUMENTATION

During the appraisal period, the appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in the PDAS. The appraiser is responsible for documentation of cumulative data. *19 TAC 150.1003(e), (f)*

Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser.

Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal.

19 TAC 150.1003(f)

Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s). *19 TAC 150.1003(k)*

TEACHER RESPONSE

A teacher may submit a written response or rebuttal after receiving a written observation summary, summative annual appraisal report, and/or any other documentation associated with the teacher's appraisal. The rebuttal is to be attached to the evaluation in the teacher's personnel file.

Any written response or rebuttal must be submitted within ten working days of receiving the written summary, documentation, or report. At the discretion of the appraiser, this time period may be extended to 15 working days.

Education Code 21.352(c); 19 TAC 150.1005(a), (b)

REQUEST FOR SECOND APPRAISAL

A teacher may request a second appraisal by another appraiser after receiving a written observation summary and/or a written summative annual appraisal report. *Education Code 21.352(c); 19 TAC 150.1005(c)*

The second appraisal must be requested within ten working days of receiving the summary or report. At the discretion of the appraiser, this time period may be extended to 15 working days. *19 TAC 150.1005(d)*

PROCEDURE FOR SECOND APPRAISAL

The District shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed. *19 TAC 150.1005(g)*

The second appraiser shall appraise the teacher in all domains and shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains. *19 TAC 150.1005(f)*

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required. *Education Code 21.352(c); 19 TAC 150.1005(e)*

APPEALS

The District shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. *19 TAC 150.1005(g)*

Note: The following provisions apply to teacher appraisal using the District-developed appraisal method.

DISTRICT OPTION

A district that does not want to use the PDAS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system. However, the TTAS may be used as a local option governed by the process outlined below. If adopted as a local option, the TTAS must be modified to comply with Education Code 21.351(a)(1) and (2). [See APPRAISAL PROCESS, below]

DEVELOPMENT OF APPRAISAL SYSTEM

The District-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the District.

APPRAISAL PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
    a. Teachers' implementation of discipline management procedures; and
    b. Performance of the teachers' students.

BOARD ACCEPTANCE

The District-level planning and decision-making committee shall submit the appraisal process and criteria to the Superintendent, who shall submit the appraisal process and criteria to the Board with a recommendation to accept or reject.

The Board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(a)

Note: The following provisions apply to teacher appraisal using the campus-developed appraisal method.

CAMPUS OPTION

A campus within the District may choose to develop a local appraisal system.

DEVELOPMENT OF APPRAISAL SYSTEM

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the District-level planning and decision-making committee.

APPRAISAL PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
    a. Teachers' implementation of discipline management procedures; and
    b. Performance of the teachers' students.

BOARD ACCEPTANCE

Upon submission of the appraisal process and criteria to the District-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the Superintendent.

The Superintendent shall submit to the Board:

1. The recommended campus appraisal process and criteria;
2. The District-level planning and decision-making committee's recommendation; and
3. The Superintendent's recommendation.

The Board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(b)

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LESS-THAN-ANNUAL EVALUATIONS

ELIGIBILITY	District teachers shall be appraised annually, except teachers who are eligible for less frequent evaluations in accordance with law and the following local criteria. The eligible teacher shall: 1. Be on an educator term or continuing contract; 2. Be SBEC certified; 3. Not be on a District permit; 4. Work in his or her certification area; 5. Receive a Proficient rating in all domains for three consecutive years; 6. Be employed by the District for three years; and 7. Not be new to the campus.
FREQUENCY	A teacher who qualifies for less than annual appraisal shall be scheduled for a complete Professional Development and Appraisal System (PDAS) every third year. During any school year when a complete PDAS is not scheduled for an eligible teacher, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party.
PDAS	The annual appraisal of District teachers not eligible for less frequent evaluations shall be in accordance with the PDAS. The District shall establish an appraisal calendar each year.
SCHEDULE LIMITATIONS	In addition to those days on which observations are prohibited by law [see DNA(LEGAL)], the District shall not schedule observations on the day before and the day after a school holiday, days scheduled for end-of-semester or end-of-year examinations, or days scheduled for state-mandated assessments or other standardized tests.
FIRST OBSERVATION	First classroom observations of teachers shall be scheduled within a one-week window.
ALTERNATE APPRAISERS	The list of qualified appraisers who may appraise a teacher in place of the teacher's supervisor shall be approved by the Board.
SECOND OBSERVATION APPRAISER	Upon a teacher's request for a second appraiser, the Superintendent or designee shall select the second appraiser from a pre-established roster of trained appraisers.
SCHEDULING	Second appraisals shall be unscheduled.
SCORES	The Board shall ensure that the Superintendent or designee establish procedures regarding how domain scores from first and second appraisals will be used.
PROBATIONARY TEACHERS	Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term. [See DFAB(LEGAL)]
EMPLOYMENT DECISIONS	When relevant to decisions regarding term contracts, written evaluations of a teacher's performance, as documented to date, and any other information the administration deems appropriate, shall be considered in decisions affecting contract status.
GRIEVANCES	Complaints regarding teacher appraisal shall be addressed in accordance with DGBA(LOCAL).

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FREQUENCY

The employment policies adopted by the Board must require a written evaluation at annual or more frequent intervals of each superintendent, principal, supervisor, counselor, or other full-time, certified professional employee, and nurse. *Education Code 21.203(a)*

ADMINISTRATOR APPRAISAL

The District shall appraise each administrator annually using either:

1. The Commissioner's recommended appraisal process and performance criteria; or
2. An appraisal process and performance criteria developed by the District in consultation with the District- and campus-level committees and adopted by the Board.

District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.

Education Code 21.354(c), (d)

PRINCIPALS

The information in the annual report describing the educational performance of each campus [see BQB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the academic excellence indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. *Education Code 21.354(e), 39.054(3)(D)*

COUNSELORS

The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors. *Education Code 21.355*

CONFIDENTIALITY OF EVALUATION

A document evaluating the performance of an administrator is confidential. *Education Code 21.355*

APPRAISAL PROCEDURES

The following procedures for administrator appraisal are minimum requirements.

The District shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:

1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.
2. Formative conference.
3. Summative conference.

19 TAC 150.1022(a)

APPRAISAL INSTRUMENT AND PROCESS

The District shall involve appropriate administrators in developing, selecting, or revising the appraisal instruments and process.

Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

The District may implement a process for collecting staff input for evaluating administrators. If the District implements such a process, the input must not be anonymous.

The appraisal of a principal shall include a student performance domain. The District may, with Board approval, select the Commissioner-recommended student performance domain for principals or may develop an alternative governed by the process outlined in Education Code 21.354. [See ADMINISTRATOR APPRAISAL, above]

DOMAINS

The domains and descriptors used to evaluate each administrator may include the following:

1. Instructional management.

2. School or organization morale.

3. School or organization improvement.

4. Personnel management.

5. Management of administrative, fiscal, and facilities functions.

6. Student management.

7. School or community relations.

8. Professional growth and development.

9. Academic excellence indicators and campus performance objectives.

In developing appraisal instruments, the District shall use the local job description, as applicable.

19 TAC 150.1021, 150.1022

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Policy DNB (LOCAL)

Mineral Wells ISD
182903

PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LOCAL)

EMPLOYMENT DECISIONS	When relevant to the decision, written evaluations of a professional employee's performance, as documented to date, and any other information the administration determines to be appropriate shall be considered in decisions affecting contract status.
EXCEPTION	Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term.

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EXCLUSIVE RIGHTS

Employees of the District shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, some of which are stated below, the owner of a copyright has the exclusive rights:

1. To reproduce the copyrighted work in copies or phonorecords;
2. To prepare derivative works based upon the copyrighted work;
3. To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

17 U.S.C. 106

FAIR USE

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 17 U.S.C. 106, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. 107

PERFORMANCES AND DISPLAYS

Additional exceptions related to performances and displays include performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made. *17 U.S.C. 110*

GUIDELINES

Employees who wish to use copyrighted print material and sheet music shall follow the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Uses of Music." Those guidelines establish a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use that exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law.

PROHIBITIONS

Notwithstanding the fair use guidelines, the following shall be prohibited:

1. Copying of print materials and sheet music to create or replace or substitute for anthologies,

compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.

2. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.

Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.

Additional prohibitions regarding the use of music are:

1. Copying for the purpose of performance, except as permitted under the "Guidelines for Educational Use of Music."

2. Copying for the purpose of substituting for the purchase of music, except as permitted under the "Guidelines for Educational Use of Music."

3. Copying without inclusion of the copyright notice that appears on the printed copy.

REFERENCE

"Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Use of Music" contained in the historical note following 17 U.S.C. 107.

BROADCAST PROGRAMS

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by the District for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.

2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. "School days" are actual days of instruction, excluding examination periods.

3. Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.

5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in the District for student exhibition or any other nonevaluative purpose without authorization.

6. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

17 U.S.C. 107 historical note

ONLINE COPYRIGHT INFRINGEMENT

LIMITATION OF LIABILITY

To the extent that the District is a "service provider" (regarding online services) under 17 U.S.C. 512(k) and meets other conditions in 17 U.S.C. 512, the District shall not be liable for monetary relief or certain injunctive or other equitable relief, except as allowed under 17 U.S.C. 512(j), for copyright infringement in certain online services (transitory communications, system caching, storage of information on systems or networks at the instruction of users, and information location tools) provided by the District. *17 U.S.C. 512*

ELIGIBILITY FOR LIMITATIONS ON

The limitations on liability established by 17 U.S.C. 512 shall apply to a service provider only if the service provider:

LIABILITY

1. Has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers; and

2. Accommodates and does not interfere with standard technical measures. The term "standard technical measures" means technical measures that are used by copyright owners to identify or protect copyrighted works and:

    a. Have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;

    b. Are available to any person on reasonable and nondiscriminatory terms; and

    c. Do not impose substantial costs on service providers or substantial burdens on their systems or networks.

17 U.S.C. 512(i)

LIMITED LIABILITY

INFORMATION RESIDING ON SYSTEMS OR NETWORKS AT DIRECTION OF USERS

Generally, a service provider shall not be liable for monetary relief, or for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resided on a system or network controlled or operated by or for the service provider, if the service provider:

1. Does not have actual knowledge that the material or activity using the material on the system or network is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

2. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity;

3. Upon notification of claimed infringement as described in 17 U.S.C. 512(c)(3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity; and

4. Has designated an agent to receive notifications of claimed infringement described in 17 U.S.C. 512(c)(3), by making available through its service, including on its Web site in a location accessible to the public, and by providing to the Copyright Office, certain contact information.

17 U.S.C. 512(c)(1), (2); 37 CFR 201.38

OTHER ONLINE SERVICES

Generally, liability of a service provider for copyright infringement may also be limited upon certain conditions for transitory communications, system caching, and information location tools services. *17 U.S.C. 512(a), (b), (d)*

DISABLING OR REMOVING ACCESS

Generally, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing. *17 U.S.C. 512(g)*

Note: Further information regarding the Digital Millennium Copyright Act can be found at:

http://www.copyright.gov.

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Policy EFE (LOCAL)

COPYRIGHT INFRINGEMENT

All persons are prohibited from using District technology in violation of any law including copyright law. Only appropriately licensed programs or software may be used with District technology. No person shall use the District's technology to post, publicize, or duplicate information in violation of copyright law. The Board shall direct the Superintendent or designee to employ all reasonable measures to prevent the use of District technology in violation of the law. All persons using District technology in violation of law shall lose user privileges in addition to other sanctions.

The District shall notify the U.S. Copyright Office of the designated agent's identity. The District's Web site shall include information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology has been used to infringe upon a copyright, the owner may notify the designated agent.

ELECTRONIC MEDIA

To comply with copyright law, electronic media used in the classroom shall be for educational purposes only.

COMPUTER SOFTWARE

Unless otherwise provided in the purchase agreement, a purchased computer program shall not be used to make copies. A computer program may be legally copied only if:

1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or

2. The new copy is a backup; backups cannot be used simultaneously with the original and must be erased if the original is resold.

District employees shall not use the same program on more than one computer at a time unless the purchase agreement or written permission from the vendor allows the District to network the program or allows other specified multiple use of the single copy.

CONSENT TO MEDICAL TREATMENT

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

FORM OF CONSENT

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

MINOR'S CONSENT TO TREATMENT

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

ADMINISTERING MEDICATION

Upon adoption of policies concerning the administration of medication to students by District employees, the District, the Board, and the District's employees are immune as described below, provided:

1. The District has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

    a. From a container that appears to be the original container and to be properly labeled; or

    b. From a properly labeled unit dosage container filled by a registered nurse or another qualified District employee, as determined by District policy, from a container that appears to be the original container and to be properly labeled.

BY VOLUNTEER PROFESSIONALS

If the District provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the District, the Board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

IMMUNITY FROM CIVIL LIABILITY

The District, the Board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

SELF-ADMINISTRATION OF ASTHMA MEDICINE

A student with asthma may possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and

3. A parent of the student provides to the school:

    a. Written authorization, signed by the parent, for the student to self-administer the medicine while on school property or at a school-related event or activity; and

    b. A written statement, signed by the student's physician or other licensed health care provider, that states:

        1. That the student has asthma and is capable of self-administering the medicine;

        2. The name and purpose of the medicine;

        3. The prescribed dosage for the medicine;

        4. The times at which or circumstances under which the medicine may be administered; and

        5. The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

NO WAIVER OF IMMUNITY

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against the District, the Board, or its employees.

Education Code 38.013

DIETARY SUPPLEMENTS

A District employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's District duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's District duties.

Education Code 38.011(a), (c)

PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING

A District employee may not:

1. Recommend that a student use a psychotropic drug; or

2. Suggest any particular diagnosis; or

3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

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

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

2. Prohibit a District employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another District employee.

The Board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016.

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.051 or other law or the District's sovereign or governmental immunity.

Education Code 38.016

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UPDATE 71
FFAC(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

STUDENT ILLNESS	Procedures shall be established by the administration to ensure that proper attention is given any student who becomes ill during the course of a school day.
ACCIDENTS INVOLVING STUDENTS	Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.
EMERGENCY TREATMENT FORMS	Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.
ADMINISTERING MEDICATION	No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.
EXCEPTIONS	Employees authorized by the Superintendent or designee may administer to students:
PROVIDED BY PARENT	1. Prescription medication in accordance with legal requirements. [See FFAC(LEGAL)] 2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container. 3. Herbal substances or dietary supplements provided by the parent and only if required by the Individualized Education Program or Section 504 plan of a student with disabilities.
PROVIDED BY DISTRICT	4. Nonprescription medication provided on an emergency basis by the District and consistent with: a. Protocols established by the District's medical advisor who must be licensed to practice medicine in the state of Texas; and b. Parental consent given on the emergency treatment form.
PSYCHOTROPICS	Except as permitted by Education Code 38.016, an employee shall not: 1. Recommend to a student or a parent that the student use a psychotropic drug; 2. Suggest a particular diagnosis; or 3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Policy FFAD (LEGAL)

Mineral Wells ISD
182903

REPORTS	School authorities, including the Superintendent, principal, teacher, school health official, or counselor, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Board of Health. If there is no local health authority appointed or if the District is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), 97.5(a); Health and Safety Code 81.041, 81.042*
EXCLUSION	The principal shall exclude from attendance any student suffering from a communicable condition, as defined by the Texas Board of Health, until one of the criteria for readmittance is fulfilled. *25 TAC 97.7(b)*
READMITTANCE	Students excluded for reason of communicable disease shall be readmitted by one or more of the following methods, as determined by the local health authority: 1. Certificate of the attending physician attesting to their recovery and noninfectiousness. 2. Permit for readmission issued by the local health authority. 3. After a period of time corresponding to the duration of the communicability of the disease, as established by the commissioner of health. *25 TAC 97.7(c)*
BACTERIAL MENINGITIS	TEA shall prescribe procedures by which the District shall provide information relating to bacterial meningitis to its students and their parents each school year. The procedures must ensure that the information is reasonably likely to come to the attention of the parents of each student. The agency shall prescribe the form and content of the information. *Education Code 38.0025*

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FFAD(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

CHRONIC REPORTABLE DISEASES

Unless otherwise provided below, a student with a chronic reportable disease (Hansen's disease, viral hepatitis type B, AIDS or HIV infection) shall be allowed to attend school in his or her usual instructional setting with the approval of his or her doctor. The District employee responsible for the school health program shall function as the liaison with the student's doctor and be the coordinator of services provided by other staff. [See FFA]

CONFIDENTIALITY

Only those persons with a direct need to know, such as the principal, school nurse, or other person responsible for the school health program, shall be informed of the condition of the student who has a chronic reportable disease.

However, the parents of a minor student or an adult student may give written authorization specifying other persons or positions to whom such information may be released. District personnel who have such knowledge shall be provided with information concerning any precautions that may be necessary and shall be advised of confidentiality requirements. [See FL]

RISK OF TRANSMISSION

The District medical advisor and the local health authority, in consultation with the person responsible for the school health program and the student's doctor, shall determine whether a significant risk of transmitting a chronic reportable disease exists. If it is determined that a significant risk of transmission exists, the student may be temporarily removed from the classroom until one of the following events occurs:

1. An appropriate school program adjustment is made.
2. An appropriate alternative or special education program is established.
3. The local health authority determines that the significant risk has abated and the student can return to class.

Each removal of a student from school attendance under this circumstance shall be reviewed by the District medical advisor in consultation with the student's doctor at least once a month to determine whether the condition precipitating the removal has changed.

RISK TO AFFECTED STUDENT

A decision to remove a student from the classroom for his or her own protection when cases of communicable diseases are occurring in the school population shall be made in accordance with Texas Department of Health guidelines [see FFAD(EXHIBIT)]; however, the placement of a special education student can be changed only by an ARD committee.

REFERRAL TO SPECIAL PROGRAMS

A student removed from the classroom under this policy may be referred to the ARD committee for assessment and a determination of eligibility for special education. A student determined to be ineligible for special education services may nevertheless be eligible for other special services as a student who has a disability under Section 504 of the Rehabilitation Act.

Any decisions regarding restrictions on school attendance, participation in school activities, and hygiene procedures shall be made by the ARD committee (in the case of a special education student) or a group of professionals who are knowledgeable about the student (in the case of a student who has a disability under Section 504). These committees shall consult the local health authority and the student's physician and parents in making such decisions. They shall also consider the significant health risk posed to and by the student in determining an appropriate individual education plan or other services to be provided.

PEDICULOSIS (LICE)

No student shall remain in school with head lice in the hair. Students excluded from school for pediculosis may return to school when they present acceptable evidence that treatment has been started.

All students excluded from school for pediculosis shall be checked by an appropriate school official upon their return.

The Board empowers the following school officials to check students for pediculosis:

1. School nurse.

2. Building principal.

3. Classroom teacher.

The parent of a student found to have head lice shall pick up his or her child from school and agree to treat the student's condition in accordance with guidelines approved by the Department of Health before the child returns to school. The student's siblings, if any are enrolled in District schools, shall also be screened.

Upon returning to school, the student shall bring, signed by the parent, the form letter indicating that the treatment has been completed. The student shall be screened again in five days, and if nits are found, the child will be excluded again and the parent/guardian shall be contacted to bring appropriate treatment for nit removal.

A record of all cases of head lice (pediculosis) shall be kept by date, student name, teacher and/or grade level, and action taken by the clinic. Nurses/health assistants shall document also the date and teacher's name of any class that had to be screened for head lice.

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FFAD(LOCAL)-X

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ANTIVICTIMIZATION PROGRAM

The District shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

DUTY TO REPORT

BY ANY PERSON

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

BY A PROFESSIONAL

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect. [See FFG(REGULATION) for definitions of "neglect" and "abuse."]

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Family Code 261.101(b)

PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFAC]

CONTENTS OF REPORT

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

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

Family Code 261.103, 261.104

TO WHOM REPORTED

The report shall be made to:

1. Any local or state law enforcement agency;
2. The Texas Department of Family and Protective Services (DFPS), including a local office where available;
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103; 19 TAC 61.1051(a)(1)

JJAEPS	Any report of alleged abuse, neglect, or exploitation in a juvenile justice program or facility shall be made to the Texas Juvenile Probation Commission and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(2)(A), (b)*
IMMUNITY FROM LIABILITY	A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106* The District may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110* [See DG]
CRIMINAL OFFENSES	
FAILURE TO REPORT	A person commits a class B misdemeanor if he or she has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. *Family Code 261.109* Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 TAC 249. *19 TAC 61.1051*
FALSE REPORT	A person commits an offense if the person knowingly or intentionally makes a report of abuse and neglect that the person knows is false or lacks factual foundation. The offense is a class A misdemeanor, except that it is a felony if the person has previously been convicted of the offense. *Family Code 261.107(a)*
COERCION	An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*
CONFIDENTIALITY	A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201* Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*
INVESTIGATIONS	
REPORTS TO DISTRICT	If the DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)* The DFPS shall send a written report of its investigation, as appropriate, to the school principal, unless the principal is alleged to have committed the abuse or neglect, and to the Board. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*
INTERVIEW OF STUDENT	The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]
INTERFERENCE WITH INVESTIGATION	A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*
REPORTING POLICY	The Board shall establish and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above (see TO WHOM REPORTED) within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion. The policies must also be consistent with 40 TAC Chapter 700 regarding investigations by the DFPS, including regulations governing investigation of abuse by school personnel and volunteers. *19 TAC 61.1051* [See GRA] The policies must notify school personnel of the following: 1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 TAC 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect; 2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:

a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and

b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with the District's reporting policy;

6. The prohibition under Education Code 26.0091 (see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING, above); and

7. The current toll-free number for the DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

19 TAC 61.1051

ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(b)*

ABUSE OF DISABLED PERSONS

A person having cause to believe that a disabled person over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the DFPS.

A person commits a class A misdemeanor if the person has cause to believe that a disabled person has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, 48.052, 48.054

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UPDATE 75
FFG(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

NOTICE OF EMPLOYEE RESPONSIBILITIES FOR REPORTING CHILD ABUSE AND NEGLECT

What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies-FFG(LEGAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)-are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact _____ (name of District official) at _____(telephone number).

What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

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

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

Are there any restrictions on reporting?

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

To whom do I make a report?

Reports may be made to any of the following:

- A local or state law enforcement agency:
- _____ (include telephone numbers as appropriate);
- The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1-800-252-5400) or on the Web at https://reportabuse.ws/; or
- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

Reporting your suspicion to a school counselor, a principal, or another school staff member does NOT fulfill your responsibilities under the law.

Furthermore, the District cannot require you to report your suspicion first to a school administrator.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

Will I be liable in any way for making a report?

A person who reports or assists in the investigation of a report of child abuse or neglect in good faith is immune from civil or criminal liability.

What will happen if I don't report suspected child abuse or neglect?

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

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board of Educator Certification may be suspended, revoked, or cancelled.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

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UPDATE 73
FFG(EXHIBIT)-A1

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Policy FFH (LEGAL)

Mineral Wells ISD
182903

The District may develop and implement a sexual harassment policy to be included in the District improvement plan. *Education Code 37.083* [See BQA]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a District employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor ISD, 15 F.3d 443 (5th Cir. 1994)*

Sexual harassment of students may constitute discrimination on the basis of sex in violation of Title IX. *20 U.S.C. 1681; 34 CFR 106.11; Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See FB regarding Title IX]

DEFINITION OF SEXUAL HARASSMENT	Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling among school children, however, even when the comments target differences in gender. *Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)*
EMPLOYEE- STUDENT SEXUAL HARASSMENT	A District official who has authority to address alleged harassment by employees on the District's behalf shall take corrective measures to address the harassment or abuse. *Gebser v. Lago Vista ISD, 118 S.Ct. 1989 524 U.S. 274 (1998); Doe v. Taylor ISD, 15 F.3d 443 (5th Cir. 1994)*
STUDENT-STUDENT SEXUAL HARASSMENT	The District must reasonably respond to known student-on-student harassment where the harasser is under the District's disciplinary authority. *Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)*

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FFH(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Note: This policy addresses harassment of District students. For provisions regarding harassment of District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG.

The District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, or religion.

Employees shall not tolerate harassment of students and shall make reports as required at REPORTING PROCEDURES, below.

SEXUAL HARASSMENT

BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

2. The conduct is so severe, persistent, or pervasive that it:

    a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

    b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

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

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

OTHER PROHIBITED HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, gender, national origin, disability, or religion that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

Any student who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Any District employee who receives notice that a student has or may have experienced prohibited harassment is required to immediately report the alleged acts to an appropriate person designated below.

Any other person who knows or believes that a student has experienced prohibited harassment should immediately report the alleged acts to the appropriate person designated below.

Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]

TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.

Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:

DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See FB(LOCAL)]

2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a principal shall immediately notify the appropriate District official listed above.

NOTICE TO PARENTS

The principal or District official shall promptly notify the parents of any student alleged to have experienced prohibited harassment by a District employee or another adult associated with the District. In cases of student-to-student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.

CONFIDENTIALITY

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

INVESTIGATION OF THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation.

If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.

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

The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

	The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.
DISTRICT ACTION	If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment. The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.
APPEAL	A student, including a complainant, may appeal through FNG(LOCAL), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RETALIATION PROHIBITED	Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.
RECORDS RETENTION	Retention of records shall be in accordance with FB(LOCAL).
ACCESS TO POLICY	Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

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	Each student is expected to respect the rights and privileges of other students, teachers, and District staff. All teachers, administrators, and other District personnel are expected to respect the rights and privileges of students. [See DH series]
STUDENT HANDBOOK	The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. Student handbooks shall be distributed at the beginning of the school year to students and parents, teachers, and administrators and shall be provided also to newly hired professional employees, newly enrolled students, and to any other person on request. Amendments to the handbook shall be communicated promptly to students and parents.
NO BOARD ACTION	Student handbooks are subject to Board review but shall not be adopted by the Board.
REVISIONS	The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail. [For provisions on the Student Code of Conduct, see FO(LEGAL) and (LOCAL)]

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FN(LOCAL)-A

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FIRST AMENDMENT	The District shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Board for a redress of grievances. *U.S. Const. Amend. I*
FREEDOM OF SPEECH	Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment. Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others. *Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)* [See also FNCI] The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986)*
PRAYER AT SCHOOL ACTIVITIES	A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901* Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday. But the religious liberty protected by the Constitution is abridged when the District affirmatively sponsors the particular religious practice of prayer. The District shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events. *Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games)* [See also FMH]
FEDERAL FUNDS	As a condition of receiving certain federal funds, the District shall certify in writing to TEA that no policy of the District prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year. By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the District is not in compliance with the paragraph above. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. *No Child Left Behind Act of 2001, 20 U.S.C. 7904*
PATRIOTIC OBSERVANCES	The District may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale, 370 U.S. 421 (1962)* The District shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) (holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance)*

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Policy FNAA (LEGAL)

Mineral Wells ISD
182903

STUDENT EXPRESSION: FNAA
DISTRIBUTION OF NONSCHOOL LITERATURE (LEGAL)

PROTECTED SPEECH	Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. *Schenck v. Pro-Choice Network, 519 U.S. 357, 117 S. Ct. 855 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); Boos v. Barry, 485 U.S. 312, 108 S. Ct. 1157 (1988) (recognizing public issue signs as protected speech); Meyer v. Grant, 486 U.S. 414, 108 S. Ct. 1886 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)*
LIMITATIONS ON EXPRESSION	The District may prohibit expression by students if: 1. It materially and substantially interferes with school activities; 2. It materially and substantially interferes with the rights of other students or teachers; or 3. The District can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference. The District shall not prohibit student expression solely because other students, teachers, administrators, or parents may disagree with its content.
PRIOR REVIEW	The District may subject student expression to prior screening under clear and reasonable regulations.
TIME, PLACE, AND MANNER LIMITATIONS	The District may limit student expression in manner, place, or time by means of reasonable and equally-applied regulations. *Shanley v. Northeast Indep. Sch. Dist., 462 F.2d 960 (5th Cir. 1972)* [See also CPAB for use of the District's mail system]

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For purposes of this policy, "distribution" means the circulation of more than ten printed copies of material from a source other than the District.

The District's classrooms during the school day are provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Each school campus shall designate an area where materials that have been approved for distribution by students in accordance with this policy may be made available or distributed. Campus principals may develop reasonable time, place, and manner restrictions regarding the distribution of materials at designated areas.

PRIOR REVIEW

All written material over which the school does not exercise control and that is intended for distribution to students shall be submitted to the building principal or designee for prior review according to the following procedures:

1. In order to be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution.

2. Using the standards below at LIMITATIONS ON CONTENT, the principal or designee shall approve or reject submitted material within two school days of the time the material is received.

3. The student may appeal the principal's decision in accordance with FNG(LOCAL), beginning at Level Two.

Students who fail to follow these procedures may be disciplined in accordance with the FO series and the Student Code of Conduct.

LIMITATIONS ON CONTENT

Nonschool materials shall not be distributed if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.

2. The materials endorse actions endangering the health or safety of students.

3. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.

4. The materials contain defamatory statements about public figures or others.

5. The materials criticize Board members or school officials or advocate violation of school rules and fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA (LEGAL).

6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.

7. The materials include hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar publications aimed at creating hostility and violence if they fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA(LEGAL).

For distribution of nonschool literature by nonstudents, see GKD.

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EQUAL ACCESS ACT

If a District secondary school receives federal financial assistance and has a limited open forum, as defined below, it shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. *20 U.S.C. 4071(a)*

LIMITED OPEN FORUM

A District secondary school has a limited open forum for purposes of the Equal Access Act whenever the school grants an offering to or an opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time. *20 U.S.C. 4071(b)*

"Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. *20 U.S.C. 4072(4)*

"Noncurriculum-related student group" means any student group that does not directly relate to the body of courses offered by the school. A student group directly relates to the school's curriculum if it meets any of the following criteria:

1. The subject matter of the group is actually taught or will soon be taught in a regularly offered course.
2. The subject matter of the group concerns the body of courses as a whole.
3. Participation in the group is required for a particular course.
4. Participation in the group results in academic credit.

Westside Cmty. Sch. v. Mergens, 496 U.S. 226, 110 S. Ct. 2356 (1990)

If a school has a limited open forum, it shall be deemed to offer a fair opportunity for students to conduct meetings within its forum if it uniformly provides that:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school or any government or its agents or employees.
3. School employees are present at religious meetings only in a nonparticipatory capacity.
4. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

20 U.S.C. 4071(c)

The establishment of a limited open forum shall not authorize a school or the District to:

1. Influence the form or content of any prayer or other religious activity.
2. Require any person to participate in prayer or other religious activity.
3. Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.
4. Compel any school agent or employee to attend a meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.
5. Sanction meetings that are otherwise unlawful.
6. Limit the rights of groups of students that are not of a specified numerical size.

7. Abridge the constitutional rights of any person.

20 U.S.C. 4071(d)

MAINTAIN ORDER

The establishment of a limited open forum shall not limit the authority of a school, the District, its agents, or its employees to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary. *20 U.S.C. 4071(f)*

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Policy FNAB (LOCAL)

Mineral Wells ISD
182903

STUDENT EXPRESSION: FNAB
USE OF SCHOOL FACILITIES FOR NONSCHOOL PURPOSES (LOCAL)

ESTABLISHMENT OF LIMITED OPEN FORUM	For purposes of the Equal Access Act, the Board has created a limited open forum for students attending the District's secondary schools. District secondary schools shall offer an opportunity for noncurriculum-related student groups to meet on school premises during noninstructional time. Each principal shall set aside noninstructional time before or after actual classroom instruction for meetings of noncurriculum-related student groups. Students wishing to meet on school premises shall file a written request with the campus principal. The request shall contain a brief statement of the group's purposes and goals, a list of the group's members, and a schedule of its proposed meeting times. Requests shall be approved by the principal and Superintendent subject to availability of suitable meeting space and without regard to the religious, political, philosophical, or other content of the speech likely to be associated with the group's meetings. Notices of meetings may be posted in a manner determined by the principal.
STAFF PARTICIPATION PROHIBITED	School personnel shall not promote, lead, or participate in the meetings of noncurriculum-related student groups. The principal may assign staff to monitor student meetings, as needed, and may establish reasonable written guidelines for the conduct of meetings to maintain order and discipline, protect the well-being of students and faculty, and ensure that student attendance is voluntary.
VIOLATIONS	Failure of a noncurriculum-related student group to comply with applicable rules may result in loss of the right to meet on school premises. The principal shall report rule violations to the Superintendent.
SUSPENSIONS	Depending upon the seriousness of any rule violations, the Superintendent may suspend a noncurriculum-related student group's right to meet on school premises for the balance of the school year or some lesser time period. If a determination to suspend a group occurs during the last reporting period of the school year, the suspension may extend through the end of the first semester of the next school year. Suspensions or warnings imposed by the Superintendent may be appealed to the Board in accordance with FNG.

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Policy FNC (LEGAL)

Mineral Wells ISD
182903

STUDENT RIGHTS AND RESPONSIBILITIES: FNC
STUDENT CONDUCT (LEGAL)

DISCIPLINE MANAGEMENT PROGRAM	Each school district shall adopt and implement a discipline management program to be included in the District improvement plan under Section 11.252. *Education Code 37.083(a)*

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Policy FNC (LOCAL)

Mineral Wells ISD
182903

STUDENT HANDBOOK - STUDENT CODE OF CONDUCT

The District's rules of conduct and discipline, maintained in the student handbook and/or the Board-adopted Student Code of Conduct, are established to achieve and maintain order in the schools, and to teach respect toward others and responsible behavior. [See FO series]

EXTRACURRICULAR ACTIVITIES: STANDARDS OF BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. [See FO]

PROHIBITED HARASSMENT

Students shall not engage in prohibited harassment, including sexual harassment, of:

1. Other students, as defined at FFH.
2. District employees, as defined at DIA.

While subject to the disciplinary control of the District, students shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.

BEHAVIORAL STANDARDS

The following specific policies address student conduct in the areas of:

1. Attendance - FEC
2. School-sponsored publications - FMA
3. Appropriate attire and grooming - FNCA
4. Damage to school property - FNCB
5. Prohibited organizations and hazing - FNCC
6. Tobacco use - FNCD
7. Telecommunications devices - FNCE
8. Drug and alcohol use - FNCF
9. Weapons - FNCG
10. Assault - FNCH
11. Disruptions - FNCI, GKA

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Policy FNCA (LEGAL)

Mineral Wells ISD
182903

STUDENT CONDUCT: FNCA
DRESS CODE (LEGAL)

UNIFORMS	If the Board determines that requiring school uniforms would improve the learning environment at a school in the District, the Board may adopt rules that require students at that school to wear school uniforms. Students shall wear uniforms beginning on the 90th day after the date on which the Board adopts the rules.
FUNDING	The rules adopted by the Board must designate a source of funding to be used to provide uniforms for educationally disadvantaged students.
EXEMPTIONS	A parent or guardian of a student assigned to a school where uniforms are required may choose for the student to be exempted from the uniform requirement or for the student to be transferred to a school where uniforms are not required and at which space is available. In order to exercise one of these options, the parent or guardian must provide a written statement that states a religious or philosophical objection to the uniform requirement that the Board determines is bona fide. *Education Code 11.162*
GROOMING REGULATIONS	Hair-length regulations that apply to boys but not to girls do not manifest such an affront to students' constitutional rights to merit judicial intervention. *Barber v. Colorado Indep. Sch. Dist., 901 S.W.2d 447 (Tex. 1995); Bastrop Indep. Sch. Dist. v. Toungate, 958 S.W.2d 365 (Tex. 1997)*

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Policy FNCA (LOCAL)

Mineral Wells ISD
182903

STUDENT CONDUCT: FNCA
DRESS CODE (LOCAL)

PURPOSE

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

GENERAL GUIDELINES

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

The District prohibits pictures, emblems, or writings on clothing that:

1. Are lewd, offensive, vulgar, or obscene.
2. Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under FNCF(LEGAL).

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above and with the student dress code outlined in the student handbook.

VIOLATIONS

GROOMING

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to in-school suspension for the remainder of the day or until the problem is corrected.

DRESS

A student whose clothing violates the dress code shall be assigned to in-school suspension either for the remainder of the day or until a parent or designee brings an acceptable change of clothing to the school.

Repeated dress code offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases in accordance with the Student Code of Conduct. [See FO series]

EXTRACURRICULAR ACTIVITIES

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate dress and grooming standards established for such an activity may be removed or excluded from the activity for a period determined by the principal or sponsor, and may be subject to other disciplinary action, as specified in the Student Code of Conduct. [See FO series]

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Policy FNCB (LEGAL)

Mineral Wells ISD
182903

STUDENT CONDUCT: FNCB
CARE OF SCHOOL PROPERTY (LEGAL)

LIABILITY

A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

1. The negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or

2. The willful and malicious conduct of a child who is at least ten years of age but under 18 years of age.

Family Code 41.001

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UPDATE 67
FNCB(LEGAL)-P

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MEMBERSHIP AND SOLICITATION

A person commits a Class C misdemeanor if the person:

1. Is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or

2. Is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

Education Code 37.121(a),(c)

A person commits a felony if the person, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, threatens the child with imminent bodily injury or causes the child bodily injury. *Penal Code 22.015*

DAEP PLACEMENT

The Board or an educator shall recommend placing in a disciplinary alternative education program any student who commits the offenses described above. *Education Code 37.121(b)*

PERSONAL HAZING OFFENSE

A person commits an offense if the person:

1. Engages in hazing.

2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.

3. Recklessly permits hazing to occur.

4. Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent, or designee.

Education Code 37.152(a)

DEFINITIONS

PUBLIC SCHOOL FRATERNITY, SORORITY, SECRET SOCIETY, OR GANG

A "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities. *Education Code 37.121(d)*

HAZING

"Hazing" means any intentional, knowing, or reckless act occurring on or off the campus of an educational institution directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or

physical health or safety of the student.

4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.

5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

EDUCATIONAL INSTITUTION

"Educational institution" for purposes of this policy includes a public high school.

STUDENT

"Student" means any person who:

1. Is registered in or in attendance at an educational institution;

2. Has been accepted for admission at the educational institution where the hazing incident occurs; or

3. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

Education Code 37.151

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Policy FNCD (LEGAL)

Mineral Wells ISD
182903

STUDENT CONDUCT: FNCD
TOBACCO USE AND POSSESSION (LEGAL)

USE OR POSSESSION BY STUDENTS	The Board shall prohibit students from smoking, using, or possessing tobacco products at a school-related or school-sanctioned activity on or off school property.
ENFORCEMENT	The Board shall ensure that District personnel enforce the policies on school property.
	Education Code 38.006 [See DH (LEGAL) and GKA (LEGAL)]

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FNCD(LEGAL)-P

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Policy FNCE (LEGAL)

Mineral Wells ISD
182903

A "paging device" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

PAGING DEVICES POLICY

The Board may adopt a policy prohibiting students from possessing paging devices while on school property or while attending school-sponsored or school-related activities on or off school property.

PENALTIES

The policy may establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the paging device.

DISPOSAL

The District policy may provide for:

1. Disposal of a confiscated paging device in any reasonable manner, provided the student's parent and the paging company whose name and address appear on the device are given 30 days' notice of the intent to dispose of the device. Such notice may be made by telephone, telegraph, or in writing, and must include the serial number of the device.

2. Charging the owner of the device or the student's parent an administrative fee of not more than $15 before it releases the device.

Education Code 37.082

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FNCE(LEGAL)-P

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ALCOHOL

The Board shall prohibit the use or possession of alcoholic beverages at school-related or school-sanctioned activities on or off school property.

ALCOHOL-FREE ZONES

The Board shall attempt to provide a safe alcohol-free environment to students coming to or going from school.

COOPERATIVE EFFORTS

The Board may cooperate with local law enforcement officials and the Texas Alcohol and Beverage Commission in attempting to provide this environment and in enforcing the alcohol-free zone provisions in the Alcohol and Beverage Code.

DISTRICTS IN LARGE MUNICIPALITIES

If the majority of the area of the District is located in a municipality with a population of 900,000 or more, the Board may petition the commissioners court of the county in which the District is located or the governing board of an incorporated city or town in which the District is located to adopt a 1,000-foot alcohol-free zone. [See GKA]

Education Code 37.122, 38.007; Alcoholic Beverage Code 101.75, 109.33,109.59

PROHIBITIONS

No student shall, while on school premises or off school premises at a school-sponsored activity, function, or event, sell, give, deliver, use, possess, or be under the influence of:

1. Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801, et. seq.
2. A dangerous drug, as defined by Chapter 483, Health and Safety Code.
3. Alcohol.

Education Code 37.006, 37.007

ABUSABLE GLUES, PAINTS, OR VOLATILE CHEMICALS

In addition to the above prohibitions, no student shall inhale, ingest, apply, use, or possess an abusable glue, aerosol paint, or substance containing a volatile chemical with intent to inhale, ingest, apply, or use any of these in a manner:

1. Contrary to directions for use, cautions, or warnings appearing on a label of a container of the glue, paint, or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health Code 484.003, 485.031

MANUFACTURE OR DELIVERY

No student shall intentionally manufacture, deliver, or possess with intent to manufacture or deliver abusable glue, or aerosol paint that does not contain additive material in accordance with rules adopted by the commissioner of health. *Education Code 37.006; Health Code 485.032*

DELIVERY TO A MINOR

No student who is 18 or older shall intentionally, knowingly, or recklessly deliver abusable glue or aerosol paint to a person who is younger than 18 years old. No student who is 18 or older shall sell or deliver a substance containing a volatile chemical as described in Health and Safety Code 484.005(a)(2) to a person younger than 18. *Education Code 37.006; Health Code 484.005, 485.033*

PARAPHERNALIA

No person shall intentionally or knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint, or other substance that contains a volatile chemical. *Education Code 37.006; Health Code 484.004, 485.034*

PARENTAL CONSENT

Upon receipt of written notification from the parents or legal guardians of a student, the District shall withdraw the student from any program or activity funded under the federal Safe and Drug-Free Schools and Communities Act. The District shall make reasonable efforts to inform parents or legal guardians of the content of such programs or

activities funded under the Act, other than classroom instruction. *No Child Left Behind Act of 2001 Sec. 4151, Pub. L. No. 107-110, 115 Stat. 1765 (2002) (to be codified at 20 U.S.C. 7163)*

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POSSESSION OF WEAPONS

EXPULSION OFFENSE

A student shall not possess, use, or exhibit any firearm, illegal knife, club, or prohibited weapon at school or any school-related activity. [See also FOD] *Education Code 37.007(a)(1)*

CRIMINAL OFFENSE

A student shall not intentionally, knowingly, or recklessly possess or go with a firearm, illegal knife, club, or prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or a passenger transportation vehicle of a school, unless pursuant to written regulations or written authorization of the District.

An offense under this provision is a third degree felony. It is not a defense to prosecution that the actor possessed a handgun and was licensed to carry a concealed handgun under Government Code Chapter 411, Subchapter H.

Penal Code 46.03(a)(1), (f), (g)

FIREARMS

INTERFERENCE WITH ACTIVITIES

A student commits a third degree felony if the student, by exhibiting, using, or threatening to exhibit or use a firearm, interferes with the normal use of a building or portion of a campus or of a school bus being used to transport children to or from school-sponsored activities. *Education Code 37.125*

In accordance with the Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. *20 U.S.C. 8921; Education Code 37.007(e)* [See FOD]

DEFINITIONS

FIREARM

For purposes of state law, "firearm" shall mean any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use). *Penal Code 46.01(3)*

ILLEGAL KNIFE

"Illegal knife" is, as defined by law, a knife with a blade over 5-1/2 inches; hand instrument designed to cut or stab another by being thrown; dagger, including a dirk, stiletto, and poniard; bowie knife; sword; or spear, or is as defined by local policy. *Penal Code 46.01(6); Education Code 37.007(a)(1)(B)*

CLUB

A club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. *Penal Code 46.01(1)*

OTHER PROHIBITED WEAPONS

A prohibited weapon is:

1. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). *Penal Code 46.01(2)*

2. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). *Penal Code 46.01(9)*

3. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches). *Penal Code 46.01(10)*

4. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm). *Penal Code 46.01(4)*

5. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device on the handle, or opens or releases from the handle or shaft by the force of gravity or centrifugal force). *Penal Code 46.01(11)*

6. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). *Penal Code 46.01(8)*

7. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12)*

8. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a chemical capable of causing an adverse psychological or physiological effect on a human being). *Penal Code 46.01(14)*

9. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16)*

Penal Code 46.05(a)

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Policy FNCH (LEGAL)

Mineral Wells ISD
182903

STUDENT CONDUCT: ASSAULTS — FNCH (LEGAL)

ASSAULT PROHIBITED

Students are prohibited from assaulting anyone on school property or at any school-related event. *Education Code 37.006; Penal Code 22.01*

DEFINITIONS

Simple assault is defined as:

SIMPLE ASSAULT

1. Intentionally, knowingly, or recklessly causing bodily injury to another. *Education Code 37.006(a)(1)*; *Penal Code 22.01(a)(1)*
2. Intentionally or knowingly threatening another with imminent bodily injury. *Penal Code 22.01(a)(2)*
3. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. *Penal Code 22.01(a)(3)*

AGGRAVATED ASSAULT

Aggravated assault is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during commission of the assault. *Education Code 37.007(a)(2)(A); Penal Code 22.02(a)*

SEXUAL ASSAULT

Sexual assault is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent. Sexual assault is without consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent. *Education Code 37.007(a)(2)(A); Penal Code 22.011*

AGGRAVATED SEXUAL ASSAULT

Aggravated sexual assault is defined as sexual assault in which the actor:

1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
2. By acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
3. By acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or
4. Uses or exhibits a deadly weapon in the course of the same criminal episode; or
5. Acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
6. Assaults a victim who is younger than 14 years of age or is an elderly or a disabled individual.

Education Code 37.007(a)(2)(A); Penal Code 22.021

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DISRUPTION OF LAWFUL ASSEMBLY

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any school in the District.

DEFINITION

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.

2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity.

3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.

5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

FREE SPEECH

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

DISRUPTION OF CLASSES

A person commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

DEFINITIONS

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.

2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.

3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.

4. Entering a classroom without the consent of either the principal or teacher and, either through acts of misconduct or use of loud or profane language, disrupting class activities.

For purposes of this provision, "school property" shall include the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

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Policy FND (LEGAL)

Mineral Wells ISD
182903

STUDENT RIGHTS AND RESPONSIBILITIES: FND
MARRIED STUDENTS (LEGAL)

Married students shall have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students. *Carrollton-Farmers Branch ISD v. Knight, 418 S.W.2d 535 (1967); Bell v. Lone Oak ISD, 507 S.W.2d 636 (1974)*

A district that receives federal funds shall not apply any rule concerning a student's actual or potential marital status that treats students differently on the basis of sex. *20 U.S.C. 1681; 34 CFR 106.40* [See FBA]

Except as expressly provided by law, a student who has been married in accordance with Texas law has the capacity and power of an adult, regardless of age. *Family Code 1.104*

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Policy FNE (LEGAL)

Mineral Wells ISD
182903

STUDENT RIGHTS AND RESPONSIBILITIES: PREGNANT STUDENTS — FNE (LEGAL)

TITLE IX	The District shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the District's program or activity. [See FB]
MEDICAL CERTIFICATION	The District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
SEPARATE PROGRAM	A district that operates a separate, voluntary program or activity for pregnant students shall ensure that the separate portion is comparable to that offered to nonpregnant students.
LEAVE OF ABSENCE	If the District does not maintain a leave policy for its students, or if a student does not otherwise qualify for leave under such a policy, the District shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for as long as the student's physician deems medically necessary. At the end of the leave, the District shall reinstate the student to the status she held when the leave began. *20 U.S.C. 1681; 34 CFR 106.40(b)*

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Policy FNE (LOCAL)

Mineral Wells ISD
182903

STUDENT RIGHTS AND RESPONSIBILITIES: FNE
PREGNANT STUDENTS (LOCAL)

Pregnant students have the right to continue their education during pregnancy [see FB] and may choose to exercise that right by:

1. Remaining in the regular school program.

2. Participating in any other special program the District may provide for pregnant students. [See EHBC and EHBD]

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician's certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

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Policy FNF (LEGAL)

Mineral Wells ISD
182903

SEARCHES OF STUDENTS

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent. *U.S. Const., Amend. 4.; New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985); Jones v. Latexo ISD, 499 F.Supp. 223 (1980)*

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.

2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985)

RANDOM DRUG TESTING

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a random student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.

2. The character of the intrusion imposed by the drug-testing policy.

3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995) (upholding a policy requiring urinalysis drug testing as a condition of participating in athletics); Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002) (upholding a policy requiring urinalysis drug testing as a condition of participating in competitive extracurricular activities)

USE OF TRAINED DOGS

Trained dogs' sniffing of cars and lockers does not constitute a search under the Fourth Amendment. The alert of a trained dog to a locker or car provides reasonable cause for a search of the locker or car only if the dog is reasonably reliable in indicating that contraband is currently present.

Trained dogs' sniffing of students does constitute a search and requires individualized reasonable suspicion.

Horton v. Goose Creek ISD, 690 F.2d 470 (5th Cir. 1982)

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INTERROGATIONS

BY SCHOOL OFFICIALS

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

BY POLICE OR OTHER AUTHORITIES

For provisions pertaining to student questioning by law enforcement officials or other lawful authorities, see GRA(LOCAL).

LOCKERS AND VEHICLES

Students have full responsibility for the security of their lockers, and for vehicles parked on school property. It is the student's responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are not given to others. Students shall not place, keep, or maintain any article or material that is forbidden by District policy in lockers or in vehicles parked on school property.

School officials may search lockers, or vehicles parked on school property, if there is reasonable cause to believe that they contain articles or materials prohibited by District policy. Students shall be responsible for any prohibited items found in their lockers or in vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit a search of the vehicle, the District may turn the matter over to local law enforcement officials.

USE OF TRAINED DOGS

The District shall use specially trained nonaggressive dogs to sniff out and alert officials to the current presence of concealed prohibited items, illicit substances defined in FNCF(LEGAL), and alcohol. This program is implemented in response to drug- and alcohol-related problems in District schools, with the objective of maintaining a safe school environment conducive to education.

Such visits to schools shall be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by school officials. Searches of vehicles shall be conducted as described above.

NOTICE

At the beginning of the school year, the District shall inform students of the District's policy on searches, as outlined above, and shall specifically notify students that:

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles parked on school property may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

PARENT NOTIFICATION

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, in a student's vehicle parked on school property, or on the student's person, as a result of a search conducted in accordance with this policy.

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FNF(LOCAL)-B

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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* [See FNA]
	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)*
TEXAS CONSTITUTION	Citizens 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. *Professional Association of College Educators v. El Paso County Community [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 fifteen 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 CFR 104.7(b)*
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 CFR 35.107*
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 student complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. *34 CFR 106.8(b)* [See FB]
EDUCATION CODE CHAPTER 26	Parents are partners with educators, administrators, and the Board in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children. *Education Code 26.001(a)*
	Unless otherwise provided by law, the Board, an administrator, an educator, or other person may not limit parental rights. *Education Code 26.001(c)*
`PARENT' DEFINED	For purposes of Education Code Chapter 26 (Parental Rights), "parent" includes a person standing in parental relation, but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Education Code Title 2 and all educational rights under Family Code 151.003(a)(10) shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order. *Education Code 26.002*
COMPLAINT PROCEDURES	The Board shall provide for procedures to consider complaints that a parent's right has been denied. *Education Code 26.001(d)*
	The Board shall adopt a grievance procedure under which the Board shall address each complaint that it receives concerning a violation of a right guaranteed by Education Code Chapter 26 (Parental Rights). *Education Code 26.011*
PARENTAL RIGHTS	Parental rights listed in Education Code Chapter 26 are: 1. Rights concerning academic programs. *Education Code 26.003* [See EHA, EIF, FDB, and FMH]

2. Access to student records. *Education Code 26.004* [See FL]

3. Access to state assessments. *Education Code 26.005* [See EKB]

4. Access to teaching materials. *Education Code 26.006* [See EF and EKB]

5. Access to Board meetings, other than a closed meeting under the Open Meetings Act. *Education Code 26.007* [See BE and BEC]

6. Right to full information concerning a student. *Education Code 26.008* [See BJCE, DF, FFE, and FM]

7. Right to information concerning special education and education of students with learning disabilities. *Education Code 26.0081* [See FB]

8. Requests for public information. *Education Code 26.0085* [See GBA]

9. Consent required for certain activities. *Education Code 26.009* [See EHA, FFE, FL, FM, and FO]

10. Refusal of psychiatric or psychological treatment of child as basis for report of neglect. *Education Code 26.0091* [See FFG]

11. Exemption from instruction. *Education Code 26.010* [See EMB]

OBJECTION TO SCHOOL ASSIGNMENT

The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, the Board shall follow the procedures set forth at Education Code 25.034. *Education Code 25.033(2), 25.034* [See FDB]

CHALLENGE TO EDUCATION RECORDS

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 CFR 99.21* [See FL]

DENIAL OF CLASS CREDIT

If a student is denied credit for a class by an attendance committee, the student may appeal the decision to the Board. *Education Code 25.092(d)* [See FEC]

COMPLAINTS AGAINST PROFESSIONAL EMPLOYEES

A person may not file suit against a professional employee of the District unless the person has exhausted the District's remedies for resolving the complaint. *Education Code 22.0514*

"Professional employee of the District" includes:

1. The Superintendent, a principal, teacher, including a substitute teacher, supervisor, social worker, counselor, nurse, and teacher's aide employed by the District;

2. A teacher employed by a company that contracts with the District to provide the teacher's services to the District;

3. A student in an education preparation program participating in a field experience or internship;

4. A DPS-certified school bus driver;

5. A member of the Board; and

6. Any other person whose employment by the District requires certification and the exercise of discretion.

Education Code 22.051(a)

FINALITY OF GRADES

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.

The Board's determination is not subject to appeal. This provision does not prohibit an appeal related to a student's eligibility to participate in extracurricular activities under Education Code 33.081. [See FM]

Education Code 28.0212

REQUESTS FOR PUBLIC INFORMATION

A district that receives a request from a parent for public information relating to the parent's child shall comply with Government Code Chapter 552 (Public Information Act). The District shall also comply with the deadlines and provisions set forth at Education Code 26.0085. [See GBA]

CLOSED MEETING

The Board may conduct a closed meeting on a parent or student complaint to the extent required or provided by law. [See BEC]

RECORD OF PRESENTATION	An appeal of the Board's decision to the Commissioner of Education shall be decided based on a review of the record developed at the District level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*
DISRUPTION	It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

Note: See EHBAB for provisions concerning students with disabilities; see the FO series for provisions concerning student discipline.

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UPDATE 73
FNG(LEGAL)-P

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GUIDING PRINCIPLES

INFORMAL PROCESS	The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.
NOTICE TO STUDENTS AND PARENTS	The principal of each campus shall inform students and parents of this policy.
APPLICATION	Except as addressed by SPECIFIC COMPLAINTS, below, this policy applies to all complaints or grievances from students or parents.
SPECIFIC COMPLAINTS	Complaints alleging certain forms of harassment shall be processed in accordance with FFH. For more information on how to proceed with complaints regarding: 1. Alleged discrimination, see FB. 2. Loss of credit on the basis of attendance, see FEC. 3. Removal to a disciplinary alternative education program, see FOC. 4. Expulsion, see FOD and the Student Code of Conduct. 5. Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504, see FB. 6. Identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act, see EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education. 7. Instructional materials, see EFA. 8. On-campus distribution of nonschool materials, see FNAA. 9. A commissioned peace officer who is an employee of the District, see CKE.
DEFINITIONS	For purposes of this policy, terms are defined as follows:
COMPLAINT / GRIEVANCE	The terms "complaint" and "grievance" shall have the same meaning.
FILING	Complaint forms and appeal notices may be filed by hand-delivery, fax, or 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.

Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the student or parent or designated representative no more than three days after the response deadline.

REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent 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.

DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."

GENERAL PROVISIONS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED

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

COMPLAINT FORM

Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the student or parent did not know the documents existed before the Level One conference.

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

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

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

The appropriate administrator shall hold a conference with the student or parent within ten days after receipt of the written complaint.

The administrator shall have ten days following the conference to provide the student or parent a written response.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent 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 after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. At the

conference, the Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The Superintendent or designee shall have ten days following the conference to provide the student or parent a written response.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent 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 after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

The Superintendent or designee shall inform the student or parent 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 with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the student or parent or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

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. 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 student or parent or the student'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 for any reason the Board fails to reach 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.

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UPDATE 73
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STUDENT CODE OF CONDUCT

The Board shall adopt a Student Code of Conduct for the District, with the advice of its District-level committee. The Student Code of Conduct must:

1. Specify the circumstances, consistent with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, or disciplinary alternative education program (DAEP).
2. Specify the conditions that authorize or require a principal or other appropriate administrator to transfer a student to DAEP.
3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].
4. Specify whether consideration is given to self-defense as a factor in suspension, removal to a DAEP, or expulsion.
5. Provide guidelines for setting the length of removal to a DAEP or of expulsion.
6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.

CHANGES IN SCOC

Once the Student Code of Conduct is promulgated, any change or amendment shall be approved by the Board.

POSTING

The Student Code of Conduct shall be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

Education Code 37.001

NOTICE TO PARENTS

Each school year, the District shall provide parents with notice of and information regarding the Student Code of Conduct. *Education Code 37.001(d)*

NONCUSTODIAL PARENT

A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, the District provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. The District may not unreasonably deny the request. Notwithstanding this requirement, the District shall comply with any applicable court order of which the District has knowledge. *Education Code 37.0091(a)*

NO UNSUPERVISED SETTING

Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in DAEP. *Education Code 37.008(h)*

CONTINUATION OF DISCIPLINARY ACTION

If the District takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the District or school taking the disciplinary action shall provide to the District or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Education Code 37.021

OPPORTUNITY TO COMPLETE COURSES

If a student is placed in in-school suspension or other alternative setting other than a DAEP, the District shall offer the student the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of removal. The District may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. *Education Code 37.021*

VIDEOTAPES AND RECORDINGS

A District employee may, without consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)* [See FNG]

REPORTS

The District shall annually report to the Commissioner:

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

1. For each placement in a DAEP:

    a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;

    b. Information indicating whether the placement was based on:

        1. Conduct violating the Student Code of Conduct;

        2. Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];

        3. Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or

        4. Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);

    c. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

    d. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

EXPULSIONS

2. For each expulsion:

    a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;

    b. Information indicating whether the expulsion was based on:

        1. Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school;

        2. Conduct for which expulsion is permitted;

    c. The number of full or partial days the student was expelled; and

    d. Information indicating whether:

        1. The student was placed in a juvenile justice alternative education program;

        2. The student was placed in a DAEP; or

        3. The student was not placed in a juvenile justice or other DAEP; and

e. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct. *Education Code 37.020*

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LDU-26-05
FO(LEGAL)-B

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GENERAL GUIDELINES

When imposing discipline, District personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
    a. The seriousness of the offense;
    b. The student's age;
    c. The frequency of misconduct;
    d. The student's attitude;
    e. The potential effect of the misconduct on the school environment;
    f. Requirements of Chapter 37 of the Education Code; and
    g. The Student Code of Conduct adopted by the Board.

STUDENT CODE OF CONDUCT

The Student Code of Conduct containing information regarding student discipline shall be distributed at the beginning of the school year to students and parents, teachers, and administrators. The Student Code of Conduct shall be provided also to newly hired professional employees, newly enrolled students, and any other person on request.

REVISIONS

Revisions to the Student Code of Conduct during the year shall be communicated promptly to students and parents, teachers, and administrators and shall also be posted on campus.

`PARENTS' DEFINED

Throughout the Student Code of Conduct and discipline policies, the term "parents" includes the single parent, legal guardian, or person having lawful control of the child.

DETENTION

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days, as provided by the discipline management program and/or Student Code of Conduct. Before being assigned to detention, a student shall be informed of the behavior that allegedly constitutes the violation, and shall be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention shall be used for educational purposes.

NOTICE TO PARENTS

When detention is used, notice shall first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention shall not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

CORPORAL PUNISHMENT

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or otherwise physically disciplined for violations of the Student Code of Conduct.

PHYSICAL RESTRAINT

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Protect property from serious damage.
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
5. Restrain an irrational student.

EXTRACURRICULAR STANDARDS OF BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities, including interscholastic athletics and marching band, may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. No provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity.

Students shall be informed of any extracurricular behavior standards at the beginning of each school year or, in the case of interscholastic athletics and marching band, at the time the students report for workouts or practices that occur prior to the actual beginning of classes. Students and their parents shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Organizational standards of behavior of an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of organizational standards of behavior of an extracurricular activity or for violation of the Student Code of Conduct.

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INFORMAL REMOVAL

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

DISCRETIONARY REMOVAL

A teacher may remove from class a student:

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

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

Education Code 37.002(b)

PLACEMENT OF STUDENT

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program (DAEP).

PROHIBITIONS ON ACTIVITIES

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

Education Code 37.002(c)

MANDATORY REMOVAL BY A TEACHER

A teacher shall remove from class and send to the principal for placement in a DAEP or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

The student may not be returned to the regular class pending the required conference [See FOC]. *Education Code 37.009(a)*

RETURN TO CLASS

The principal may not return the student to the class of the teacher who removed the student without the teacher's consent, unless the placement review committee determines that such placement is the best or only alternative available. *Education Code 37.002(c), (d)*

PLACEMENT REVIEW COMMITTEE

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the District regarding readmission of expelled students.

COMPOSITION

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

2. The principal shall choose one member from the professional staff of a campus.

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

Education Code 37.003

Note: See FOF for provisions concerning students with disabilities.

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Policy FOB (Legal)

Mineral Wells ISD
182903

	The principal or other appropriate administrator may suspend a student who engages in conduct identified in the Student Code of Conduct as conduct for which a student may be suspended.
MAXIMUM LENGTH	A suspension may not exceed three school days. *Education Code 37.005*

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REMOVAL UNDER STUDENT CODE OF CONDUCT

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

MANDATORY PLACEMENT IN DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

SCHOOL-RELATED MISCONDUCT

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony;
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

Education Code 37.006(a)

EXCEPTION

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

RETALIATION

Except where a student engages in retaliatory acts against a District employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation, as defined in Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

CONDUCT UNRELATED TO SCHOOL

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03, for conduct defined as a felony offense in Title 5, Penal Code;

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

3. The Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code.

   [See FOC(EXHIBIT) for list of Title 5 offenses]

Education Code 37.006(c)

REASONABLE BELIEF

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Code of Criminal Procedure Article 15.27. *Education Code 37.006(e)* [See GRA]

PERMISSIVE REMOVAL

NON-TITLE 5 FELONY

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The Superintendent or designee has a reasonable belief (as determined above) that the student has engaged in conduct defined as a felony offense other than those listed in Title 5, Penal Code [see FOC(EXHIBIT)]; and

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

Education Code 37.006(d), (e)

TITLE 5 FELONY

Notwithstanding any other provision of Education Code Chapter 37, Subchapter A, the Board, or its designee, after an opportunity for hearing, may elect to place a student in a DAEP if:

1. The student has received deferred prosecution (under Family Code 53.03) for conduct defined as a felony offense under Title 5, Penal Code; or the student has been found by a court or jury to have engaged in delinquent conduct (under Family Code 54.03) for conduct defined as a felony offense under Title 5, Penal Code; and

2. The Board or its designee determines that the student's presence in the regular classroom threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the District's students.

The Board or its designee may order placement regardless of:

1. The date or location of the conduct;

2. Whether the conduct occurred while the student was enrolled in the District; or

3. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

LENGTH OF PLACEMENT

Notwithstanding Education Code 37.009(c) (placements beyond one year) or any other provision of Education Code Chapter 37, Subchapter A, the Board or designee may order placement for any period considered necessary in connection with the above determinations. The student is entitled to the periodic review prescribed by Education Code 37.009(e).

FINAL DECISION

The decision of the Board or designee is final and may not be appealed.

Education Code 37.0081

ONE YEAR AFTER CONDUCT

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

PLACEMENT OF YOUNGER STUDENTS

A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f); 37.007(e)* [See FOD]

ELEMENTARY SCHOOL STUDENTS

An elementary school student may not be placed in a DAEP with any other student who is not an elementary school student. *Education Code 37.006(f)*

STUDENTS YOUNGER THAN SIX

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] may be provided educational services in a DAEP. *Education Code 37.006(l)*

CONFERENCE

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct.

Education Code 37.009(a)

TERM OF REMOVAL

The Board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other students or to District employees; or extended placement is in the best interest of the student. *Education Code 37.009(d)*

BEYOND GRADING PERIOD OR 60 DAYS

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board or designee.

NO APPEAL

Any decision of the Board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

BEYOND END OF SCHOOL YEAR

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, the Board or designee must determine that:

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

2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

ORDER OF REMOVAL

The Board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, the Board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under

Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

ACTIVITIES

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

ENROLLMENT IN ANOTHER DISTRICT

If a student placed in a DAEP enrolls in another district before the expiration of the placement, the Board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls may continue the placement or allow the student to attend regular classes. [See FO]

The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the District a copy of the placement order; or

2. The student was placed in a DAEP by a district in another state and:

    a. The out-of-state district provides a copy of the placement order; and

    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

OUT-OF-STATE PLACEMENT

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to District employees; or

2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

COURT-ORDERED PLACEMENT

Unless the Board and the juvenile board for the county in which the District's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

EXPELLED STUDENT

1. A court may not order a student expelled under Section 37.007 to attend a District DAEP as a condition of probation;

MULTIPLE REFERRALS

2. A court may not order a student to attend a DAEP without the District's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year. *Education Code 37.010(c), (d)*

SCHOOL ACTIVITIES

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(d)*

PLACEMENT AFTER COURT DISPOSITION

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a District may not refuse to admit the student if the student meets the requirements for admission into the public schools. The District may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

NOT GUILTY /

If a student was removed to DAEP for a reason other than false alarm or report, terroristic threat, or

INSUFFICIENT EVIDENCE / CHARGES DROPPED

conduct on or within 300 feet of school property, the Superintendent or designee shall review the student's placement in the DAEP upon receipt of notice under Article 15.27(g), Code of Criminal Procedure, stating that:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

The student may not be returned to the regular classroom pending the review. The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h)

APPEAL AFTER PLACEMENT UPHELD

The student or the student's parent or guardian may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the Superintendent's decision. The Board shall make a record of the proceedings.

If the Board confirms the decision, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner. The student may not be returned to the regular classroom pending the appeal to the Commissioner.

Education Code 37.006(i), (j)

120-DAY REVIEW OF STATUS

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. This requirement does not, however, obligate the District to provide in the DAEP a course, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent. *Education Code 37.009(e)*

REPORTING

The District shall include the number of students removed to a DAEP in its annual performance report. *Education Code 37.053(e)(5)* [See BR]

Note: See FOF for provisions concerning students with disabilities.

Policy FOC (Exhibit)

Mineral Wells ISD
182903

STUDENT DISCIPLINE: FOC
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING (EXHIBIT)

The following are felony offenses listed in Title 5 of the Penal Code, Offenses Against the Person.

Section 19.02: Murder

Section 19.03: Capital Murder

Section 19.04 Manslaughter

Section 19.05: Criminally Negligent Homicide

Section 20.02: Unlawful Restraint (if the person restrained was younger than 17 years of age, if the actor recklessly exposes the victim to a substantial risk of serious bodily injury, if the actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty, or the actor while in custody restrains any other person)

Section 20.03: Kidnapping

Section 20.04: Aggravated Kidnapping

Section 20.05: Unlawful Transport

Section 20A.02: Trafficking of Persons

Section 21.11: Indecency with a Child

Section 21.12: Improper Relationship between Educator and Student

Section 21.15: Improper Photography or Visual Recording

Section 22.01: Assault (if against [1] a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; [2] a person the actor knows is a security officer [see Occupations Code 1702.002, 1702.221] while the person is performing a duty as a security officer; [3] a person who contracts with the government to perform a service at a correctional facility [see Penal Code 1.07(a)(14)] or a secure correctional or detention facility for juveniles [see Family Code 51.102(13), (14)]; and [4] under certain circumstances, if against a family member)

Section 22.011: Sexual Assault

Section 22.015: Coercing, Soliciting, or Inducing Gang Membership

Section 22.02: Aggravated Assault

Section 22.021: Aggravated Sexual Assault

Section 22.04: Injury to a Child, Elderly Individual, or Disabled Individual

Section 22.041: Abandoning or Endangering a Child

Section 22.05: Deadly Conduct (if the person knowingly discharges a firearm at or in the direction of one or more individuals or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied)

Section 22.07: Terroristic Threat (if the actor threatens to commit any offense involving violence to any person or property with intent to: [1] prevent or interrupt the occupation or use of a building, room, place, or conveyance if the prevention or interruption causes pecuniary loss to the owner of $1,500 or more [see Acts 2003, 78th Leg., Ch. 446, Sec. 1; compare Acts 2003, 78th Leg., Ch. 388, Sec. 2]; [2] cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; [3] place the public or a substantial group of the public in fear of serious bodily injury; or [4] influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision)

Section 22.08: Aiding Suicide (if the conduct causes suicide or attempted suicide that results in serious bodily injury)

Section 22.09: Tampering with Consumer Product

Section 22.11: Harassment by Persons in Certain Correctional Facilities (including a secure correctional or detention facility, as defined in Family Code 51.02, operated by or under contract with a juvenile board or the Texas Youth Commission, and any other facility operated by or under contract with the TYC)

DATE ISSUED: 07/22/2004
UPDATE 73
FOC(EXHIBIT)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

The District shall provide a disciplinary alternative education program (DAEP) that meets the following criteria:

1. Is provided in a setting other than the student's regular classroom.
2. Is located on or off a regular school campus.
3. Provides for the students who are assigned to the DAEP to be separated from students who are not assigned to the program.
4. Focuses on English language arts, mathematics, science, history, and self-discipline.
5. Provides for students' educational and behavioral needs.
6. Provides supervision and counseling.
7. Requires that to teach in an off-campus DAEP, each teacher must meet all certification requirements under Education Code Chapter 21, Subchapter B, except that teachers in a DAEP of any kind who were employed by the District during the 2003-04 school year or an earlier school year must meet the certification requirements by the beginning of the 2005-06 school year.

The DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school.

Education Code 37.008(a), (b)

ELEMENTARY SCHOOL STUDENTS

An elementary school student may not be placed in a DAEP with any other student who is not an elementary school student. *Education Code 37.006(f)*

ACADEMIC MISSION

The academic mission of DAEPs shall be to enable students to perform at grade level. *Education Code 37.008(m)*

OPPORTUNITY TO COMPLETE COURSEWORK

A District shall offer a student removed to a DAEP an opportunity to complete coursework, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The District may not charge the student for a course provided under this subsection. Except for this requirement, the District is not required to provide in the DAEP a course necessary to fulfill a student's high school graduation requirements. *Education Code 37.008(l)*

DRUG AND ALCOHOL TREATMENT

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

OFF-CAMPUS PROGRAM

An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39. *Education Code 37.008(c)*

FUNDING

A student removed to a DAEP is counted in calculating the District's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

ALLOCATIONS TO

The District shall allocate to a DAEP the same expenditure per student attending the DAEP as would

DAEPS	be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC]
JOINTLY CREATED PROGRAMS	The District may provide a DAEP jointly with one or more other districts. *Education Code 37.008(d)*
COOPERATION AND ASSISTANCE	The District shall cooperate with government agencies and community organizations that provide services in the District to students placed in a DAEP. *Education Code 37.008(e)*
SERVICE CENTERS	If the District requests, a regional education service center may provide the District with information on developing a DAEP that takes into consideration the District's wealth, size, and existing facilities in determining the program best suited to the District. *Education Code 37.008(i)*
ANNUAL EVALUATION	TEA shall provide an annual evaluation for each district to be considered in complying with Education Code 11.252 [see BQ and BQA]. Performance data shall be disaggregated with respect to race, ethnicity, and socioeconomic status. Information reported shall conform to limitations consistent with requirements under the Federal Educational Rights and Privacy Act of 1974 [see FL]. The Commissioner may consider the results of this evaluation as a component of monitoring and/or a special accreditation investigation. The performance of the District's DAEP shall be evaluated on the basis of specific indicators in relation to appropriate performance benchmarks. This evaluation shall be based on the following indicators, with consideration given to the length of student assignment: 1. Student performance on state assessment instruments, including appropriate Texas Learning Index measures; 2. Other indicators of student performance in the annual evaluation, which may include course completion rates, dropout rates, completion rates, and attendance rates; and 3. Repeated disciplinary actions resulting in placement in a DAEP. In addition, the District's DAEP and overall discipline management in preventing referrals shall be evaluated annually on the basis of identification and placement practices. Placement indicators are evaluated against appropriate standards and include the following: 1. Percentage of the District's students placed in a DAEP, considering all discretionary placements under Education Code 37.001, 37.002, 37.006, and 37.007, and, separately, those mandatory placements under Education Code 37.006 and 37.007; 2. Percentage of the District's minority and economically disadvantaged students placed in a DAEP, considering all discretionary placements under Education Code 37.001, 37.002, 37.006, and 37.007, and, separately, those mandatory placements under Education Code 37.006 and 37.007; and 3. Percentage of the District's students with disabilities placed in a DAEP, considering all discretionary placements under Education Code 37.001, 37.002, 37.006, and 37.007, and, separately, those mandatory placements under Education Code 37.006 and 37.007. *19 TAC 97.1021*

DATE ISSUED: 12/16/2003
UPDATE 72
FOCA(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

STUDENTS YOUNGER THAN TEN

A student younger than ten years of age shall not be expelled but shall be placed in a disciplinary alternative education program (DAEP). *Education Code 37.007(e)(2), (h)*

MANDATORY EXPULSION

SCHOOL RELATED

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

1. Uses, possesses, or exhibits a firearm, an illegal knife, a club, or a prohibited weapon, as those terms are defined in the Penal Code, or any knife prohibited by local policy [see FNCG];

2. Engages in conduct that contains the elements of the offense of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, or criminally negligent homicide, as those offenses are defined in the Penal Code;

3. Commits a drug- or alcohol-related offense described at Education Code 37.006(a)(2)(C) or (D), if that conduct is punishable as a felony.

Education Code 37.007(a)

RETALIATION

The District shall expel a student who engages in conduct that contains the elements of any offense listed above against any District employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(d)*

FIREARM

In accordance with the Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis. The District or other local educational agency shall provide educational services to an expelled student in a DAEP if the student is younger than ten years of age. The District or other local educational agency may provide educational services to an expelled student who is ten years of age or older in a DAEP. *20 U.S.C. 8921; Education Code 37.007(e)* [See also GRA]

For the purposes of this provision, "firearm" means:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;

2. The frame or receiver of any such weapon;

3. Any firearm muffler or firearm silencer;

4. Any destructive device. "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any

of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

18 U.S.C. 921

DISCRETIONARY EXPULSION

THREATS

A student may be expelled if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

SCHOOL-RELATED CONDUCT

A student may be expelled if the student, while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

ALCOHOL OR DRUGS

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:

    a. Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.; or

    b. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or

    c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

VOLATILE CHEMICALS

2. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031-485.034.

ASSAULT ON AN EMPLOYEE OR VOLUNTEER

3. Engages in conduct that contains the elements of an offense under Penal Code 22.01(a)(1) against a District employee, or a volunteer as defined by Education Code 22.053. [See FOC(EXHIBIT)]

DEADLY CONDUCT

4. Engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05. *Education Code 37.007(b)*

CONDUCT WITHIN 300 FEET OF SCHOOL

Subject to the mandatory expulsion requirement for retaliation, a student may be expelled if the student, while within 300 feet of school property, as measured from any point on the school's real property boundary line, engages in the following conduct:

1. Any conduct for which expulsion would have been mandatory under Education Code 37.007(a) [see MANDATORY EXPULSION - SCHOOL RELATED, above]; or

2. Possession of a firearm, as defined by 18 U.S.C. sec. 921 [see FIREARM, above]. *Education Code 37.007(b)*

RETALIATION AGAINST SCHOOL EMPLOYEE OR VOLUNTEER

A student may be expelled if the student engages in an assault, under Penal Code 22.01(a)(1), on an employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property. *Education Code 37.007(d)*

CONDUCT AGAINST ANOTHER STUDENT

A student may be expelled if the student engages in conduct against another student that contains the elements of the offenses of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or

school-related activity on or off of school property. *Education Code 37.007(b)*

CRIMINAL MISCHIEF

The District may use its discretion to expel a student who has engaged in conduct that contains the elements of criminal mischief, as defined in the Penal Code, if the conduct is punishable as a felony. Regardless of whether the student is expelled, the District shall refer the student to the authorized officer of the juvenile court. *Education Code 37.007(f)*

PERSISTENT MISBEHAVIOR IN DAEP

A student who continues to engage in serious or persistent misbehavior that violates the District's Student Code of Conduct while placed in a DAEP may be removed from class and expelled.

If the student is expelled, the Board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code).

Education Code 37.007(c), 37.010(b)

PROPERTY OR ACTIVITIES OF ANOTHER DISTRICT

A District may expel a student who attends school in the District if:

1. The student engages in conduct for which expulsion would have been mandatory if the conduct had occurred on District property or while attending a District-sponsored or District-related activity; and

2. The student engages in that conduct on the property of another district or while attending a school-sponsored or school-related activity of another district in this state.

Education Code 37.007(i)

EXPULSION PROCEEDINGS

DUE PROCESS

Before a student may be expelled, the Board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. *Education Code 37.009(f)*

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

NOTICE

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies.

HEARING

The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

[See also Brewer v. Austin Indep. Sch. Dist., 779 F.2d 260 (5th Cir. 1985); Keough v. Tate County Bd. of Educ., 748 F.2d 1077 (5th CIr. 1984); McClain v. Lafayette County School Boards Ass'n, 673 F.2d 106 (5th Cir. 1982); Tasby v. Estes, 643 F.2d 1103 (1981); Boykins v. Fairfield Bd. of Educ., 492 F.2d 697 (5th Cir. 1974), cert. den. 95 S. Ct. 1350 (1975); Dixon v. Alabama State Board of Education, 294 F.3d 150 (5th Cir. 1961)]

REPRESENTATIVE

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of the District. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

TERM OF EXPULSION

If the period of expulsion is inconsistent with the guidelines on length of expulsion in the Student Code of Conduct, the order must give notice of the inconsistency.

EXPULSION BEYOND ONE YEAR

The period of expulsion may not exceed one year unless the District determines that:

1. The student is a threat to the safety of other students or to District employees; or

2. Extended placement is in the best interest of the student.

Education Code 37.009(h)

NOTICE OF EXPULSION ORDER

TO PARENT OR GUARDIAN

The Board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. After such notification, the parent or guardian shall provide adequate supervision for the student during the period of expulsion. *Education Code 37.009(g), (h)*

TO COURT

Not later than the second business day after the date an expulsion hearing is held, the Board or its designee shall deliver a copy of the expulsion order and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the student resides.

Family Code 52.04 requires the following information from a referring entity that is not a law enforcement agency or has not taken the child into custody:

1. All information in the District's possession pertaining to the identity of the child and the child's address; the name and address of the child's parent, guardian, or custodian; the names and addresses of any witnesses; and the child's present whereabouts; and

2. A complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision.

Education Code 37.010(a); Family Code 52.04(a), 52.041(a), (b)

TO JUVENILE BOARD

In a county that operates a juvenile justice alternative education program (JJAEP) [See FODA], no student shall be expelled without written notification by the Board or its designee to the juvenile board's designated representative. The notification shall be made not later than two business days following the Board's determination that the student is to be expelled. Failure to timely notify the designated representative shall result in the child's duty to continue attending the District's educational program, which shall be provided to that child until such time as the notification to the designated representative is properly made. *Family Code 52.041*

TO STAFF

The District shall inform each teacher who has regular contact with a student through a classroom assignment of the conduct of a student who has engaged in expellable conduct. A teacher's certificate may be suspended or revoked for intentional failure to keep such information confidential. *Education Code 37.007(g)*

COMPLETION OF PROCEEDING UPON WITHDRAWAL

If a student withdraws from the District before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the expulsion that has been served by the student in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ADDITIONAL PROCEEDINGS

If, during the term of expulsion, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or Board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

APPEALS

A decision by the Board's designee to expel a student may be appealed to the Board. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. *Education Code 37.009(f); Dixon v. Alabama State Board of Education, 294 F.3d 150 (5th Cir. 1961)*

RESTRICTIONS ON COURT ORDERS

A court may not order an expelled student to attend a regular classroom, a regular campus, or a District DAEP as a condition of probation.

EXCEPTION

A court may order a student to attend a regular classroom, a regular campus, or a District DAEP if the District has entered into a memorandum of understanding (MOU) with the juvenile board for the county in which the District's central administrative office is located, concerning the juvenile probation department's role in supervising and providing other support services for students in DAEPs.

Education Code 37.010(c)

DISTRICT

The District is responsible for providing an immediate educational program to a student who engages

RESPONSIBILITY FOR EXPELLED STUDENT	in behavior for which expulsion is permitted but not required under Education Code 37.007, but who is not eligible for admission into the JJAEP in accordance with an MOU. [See FODA]
CONTRACTING FOR SERVICES	The District may provide the program or the District may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. *Education Code 37.011(l)*
RETURN TO CLASS	
EARLY / PERMISSIVE	On the recommendation of the placement review committee, or on its own initiative, the District may readmit an expelled student while the student is completing any court disposition requirements, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department.
REQUIRED	After an expelled student has completed any court disposition requirements successfully, the District may not refuse to admit the student. The District may place a student returning from expulsion in a DAEP. The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.010(f)*
EXPELLED FROM ANOTHER DISTRICT	If a student has been expelled from another school district, the expelling district shall provide to the District in which the student enrolls a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The District in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a DAEP for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.
OUT-OF-STATE EXPULSION	The District may take any of the above actions if the student was expelled by a district in another state if: 1. The out-of-state district provides a copy of the expulsion order; and 2. The grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling. *Education Code 37.010(g)* If the student was expelled for more than one year and the enrolling district continues the expulsion or places the student in a DAEP, the aggregate period of expulsion or placement may not exceed one year unless the District determines that: 1. The student is a threat to the safety of other students or to District employees; or 2. Extended placement is in the best interest of the student. *Education Code 37.010(g-1)* _____ ***Note:*** See FOF for provisions concerning expulsion of students with disabilities. _____

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UPDATE 72
FOD(LEGAL)-P

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MEETINGS WITH JUVENILE BOARD

The Board or designee shall regularly meet with either:

1. The juvenile board for the county in which the District's central administrative office is located; or

2. The juvenile board's designee.

The meeting shall be called by the President of the School Board and shall address supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs (DAEPs).

Matters for discussion shall include:

1. Service by probation officers at the DAEP site;

2. Recruitment of volunteers to serve as mentors and provide tutoring services; and

3. Coordination with other social service agencies.

Education Code 37.013

JUVENILE RESIDENTIAL FACILITIES

If a district provides education services to pre-adjudicated and post-adjudicated students who are confined by court order in a juvenile residential facility operated by a juvenile board, the district is entitled to count those students in the district's average daily attendance.

If a district has a wealth per student greater than the guaranteed wealth level but less than the equalized wealth level, the district in which the student is enrolled on the date a court orders the student to be confined to a juvenile residential facility shall transfer to the district providing education services an amount equal to the difference between:

1. The average Foundation School Program costs per student of the district providing education services; and

2. The sum of the state aid and the money from the available school fund received by the district that is attributable to the student for the portion of the school year for which the district provides education services to the student.

Education Code 37.0061

JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

For the purposes of the following provisions, only a DAEP operated under the authority of a juvenile board of a county is considered a juvenile justice alternative education program (JJAEP).

MANDATORY JJAEP

The juvenile board of a county with a population greater than 125,000 shall develop a JJAEP, subject to the approval of the Texas Juvenile Probation Commission.

VOLUNTARY JJAEP

The juvenile board of a county with a population of 125,000 or less may develop a JJAEP. Such a JJAEP is not required to be approved by the Texas Juvenile Probation Commission. Further, it is not subject to Education Code 37.011(c), (d), (f), (g), (k) or (m).

Education Code 37.011(a), (k), (m)

Note: The following provisions apply to all districts that operate JJAEPs, whether voluntary or mandatory.

PLACEMENT OF STUDENTS IN JJAEP -- EXPELLED STUDENTS

An expelled student shall, to the extent provided by law or by the memorandum of understanding (MOU), immediately attend the educational program from the date of expulsion. *Education Code 37.010(a)*

COURT-ORDERED PLACEMENT

If a student admitted under Education Code 25.001(b) is expelled for conduct for which expulsion is required under Education Code 37.007, the juvenile court, juvenile board, or juvenile board's designee, as appropriate, shall:

1. If the student is placed on probation under Family Code 54.04, order the student to attend the JJAEP in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

2. If the student is placed on deferred prosecution under Family Code 53.03 by the court, prosecutor, or probation department, require the student to immediately attend the JJAEP in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

3. In determining the condition of the deferred prosecution or court-ordered probation, consider the length of a district's expulsion order for the student; and

4. Provide timely educational services to the student in the JJAEP in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student. This provision does not require that educational services be provided to a student who is not entitled to admission under Education Code 25.001(b).

Education Code 37.011(b), (b-1)

A student transferred to a JJAEP must participate in the program for the full period ordered by the juvenile court, unless a district agrees to accept the student before the date ordered by the juvenile court. *Education Code 37.011(i)*

STUDENTS WHO MOVE

If a student who is ordered to attend a JJAEP moves from one county to another, the juvenile court may request the JJAEP in the county to which the student moves to provide educational services to the student in accordance with the local MOU between the district and the juvenile board in the receiving county. *Education Code 37.011(n)*

FUNDING FOR JJAEPS

MANDATORY EXPULSIONS

Except as determined by the Commissioner, a student served by a JJAEP on the basis of conduct for which expulsion is required under Education Code 37.007 is not eligible for Foundation School Program funding if the JJAEP receives funding from the Texas Juvenile Probation Commission. *Education Code 37.011(h)*

COURT-ASSIGNED STUDENTS

The District is not required to provide funding to a juvenile board for a student who is assigned by a court to a JJAEP but who has not been expelled. *Education Code 37.012*

FUNDING FOR DISCRETIONARY EXPULSIONS

Subject to Education Code 37.011(n) [see STUDENTS WHO MOVE, above], the district in which a student is enrolled on the date the student is expelled for conduct for which expulsion is permitted but not required under Education Code 37.007 shall, if the student is served by the JJAEP, provide funding to the juvenile board in an amount determined by the MOU under Education Code 37.011(k).

The amount of the funds transferred is determined by the portion of the school year for which the JJAEP provides educational services to a district.

Education Code 37.012(a)

ARBITRATION OF DISPUTES	If the District elects to contract with the juvenile board for the placement of students who are expelled for conduct for which expulsion is permitted but not required under Education Code 37.007, and the juvenile board and the District are unable to reach an agreement in the MOU, either party may request that the issues of dispute be referred to a binding arbitration process that uses a qualified alternative dispute resolution arbitrator. Each party shall pay its pro rata share of the arbitration costs and shall submit its final proposal to the arbitrator. If the parties cannot agree on an arbitrator, the juvenile board shall select an arbitrator, the District shall select an arbitrator, and those two arbitrators shall select an arbitrator who shall decide the issues in dispute.
DECISION OF ARBITRATOR	The arbitration decision is enforceable in a court in the county in which the JJAEP is located. Any decision by an arbitrator concerning the amount of the funding for a student who is expelled and attending a JJAEP must provide an amount sufficient based on operation of the JJAEP. In determining the amount to be paid by the District for an expelled student enrolled in a JJAEP, the arbitrator shall consider the relevant factors, including evidence of: 1. The actual average total per student expenditure in the District's DAEP; 2. The expected per student cost in the JJAEP as described and agreed on in the MOU and in compliance with Education Code Chapter 37; and 3. The costs necessary to achieve the accountability goals under Education Code Chapter 37. *Education Code 37.011(p)*
LOCATION AND STAFFING	A JJAEP may be provided in a facility owned by the District. The District may provide personnel and services for a JJAEP under a contract with the juvenile board. *Education Code 37.011(e)*
ACADEMIC MISSION OF JJAEP	Academically, the mission of the JJAEP shall be to enable students to perform at grade level. *Education Code 37.011(h)*
ACCOUNTABILITY	For purposes of accountability under Education Code Chapter 39, a student enrolled in a JJAEP is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. *Education Code 37.011(h)*

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UPDATE 72
FODA(LEGAL)-A

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Policy FOE (Legal)

Mineral Wells ISD
182903

IMMEDIATE PLACEMENT	The principal or the principal's designee is not prohibited from ordering the immediate placement of a student in a disciplinary alternative education program (DAEP) if the principal or designee reasonably believes that the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with students in class, with the ability of students to learn, or with the operation of school or a school-sponsored activity.
IMMEDIATE EXPULSION	A principal or designee may order the immediate expulsion of a student if the principal or designee reasonably believes that such action is necessary to protect persons or property from imminent harm.
PROCEDURE	At the time of an emergency placement or an emergency expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a DAEP or expulsion may be made on a nonemergency basis. Within a reasonable time, but not later than the tenth day after the placement or expulsion, the student shall be accorded the appropriate due process required for a removal or an expulsion. [See FOA, FOC, and FOD]
STUDENTS WITH DISABILITIES	If the student is a student with disabilities who receives special education services, the emergency placement is subject to federal law and regulations and must be consistent with the consequences that would apply under Education Code Chapter 37, Subchapter A, to a student without a disability. [See FOF]
IMMUNITY	A principal or designee is not liable in civil damages for an emergency placement. *Education Code 37.019*

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FOE(LEGAL)-P

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STUDENTS WITH DISABILITIES UNDER SECTION 504

A student with a disability under Section 504 shall not be removed from school for more than ten consecutive school days unless the District first determines that the misbehavior is not a manifestation of the student's disability. That determination may be made by the same group of people who make placement decisions. [See FB] The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group shall include persons knowledgeable about the student and the meaning of the evaluation data. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as similarly situated nondisabled students. [See Student Code of Conduct] If it is determined that the misconduct is caused by the student's disability, the District must determine whether the student's current educational placement is appropriate. *34 CFR 104.35; 17 IDELR 609; 16 IDELR 491*

The District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability under Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that disciplinary action would be taken against nondisabled students. Furthermore, the due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

CHANGE IN PLACEMENT

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

1. Functional behavioral assessments;
2. Positive behavioral interventions, strategies, and supports;
3. Behavioral intervention plans; and
4. The manifestation determination review.

A student with a disability who receives special education services may not be placed in an disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP under Education Code 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004*

A change in placement occurs if a child with a disability is:

1. Removed from the child's current educational placement for more than ten consecutive school

days; or

2. Subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

34 CFR 300.519

REMOVALS OF LESS THAN TEN DAYS

To the extent removal would apply to students without disabilities, school personnel may order the removal of a student with a disability from the child's current placement:

1. For not more than ten consecutive school days for any violation of school rules; and

2. Additional removals of not more than ten consecutive school days in the same school year for separate incidents of misconduct, so long as those removals do not constitute a change in placement (defined above).

34 CFR 300.520(a)

SERVICES

The District is not required to provide services to a student with a disability during periods of removal if the student has not been removed from his or her current placement for ten school days or less in that school year. *34 CFR 300.121(d)(1)*

MORE THAN TEN DAYS OF REMOVAL IN A SCHOOL YEAR

Either before or not later than ten business days after removing a child for more than ten consecutive school days or commencing a removal that constitutes a change in placement:

IF NOT DONE ALREADY, DEVELOP FBA AND BIP

1. If the District did not conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student before the behavior that resulted in the removal, the District shall convene an ARD committee meeting to develop an assessment plan. As soon as practicable after developing the plan and completing the assessments, the ARD committee shall meet to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

IF BIP ALREADY IN PLACE, REVIEW IT

2. If the child already has a behavioral intervention plan, the ARD committee shall meet to review the plan and its implementation, and modify the plan and its implementation, as necessary, to address the behavior.

SUBSEQUENT REMOVALS THAT ARE NOT A CHANGE IN PLACEMENT

3. If the student is subsequently removed and that removal is not a change in placement, the ARD committee does not have to meet to review the behavioral intervention plan unless one or more members of the committee believes that modifications are needed to the plan or the plan's implementation. If modification is deemed necessary, the committee shall meet to modify the plan and its implementation. *34 CFR 300.520(b), (c)*

CONTINUED SERVICES ON ELEVENTH DAY

After a child with a disability has been removed from his or her current placement for more than ten school days in the same school year, during any subsequent days of removal, the District shall provide the services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set in the student's IEP.

NO CHANGE IN PLACEMENT

If the removal does not constitute a change in placement, school personnel, in consultation with the student's special education teacher, determine the extent to which such services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

34 CFR 300.121(d), 300.520(a)

WEAPONS / DRUG OFFENSES

School personnel may order a change in the placement of a student with a disability to an appropriate interim alternative educational setting, which must be determined by the ARD committee, for the same

amount of time a student without a disability would be subject to discipline, but for not more than 45 calendar days if:

1. The student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the state or the District; or

2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the state or the District.

20 U.S.C. 1415(k); 34 CFR 300.520(a)(2), (b)

`WEAPON'

In this policy, "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but does not include a pocket knife with a blade of less than two and a half inches in length. *20 U.S.C. 1415(k)(10)(D); 18 U.S.C. 930(g)(2); 34 CFR 300.520(d)(3)*

`CONTROLLED SUBSTANCE'

"Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812[c]). "Illegal drug" means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any authority under that Act or any other provision of federal law. *20 U.S.C. 1415(k)(10)(A),(B); 34 CFR 300.520(d)(1), (2)*

REMOVAL BY A HEARING OFFICER

A hearing officer may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for not more than 45 calendar days, if the hearing officer, in an expedited due process hearing:

1. Determines that the District has demonstrated beyond a preponderance of the evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;

2. Considers the appropriateness of the student's current placement;

3. Considers whether the District has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

4. Determines that the interim alternative educational setting, which is proposed by school personnel who have consulted with the student's special education teacher, meets the criteria described below at CRITERIA FOR THE ALTERNATIVE SETTING.

20 U.S.C. 1415(k)(2); 34 CFR 300.521

CRITERIA FOR THE ALTERNATIVE SETTING

Any interim alternative education setting in which a student with a disability is placed as a result of conduct described above at WEAPONS/DRUG OFFENSES or that was ordered by a hearing officer shall be determined by the ARD committee. The setting shall be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP. The setting shall also include services and modifications designed to address the behavior that caused the student to be placed in the alternative setting so that the behavior does not recur. *20 U.S.C. 1415(k)(3); 34 CFR 300.522*

REMOVAL THAT IS A CHANGE IN PLACEMENT

If a disciplinary action involving (1) a 45-day removal for weapons or drugs or (2) a change in placement is contemplated for a student with a disability who has engaged in other behavior that violated any rule or code of conduct of the District that applies to all children, the District shall:

1. Not later than the date on which the decision to take the disciplinary action is made, notify the student's parents of the decision and of all procedural safeguards [see EHBAD];

2. Conduct a functional behavioral assessment and develop a behavioral intervention plan, or if it has already done so, review the existing behavior intervention plan, as described above; and

3. Immediately, if possible, but in no case later than ten school days after the date on which the decision to take that action is made, conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action.

MANIFESTATION DETERMINATION REVIEW

The review shall be conducted by the ARD committee and other qualified personnel. In carrying out the review, the ARD committee and other qualified personnel may determine that the student's behavior was not a manifestation of the student's disability only if the ARD committee and other qualified personnel:

1. First consider, in terms of the behavior subject to disciplinary action, all relevant information, including:

    a. Evaluation and diagnostic results, including such results or other relevant information supplied by the parents,

    b. Observations of the student, and

    c. The student's IEP and placement; and

2. Then determine that:

    a. In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate, and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;

    b. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to the disciplinary action; and

    c. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

20 U.S.C. 1415(k)(4); 34 CFR 300.520(b), 300.523(a)-(c)

JJAEP REPRESENTATIVE

Notwithstanding any other provision of Subchapter A, Chapter 37 of the Education Code, in a county with a juvenile justice alternative education program (JJAEP) established under Education Code 37.011, the expulsion of a student with a disability who receives special education services under Education Code 37.007(b), (c), or (f), or 37.007(d) as a result of conduct that contains the elements of any offense listed in Education Code 37.007(b)(3) against any employee or volunteer in retaliation for or as a result of the person's employment or association with the District, must occur in accordance with these provisions. The district from which the student was expelled shall, in accordance with applicable federal law, provide the administrator of the JJAEP or the administrator's designee with reasonable notice of the meeting of the student's ARD committee to discuss the student's expulsion. A representative of the JJAEP may participate in the meeting to the extent that the meeting relates to the student's placement in the program.

In a county with a JJAEP, a school district shall invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss a student's expulsion under Education Code 37.004(e). The reasonable notice of the ARD committee meeting must be provided consistent with 34 CFR 300.345 and 300.503 and 19 TAC 89.1015, and a copy of the student's current IEP must be provided to the JJAEP administrator or designee with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls.

Education Code 37.004(e), (f); 19 TAC 89.1052(b)

CONDUCT NOT RELATED TO DISABILITY

If the result of the manifestation determination (described above) is that the student's behavior was not a manifestation of the student's disability, the disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that the District shall still provide services, as described below. *20 U.S.C. 1415(k)(5); 34 CFR 300.121(d), 300.524*

CONTINUED SERVICES-CHANGE IN PLACEMENT

If the student is suspended, expelled, or removed from his or her current placement for more than ten school days, and the removal constitutes a change in placement, the student's ARD committee shall determine the services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. *20 U.S.C. 1412(a)(1), 1413(a)(1); 34 CFR 300.121(d)*

JJAEP

If, after placement of a student in a JJAEP, the administrator of the program or the administrator's designee has concerns that the student's educational or behavioral needs cannot be met in the program, the administrator or designee shall immediately provide written notice of those concerns to the district from which the student was expelled. The student's ARD committee shall meet to reconsider the placement of the student in the program. The District shall, in accordance with applicable federal law, provide the administrator or designee with reasonable notice of the meeting, and a representative of the program may participate in the meeting to the extent that the meeting relates to the student's continued placement in the program. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls. *Education Code 37.004(e), (f); 19 TAC 89.1052(c)*

Note: These provisions expire September 1, 2005.

TRANSFER OF RECORDS

If the District initiates disciplinary procedures applicable to all students, the District shall ensure that the student's special education and disciplinary records are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action. *20 U.S.C. 1415(k)(5)(B); 34 CFR 300.524(b)*

PARENTAL APPEAL

A parent may request a hearing if the parent disagrees with:

1. The determination that student's behavior was not a manifestation of the student's disability; or

2. Any decision regarding a disciplinary placement.

The District shall arrange for an expedited hearing in any such case.

20 U.S.C. 1615(k)(6); 34 CFR 300.525; 19 TAC 89.1151

PLACEMENT DURING APPEALS

When a parent requests a hearing or an appeal to challenge the manifestation determination or the interim alternative setting related to:

1. A student's placement in an interim alternative setting as a result of a removal for a weapon or drug offense; or

2. A student's placement in an interim alternative setting ordered by a hearing officer;

the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the time period for which the student is assigned to the alternative setting has expired, whichever occurs first, unless the parent and the District agree otherwise.

20 U.S.C. 1415(k)(7); 34 CFR 300.526

PROPOSED CHANGE AFTER INTERIM PLACEMENT

If a student is placed in an interim alternative educational setting for weapons or drugs [see above at WEAPONS/DRUG OFFENSES] or because the placement was ordered by a hearing officer [see above at REMOVAL BY A HEARING OFFICER], and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed placement, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), unless the District requests an expedited hearing. *20 U.S.C. 1415(k)(7)(B); 34 CFR 300.526(b)*

EXPEDITED HEARING

If school personnel maintain that it is dangerous for a student to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings, the District may request an expedited hearing. *20 U.S.C. 1415(k)(7)(C); 34 CFR*

300.526(c); 19 TAC 89.1191

REPORTING CRIMES

Federal law does not prohibit the District from reporting a crime committed by a student with a disability to appropriate authorities. If the District reports a crime committed by a student with a disability, the District shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities. The District may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(9); 34 CFR 300.529* [See FL]

STUDENTS NOT YET IDENTIFIED

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct of the District may assert any of the protections provided for in the Individuals with Disabilities Education Act (IDEA) if the District had knowledge that the student was a student with a disability before the behavior that precipitated that disciplinary action occurred.

The District will be deemed to have knowledge that a student is a student with a disability if:

1. The parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the student is in need of special education and related services;

2. The behavior or performance of the student demonstrates the need for such services;

3. The parent of the student has requested an evaluation of the student; or

4. The student's teacher, or other District personnel, has expressed concern about the behavior or performance of the student to the special education director or to other District personnel in accordance with the District's established child find or special education referral system.

In addition, the District would not be deemed to have knowledge if, as a result of receiving information specified in items 1-4, above, the District either:

1. Conducted an evaluation and determined that the student was not eligible for special education and related services; or

2. Determined that an evaluation was not necessary and provided the student's parents with results of its determination.

If the District has no knowledge (as described above), prior to taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures as are applied to students without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without education services.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services as required by federal law.

20 U.S.C. 1415(k)(8); 34 CFR 300.527

USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT

A student with a disability who receives special education services under Education Code Chapter 29, Subchapter A, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

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

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

1. Is designed solely to seclude a person; and

2. Contains less than 50 square feet of space.

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

1. That is not locked; and

2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

A District employee or volunteer or an independent contractor of the District may not place a student in seclusion.

Education Code 37.0021 and any rules or procedures adopted under Education Code 37.0021 do not apply to a peace officer, while performing law enforcement duties; juvenile probation, detention, or corrections personnel; or an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of the District.

The Commissioner by rule shall adopt procedures for the use of restraint and time-out by a District employee or volunteer or an independent contractor of the District in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29 of the Education Code. A procedure adopted under this subsection must:

1. Be consistent with:

    a. Professionally accepted practices and standards of student discipline and techniques for behavior management and

    b. Relevant health and safety standards; and

2. Identify any discipline management practice or behavior management technique that requires a District employee or volunteer or an independent contractor of the District to be trained before using that practice or technique.

In the case of a conflict between a rule adopted by the Commissioner under these provisions and a rule adopted under Subchapter A, Chapter 29 of the Education Code, the rule adopted under these provisions controls.

Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

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

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.

2. Restraint shall be discontinued at the point at which the emergency no longer exists.

3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.

4. Restraint shall not deprive the student of basic human necessities.

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or

2. Imminent, serious property destruction.

Training for school employees, volunteers, or independent contractors shall be provided according to the following requirements:

1. Not later than April 1, 2003, a core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint.

2. After April 1, 2003, personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint.

3. Training on the use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.

4. All trained personnel shall receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint.

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements:

1. On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

2. On the day restraint is utilized, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint.

3. Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.

4. Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of the behavioral intervention plan (BIP).

5. Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:

    a. Name of the student;

    b. Name of the staff member(s) administering the restraint;

    c. The date of the restraint and the time the restraint began and ended;

    d. Location of the restraint;

    e. Nature of the restraint;

    f. A description of the activity in which the student was engaged immediately preceding the use of restraint;

    g. The behavior that prompted the restraint;

    h. The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and

i. Information documenting parent contact and notification.

For purposes of 19 TAC 89.1053(c), (d), (e), restraint does not include the use of:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;

2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into a street), teach a skill, or provide comfort;

3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors; or

4. Seat belts and other safety equipment used to secure students during transportation.

PROHIBITED ACTS

An officer or employee of the District who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the District;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 116.001

RIGHT TO PRESERVE USE

The District, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993)*

FORUM FOR COMMUNICATION

The District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983); Chiu v. Plano Indep. Sch. Dist., 260 F.3d 330 (5th Cir. 2001)*

The District is not required to allow persons to engage in every type of speech when the District establishes a limited public forum; the District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch, 533 U.S. 98, 121 S. Ct. 2093 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993)*

FEES FOR USE

The Board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of the District's facilities, in the amounts and manner determined by the Board. *Education Code 45.033*

PATRIOTIC SOCIETIES

If the District has a designated open forum or a limited public forum and receives funds made available through the U.S. Department of Education, the District shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

YOUTH GROUP

"Youth group" means any group or organization intended to serve young people under the age of 21.

LIMITED PUBLIC FORUM

For purposes of this policy regarding PATRIOTIC SOCIETIES, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SPONSORSHIP

Nothing in this policy shall be construed to require the District to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

FACILITIES AS POLLING PLACES	The District shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the District shall determine which authority may use the building. *Election Code 43.031(c)* No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*
POLITICAL PARTY CONVENTIONS	The District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The District shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

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UPDATE 74
GKD(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

PUBLIC USE

The Board is eager for the people of the District to use the buildings, grounds, and equipment for educational or recreational purposes. To extend this privilege, the Board has established guidelines and a fee schedule for use by individuals or organizations not directly connected with the school program. Fees are structured to cover expenses involved in providing utilities and custodial service and to ensure that users are responsible for care of the facilities.

APPROVAL OF USE

Organizations that wish to use the auditorium, gymnasium or cafeteria shall complete a written request and submit it to the Superintendent or designee.

Approval shall not be granted for any purpose that would damage school property or to groups that are known to have damaged other rented property.

[See CNB regarding nonschool use of District vehicles and FNAB regarding student group use of school facilities]

USAGE FEES

Users shall be charged a fee to pay for operation, supervision or clean-up costs at designated facilities. The principal shall collect all fees and remit them to the central office. The Superintendent shall publish a schedule of fees for the use of such facilities. School organizations or school support organizations shall be exempted from usage fees.

FREE USE

Organizations or groups that exist for the purpose of promoting the school program and/or the community and those that are an extension of the school educational program shall be permitted to use school facilities at no charge. Approval shall be obtained through the Superintendent.

AUDITORIUM

School or school-related activities may be held in the auditorium at no charge; all other approved groups shall be charged the current rate established by the Board.

OUTDOOR FACILITIES

Outdoor facilities such as the tennis courts, the track, and school playgrounds may be used by the public without formal permission when these facilities are not being used for school activities.

CAFETERIA

If the cafeteria kitchen is used, a regular cafeteria worker must be on duty. School or school-related groups may use the cafeteria at no charge for use of kitchen or dining room; however, a fee for the cafeteria worker at the regular hourly wage or, if applicable, the overtime rate, normally earned shall be charged by the District. All other groups shall be charged for use of the dining area as well as a separate charge for use of the kitchen.

Prices for meals served by the cafeteria staff shall be set by the cafeteria director.

PRIORITIES

Priorities for scheduling the use of school facilities shall be as follows:

1. The regularly scheduled educational program, including instructional activities; meetings, practices, and performances of school-sponsored groups; and staff meetings related to official school business.
2. Meetings and other activities of school support groups organized for the sole purpose of supporting the schools or school-sponsored activities [see GE].
3. Meetings and other activities of groups made up primarily of school-aged children.
4. Meetings of employee organizations [see DGA].
5. Meetings and activities of other groups on a first-come, first-served basis.

EMERGENCIES OR DISASTERS

The Superintendent may authorize the use of school facilities by civil defense officials in the case of emergencies or disasters.

REQUIRED CONDUCT

Organizations using school facilities shall:

1. Conduct their business in an orderly manner.
2. Abide by all laws and policies, including but not limited to those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms and the use of tobacco products on school property.

3. Make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent.

RELEASE OF LIABILITY Organizations or individuals using school facilities shall release the District from liability for personal injury and/or damages to personal property. All groups using school facilities shall be responsible for the cost of damages incurred during their use.

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UPDATE 68
GKD(LOCAL)-X

Appendix B - Forms

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Calendar Entry Request

CALENDAR ENTRY REQUEST

Today's Date _____ Submitted by: _____

Event/Field Trip: _____

Date of Event/Field Trip: _____

Group participating: _____

Sponsor(s): _____

Approved by: _____ Date: _____

Principal/Asst. Principal

CALENDAR ENTRY REQUEST

Today's Date _____ Submitted by: _____

Event/Field Trip: _____

Date of Event/Field Trip: _____

Group participating: _____

Sponsor(s): _____

Approved by: _____ Date: _____

Principal/Asst. Principal

CALENDAR ENTRY REQUEST

Today's Date _____ Submitted by: _____

Event/Field Trip: _____

Date of Event/Field Trip: _____

Group participating: _____

Sponsor(s): _____

Approved by: _____ Date: _____

Principal/Asst. Principal

Audiovisual Pre-Approval

Mineral Wells ISD
AUDIOVISUAL PRE-APPROVAL

Title: _____

Showing Date: _____

TEKS: _____

_____

Instructional Objectives: _____

_____

Related Activities: _____

_____

Requesting Teacher's Signature: _____

Administrative Approval: _____ Approval Date: _____

*Videocassettes or DVD's must meet MWISD Board policy and be used for educational purposes only.

Mineral Wells ISD
AUDIOVISUAL PRE-APPROVAL

Title: _____

Showing Date: _____

TEKS: _____

_____

Instructional Objectives: _____

_____

Related Activities: _____

_____

Requesting Teacher's Signature: _____

Administrative Approval: _____ Approval Date: _____

*Videocassettes or DVD's must meet MWISD Board policy and be used for educational purposes only.

MINERAL WELLS ISD
DIRECT DEPOSIT ENROLLMENT FORM

Employee Name (please print):_____

Any checks due to you will be electronically direct deposited into the bank account that you designate on this form. When signing up for this method of receiving money, please ensure you notify us immediately of any change in your designated bank account. Provide the following information for the bank account to which you would like your pay deposited and attach a voided blank check in the space provided below.

Name of Bank _____ Phone # _____

Bank Address _____

Account Number _____ Routing Number_____
(Found at the bottom of your checks)

I have signatory authorization on the above account and hereby authorize Mineral Wells ISD to initiate electronic entries to credit my account as I indicate above. I acknowledge responsibility for providing complete and accurate information on the authorization which is to remain in effect until I provide written notice of cancellation. MWISD reserves the right to reverse an incorrect posting; however, I fully understand that MWISD must notify me on or before the settlement date and explain the reason for the reversal. I further understand that if changes occur in my account, i.e., switching deposit from checking to savings; closing account, changing banks, etc… it is my responsibility to contact the MWISD Payroll department immediately.

_____ _____
(Signature) **(Effective Date)**

_____ _____
(Date) **(End Date)**

So that we may verify routing and account numbers

Please Place your Voided Check in This Space

Lost Book Notification

Note: This is an example of a form to be sent when textbooks are lost or damaged. Campuses may use this form attached to their own letterhead or create their own similar letter. The form is also available from the MWISD website.

Mineral Wells Independent School District
906 SW 5th Avenue
Mineral Wells, TX 76067

Campus_____

Date_____

Parent Name_____
Address_____
City State Zip _____

Dear _____:

I am writing on behalf of the Mineral Wells Independent School District to notify you that your child,_____, has lost or incurred damage to the following textbooks issued by _____School.

Name of Textbook(s)	Fine	Replacement Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

It is necessary that this situation be rectified as soon as possible by: 1) paying in full the total amount assessed for the damaged or lost textbooks (s), so noted above, 2) returning the actual lost textbook(s) to the campus, 3) calling the school administrator to arrange for partial payment within ten days of the date of this letter, or 4) contacting the school office with a concern.

In the event that the assessed amount is not received of the actual lost textbook is not returned within ten days, then your child's right to free textbooks from the district will be forfeited. This means your child will only be allowed to use textbooks at school during each school day, and not allowed to take home any school issued textbooks. If you have any questions, please contact me.

Sincerely,

_____
Campus Principal

_____
Contact Number

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT

EMPLOYEE COMPLAINT FORM: LEVEL ONE

Any employee filing a complaint must fill out this form completely and turn it in to the employee's principal or immediate supervisor. All complaints will be processed in accordance with DGBA and DGBA(LOCAL) or any exceptions outlined therein.

1. Employee Name: _____
2. Position and Campus:_____
3. Please state date of the event or series of events causing the complaint.

   _____

   _____
4. Please state your complaint including the individual harm alleged and the remedy sought.

   _____

   _____

   _____

   _____

   _____
5. Please state specific facts of which you are aware to support your complaint (list in detail).

   _____

   _____

   _____

   _____

   _____

_____ _____

Signature Date Submitted

EMPLOYEE TRAVEL REQUEST/EXPENSE VOUCHER
MINERAL WELLS INDEPENDENT SCHOOL DISTRICT

PO# _____

Employee_____**Title**_____ **Date:**_____

School: _____ **Destination** _____

Departure date: _____ **Time of Day:** _____ **Return Date:** _____**Time of Day:**_____

Room will be shared with: _____

Purpose of trip: _____

Payable To:	Account # To Be Charged	Amount
Hotel		$
Registration		$
Payable To:		$
Payable To:		$
Payable To:		$

Expense	Advance	Actual	Total
Total Mileage_____X .345/mile	$	$	$
Airfare	$	$	$
Hotel	$	$	$
Meals-Per Diem	$	$	$
Registration Fee	$	$	$
Other	$	$	$
	$	$	$
	$	$	$
	$	$	$
Total	$	$	$
Amount owed District	$	$	$
Amount owed Employee	$	$	$
Total	$	$	$

***I understand that Receipts for advances (other than meals) must be returned to the Business Office within 10 days from return date.**

_____ _____
Signature of Employee Date

_____ _____
Signature of Supervisor Date

1. Texas Mileage chart must be used to receive advance mileage. www.window.state.tx.us
2. Advance for Hotels, Registration and Airfare cannot be made to the employee, check can only be made to the vendor. Please state above if the room is being shared.
3. A full day of meals is not paid unless the employee is gone from 7AM until 7PM. The distribution shall be as follows:
   - Breakfast $ 5.00
   - Lunch $10.00
   - Dinner $15.00
4. Advances can only be made if this form is received in the Business Office ten (10) days prior to the departure date

_____
BUSINESS MANAGER

Date Received by Business Office:

EFFECTIVE 7/12/02

TEXAS SALES AND USE TAX EXEMPTION CERTIFICATION

Name of purchaser, firm or agency	
Address *(Street & number, P.O. Box or Route number)*	Phone *(Area code and number)*
City, State, ZIP code	

I, the purchaser named above, claim an exemption from payment of sales and use taxes (for the purchase of taxable items described below or on the attached order or invoice) from:

Seller: _____

Street address: _____ City, State, ZIP code: _____

Description of items to be purchased or on the attached order or invoice:

Purchaser claims this exemption for the following reason:

I understand that I will be liable for payment of sales or use taxes which may become due for failure to comply with the provisions of the Tax Code: Limited Sales, Excise, and Use Tax Act; Municipal Sales and Use Tax Act; Sales and Use Taxes for Special Purpose Taxing Authorities; County Sales and Use Tax Act; County Health Services Sales and Use Tax; The Texas Health and Safety Code; Special Provisions Relating to Hospital Districts, Emergency Services Districts, and Emergency Services Districts in counties with a population of 125,000 or less.

I understand that it is a criminal offense to give an exemption certificate to the seller for taxable items that I know, at the time of purchase, will be used in a manner other than that expressed in this certificate and, depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

Purchaser	Title	Date
sign here ▶		

NOTE: This certificate cannot be issued for the purchase, lease, or rental of a motor vehicle.

THIS CERTIFICATE DOES NOT REQUIRE A NUMBER TO BE VALID.

Sales and Use Tax "Exemption Numbers" or "Tax Exempt" Numbers do not exist.

This certificate should be furnished to the supplier. Do **not** send the completed certificate to the Comptroller of Public Accounts.

Comptroller of Public Accounts FORM 12-302 (Rev.1-04/15)

TEXAS HOTEL OCCUPANCY TAX EXEMPTION CERTIFICATE

CAROLE KEETON STRAYHORN • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

NOTE: This certificate is for business only, not to be used for private purposes, under penalty of law. The hotel operator may request a government ID, business card or other identification to verify exemption claimed. *Certificate should be furnished to the hotel or motel. DO NOT send the completed certificate to the Comptroller of Public Accounts. The certificate does not require a number to be valid. Refer to Hotel Rule 3.161 for exemptions.*

Check exemption claimed:

☐ **United States government or Texas government official exempt from state, city, and county taxes**. Includes US government agencies and its employees traveling on official business, Texas state officials or employees who present a Hotel Tax Exemption Photo Identification Card, and diplomatic personnel of a foreign government who present a Tax Exemption Card issued by the US Department of State.

☐ **Religious, charitable, or educational organization or employee exempt from state tax only**. Educational organizations include school districts, private or public elementary and secondary schools, and Texas institutions of higher education as defined in Section 61.003, Texas Education Code. Beginning October 1, 2003, non-Texas institutions of higher education (public and private universities, junior colleges, community colleges) must pay the state hotel occupancy tax. Religious and charitable organizations must hold a letter of exemption issued by the Comptroller of Public Accounts to claim the exemption.

☐ **Other. Organization exempt by law other than Chapter 156, Tax Code.** Specify reason for exempt status below. **Supporting Documentation Required.**

Name of exempt organization	Organization exempt status *(Religious, charitable, educational, governmental)*
Address of exempt organization *(Street and number, city, state, ZIP code)*	

GUEST CERTIFICATION: I declare that I am an occupant of this hotel/motel on official business sanctioned by the exempt organization named above and that all information shown on this document is true and correct.

Guest name *(Please print)*

sign here ▶	Date

FOR HOTEL/MOTEL USE ONLY *(OPTIONAL)*

Name of hotel/motel				
Address of hotel/motel (Street and number, city, state, ZIP code)				
Room rate	Local tax	Exempt state tax	Amount paid by guest	Method of payment

You have certain rights *under Ch. 559, Government Code, to review, request, and correct information we have on file about you. To review or correct your state tax-related information, contact the Texas State Comptroller's office.*

Hotels may require verification before accepting a hotel occupancy tax exemption certificate. An organization may qualify for hotel occupancy tax exemption even when it does not have a Comptroller's letter of hotel tax exemption or cannot be found on the Comptroller's list of exempt organizations. Some examples include churches, public schools, and community colleges.

You may need to pay the tax until verification of hotel tax exemption can be obtained from the Comptroller's office. You can apply to the hotel for a refund or credit.

To receive verification or to apply for exemption, please contact a hotel tax specialist toll free at 1-800-252-1385 or in Austin at 512/463-4600. From a Telecommunications Device for the Deaf (TDD), call 1-800-248-4099 or in Austin 512/463-4621.

You may also visit us online at http://www.window.state.tx.us/taxinfo/exempt/. Receive tax help via e-mail at exempt.orgs@cpa.state.tx.us.

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT
FIELD TRIP REQUEST

Name of Teacher: _____ Date: _____

Group: _____ School: _____

Date of Proposed Trip: _____ Destination of Proposed Trip: _____

Type of Activity: _____

Learning experiences/ or reason for this trip (reward, etc.):_____

_____

Number of students to make trip: _____

Departure time: _____ Return time: _____

Will students miss any classes other than the sponsoring teacher's? _____YES _____NO

I certify that the students are aware of the departure and return times for this trip; that this trip **has been placed on the school calendar** and does not significantly conflict with any activity already on the calendar. I also certify that adequate adult supervision will be available and that parent permission slips are on file.

_____
Signature of Teacher

For school office use only:

Trip approved _____ Trip disapproved _____

_____
Principal or Assistant Principal

Mineral Wells Independent School District

Fund Raising / Sales Activity Application

Campus_____ Date_____

Club Name_____ Sponsor_____

Beginning day of sale or activity_____ Ending Date_____

Describe the purpose of the sale or activity _____

_____

Vendor_____ Representative_____
(Company Name)

Have all outstanding debts from previous activities been collected?

_____ Yes _____ No Amount Outstanding* $_____
* To be completed by Campus Secretary or bookkeeper

Estimate the following:

Approximate cost per item $_____

Estimated Profit $_____

Percentage Profit $_____

I certify that I will exercise strict control over all products in my possession and will remit all collections on a daily basis to the secretary/bookkeeper. I will notify the Accounting office promptly of all outstanding debts so that appropriate action may be taken. I realize that any losses due to my failure to follow established rules and procedures may become my personal responsibility.

Submitted By_____ Date_____

Approved By_____ Date _____

Texas Mileage Guide

http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp

Window on State Government

Texas Mileage Guide

From:	mineral w ells	TX
To:	fort w orth	TX
To:	mineral w ells	TX
To:		TX
To:		TX
To:		TX
To:		TX
To:		TX
To:		TX

Rate: .345 TYPE IN RATE OF .345

Calculate Reset

Using the Mileage Guide

In Texas, several different cities may have the same name. Any one of these cities can be identified by specifying the county in which it is located.

You can either

enter the first three letters of the city name

or

enter both the city and county name.

Example

This edition of the guide contains five different cities named Lakeside located in Archer, Colorado, Galveston, San Patricio and Tarrant counties.

First method
Enter "Lakeside" (or at least the first three letters of the name) and your other destinations, then click "Calculate". A new page will offer a list of cities. Select the one you want and click "Continue". The result page will display mileage and reimbursement.

Second method
Enter "Lakeside-Colorado" and your other destinations, then click "Calculate". The result page will display mileage and reimbursement.

Texas Mileage Guide

Texas Mileage Guide

From	To	Mileage
MINERAL WELLS, TX	FORT WORTH, TX	47.6
FORT WORTH, TX	MINERAL WELLS, TX	47.6

Total Mileage	95.2
Rate	.345
Reimbursement	**$32.84**

Carole Keeton Strayhorn
Texas Comptroller of Public Accounts

Mineral Wells ISD Department Head Contract

2005-2006 Mineral Wells Department Head Contract

For the up-coming year, the department head will be given a stipend for conducting the work of the department.

Expectations for Department Head

1. Develop department budget and secure the necessary materials, supplies, and equipment.
2. Direct the department implementation and evaluation of the District's Targets and Assurances.
3. Utilize assessment data for educational planning for the department, classes, and individuals.
4. Plan opportunities for students to review and reinforce TAKS objectives.
5. Facilitate cooperative planning between departments to meet the needs of all students.
6. Establish goals for the department and plan to accomplish these goals.
7. Demonstrate a cooperative attitude by encouraging active participation of all department members in an effort to improve the department.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $250

In addition, **you will be expected to participate** in the following and will be paid accordingly:

$ 50 for conducting department meetings each six weeks with a focus of curriculum and instruction. Minutes from the meetings should be given to the principal and the assistant superintendent for instructional services (6 meetings x $50 = $300)

$ 50 for planning and implementing the benchmark assessments and compiling reports for the assessments to share with the department. The reports should be shared with the principal and the assistant superintendent for instructional services. (2 benchmarks x $50= $100)

$ 200 for revising, writing, and refining the Targets and Assurances for the department. The revised Targets and Assurances will be given to the assistant superintendent for instructional services by May 12.

$100 for developing department goals and activities to accomplish these goals. The goals and activities should be shared with the principal, assistant superintendent, and curriculum director by September 23.

$ 50 for evaluating the department goals at the end of the year. The evaluation should be given to the principal and assistant superintendent for instructional services by May 12.

Total possible stipend $1000

I agree to be Department Head for the _____ Department for the 2005-2006 school year. My evaluation as department head will be based upon the completion of this contract.

Signature _____

Principal's Signature _____

2005-2006 Mineral Wells Grade Level Chairperson Contract

For the up-coming year, the grade level chairperson will be given a stipend for conducting the work of the grade level.

Expectations for Grade Level Chairperson

1. Direct the grade level implementation and evaluation of the District's Targets and Assurances.
2. Utilize assessment data for educational planning for the grade level, classes, and individuals.
3. Plan opportunities for students to review and reinforce TAKS objectives.
4. Demonstrate a cooperative attitude by encouraging active participation of all grade level members in an effort to improve student achievement.
5. Assume responsibility for grade level planning, procedures, and grade level activities.

Upon completion of the **required expectations**, you will be paid the following.

- **Stipend** **$150**

In addition, **you will be expected to participate** in the following and will be paid accordingly:

$ 25 for conducting department meetings each six weeks with a focus of curriculum and instruction. Minutes from the meetings should be given to the principal and the assistant superintendent for instructional services (6 meetings x $25 = $150)

$ 200 for revising, writing, and refining the Targets and Assurances for the grade level. The revised Targets and Assurances will be given to the assistant superintendent for instructional services by May 12.

Total possible stipend **$ 500**

I agree to be Grade Level Chairperson for _____ grade for the 2005-2006 school year. My evaluation as grade level chairperson will be based upon the completion of this contract.

Signature _____

Principal's Signature _____

Mineral Wells ISD District UIL Coordinator Contract

2005-2006 Mineral Wells ISD District UIL Coordinator Contract

For the up-coming year, the District UIL Coordinator will be given a stipend for various activities involving the organization and implementation of the UIL Academic Contests.

Expectations for District Chairperson

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Assist the campus coordinators at Mineral Wells High School, Junior High and Travis Elementary in organizing for the year-long UIL activities.
3. Assist in obtaining materials, information, and mailings regarding UIL academics for each campus.
4. Assure that UIL *Constitution & Contest Rules* are available in sufficient quantity.
5. Assure that all Campus Coordinators have access to the rules for their contests.
6. Assume responsibility for recruiting outstanding teachers to coach events.
7. Oversee the district budget and implementation schedule. Place scheduled events on master calendar.
8. Attend the district planning meeting and provide input on the schedule to follow conflict patterns. Disseminate information from the meeting to all sponsors.
9. Prepare academic team rules, regulations and procedures. This might include everything from where to meet on the day of a trip to making sure copies of the Spring Meet Handbook are available for review.
10. Make arrangements for coaches to attend a UIL Student Activities or other appropriate conference.
11. Assist campus coordinators in finding tournaments or practice meets for students to attend.
12. Help seniors who have participated in state UIL to apply for scholarships.
13. Consider creating a booster club for students competing in UIL.
14. Demand local media coverage for academic activities.
15. Gather and submit required documentation from each campus.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $1200

In addition, **you will be expected to participate** in and **document** the following and will be paid accordingly:

$75 for holding recruiting/informational meetings at each campus to encourage greater UIL participation $25 per campus; documentation of student and parent contacts required.)

$ 75 for each practice meet scheduled and attended (up to three events outside of district and beyond; documentation may be kept in log format noting location, date, # of students, and sponsors of events.)

Total possible stipend $ 1500

I agree to be District UIL Coordinator for the 2005-2006 school year.

Signature _____

Principal's Signature _____

(all documentation should be turned in to the Curriculum Director by May 1)

2005-2006 Mineral Wells ISD Campus UIL Coordinator Contract

For the up-coming year, the Campus UIL Coordinator will be given a stipend for various activities involving the organization and implementation of the UIL Academic Contests.

Expectations for High School Campus Chairperson

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Organize the year-long UIL activities with the help of the district chairperson.
3. Assist in obtaining materials, information, and mailings regarding UIL academics.
4. Assure that UIL *Constitution & Contest Rules* are available in sufficient quantity.
5. Assure that all sponsors have access to the rules for their contests.
6. Assume responsibility for recruiting outstanding teachers to coach events.
7. Help with budget implementation for UIL events. Submit events to be scheduled to the District Coordinator for the master calendar.
8. Use the Academic Order Form to order study packets.
9. Attend the district planning meeting and/or secure the minutes of the meeting and disseminate information from the meeting to all sponsors.
10. Prepare academic team rules, regulations and procedures. This might include everything from where to meet on the day of a trip to making sure copies of the Spring Meet Handbook are available for review.
11. Find and arrange tournaments or practice meets for students to attend.
12. Remind coaches of eligibility requirements.
13. Demand local media coverage for academic activities.
14. Assist coaches in documentation.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $800

In addition, **you will be expected to participate** in and **document** the following and will be paid accordingly:

$ 25 for assisting the district coordinator in holding recruiting/informational meetings at your campus to encourage greater UIL participation (documentation of attendance required)

$ 75 for each practice meet scheduled and attended (up to two events outside of district and beyond; documentation may be kept in log format noting location, date, # of students, and sponsors of events)

$ 25 for coordinating campus documentation of contracts fulfilled & submitting to District Chair

Total possible stipend $ 1000

I agree to be High School Campus UIL Coordinator for the 2005-2006 school year.

Signature _____

Principal's Signature _____

(all documentation should be turned in to the District Chair by April1)

2005-2006 Mineral Wells ISD Campus UIL Coordinator Contract

For the up-coming year, the Campus UIL Coordinator will be given a stipend for various activities involving the organization and implementation of the UIL Academic Contests.

Expectations for Junior High and Travis Campus Chairperson

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Organize the year-long UIL activities with the help of the district chairperson.
3. Assist in obtaining materials, information, and mailings regarding UIL academics.
4. Assure that UIL *Constitution & Contest Rules* are available in sufficient quantity.
5. Assure that all sponsors have access to the rules for their contests.
6. Assume responsibility for recruiting outstanding teachers to coach events.
7. Help with budget implementation for UIL events. Submit events to be scheduled to the District Coordinator for the master calendar.
8. Use the Academic Order Form to order study packets.
9. Attend the district planning meeting and/or secure the minutes of the meeting and disseminate information from the meeting to all sponsors.
10. Prepare academic team rules, regulations and procedures. This might include everything from where to meet on the day of a trip to making sure copies of the Spring Meet Handbook are available for review.
11. Find and arrange tournaments or practice meets for students to attend.
12. Remind coaches of eligibility requirements.
13. Demand local media coverage for academic activities.
14. Assist coaches in documentation.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $375

In addition, **you will be expected to participate** in and **document** the following and will be paid accordingly:

$ 25 for assisting the district coordinator in holding recruiting/informational meetings at your campus to encourage greater UIL participation (documentation of attendance required)

$ 75 for each practice meet scheduled and attended (up to two events outside of district and beyond; documentation may be kept in log format noting location, date, # of students, and sponsors of events)

$ 25 for coordinating campus documentation of contracts fulfilled & submitting to District Chair

Total possible stipend $ 500

I agree to be Campus UIL Coordinator at _____ School for the 2005-2006 school year.

Signature _____

Principal's Signature _____
(all documentation should be turned in to the Curriculum Director by April 1)

Mineral Wells ISD Academic UIL Contract – High School Coaches

2005-2006 Mineral Wells ISD Academic UIL Contract

For the up-coming year, UIL coaches will be given a stipend for coaching various academic contests.

Expectations for High School Coaches*

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Familiarize yourself with the rules governing the contest you sponsor through careful reading of the *C&CR* and by accessing the UIL website.
3. Actively recruit students to be a part of your contest.
4. Plan opportunities for students to review contest rules and activities.
5. Accompany students on all UIL related events.
6. Attend the District Academic Meet entering a full team of contestants.
7. Practice with your students outside the school day.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $250

In addition, **you will be expected to participate** in the following and will be paid accordingly:

$ 50 for attending:

the Super Conference held at the University of North Texas in the fall
or
the summer Capital Conference for speech/debate coaches
and
two Saturday practice tournaments with your students

$ 20 for each one hour session of documented time spent with UIL contestants outside the regular workday (practice sessions must be documented with student sign-in and time spent; practice times for events may not run concurrently; payment for each event coached is not to exceed $200)

Total possible stipend $500

I agree to be Coach/Sponsor of the _____ UIL contest for the 2005-2006 school year. My evaluation as coach/sponsor will be based upon the completion of this contract.

Signature _____

Principal's Signature _____
(all documentation should be turned in to the UIL Campus Chairperson by April 15)

*Debate Coach and OAP Director Contracts are considered separately.

2005-2006 Mineral Wells ISD Academic UIL Contract

For the up-coming year, UIL coaches will be given a stipend for coaching various academic contests.

Expectations for Junior High School Coaches

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Familiarize yourself with the rules governing the contest you sponsor through careful reading of the *C&CR* and by accessing the UIL website.
3. Actively recruit students to be a part of your contest.
4. Plan opportunities for students to review contest rules and activities.
5. Accompany students on all UIL related events.
6. Attend the District Academic Meet entering a full team of contestants.
7. Practice with your students outside the school day.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $250

In addition, **you will be expected to participate** in the following and will be paid accordingly:

$ 50 for attending:

two Saturday practice tournaments with your students, subject to availability

$ 20 for each one hour session of documented time spent with UIL contestants outside the regular workday (practice sessions must be documented with student sign-in and time spent; practice times for events may not run concurrently; payment for each event coached is not to exceed $200)

Total possible stipend $500

I agree to be Coach/Sponsor of the _____ UIL contest for the 2005-2006 school year. My evaluation as coach/sponsor will be based upon the completion of this contract.

Signature _____

Principal's Signature _____
(all documentation should be turned in to the UIL Campus Chairperson by April 15)

2005-2006 Mineral Wells ISD Academic UIL Contract

For the up-coming year, UIL coaches will be given a stipend for coaching various academic contests.

Expectations for Travis Coaches

1. Attend the UIL Director's, Sponsors, and Coaches Orientation conducted by the principal and scheduled at the year's beginning.
2. Familiarize yourself with the rules governing the contest you sponsor through careful reading of the *C&CR* and by accessing the UIL website.
3. Actively recruit students to be a part of your contest.
4. Plan opportunities for students to review contest rules and activities.
5. Accompany students on all UIL related events.
6. Attend the District Academic Meet entering a full team of contestants.
7. Practice with your students outside the school day.
8. Coach your chosen event at all three grade levels.

Upon completion of the **required expectations**, you will be paid the following.

- Stipend $200

In addition, **you will be expected to participate in and document** the following and will be paid accordingly:

$ 20 for each one hour session of documented time spent with UIL contestants outside the regular workday (practice sessions must be documented with student sign-in and time spent; practice times for events may not run concurrently; payment for each event coached is not to exceed $200)

Total possible stipend $400

I agree to be Coach/Sponsor of the _____ UIL contest for the 2005-2006 school year. My evaluation as coach/sponsor will be based upon the completion of this contract.

Signature _____

Principal's Signature _____
(all documentation should be turned in to the UIL Campus Chairperson by April 15)

Appendix C - Miscellaneous

Appendix C – Table of Contents

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A Teacher's Guide to Student Discipline

This general overview of discipline is designed to inform teachers of issues that arise in disciplinary situations. This is a supplementary document that complements the District's Student Code of Conduct. When in doubt, consult with appropriate administrators regarding disciplinary decisions.

Student Code of Conduct

What is a Student Code of Conduct? Does the district need one?

Chapter 37 of the Texas Education Code requires all districts to have a Student Code of Conduct (SCOC), which includes the following:

- Standards for student conduct;
- Circumstances under which a student may be removed from a classroom, campus, or Disciplinary Alternative Education Program (DAEP);
- Conditions that authorize or require a principal or other appropriate administrator to place a student in a DAEP; and
- Conditions under which a student may be suspended or expelled from school.

The scope of the SCOC should be limited to establishing the behaviors that are acceptable and unacceptable to the district and the resulting consequences for unacceptable behavior.

Where can I get a copy of our Student Code of Conduct?

Teachers may request a copy from the principal or assistant principal. The district will post and prominently display the SCOC at each campus or make it available for review in the principal's office and on the MWISD website.

Does the Student Code of Conduct change from year to year?

There are several ways that the SCOC could change. First, the Texas Legislature meets every other year and may enact legislation that requires changes in the SCOC. TASB revises the Model Student Code of Conduct as needed after a legislative session and district administrators incorporate those changes into the local SCOC. TASB also incorporates other changes that are required by law, including relevant federal legislation, federal and state regulations, and federal and state court decisions. Finally, district administrators, with the approval of the Board of Trustees, might make changes that affect the local SCOC at any time. Generally, however, changes are made in order to start the school year with a new Student Code of Conduct.

How does the district go about revising the Student Code of Conduct?

Revisions to the district's SCOC are usually initiated by the administrators with input from the district-level planning and decision-making committee. The SCOC must be adopted by the Board and has the same weight as any policy in the district's Local Policy Manual. All changes to the SCOC must be presented to the Board for adoption.

What happened to the discipline management plan some districts had?

The legislature amended the Education Code in 1995 mandating a shift from the discipline management plan to a discipline management program anchored by the Student Code of Conduct. The district-level planning and decision-making committee is now tasked to include a discipline management program in the district improvement plan and the Board is required to adopt an SCOC.

Is it a good idea to categorize disciplinary offenses and punishments by "levels"?

The use of "levels" is no longer workable for an SCOC due to the structure and complexity of the Education Code's provisions related to discipline. Now, particular disciplinary measures, including expulsion or placement in a DAEP, are prescribed for a series of specific offenses. As a result, TASB Legal Services recommends that districts eliminate the use of, or reference to, levels in their SCOC. The TASB Model Student Code of Conduct does not categorize disciplinary actions by levels of offenses.

Classroom Discipline

Besides the Student Code of Conduct, what else is relevant in disciplinary situations?

There may be campus and classroom rules in addition to expectations and requirements found in the SCOC. The rules may be posted in the classroom, given to students, or printed in the Student Handbook and may overlap with some behaviors listed in the SCOC. For instance, the dress code is referred to in the SCOC, but it should be disseminated in the Student Handbook.

For violations of campus and classroom rules or SCOC behaviors that do not have mandatory consequences, the district may designate discipline management techniques for teachers to employ, such as the following:

- Verbal correction
- Seating changes within the classroom
- Temporary confiscation of items that disrupt the educational process
- "Cooling off" time
- Rewards or demerits
- Behavioral contracts
- Detention
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences

When can I remove a student from the classroom?

Teachers may use discipline management techniques such as a "time out" either in or out of the classroom when a student misbehaves or is disruptive.

There are also three categories of teacher removals to the principal's office:

- Informal removal
- Discretionary formal removal
- Mandatory formal removal

What is an informal removal to the principal's office?

An informal removal occurs when a student exhibits problem behavior and the teacher sends the student to the principal's office for a short period of time. The principal uses an appropriate discipline management technique consistent with the district's SCOC, such as detention, parent/teacher conference, assignment of tasks, or withdrawal of privileges. Generally, the student returns to the classroom later the same day or the next school day.

What is a discretionary formal removal to the principal's office?

In some instances, a teacher has the discretion to remove a student from the classroom. Such discretionary formal removals may result in a longer student absence from the classroom. A teacher may initiate a discretionary formal removal from the classroom in one of two circumstances:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the class; or
2. The student's behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

When a teacher initiates a formal removal, the principal may place the student into another appropriate classroom, into in-school suspension, or into a Disciplinary Alternative Education Program, depending on the nature of the behavior. The principal may also use other discipline management techniques.

What is a mandatory formal removal to the principal's office?

If the student's behavior requires mandatory placement in a Disciplinary Alternative Education Program or expulsion, the teacher must remove the student from class and send the student to the principal's office. The SCOC lists the offenses that receive mandatory consequences, some of which are identified by law and some of which have been designated by the district.

What is an emergency removal?

The Education Code includes a provision that allows administrators to place a student in a Disciplinary Alternative Education Program or to expel the student from the regular classroom in an emergency situation. To order an emergency removal to a DAEP, the principal or his or her designee must reasonably believe that the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with one or more of the following: 1) a teacher's ability to communicate effectively with the students in a class; 2) the ability of the student's classmates to learn; or 3) with the operation of school or a school-sponsored activity.

To order an emergency expulsion, the principal or his or her designee must reasonably believe that the action is necessary to protect persons or property from imminent harm. At the time of an emergency placement or expulsion, the student must be given oral notice of the reason for the action. It must be a reason for which placement in a DAEP or expulsion could also be made on a non-emergency basis. The district must conduct further due process proceedings as set out in the SCOC. The appropriate administrator should be contacted for direction.

Do I have a choice whether to report a student who violates the Student Code of Conduct?

Many violations of the SCOC are handled through discipline management techniques in the classroom. Violations that carry a mandated consequence through law or district choice, however, must be reported.

What can I do if I object to a student being returned to my classroom after he or she has been removed for disciplinary reasons?

After a formal teacher removal, if the teacher objects to the return of the student to the classroom, a placement review committee will review the situation. The placement review committee consists of three members: two teachers who are chosen by campus faculty and one professional staff member appointed by the campus principal. If the placement review committee determines that returning the student to the teacher's class is the best or only alternative available, then the student shall be returned to the class.

What can I do if I disagree with how a disciplinary situation has been handled?

A teacher should first attempt to resolve the differences informally with the administrators responsible for the disciplinary decision. If the teacher is not satisfied after attempts at informal resolution, he or she may file a grievance by following the process described at DGBA (LOCAL) in the district's Local Policy Manual.

Why do I no longer have to prepare written reports of disciplinary actions?

The law has changed to give districts greater local control over written reports related to discipline. The Education Code requires school boards to include information about

written disciplinary reports in their Student Codes of Conduct. Also, the Education Code limits the type of written reports that a teacher can be required to prepare. School districts are not precluded from collecting additional essential information from a classroom teacher upon agreement between a teacher and the district.

How is the educational process continued when a student is placed in a Disciplinary Alternative Education Program (DAEP), a Juvenile Justice Alternative education Program (JJAEP), or in-school suspension?

The Education Code obligates districts to provide students in a DAEP and in-school suspension with the opportunity to complete coursework before the beginning of the next school year through some method, which may include correspondence courses, distance learning, or summer school.

How does discipline in extracurricular activities relate to the Student Code of Conduct?

The SCOC applies to students in extracurricular activities outside of the instructional day and away from district facilities. With the principal's approval, sponsors and coaches may also establish higher standards of discipline and dress for participating students. These standards should be distributed to students upon joining an activity. In addition, when a student's behavior requires placement in a DAEP according to state law, the law also prohibits that student from participating in school-sponsored or school-related extracurricular activities. Local policy may also prohibit a student from participating in these activities if the student is placed in a DAEP for discretionary reasons.

These higher standards may include, but are not limited to:

- The Athletic Code of Conduct
- Cheerleader Constitutions
- Student Council Handbook
- NHS Rules

How can I learn more about the law and policy governing student discipline?

Section 37.018 of the Education Code directs all districts to provide each teacher and administrator with a copy of Education Code Chapter 37 Subchapter A and any local policies relating to this subchapter. The Student Code of Conduct is adopted by the Board and constitutes local policy regarding discipline in the District.

Chapter 37 Subchapter A: http://www.tasb.org/policy/discipline/chapter37_clean.pdf

Mineral Wells ISD
Local Procedures & Programs Description Manual

State Compensatory Education
(Supplemental Intensive & Accelerated Instruction)

Section I: Overview
- Program Purpose
- Program Goals
- General Use of Funds
- Use of Funds on Title I Campus

Section II: Student Eligibility

Section III: Identification Procedures
- Responsibilities – Campus Contact
- Procedures for Identifying Students
- Periodic Updates and Reviews

Section IV: Provision for Services
- Services
- Monitoring

Section V: Exit Procedures
- Exit Review
- Monitoring

Section VI: Program Evaluation
- Overall Evaluation
- Additional Measures

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- Lamar
- Houston
- Travis
- Junior High
- High School
- Dream

Section 1: Program Overview

Program Purpose

In keeping with the intent and purpose of Section 29.081 of the Texas Education Code addressing Compensatory, Intensive, and Accelerated Instruction, Mineral Wells ISD provides compensatory education services, hereafter referred to as State Compensatory Education (SCE) services, which are **supplemental** to the regular education program for students identified as at risk of dropping out of school. The district ensures that these funds remain supplemental to those used to implement the regular education program and that the intent and purpose of the SCE Program are met - to increase the academic achievement and reduce the drop out rate of students meeting the State-defined eligibility criteria.

Program Goals

The goals of all MWISD SCE services provided to identified students are to reduce any disparity in performance on assessment instruments under Subchapter B, Chapter 39 and to reduce/eliminate any disparity in the rates of high school completion between students identified in at-risk situations and all other district students (§29.081, Texas Education Code and 77 ® SB 702 Enrolled – Bill Text).

General Use of Funds

Mineral Wells ISD uses all SCE funds to supplement services beyond those offered through the regular education program, including the 18% allowable to provide baseline services at the District's AEP. The only exception to this ruling is where SCE funds are used to support one or more of the eight components on our Title I, Part A schoolwide campuses. SCE funds do not supplant funds for the Regular Education Program, defined as those basic instructional services to which all eligible students are entitled and consists of the required curriculum for each school district that serves grades K-12 (e.g., English language arts, mathematics, science, social studies) and enrichment curriculum (e.g., languages other than English, health, physical education, fine arts, economics, career and technology education and technology applications).

Use of funds on Title I, Part A Campuses

As appropriate and necessary, SCE funds will be used to support one or more of the eight Title I, Part A Schoolwide Program Components, so long as the campuses continues to meet, at minimum, the 40% poverty threshold. The district ensures that all campuses shall continue to receive their fair share of state and local funds for conducting the regular education program and ensures that the intent and purpose of the SCE Program will be met.

Section 2: Student Eligibility

Mineral Wells ISD has adopted the thirteen criteria delineated in Texas Education Code §29.081 and redefined by Senate Bill 702 as the sole criteria used in identifying students who are eligible to receive intensive, supplemental services. These criteria include the following:

A student at risk of dropping out of school includes each student who is under 21 years of age and who . . .

1. Is in pre-kindergarten, kindergarten or grade 1,2, or 3, and did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
2. Is in grade 7,8,9,10,11, or 12, and did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Was not advanced from one grade level to the next for one or more school years;
4. Did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

5. Is pregnant or is a parent;
6. Has been placed in an alternative education program in accordance with §37.006 during the preceding or current school year;
7. Has been expelled in accordance with §37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by §29.052;
11. Is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. §11302, and its subsequent amendments; or
13. Resided in the preceding school year or reside in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Section 3: Identification Procedures

Responsibilities – Campus Contact

The Assistant Superintendent, in consultation with each campus principal, shall appoint an At-Risk contact at each campus. Responsibilities of each contact include the following:

- Oversee processes for identification of students
- Maintain a list of identified students with the qualifying criterion/criteria listed
- Advise campus staff, as appropriate, of the status of identified students
- Oversee processes for timely review of student progress to determine the need for continued services and/or continued eligibility
- Oversee, at a minimum, a semi-annual review of student data to determine the student's continued eligibility
- Collaborate with campus administration and staff (SBDM) to ensure appropriate services are available to identified students
- Plan and conduct, in coordination with the district contact, an annual evaluation of program effectiveness at the campus level
- Collaborate with the principal and SBDM or campus staff to provide appropriate staff development sessions

Procedures for Identifying Eligible Students

The Assistant Superintendent shall establish uniform procedures for identifying students, utilizing the district-adopted/created document for identifying and monitoring the status of students in at-risk situations according to the criteria outlined by the State (see Section 11). Each campus contact shall oversee identification processes at his/her respective campus and shall ensure that PEIMS data is updated.

Periodic Updates and Eligibility Review

The campus contact, in consultation with the Assistant Superintendent and the campus principal and/or his designee(s), shall establish procedures to conduct periodic reviews semiannually, at a minimum, to identify additional eligible students, as well as to review the status of previously identified students, ensuring that all students receive services as needed.

Student data to be reviewed shall include, but may not be limited to, the following:

- For PK-2 students only – students' performance on a readiness test or assessment instrument administered during the current school year (DRA, PAPI, Benchmarks)
- For students in grades 3-12 only – student grades in subjects in the foundation curriculum to determine maintenance of grades of 70 or above in a semester preceding the current school year or maintenance within the current school year (failure to maintain less than 70 in two or more subjects qualify students to be identified as at-risk)

- Retention rates
- Performance on State assessments, inclusive of TAKS, SDAA, and alternative assessments (failure or lack of mastery equal to 110 percent of the level of satisfactory performance)
- Parental or pregnancy status (if the child is adopted, then, natural parents are not longer identified at-risk if this criterion is the only qualifying criterion);
- Alternative education program placement (current or preceding school year)
- Expulsion records (current or preceding school year)
- To the extent possible, data regarding parole, probation, deferred prosecution or other conditional release
- Previous dropout information
- LEP status
- DPRS referrals (current year)
- Homeless status
- Residential facility placement data (preceding or current school year)

Section 4: Provision of Services

Services

Upon identification of students, the campus contact, in collaboration with appropriate campus staff, shall ensure that identified students are provided appropriate services that address the student's qualifying criteria. These services may include, but are not limited to, the following:

- Intensive remediation services for State assessments
- Extended learning opportunities (e.g., before-, during- and/or after-school tutoring sessions
- Basic course extensions (e.g., Algebra labs, extended writing labs, content mastery – like services)
- Counseling sessions
- Peer, teacher, community – member mentoring sessions
- ACT/SAT preparation sessions for identified students
- Teen parenting sessions
- Training sessions for parents of identified students
- Intensive, supplemental reading programs
- Summer enhancement programs
- Individualized instruction
- Extended early childhood programs
- Class – size reduction measures

Monitoring

In addition to provision of services, the campus contact, in consultation with appropriate staff and representatives from external agencies, where appropriate, will establish measures for timely monitoring of the student's progress. Such measures may include the following:

- Periodic interviews with service providers
- Written progress reports
- Review of subject area performance
- Periodic benchmark assessments
- Review of six-week failure lists
- To the extent possible, quarterly and/or other timely consultations with law enforcement agents and representatives from DPRS
- As appropriate, review impact of counseling services offered to identified students

Section 5: Exit Procedures

Exit Review

Since some criteria may only temporarily qualify students for SCE services (e.g., performance in subject area curriculum, on readiness tests, on State assessments, pregnancy or parent status, expulsion timeframe,

LEP status, residential placement timeframes), the campus contact, in consultation with the principal and/or the appropriate staff, will determine through periodic review of student data the student's continued eligibility and need for continued services. All decisions for exiting a student from the SCE program will be based upon the review of student data and may include the following:

- 110% level of satisfactory performance on state assessments
- Retention status
- Maintenance of passing grades with a score of 70 or greater
- Residential placement status
- Condition of pregnancy or parent status
- Alternative education program placement timeframe
- LEP status

Continued Monitoring

To ensure that previously identified and served students receive timely and appropriate assistance, as needed, the campus contact will establish periodic reviews of students' performance for those students who have been exited from the SCE Program services.

Section 6: Program Evaluation

Required Overall Program Evaluation

The Assistant Superintendent will conduct an annual program evaluation, with assistance from the campus-level contacts, to assess the impact of SCE services/programs on the level of disparity between identified students in at-risk situations in relation to all other student populations for the following:

1. The disparity in performance on Chapter 39 Assessments; and
2. The disparity in the rates of high school completion.

Additional Evaluation Measures

Other evaluation measures may include a review of evaluation data arising from specific services provided at each of the campuses. This information will include the campus' individual assessments of the progress made toward achieving the goals of services provided. Additional evaluation measures, both formative and summative, may be found in each campus plan.

Section 7: Campus-Level Services

Based upon students' qualifying criteria, each campus' specific services funded by State Compensatory dollars are located within the campus plan. As additional students are identified, additional services may be added, and others may be modified or deleted.

Acceptable Use Policy

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT
NETWORK AND INTERNET ACCEPTABLE USE GUIDELINES
AND INTERNET PROTECTION PLAN

OVERVIEW

The Mineral Wells Independent School District (MWISD) provides technology resources to its students and staff for educational and administrative purposes. It is a privilege to have such sophisticated information networking capabilities available, and the District believes the vast, diverse and unique resources available on the Internet will assist us in carrying out our mission of providing a quality education for our students. Our goal in providing this service is to promote educational excellence in the Mineral Wells ISD by facilitating resource sharing, innovation, and communication with the support and supervision of parents, teachers, and support staff.

With access to computers and people from across the world comes the availability of material that may not be considered to be of educational value or appropriate in the context of the school setting. We will filter all access. However, on a global network, it is impossible to control all materials, and an industrious user may discover controversial information. Mineral Wells ISD firmly believes that the valuable information and interaction available on the Internet far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies and regional and state networks. In addition, the smooth operation of the network relies on the proper conduct of the end-users who must adhere to strict guidelines. These guidelines are provided so that you are fully informed and so that you may freely accept the responsibilities you are about to acquire. In general, the guidelines require efficient, ethical, and legal utilization of the network resources. If a user violates any of these provisions, his or her account will be deactivated and future access could possibly be denied. The signature(s) on the Application for Account is (are) legally binding and indicates the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

Definition of District Technology Resources

1. The District's computer systems and networks are any configuration of hardware and software.
2. The systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files. This includes, but is not limited to: electronic mail, local databases, externally accessed databases (such as

the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.

3. The District reserves the right to monitor all technology resource activity.

Acceptable Use

The District's technology resources will be used in support of education and research and be consistent with the educational objectives of the Mineral Wells Independent School District. The use of any other organization's network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities by for-profit institutions is generally not acceptable. Use for product advertisement or political lobbying is also prohibited.

The use of the Internet is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrators, Mineral Wells ISD employees responsible for the operation of the network, will deem what is inappropriate use and their decision is final. Also, the system administrators may close an account at any time as required or as they deem appropriate and without notice. The administration of Mineral Wells ISD may direct the system administrators to deny, revoke, or suspend specific user accounts for, including but not limited to, violation of network computing regulations and guidelines, or as a result of other disciplinary action against the user.

Mineral Wells ISD is responsible for securing its network and computing systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while also making them accessible for authorized and legitimate users. This responsibility includes informing users of expected standards of conduct and the punitive measures for not adhering to them. Any violation of the regulations and guidelines will result in disciplinary action in the form of temporary revocation of user privileges. Permanent revocations can result from disciplinary actions taken by administrators.

Students and staff member of Mineral Wells Independent School District must be in compliance with Mineral Wells ISD Electronic Communication and Data Management Policies CQ (Local) and CQ (Legal) when using any computer, network or technology resource in the district.

INTERNET - SPECIFIC TERMS AND CONDITIONS

SECTION 1 - GENERAL COMPUTING

Once a user receives an account or formal permission to access the network, he/she is solely responsible for all actions taken while using that account. Therefore:

1. Applying for an account or access permission under false pretenses is a punishable disciplinary offense.
2. Sharing an account or password with any other person is prohibited. You are fully responsible for any actions that occur in relation to your account or password.
3. Revealing your personal address or phone numbers, or the address or phone numbers of students, staff, or colleagues, is prohibited.
4. Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.
5. Continued use of network by monopolizing system resources that interferes with other users, after receipt of a request to cease activity is prohibited.
6. Use of facilities and/or services for commercial purposes is prohibited.
7. Any unauthorized, deliberate action that damages or disrupts a computing system, alters its normal performance, or causes it to malfunction is a violation regardless of system location or time duration.
8. Supervision and permission: Student use of the computers and the network is allowed only when supervised and granted permission by a staff member.
9. Copyright: All users are expected to follow existing copyright laws. Copyright infringement is theft.

SECTION 2 - ELECTRONIC MAIL

Whenever you send electronic mail, your name and user ID are included in each mail message. You are responsible for all electronic mail (e-mail) originating from your user ID. By accepting an account, the applicant authorizes Mineral Wells ISD system administrators to have access to the applicant's e-mail and to make the e-mail available to district, local, state, and federal officials in conjunction with any official investigation. There should be no expectations of privacy when using the MWISD or any other email systems. The MWISD email system is monitored on a regular basis. Therefore:

1. Forgery, or attempted forgery, of electronic mail messages is prohibited.
2. Attempts to access, read, delete, copy, or modify the electronic mail of other users are prohibited.
3. Attempts at sending harassing, obscene and/or other threatening electronic mail to another user are prohibited.
4. Attempts at sending unsolicited "junk mail," "for profit" messages, or chain letters are prohibited.
5. Using your email account to store information over 45 days is prohibited.
6. Never assume that online users are who they say they are.
7. Never respond to messages that are threatening or obscene. Alert a teacher, librarian, or administrator if such a message is encountered.
8. Never arrange a face-to-face meeting with an Internet user without parental permission.

SECTION 3 - NETWORK SECURITY

As a user of the network, you may be allowed access to other networks and/or the

computer systems connected to those networks. Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote system, is prohibited.
3. Decryption of system or user passwords is prohibited.
4. The copying of system files is prohibited.
5. The copying of copyrighted materials, without the express written permission of the owner or the proper license, is prohibited.
6. Intentional attempts to "crash" network systems or programs are punishable disciplinary offenses.
7. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.
8. The willful introduction of computer "viruses" or other disruptive and/or destructive programs into the network or into external networks is prohibited.
9. Software or external data may not be placed on any computer, whether stand-alone or networked to the District's system, without permission from the Technology Director or designee.

SECTION 4 - PROHIBITED MATERIAL AND ACTIONS

The following materials and/or actions are prohibited. This includes but is not limited to:

1. Material that is obscene, profane, lewd, lascivious, filthy, indecent, racist, or patently offensive as measured by contemporary community standards.
2. Material that would encourage illegal acts, violence, terrorism, or hate.
3. Actions that annoy, abuse, threaten, or harass another person.
4. Actions that attempt to or harm equipment, materials, or data.
5. Actions that attempt to or send anonymous messages of any kind.
6. Actions that attempt to or access information resources, files, and documents of another user without their permission.
7. Using the network for financial gain or commercial activity.
8. Political lobbying.
9. Using the network to provide addresses or other personal information that others may use inappropriately

MWISD uses filtering services/software that blocks access to inappropriate websites and material on the Internet. Internet Sentry (Squid) is currently being used in the district. In addition, students using the Internet will be monitored and supervised by a teacher/staff member continuously. All students must have a signed Acceptable Use Policy consent form on file.

Disclaimer And Limitation of Liability

Access to the Internet is provided on as “as is, as available” basis. The Mineral Wells Independent School District, its Board of Trustees, agents, and staff members make no representation of warranties, whether expressed or implied, of any kind with respect to the services provided by the network, or any information or software accessed or received by the applicant or contacts made by the applicant, and disclaims of any implied warranties, including any implied warranties of merchantability or fitness for a particular purpose. The system administrators and MWISD do not warrant that the functions or services performed by, or that the information or software contained on the system will meet the user’s requirements or that the operation of the system will be uninterrupted or error-free or that defects in the system will be corrected. MWISD will not be responsible to you or liable to you for any claims, losses, or damages you may suffer as a result of these Terms and Conditions or your access to the MWISD Network, including without limitation, any losses, claims or damages arising from Mineral Wells ISD’s negligence or your own errors or omissions. YOU AGREE THAT THIS LIMITATION IS INTENDED TO AND DOES RELEASE MINERAL WELLS INDEPENDENT SCHOOL DISTRICT, ITS BOARD OF TRUSTEES, AGENTS, AND STAFF MEMBERS FROM ANY CLAIMS, DAMAGES, OR LOSSES THAT YOU MAY SUFFER THAT MAY ARISE OUT OF THE USE OF THIS SYSTEM. Use of any information obtained via your connection with the Network is at your own risk. Mineral Wells ISD specifically denies any responsibility for the accuracy or quality of information obtained through this service. Furthermore, Mineral Wells ISD assumes no responsibility or liability for any phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and or equipment or line costs incurred by the user while accessing the Mineral Wells ISD Network. Any disputes or problems regarding phone service are strictly between the user and his/her local phone company and/or long distance service provider.

Security

Security on any computer system is a high priority, especially when the system involves many users. If you identify a security problem on the Internet or the Network, you must notify your teacher, librarian, or system administrator. Do not demonstrate the problem to other users. Do not use another individual’s account. A Mineral Wells ISD Network user shall not let anyone else use his/her account and password. Attempts to login to the system using any other account, password, or privileges than one’s own will result in cancellation of user privileges. Users shall immediately notify a system administrator if their password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Network.

Vandalism

Vandalism will result in cancellation of user privileges. Vandalism, as addressed in the Network regulations and guidelines, is defined as any malicious attempt to access without

permission of, or harm or destroy data of, another user, Internet, or any of the above listed agencies or other networks that are connected to the Internet or the Network. This includes, but is not limited to, the uploading or creation of computer viruses.

Netiquette and Good Practices

“Netiquette” is the Internet equivalent of good behavior or “etiquette.” Accepting the responsibility of using the network requires that you treat users with respect and practice “netiquette.” Backing up data is good computing practice and is strongly recommended.

Updating Your User Information

The system administrators may occasionally require new registration and account information from you to continue service. You must notify the system administrators of any changes in your account information.

Application of Terms and Conditions

All terms and conditions in this document are applicable to the applicant’s use of the MWISD Network. These terms and conditions reflect the entire agreement of the parties and supersede all prior oral or written agreements and understandings of the parties. These terms and conditions shall be governed and interpreted in accordance with the laws of the State of Texas, and the United States of America. Headings are for convenience of reference only and shall not be used in the interpretation of this document. Any dispute regarding these terms and conditions will be resolved by the administration whose decisions will be final and binding.

Mineral Wells Independent School District
Acceptable Use Policy for Staff

Background

MWISDNet is a telecommunications project funded by the Mineral Wells Independent School District. It offers Internet access to educators. The Internet provides a mechanism to facilitate community building in the school district. The guidelines that follow have been developed to allow the building process to go smoothly. In addition, all staff will follow Board Policy CQ (Local), Policy CQ (Legal) and rules set forth in the Acceptable Use Policy Introduction in this document.

If you are a Mineral Wells ISD teacher, administrator, or support staff personnel and would like an Internet account, please contact the technology director at 325-6404. Training is required before an account will be activated, and there is no technical support provided after hours and on weekends. New accounts will be operational within two days of the training.

Guidelines

1. The account belongs to the person to whom it is issued and only that person is authorized to use it.
2. Your account is provided through the Mineral Wells Independent School District. It is to be used in support of the district's educational goals.
3. In order to ensure smooth system operations, the system administrator has the authority to monitor all accounts. Every effort will be made to maintain privacy and security in this process.
4. Your account associates you with the Mineral Wells Independent School District. Accounts may not be used in a manner inconsistent with the policies and procedures of MWISD.
5. MWISD reserves the right to withdraw account privileges at any time for any reason or no reason at all.
6. A MWISD staff member may override the technology protection measure that filters Internet access for a student to access a site with legitimate educational value that is wrongly blocked. Staff member must get permission from the District Technology Director.

Prohibitions

The following practices are NOT acceptable, but not limited to:

1. giving out your password.
2. sharing your account.
3. using someone else's account.
4. using your account to harass or gossip about someone.
5. using your account for commercial purposes.

6. using your account to access material that is inappropriate, obscene or is child pornography.
7. using your account to pass chain mail.
8. seeking unauthorized access to any resource.
9. using your account to access chat rooms.

Staff Email Account Guidelines

Currently, the Mineral Wells ISD uses the FirstClass email system. The email system has become one of the most used communications tools in our workplace. The following points are important to keep in mind:

1. <u>All district email accounts will be monitored.</u>
2. Electronic mail is a **privilege**, not a right. The AUP, CQ (Local) and CQ(Regulation) govern all electronic communication.
3. Staff members should set aside time at least once a day to check and respond to email messages.
4. Since email access is provided for school business related use, do not forward messages that have no educational or professional value. An example would be any number of messages that show a cute text pattern or follow a "chain letter" concept.

These messages should be deleted and the sender notified that messages of that nature are not appropriate to receive on your district email account.

1. At no time should program files, typically labeled ".exe") be attached due to software licensing requirements. In addition, there exists the real possibility that any program file received as attachments over the Internet may include a virus or other destructive capability once they are launched or started. If you receive an attachment like this, you should delete the email message immediately *without saving or looking at the attachment*.
2. Notify the District Technology Director if you receive unsolicited email.

Consequences

Violating any of the guidelines or prohibitions listed above can result in:

1. restricted network access.
2. losing your network account.
3. disciplinary or legal action including, but not limited to, criminal prosecution and/or penalty under appropriate state and federal laws.

Staff Acknowledgment of Rights and Responsibilities

Directions: After reading the terms and conditions for use of MWISD Internet accounts, please read and fill out the appropriate portions of the following completely and legibly. Return the contract to the technology director at the Central Office.

ACKNOWLEDGEMENT OF RIGHTS AND RESPONSIBILITIES. I have read the terms and conditions for use of MWISD Internet access as stated in the Acceptable Use Policy for Staff Members and the Introduction to the Acceptable Use Policy. I understand and will abide by the stated terms and conditions. I further understand that violation of the regulations is unethical, grounds for disciplinary action, and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, other disciplinary action imposed, and/or appropriate legal action taken.

User Name (please print): _____

User Signature: _____

Date: _____

October 7, 2004

ACTION REQUIRED

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: 2005-2006 Test Schedule for the Texas Student Assessment Program

This letter and the attached Student Assessment Calendar outline the test schedule for the 2005–2006 school year. These test dates were chosen to minimize conflicts with religious, state, or national holidays and nationally scheduled examinations such as the Scholastic Achievement Tests (SAT), the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and the American College Testing (ACT) program.

A draft version of the 2005-2006 testing calendar was posted to the Student Assessment Division website for public review from August 19 - September 10, 2004. Copies were also provided to all education service centers and the 25 largest school districts. We appreciate the comments and suggestions we received regarding this draft. Based on this input, testing will not be scheduled for Monday, April 17, 2006 (the day after Easter).

Please note these significant points concerning the 2005-2006 test schedule:

- A new version of the Reading Proficiency Tests in English (RPTE II) will be implemented in the spring of 2007. RPTE II will add a second grade test, expand the academic contexts in which English language proficiency in reading is measured, and align with the level of English proficiency that is reflected in the Texas Assessment of Knowledge and Skills (TAKS). RPTE II will be field-tested in a window from March 13 through April 7, 2006.

- The window from March 13 through April 7, 2006, is scheduled for additional limited English proficient (LEP) student field tests. Districts will be provided with specific scheduling information when these field-testing plans are finalized.

- Full implementation of the middle school Grade 8 science test will occur with the first administration on April 20, 2006.

Please contact the Student Assessment Division at (512) 463-9536 if you have any questions regarding the testing activities outlined in this letter or on the attached calendar.

Sincerely,

Shirley J. Neeley, Ed.D.

cc: District Test Coordinator, ESC Executive Director and Test Coordinator

2005–2006 Student Assessment Calendar

2005					
Test Date(s)	**TAKS**	**SDAA II**	**Report Date(s)***	**TAAS**	**Report Date(s)***
Testing Window: Sept 12 – Sept 23	**FALL STUDY (selected sample)**		**None**		
Oct 18 (Tue)	***Exit Level English Language Arts (retest)***		**Nov 30–Dec 2, 2005**	***Exit Level Writing (retest)***	**Nov 30–Dec 2, 2005**
Oct 19 (Wed)	***Exit Level Mathematics (retest)***		**Nov 30–Dec 2, 2005**	***Exit Level Mathematics (retest)***	**Nov 30–Dec 2, 2005**
Oct 20 (Thurs)	***Exit Level Science (retest)***		**Nov 30–Dec 2, 2005**	***Exit Level Reading (retest)***	**Nov 30–Dec 2, 2005**
Oct 21 (Fri)	***Exit Level Social Studies (retest)***		**Nov 30–Dec 2, 2005**		
Dec 1 (Thurs) **Education Service Center (ESC) Training in Austin**					
2006					
Completed by Jan 9 (Mon) **Training for school district testing personnel by ESCs**					
Testing Window: Jan 17 – Feb 3	**<u>TAKS Field Tests</u>:** **Grade 4 Writing** **Grade 4 Spanish Writing** **Grade 7 Writing** **Grade 9 Reading** **Grade 10 English Language Arts** **Exit Level English Language Arts**	**<u>SDAA II Field Tests</u>:** **Grade 4 Writing** **Grade 7 Writing** **Grade 10 English Language Arts** **Grades 3–9 Reading** **Grades 3–10 Mathematics**	**None**		

* Districts must notify students and parents of test results according to the schedule outlined in the Coordinator Manual.

2005–2006 Student Assessment Calendar

2006

Test Date(s)	TAKS	SDAA II	Report Date(s)*	TAAS	Report Date(s)*
Feb 21 (Tues)	**Grade 3 Reading** **Grade 3 Spanish Reading** **Grade 4 Writing** **Grade 4 Spanish Writing** **Grade 5 Reading** **Grade 5 Spanish Reading** **Grade 7 Writing** **Grade 9 Reading** **Grade 10 English Language Arts** **Exit Level English Language Arts** ***Exit Level English Language Arts (retest)***	**Enrolled Grade 4: Writing Levels K/1, 2, 3/4** **Enrolled Grade 7: Writing Levels K/1, 2, 3/4, 5, 6/7** **Enrolled Grade 10: Writing ♦♦ Levels K/1, 2, 3/4, 5, 6/7, or 8/9**	**Mar 10, 2006**** **Mar 10, 2006**** **May 5-12, 2006** **May 5-12, 2006** **Mar 10, 2006**** **Mar 10, 2006**** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **Apr 12-14, 2006**	***Exit Level Writing (retest)***	**Apr 12-14, 2006**
Feb 22 (Wed)	***Exit Level Mathematics (retest)***	**Enrolled Grade 9: Reading Level 9 ♦** **Enrolled Grade 10: ELA Level 10 or Reading Level 9 ♦♦**	**Apr 12-14, 2006** **May 5-12, 2006**	***Exit Level Mathematics (retest)***	**Apr 12-14, 2006**
Feb 23 (Thurs)	***Exit Level Science (retest)*** **Make-up session for Grade 10 ELA**	**Make-up session for Enrolled Grade 10: ELA Level 10 ♦♦**	**Apr 12-14, 2006** **May 5-12, 2006**	***Exit Level Reading (retest)***	**Apr 12-14, 2006**
Feb 24 (Fri)	***Exit Level Social Studies (retest)***		**Apr 12-14, 2006**		
Completed by Feb 25 (Sat)	**All make-up sessions for tests scheduled to be administered on February 21, 2006, and included in the calculation of AYP must be completed by this date. These tests include TAKS Grades 3 & 5 reading (English and Spanish).**				

* Districts must notify students and parents of test results according to the schedule outlined in the Coordinator Manual.

** 10 working days after the testing contractor receives the scorable materials

♦ Enrolled Grade 9 students will test on February 22, 2006, **only** if they are taking the instructional level 9 reading test. Enrolled Grade 9 students who are taking an instructional level K-8 reading assessment will test on April 19, 2006.

♦♦ Enrolled Grade 10 students must take the instructional level 10 English language arts (ELA) test **or** both a writing and reading test at a lower instructional level. Enrolled Grade 10 students who are taking the K/1, 2, 3/4, 5, 6/7, or 8/9 writing assessment will test on February 21, 2006. Enrolled Grade 10 students will test on February 22, 2006, **only** if they are taking the instructional level 9 reading assessment or the instructional level 10 ELA assessment. Enrolled Grade 10 students who are taking an instructional level K-8 reading assessment will test on April 19, 2006.

2005–2006 Student Assessment Calendar

2006					
Test Date(s)	**TAKS**	**SDAA II**	**Report Date(s)***	**TAAS**	**Report Date(s)***
Testing Window: Mar 13 – Apr 7	**Texas English Language Proficiency Assessment System (TELPAS) – includes Reading Proficiency Tests in English and Texas English Language Proficiency Observation Protocols** **RPTE II Field Tests – Grades 2-12** **Other LEP Student Field Tests – Selected Grades and Subjects**		**Apr 28–May 5, 2006** **None** **None**		
Apr 4 (Tues)	**Grade 5 Mathematics** **Grade 5 Spanish Mathematics**		**Apr 20, 2006**** **Apr 20, 2006****		
Completed by April 6 (Thurs)	**All make-up sessions for the Grade 5 mathematics tests (English and Spanish versions) scheduled to be administered on April 4, 2006, must be completed by this date.**				
Apr 18 (Tues)	**Grades 3–4 Mathematics** **Grades 3–4 Spanish Mathematics** **Grades 6–8 and 10 Mathematics** **Grade 6 Spanish Mathematics** ***Exit Level English Language Arts (retest)***	**Grades 3–10 Mathematics**	**May 5-12, 2006** **May 5-12, 2006** **May 5-12. 2006** **May 5-12, 2006** **May 8-10, 2006**	***Exit Level Writing (retest)***	**May 8-10, 2006**
Apr 19 (Wed)	**Grade 4 Reading** **Grade 4 Spanish Reading** **Grades 6-8 Reading** **Grade 6 Spanish Reading** **Exit Level Mathematics** ***Grade 3 Reading (retest)*** ***Grade 3 Spanish Reading (retest)*** ***Grade 5 Reading (retest)*** ***Grade 5 Spanish Reading (retest)*** ***Exit Level Mathematics (retest)***	**Grades 3–8 Reading**	**May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006**** **May 5-12, 2006**** **May 5-12, 2006**** **May 5-12, 2006**** **May 8-10, 2006**	***Exit Level Mathematics (retest)***	**May 8-10, 2006**

* Districts must notify students and parents of test results according to the schedule outlined in the Coordinator Manual.

** 10 working days after the testing contractor receives the scorable materials

2005–2006 Student Assessment Calendar

2006					
Test Date(s)	**TAKS**	**SDAA II**	**Report Date(s)***	**TAAS**	**Report Date(s)***
Apr 20 (Thurs)	**Grade 5 Science** **Grade 5 Spanish Science** **Grade 8 Science** **Grade 9 Mathematics** **Grade 10 Science** **Exit Level Science** ***Exit Level Science (retest)***		**May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 8-10, 2006**	***Exit Level Reading (retest)***	**May 8-10, 2006**
Apr 21 (Fri)	**Grade 8 Social Studies** **Grade 10 Social Studies** **Exit Level Social Studies** ***Exit Level Social Studies (retest)***		**May 5-12, 2006** **May 5-12, 2006** **May 5-12, 2006** **May 8-10, 2006**		
Completed by Apr 22 (Sat)	**All make-up sessions for tests (English and Spanish versions) scheduled to be administered on April 18-19, 2006, and included in the calculation of AYP must be completed by this date. These tests include Grades 3-4 and 6-8 mathematics, Grades 3-8 reading, and Grade 10 mathematics.**				
May 16 (Tues)	***Grade 5 Mathematics (retest)*** ***Grade 5 Spanish Mathematics (retest)***		**June 1, 2006**** **June 1, 2006****		
Completed by May 18 (Thurs)	**All make-up sessions for the Grade 5 mathematics tests (English and Spanish versions) scheduled to be administered on May 16, 2006, must be completed by this date.**				

* Districts must notify students and parents of test results according to the schedule outlined in the Coordinator Manual.

** 10 working days after the testing contractor receives the scorable materials

2005–2006 Student Assessment Calendar

2006					
Test Date(s)	**TAKS**	**SDAA II**	**Report Date(s)***	**TAAS**	**Report Date(s)***
June 27 (Tues)	***Grade 5 Mathematics (retest)*** ***Grade 5 Spanish Mathematics (retest)***		**July 14, 2006**** **July 14, 2006****		
June 28 (Wed)	***Grade 3 Reading (retest)*** ***Grade 3 Spanish Reading (retest)*** ***Grade 5 Reading (retest)*** ***Grade 5 Spanish Reading (retest)***		**July 14, 2006**** **July 14, 2006**** **July 14, 2006**** **July 14, 2006****		
Testing Window: **June 19 – July 7**	***Grade 3 Reading Alternate Assessment*** ***Grade 5 Reading Alternate Assessment*** ***Grade 5 Mathematics Alternate Assessment***		**None**		
July 11 (Tues)	***Exit Level English Language Arts (retest)***		**Aug 9-11, 2006**	***Exit Level Writing (retest)***	**Aug 9-11, 2006**
July 12 (Wed)	***Exit Level Mathematics (retest)***		**Aug 9-11, 2006**	***Exit Level Mathematics (retest)***	**Aug 9-11, 2006**
July 13 (Thurs)	***Exit Level Science (retest)***		**Aug 9-11, 2006**	***Exit Level Reading (retest)***	**Aug 9-11, 2006**
July 14 (Fri)	***Exit Level Social Studies (retest)***		**Aug 9-11, 2006**		

* Districts must notify students and parents of test results according to the schedule outlined in the Coordinator Manual.

** 10 working days after the testing contractor receives the scorable materials

MINERAL WELLS ISD
STUDENT HANDBOOK
2005-2006

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PREFACE

To Students and Parents:

Welcome to school year 2005–2006! For this new year to be successful for your child, we must all work together: students, parents, teachers, and other school staff members.

The Mineral Wells Independent School District Student Handbook is designed to provide a resource for some of the basic information that you and your child will need during the school year. In an effort to make it easier to use, the handbook is divided into three sections:

Section I—IMPORTANT INFORMATION FOR PARENTS—with information all parents will need about assisting their child and responding to school-related issues;

Section II—CURRICULUM-RELATED INFORMATION—to provide information to students and their parents about graduation programs, required courses, class rank, and extracurricular and other activities; and

Section III—GENERAL INFORMATION AND REQUIREMENTS—describing school operations and requirements such as safety procedures, the dress code, and fees that may be charged.

Each section has a Quick Reference component to serve as a guide for day-to-day questions that may arise.

Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or other person who has agreed to assume school-related responsibility for a student.

Both students and parents must be familiar with the Mineral Wells Independent School District Student Code of Conduct, required by state law and intended to promote school safety and an atmosphere for learning. That document may be found as an attachment to this handbook and posted on the MWISD website or available in the principal's office.

The student handbook is designed to be in harmony with Board policy and the Student Code of Conduct. Please be aware that the handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy that affect student handbook provisions will be made available to students and parents through newsletters and other communications.

In case of conflict between Board policy or the Student Code of Conduct and any provisions of student handbooks, the provisions of Board policy or the Student Code of Conduct that were most recently adopted by the Board are to be followed.

We strongly recommend that parents review the entire handbook with their children and keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact a teacher, the counselor, or the principal. Also, please complete and return the parental acknowledgment and consent/opt-out forms so that we have a record of your choices. [See **Obtaining Information and Protecting Student Rights** on page 4.]

Please note that references to alphabetical policy codes are included so that parents can refer to current District policy. A copy of the District's policy manual is available in the school office www.mwisd.net.

SECTION I
IMPORTANT INFORMATION FOR PARENTS

This section of the Mineral Wells I.S.D. Student Handbook includes information on topics of particular interest to you as a parent.

QUICK REFERENCE:

Where to look when you need information about…

- Parental involvement page 2
- Grading guidelines page 7
- Report cards/progress reports and conferences page 10
- State-mandated assessment testing page 11
- Medical policies page 13
- Communicable or infectious disease page 15
- Psychotropic drugs page 17
- Student records page 18
- Student or parent complaints and concerns page 20
- Release of students from school page 20

PARENTAL INVOLVEMENT

Working Together

Both experience and research tell us that a child's education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication. Your involvement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides. Ensure that your child completes all homework assignments and special projects. Be sure your child comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all of your child's school activities and with the academic programs, including special programs, offered in the District. Discuss with the counselor or principal any questions you may have about the options and opportunities available to your child. If your child is entering ninth grade, review the requirements of the graduation programs with your child. Monitor your child's academic progress and contact teachers as needed. [See **Academic Counseling** on page 28 and **Academic Programs** on page 24.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, counselor, or principal, please call the school office for an appointment.

- Mineral Wells High School 325-4408
- Mineral Wells Junior High 325-0711
- Travis Elementary 325-7801
- Houston Elementary 325-3427
- Lamar Elementary 325-5303
- DAEP 325-7513
- DREAM 325-3033

- The teacher will usually return your call or meet with you during his or her conference period or before or after school. [See **Report Cards/Progress Reports and Conferences** on page 10.]
- Becoming a school volunteer. For further information, contact your school principal.
- Participating in campus parent organizations. Parent organization contacts include:

Lamar	Tracey Adkins	Houston	Patti Newsom
Travis	Annette Bennett	Junior High	Vicki Gregory
High School	Earl Ann Bumpas		

- Offering to serve as a parent representative on the District-level or campus-level planning committees assisting in the development of educational goals and plans to improve student achievement. For further information, see policies at BQA and BQB, and contact your campus principal.
- Offering to serve on the School Health Advisory Council, assisting the District in ensuring local community values are reflected in health education instruction. [See policies BDF and EHAA and **School Health Advisory Council** on page 52] or contact Nan Brandt at 325-0711.
- Attending Board meetings to learn more about District operations. Board meetings are held on the second Tuesday of each month at the District Services Complex, 906 S.W. 5th Avenue.

Mineral Wells ISD Parental Involvement

A major goal of the Mineral Wells Independent School District Title I, Part A program is to "develop strong partnerships and commitments with the home." Parents and schools working together increase student achievement and develop positive attitudes about self and school. The intent of this policy is to result in consciously doing those things already in practice in a more efficient, consistent and effective manner as well as generating new ways of strengthening the partnerships between home, school, and community:

- An annual meeting including parents, community members, teachers and principals from each campus will be held by the end of September to discuss new Title I guidelines, distribute copies of policy and give parents an opportunity to become involved with revising the policy as needed. For the parents' convenience, this meeting will be held at different times and locations (if necessary). If an interpreter is needed, one will be provided when possible.
- Each campus will distribute a School-Parent Compact (developed by students, parents of participating students, and designated staff members) to all students.

- Each campus will provide in-service training for staff and parents, and make available resources with its means. Provisions for parents lacking literacy skills or English proficiency will be made, as much as possible, through literacy classes and translators.
- Each campus will present at least two parent nights a year.
- Teachers will provide progress reports and arrange conferences concerning students' progress as needed throughout the year.
- Parents will be encouraged, formally and informally, to visit schools, volunteer, attend meetings and share in decision making.
- Communication with parents will be ongoing and may consist of phone calls, notices, conferences, home visits, and monthly newsletter informing them of school activities, programs, etc., and community services that are available.
- There will be an annual evaluation held each spring which will include input from teachers, administrators, parents of participating students and community members to determine the effectiveness of the Title I Parental Involvement Program, to assess how much parental involvement has increased, and to identify ways t overcome barriers that hinder parental involvement. The evaluation may consist of surveys, school visits, classroom observations, etc. The District Improvement Team will use these results and revise its polity accordingly.

Mineral Wells ISD Title I School-Parent Compact:

All parents will receive a copy the compact to integrate home and school responsibility.

Obtaining Information and Protecting Student Rights

Your child will not be required to participate without parental consent in any survey, analysis, or evaluation—funded in whole or in part by the U.S. Department of Education—that concerns:

- Political affiliations or beliefs of the student or the student's parent.
- Mental or psychological problems of the student or the student's family.
- Sexual behavior or attitudes.
- Illegal, antisocial, self-incriminating, or demeaning behavior.
- Critical appraisals of individuals with whom the student has a close family relationship.
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers.
- Religious practices, affiliations, or beliefs of the student or parents.
- Income, except when the information is required by law and will be used to determine the student's eligibility to participate in a special program or to receive financial assistance under such a program.

You will be able to inspect the survey or other instrument and any instructional materials used in connection with such a survey, analysis, or evaluation. [For further information, see policy EF.]

"Opting Out" of Surveys and Activities

As a parent, you also have a right to receive notice and opt your child out of participating in:

- Any survey concerning the private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from your child for the purpose of marketing or selling that information.
- Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student. Exceptions are hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law. See policies EF and FFAA.

Display of your child's artwork, projects, and other special work products:

As a parent, if you choose that your child's artwork, special projects, photographs and the like not be displayed to the community on the District's Web site, in printed material, by video, or any other method of communication, you must notify the principal in writing.

As a parent, you also have a right:

- To request information regarding the professional qualifications of your child's teachers, including whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher has an emergency permit or other provisional status for which state requirements have been waived; and undergraduate and graduate degree majors, graduate certifications, and the field of study of the certification or degree. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.
- To review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum and to examine tests that have been administered to your child.
- To inspect a survey created by a third party before the survey is administered or distributed to your child.
- To review your child's student records when needed. These records include:
    - Attendance records,
    - Test scores,
    - Grades,
    - Disciplinary records,
    - Counseling records,
    - Psychological records,
    - Applications for admission,
    - Health and immunization information,
    - Other medical records,

- Teacher and counselor evaluations,
- Reports of behavioral patterns, and
- State assessment instruments that have been administered to your child.

[See **Student Records** on page 18.]

- To grant or deny any written request from the District to make a videotape or voice recording of your child. State law, however, permits the school to make a videotape or voice recording without parental permission for the following circumstances:
  - When it is to be used for school safety;
  - When it relates to classroom instruction or a cocurricular or extracurricular activity; or
  - When it relates to media coverage of the school.
- To remove your child temporarily from the classroom, if an instructional activity in which your child is scheduled to participate conflicts with your religious or moral beliefs. The removal cannot be for the purpose of avoiding a test and may not extend for an entire semester. Further, your child must satisfy grade-level and graduation requirements as determined by the school and by the Texas Education Agency.
- To request that your child be excused from participation in the daily recitation of the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The request must be in writing. State law does not allow your child to be excused from participation in the required moment of silence or silent activity that follows. [See **Pledges of Allegiance and a Minute of Silence** on page 63 and policy EC.]
- To request that your child be excused from recitation of a portion of the Declaration of Independence. State law requires students in social studies classes in grades 3–12 to recite a portion of the text of the Declaration of Independence during Celebrate Freedom Week unless (1) you provide a written statement requesting that your child be excused, (2) the District determines that your child has a conscientious objection to the recitation, or (3) you are a representative of a foreign government to whom the United States government extends diplomatic immunity. [See policy EHBK]
- To request in writing, if you are a non-custodial parent, that you be provided for the remainder of the school year a copy of any written notice usually provided to a parent related to misconduct that may involve placement in a Disciplinary Alternative Education Program (DAEP) or expulsion. See policies FL (LEGAL) and (LOCAL), FO (LEGAL) and the Student Code of Conduct.
- To request a transfer of your child to another classroom if your child has been verified by the superintendent to have been a victim of bullying as the term is defined by Education Code 25.0341. See the superintendent or designee for further information.
- To request a transfer of your child to attend a safe public school in the District if your child attends school at a campus identified by TEA as persistently dangerous or if your child was a victim of a violent criminal offense while in school or on school grounds. See policy FDD (LOCAL).

GRADING GUIDELINES

Grading

The instructional objectives are derived from the Texas Essential Knowledge and Skills for each grade- level subject and course. Assignments, tests, projects, classroom activities, and other instructional activities are designed so that the student's performance indicates the level of mastery of the instructional objectives. Mineral Wells ISD guidelines for grading are established to ensure that grading reflects student achievement and that a sufficient number of grades are taken to support the grade assigned.

Elementary Grading

Grading System

The following grades will be reported:

100-90	A	E = Excellent
89-80	B	S= Satisfactory
79-75	C	N= Needs Improvement
74-70	D	U= Unsatisfactory
0-69	F	

Pre-kindergarten and Kindergarten

The report card will use a grading scale of the following:

___ Concept not introduced

_/_ Concept introduced, but not mastered

_X_ Concept mastered

The report card will reflect mastery of specific literacy and math skills as well as social studies and work habits.

Grades 1-3

Reading, Language Arts, Math, Science, and Social Studies

A numerical average will be recorded on the report card. A sufficient number of grades each six weeks will be taken for each subject to support the grade average assigned.

Physical Education/Health, Art, Music

These subjects will receive a grade of either E, S, N, or U.

Handwriting

The emphasis will be on legible handwriting in all curriculum areas.

Conduct

If a student chooses to break a rule, their conduct grade will be lowered by one point. Each student begins with a conduct grade of 100, and points are deducted accordingly.

Grades 4-6

Language Arts, Math, Science, and Social Studies

A numerical average will be recorded on the report card. At least ten grades per six weeks will be taken in each core subject area.

Physical Education/Health, Art, Music

A minimum of one grade per week will be recorded in the gradebook. The students will receive a numerical average for their six weeks grade.

Conduct

If a student chooses to break a rule, their conduct grade will be lowered.

Each student begins with a conduct grade of 100, and points are deducted accordingly.

4th grade	one point
5th grade	two points
6th grade	three points

Secondary Grading

Grading System

Grades will be reported as numerical averages:

100-90	A
89-80	B
79-70	C
Below 70	F (Failing; no credit earned)

No grades below 50 will be given on the first, second, fourth, or fifth six weeks report card. At the third and final six weeks of the course, the actual cycle grade may be used.

Junior High

Grade Calculation

There will be a minimum of ten (10) grades per subject per six weeks period.

All grades within the marking period will have the same weight. There will be no distinction, for example, between homework, warm-ups, lab exercises, tests, quizzes, or projects.

A student's work may be assessed in more than one way; therefore, it is possible for one assignment or test to have more than one grade attached to it. No individual assignment or assessment, however, will count more than twenty (20) percent of the average for the six weeks.

If a six weeks test is given, it will count no more than ten percent of the average that marking period and may carry the same weight as other work done during the six weeks.

In calculating final grades for year-long classes, each six weeks grade and the final will count one seventh. In semester classes, each six weeks will count two sevenths and the final will count one seventh.

Pre-AP classes may use a grading policy which is different from that used in other classes. The details of these grading policies will be supplied in the syllabus for each Pre-AP class. This syllabus is sent home at the beginning of the year.

Extra Credit

Extra credit may be offered at the discretion of the teacher. Credit for this work is not to be given in the place of mastering TAKS objectives.

High School

Grade Calculation

There will be a minimum of ten (10) grades per subject per six weeks period two of which must be tests. Six week cycle grades will be based on 50% daily work and 50% tests. (Advanced Placement Classes are not required to adhere to this grading guideline. The details of each of these grading policies will be supplied in the syllabus for each Pre-AP/AP class. This syllabus is sent home at the beginning of the year.)

In calculating grades, semester grades are computed in this manner: each six weeks grade is two sevenths and the exam is one seventh of the final grade. Final exams are given in all classes.

Exam exemptions for students are available as set forth in the exemption policy. Final exams may not be taken early. In extenuating circumstances, the principal may allow a final exam to be made up.

Award of Credit

Provided student attendance in a course meets state and local regulations, semester credits are granted for courses passed (a semester average of 70 or better is required). If a student fails a semester, then he/she receives no credit for that semester with one exception: if a students scores 65-69 in the first semester of a two-semester course (full year), then the two semesters can be averaged together to earn a 70 or better (the student must pass the second semester). In that case, the student may be able to earn a full credit for the course.

Local credit courses (e.g. teacher's aide, office aide, third and fourth year athletics, etc.) will count toward graduation, but will not be computed for GPA.

Semester Exam Exemptions

Students may earn exemptions from semester examinations. At the time of the final three week progress report for each semester, a student will become eligible for an exemption in a course if they have met the requirements listed below. Students will still be accountable through the end of the six weeks for attendance and behavior. These guidelines will be used as the standard for determining eligibility for exemptions **in each class** a student takes.

Grade Average*	Attendance**	Behavior***
90-100 (or above)	3 absences/semester	No suspensions
		No ISS
		No DAEP placement
80-89	2 absences/semester	No suspensions
		No ISS
		No DAEP placement
70-79	1 absence/semester	No suspensions
		No ISS
		No DAEP placement

*The grade average is determined by averaging the first two six week's grades of the semester and the final three-week progress report grade.

Attendance is based on absences for the semester. **ANY STUDENT ABSENT ON THE DAY OF A TAKS TEST FOR ANY REASON WILL AUTOMATICALLY BECOME INELIGIBLE FOR EXEMPTIONS.

***Behavior includes any referrals received within the semester which result in the student receiving In-School Suspension (ISS), suspension, or a Disciplinary Alternative Education Program (DAEP) placement.

REPORT CARDS / PROGRESS REPORTS AND CONFERENCES

Grading Periods

Beginning of First Semester	August 22
End of First Six Weeks	September 30
End of Second Six Weeks	November 11
End of Third Six Weeks and End of First Semester	December 20
Beginning of Second Semester	January 2
End of Fourth Six Weeks	February 17
End of Fifth Six Weeks	April 7
End of Sixth Six Weeks	May 26
End of Second Semester and Last Day of Instruction	May 26

Report cards with each student's grades or performance and absences in each class or subject are issued to parents at least once every 6 weeks.

Students will receive report cards at the end of each six weeks period. Six weeks report cards must be signed by the parent and returned. If a student receives a failing grade in any class on the report

card, the parents will be notified of the need for a conference with the teacher who issued the failing grade. The report card must be returned to the district and signed by the parent.

At the end of the first three weeks of a grading period, teachers will send home progress reports for all students. The progress report must be returned to the district and signed by the parent. Teachers will notify parents of any child who begins to fail after the progress reports are sent home at the third week. If the student receives a grade lower than 70 in any class or subject during a grading period, the parent will be requested to schedule a conference with the teacher of that class or subject. [See **Working Together** on page 2 for how to schedule a conference.]

Teachers follow grading guidelines approved by the Superintendent that have been designed to reflect each student's academic achievement for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the Board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the District's grading policy. [See policy EIA.]

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG (LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70 in a class or subject.

Report cards and unsatisfactory progress reports must be signed by the parent and should be returned to the school within 5 days.

STATE-MANDATED ASSESSMENT TESTS

Students at certain grade levels will take state assessment tests (such as TAKS: the Texas Assessment of Knowledge and Skills) in the following subjects, as well as routine testing and other measures of achievement:

- State-Developed Alternative Assessment (SDAA)
- Texas English Language Proficiency (TELPAS)
- Mathematics, annually in grades 3–7 without the aid of technology and, in grades 8–11, with the aid of technology on any assessment test that includes algebra
- Reading, annually in grades 3–9
- Writing, including spelling and grammar, in grades 4 and 7
- English language arts in grade 10
- Social studies in grades 8 and 10
- Science in grades 5, 8, and 10 [See note below.]
- Any other subject and grade required by federal law

[See policy EKB.]

Testing Dates for 2005 – 2006

- October 18, 2005 –TAKS Exit Level ELA (retest)
- October 19, 2005 –TAKS Exit Level Mathematics (retest)
- October 20, 2005–TAKS Exit Level Social Studies (retest)
- October 21, 2005 –TAKS Exit Level Science (retest)
- February 21, 2006 – TAKS/SDAA Writing Test for Grades 4 and 7, TAKS Reading for Grade 3, 5, and 9, TAKS ELA for Grades 10 and 11, TAKS Exit Level ELA (retest), SDAA Writing for Grade 10
- February 22, 2006 –TAKS Exit Level Mathematics (retest), SDAA Reading Level 9 for enrolled 9th grade students and SDAA ELA Level 10 or Reading Level 9 for enrolled 10th grade students
- February 23, 2006 – Exit Level Science (retest), Make-up Session for ELA for Grade 10
- February 24, 2006 – Exit Level Social Studies (retest)
- March 13- April 7, 2006- Texas English Language Proficiency Assessment System for Kindergarten through 12th students
- April 4, 2006 – TAKS Math for Grade 5
- April 18, 2006 – TAKS Math for Grades 3, 4, 6, 7, 8, and 10, SDAA Math for Grades 3 – 10, TAKS Exit Level ELA (retest for graduating seniors only),
- April 19, 2006 – TAKS Reading for Grades 4, 6, 7, and 8, Exit Level Math, SDAA Reading for Grades 3 – 8 and 9 and 10 on instructional levels K-8, TAKS Exit Level Math (retest), TAKS Reading 3 and 5 (retest)
- April 20, 2006 – TAKS Science for Grade 5, 8, 10 and EXIT, TAKS Math for Grade 9, TAKS Exit Level Science (retest for graduating seniors only)
- April 21, 2006 – TAKS Social Studies Grades 8, 10 and Exit Level, Exit Level Social Studies (retest for graduating seniors only)
- May 16, 2006 – TAKS Math for Grade 5 (retest)
- June 27, 2006 – TAKS Math for Grade 5 (retest)
- June 28, 2006 – TAKS Reading for Grades 3 and 5 (retest)
- July 11, 2006 – TAKS Exit Level ELA (retest)
- July 12, 2006 – TAKS Exit Level Math (retest)
- July 13, 2006 – TAKS Exit Level Science (retest)
- July 14, 2006 – TAKS Exit Level Social Studies (retest)

MEDICAL POLICIES

- School employees will administer medication to students only upon receipt of a written request by the student's parent, legal guardian or other persons having legal control of the student.
- All medications will be stored in a locked cabinet in the office of the nurse or of the principal's designee (see exceptions).
- Students will not be allowed to keep medication on their person while in school (see exceptions).
- Medication should be brought to school by an adult. The student should not carry medication with him/her to school on the bus unless authorized to self administer under “exceptions.” Medication will be counted upon receipt and returned to parent/guardian.
- Prescription medication will be counted upon receipt and returned to parent.
- A physician’s order is required for all prescribed medications administered 30 days or more including “as needed” prescription medications. Orders for prescription medications will be accepted from those persons legally authorized to write prescriptions in the United States. Out-of-state prescription medication not accompanied by a physician order will be considered on an individual basis.
- Medication must be in the original container and properly labeled. The label on prescription medication must include the name of the student, the prescribing doctor, the name of the medication, the date the medication was prescribed and the instructions for administration.
- Prescription medication will be administered only to the person named on the prescription label, and in the dosages, intervals, and for the duration period prescribed. If the duration/period is not specified, the medication will not be administered beyond the date on which the medication would have been expended had it been taken as prescribed.
- Modifications of a prescription will be accepted only upon receipt of written instructions from the prescribing doctor.
- Non-prescription ("over-the-counter") medication will be administered according to the instructions on the original container. The medication will not be administered more liberally than the instructions provide. However, the medication may be given in smaller dosages, or less frequently, or for a shorter duration period according to the written request authorizing the administration of the medication.
- If the school nurse believes that continued administration of the medication is not beneficial to the student, the nurse will notify the student's parent, legal guardian, or other person having lawful control of the student. The nurse may require a doctor's statement verifying that continued administration of the medication to the student is appropriate.
- When the period for administering the medication expires, the medication must be picked up by the parent, legal guardian, or other person having legal control of the student. Medication, whether prescription or non-prescription, will not be returned home by delivering it to students. Medication will be discarded if it is not picked up within thirty

(30) calendar days after the period for administering it has expired or the school year has ended, whichever occurs first.

- Only the amount of medication required for administration while on a field trip will be sent. Medication must be in the properly labeled original container. Medication will be administered by the designated staff member only and remain in the possession of the designated staff member at all times. The initial dose of any medication may not be administered by a staff member while on a field trip.
- It is the policy of MWISD to refer parents to their family physician for answers to questions about the appropriateness and effectiveness of psychotropic drugs for behavior management.

EXCEPTIONS – With physician, parent/legal guardian and school nurse written consent:

- Students who have a chronic medical condition and who are participating in athletics, or other after school activities and who have written permission from the physician, school nurse and parent may obtain their medicine from the clinic prior to the activity and return it to the school nurse the following morning.
- A student with asthma may possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity under the following conditions:
    - Prescription label must reflect student's name for which the medication is prescribed.
    - Self-administration must be in compliance with prescription or written instructions from the student's physician or other licensed health care provider.
    - Physician's statement must state that the student is capable of self administration.
    - Physician's written statement must reflect student's name, name of medication, purpose, dosage, administration times or circumstances, and the period for which it is prescribed.
    - Parent must also provide written authorization for self-administration.
    - Statement must be kept on file in the school nurse's office or principal's office if there is not a school nurse.
- Students diagnosed with having a life threatening allergic reaction requiring use of injectable epinephrine, i.e. Epipen, may carry prescribed injectable medication for emergency treatment during school hours, including before and after school activities. Student must:
    - Demonstrate knowledge of signs and symptoms indicating a need to administer injection
    - Demonstrate proficient use of medication
    - Acknowledge consequences of sharing medication with another student
- Medication for elementary level students will be maintained in the possession of an adult staff member who is authorized by the principal and properly trained to administer injectable medication. Emergency medical services will be activated and parent notification initiated if/when injectable medication is administered.

COMMUNICABLE OR INFECTIOUS DISEASE

Students who show signs of a communicable or infectious disease (including skin rash, impetigo, and lice) will be excluded from school until re-admission is acceptable to school authorities. Keep students home until a contagious or infectious disease has cleared up, or until you can present a doctor's statement that it is not communicable. Students should be kept at home until they have been free of fever at least twenty-four hours.

Meningitis – Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is the most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children over 1 year old and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability. None of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of the noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing; sharing drinking containers, utensils, or cigarettes). Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.

The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks or even months. The bacteria rarely overcome the body’s immune system and causes meningitis or another serious illness. While there are vaccines for some other strains of bacteria meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (89-90%). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within 7 to 10 days after the vaccine is given and lasts for up to five years.

If you think you might have bacterial meningitis seek prompt medical attention.

Additional information may also be found at the web sites for the Centers for Disease Control and Prevention: www.cdc.gov and the Texas Department of Health: www.tdh.state.tx.us

PHYSICAL EDUCATION, PARTICIPATION, MEDICAL EXCUSES

All students shall be required to participate in Physical Education except:

- Marching Band, Cheerleaders, and Dance Team
- Students having a medical statement from a doctor excusing them from participation.

  This form may be obtained from the school nurse.

  - Medical excuses must be renewed yearly.
  - They are kept on file in the school nurse's office.

  In the event a student has been ill and the parents have requested that they be excused from participation in PE for a few days, such requests should be honored. No penalty to the student's grade should be involved in such instances. The note from the parent is to be given to the physical education teacher who shall honor it. If this becomes a frequent occurrence, then the physical education teacher should ask the nurse to contact the parent and investigate the situation further. During the recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
- Students who have a written medical excuse from a member of the health arts licensed to practice in the State of Texas for permanent disability shall be exempted from activities that require participation in a skill demonstration. <u>The student will be required though to meet the essential elements of the course.</u>

STUDENT INSURANCE

Student insurance is available to all students with the school acting as a service agent only, and not responsible for claims resulting from injuries. The school will be happy to assist in any way possible. The office will have insurance applications and will accept the return of these applications. These applications include pricing information and coverage details. Student insurance may be purchased at any time. If you have any questions regarding student insurance, you may contact the assistant superintendent.

DOCTOR/DENTIST APPOINTMENTS

Doctors and dentists should be requested to make appointments for students after school hours or on Saturday. In the event that an appointment must be made during school hours, a note from the doctor or dentist must be presented to the school upon the student's return. The student will not be counted absent if a doctor’s note is brought to school the same day as the appointment.

CLINIC PROCEDURES

- Students will be admitted to the clinic only in an emergency or when sent to the clinic by the teacher. Approval by the school nurse must be given before any ill student is excused to go home. If it is necessary for a student to go home, the nurse will inform the parent and the student will be released from school by signing out through the office. If the procedure is not followed and the student leaves without properly checking out, the student will be given an unexcused absence for classes missed.

- The nurse keeps records on all students as prescribed by State Law. The nurse gives vision, hearing, and scoliosis testing as well as height and weight checks, and from time to time may assist other students to fulfill State Law requirements for enrollment due to health problems. The nurse will also work with Health Education and Welfare Assistance programs (Free Lunch and Reduced Price Lunch), and school insurance.
- There is NO medication given in the clinic such as aspirin, Bufferin, Pepto- Bismol, etc. Those students requiring medication during school hours should bring their medication to the clinic and leave it there during school hours. A pass from the teacher should be obtained when it is time to take the medication. Texas State Law requires that student medication sent to school must be sent in the original pharmacy labeled container, which must include child's name, directions for giving the medication, the name of the medication, and the physician's name and number.
- When your physician requires over-the-counter medications to be given at school, a medication permission form which has been signed by the child's Dr. must be on file, and the medication must be sent in the original container. Any medications sent to school in a non-original container (plastic bag, envelope, etc.) will not be administered and will be discarded.

PSYCHOTROPIC DRUGS

Teachers and other District employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they will not recommend use of psychotropic drugs. A District employee who is a registered nurse, an advance nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate.

"Psychotropic drug" means a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior. It is commonly described as a mood- or behavior-altering substance. [For further information, see policies at FFAC.]

STEROIDS

Parents and students should be aware that state law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Under state law, body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

STUDENT RECORDS

Both federal and state law safeguard student records from unauthorized inspection or use and provide parents and "eligible" students certain rights. For purposes of student records, an "eligible" student is one who is 18 or older OR who is attending an institution of postsecondary education.

The law specifies that certain general information about Mineral Wells ISD students is considered "directory information" and will be released to anyone who follows procedures for requesting it.

Release of any or all directory information regarding a student may be prevented by the parent or an eligible student. This objection must be made in writing to the principal within ten school days of the child's first day of this school year. [See the acknowledgment form attached to this handbook.]

Virtually all information pertaining to student performance, including grades, test results, and disciplinary records, is considered confidential educational records. Release is restricted to:

- The parents—whether married, separated, or divorced—unless parental rights have been legally terminated and if the school is given a copy of the court order terminating these rights. Federal law requires that, as soon as the student becomes 18 or is emancipated by a court, control of the records goes to the student. However, the parents may continue to have access to the records if the student is a dependent for tax purposes.
- District staff members who have what federal law defines as a "legitimate educational interest" in a student's records. Such persons would include school officials (such as Board members, the Superintendent, and principals), school staff members (such as teachers, counselors, and diagnosticians), or an agent of the District (such as a medical consultant).
- Various governmental agencies or in response to a subpoena or court order.
- A school to which a student transfers or in which he or she subsequently enrolls.

Release to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The District must comply with a request by a military recruiter or an institution of higher education for students' names, addresses, and telephone listings, unless parents have advised the District not to release their child's information without prior written consent.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated.

Records may be inspected by a parent or eligible student during regular school hours. If circumstances prevent inspection during these hours, the District will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the Superintendent's office is 906 S.W. 5th Ave.

The address(es) of the principals' offices are:

Mineral Wells High School
Principal: John Corsi
3801 Ram Blvd.

940/325-4408

Mineral Wells Junior High School
Principal: Jay Walsworth
1301 S.E. 14th Ave.
940/325-0711

Travis Elementary School
Principal: Bruce Butler
1001 S.E. Martin Luther King Jr. Street
940/325-7801

Houston Elementary School
Principal: Kelly Wilkerson
300 S.W. 13th St.
940/325-3427

Lamar Elementary School
Principal: Parisa Lerma
2012 S.E. 12th St.
940/325-5303

DAEP (Disciplinary Alternative Education Placement)
Principal: Linda Lawson
940/325-7513

DREAM Academy
Principal: Rena' Jennings
Alternative By Choice campus
940/325-3033

A parent (or the student if he or she is 18 or older or is attending an institution of postsecondary education) may inspect the student's records and request a correction if the records are considered inaccurate or otherwise in violation of the student's privacy rights. If the District refuses the request to amend the records, the requestor has the right to request a hearing. If the records are not amended as a result of the hearing, the requestor has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, contesting a student's grade in a course is handled through the general complaint process defined by policy FNG. [See **Report Cards/Progress Reports and Conferences** on page10, and **Student or Parent Complaints and Concerns** on page 20 for an overview of the process.]

Copies of student records are available at a cost of ten cents per page, payable in advance. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, one copy of the record will be provided at no charge upon written request of the parent.

Please note:

Parents or eligible students have the right to file a complaint with the U.S. Department of Education if they believe the District is not in compliance with federal law regarding student records. The District's policy (FL) regarding student records is available from the principal's or Superintendent's office or on-line at www.mwisd.esc11.net.

The parent's or eligible student's right of access to, and copies of student records, does not extend to all records. Materials that are not considered educational records—such as teachers' personal notes about a student that are shared only with a substitute teacher—do not have to be made available to the parents or student.

STUDENT OR PARENT COMPLAINTS AND CONCERNS

Usually student or parent complaints or concerns can be addressed simply—by a phone call or a conference with the teacher. For those complaints and concerns that cannot be handled so easily, the District has adopted a standard complaint policy at FNG (LOCAL) in the District's policy manual. A copy of this policy may be obtained in the principal's or Superintendent's office or on the District's Web site at mwisd.esc11.net.

In general, the student or parent should first discuss the complaint with the campus principal. If unresolved, a written complaint and a request for a conference should be sent to the Superintendent. If still unresolved, the District provides for the complaint to be presented to the Board of Trustees.

RELEASE OF STUDENTS FROM SCHOOL

Because class time is important, doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

A student who will need to leave school during the day must bring a note from his or her parent that morning. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parent.

A student will not be released from school at times other than at the end of the school day except with permission from the principal or designee and according to the campus sign-out procedures. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the instructional day.

Late Arrival to School / Tardy Policies

Prompt arrival at school is expected of all students. Late arrival disrupts class and causes loss of instructional time.

Lamar and Houston: PK-3

Any student who arrives at school after 8:00 is considered tardy. If a student has three or more tardies, he/she may be assigned to noon detention.

Travis: Grades 4-6

Any student who arrives at school after 8:00 a.m. is considered tardy and must report to the office for a tardy slip. The student's teacher will keep a record of all tardies. If a student has three or

more tardies, he/she may be assigned to principal's detention hall for one day for each tardy. If excessive tardiness continues to be a problem the student may be placed in in-school suspension and/or other disciplinary measures may be enacted.

Junior High: 7-8

Any student who arrives in class after 8:15 is considered tardy.

High School: 9-12

Mineral Wells High School Tardy Policy

In an effort to improve student learning, Mineral Wells High School is committed to the ideal of students being in class on time and ready to learn. A student is considered tardy if he or she is not seated in his or her desk with needed supplies out when the tardy bell rings. To help students develop good habits of punctuality and preparedness, MWHS teachers and administrators will enforce the tardy policy by providing consequences for excessive tardiness and rewards for punctuality.

When the tardy bell sounds at the beginning of each class period, teachers will close and lock their classroom doors. Students who arrive late to class and who do not possess a tardy slip will be denied entry into the class. They will be required to report to the attendance window where they will be given a tardy slip. After receiving the tardy slip, students will be sent back to class and will be given three minutes to get there. Students who fail to return to class within the allotted time will be sent to the office again and will receive a discipline referral. Students reporting back to class from the attendance window after being marked tardy will be required to go directly to class and will not be allowed to visit the restroom, snack machines, other classes or any other place.

Students who are in the classroom but who are not prepared to learn (i.e., they do not have necessary supplies or they are out of their seats when the bell rings) may also be sent to the attendance window by the teacher to get a tardy slip. This will count just like any other tardy.

The office will maintain a count of student tardies. Tardies in all classes will be cumulative. The consequences for tardiness will be as follows:

1st tardy – verbal warning

2nd tardy – written warning and reminder of consequences for additional tardies

3rd tardy – written warning and reminder of consequences for additional tardies

4th tardy – 1 day of lunch detention

5th tardy – 1 days of lunch detention

6th tardy – 1 day of lunch detention

7th tardy – 1/2 day of Saturday school

8th tardy – 1 full day of Saturday school

9th -15th tardies – 1 day of ISS

16th tardy and above – principal referral and assignment of discipline for persistent misconduct

The student tardy count will start over at zero at the beginning of the second semester.

Students who are more than fifteen (15) minutes late to class will be counted absent. This will be an unexcused absence.

Students who do not receive a single tardy during a semester of school will receive a certificate of recognition from the principal at the end of the semester.

Withdrawing from School

A student under 18 may be withdrawn from school only by a parent. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. A withdrawal form may be obtained by the parent from the principal's office.

On the student's last day, the withdrawal form must be presented to each teacher for current grade averages and book clearance; to the librarian to ensure a clear library record; to the clinic for health records; to the counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student and a copy placed in the student's permanent record.

A student who is 18 or older, who is married, or who has been declared by a court to be an emancipated minor, may withdraw without parental signature.

SECTION II
CURRICULUM-RELATED INFORMATION

This section of the handbook contains pertinent requirements for academics and activities. Much of this information will also be of interest to your parents and should be reviewed with them—especially if you are entering 9th grade or are a transfer student. The section includes information on graduation programs and requirements; options for earning course credit; extracurricular activities and other school-related organizations; and awards, honors, and scholarships.

QUICK REFERENCE:

Where to look when you need help with…

- Class rank/top ten percent/highest ranking student page 24
- State scholarships and grants page 26
- Class schedules page 26
- Computer resources page 27
- Correspondence courses page 27
- Counseling page 28
- Credit by exam page 28
- Dual credit courses/college courses page 31
- Career and technology programs page 31
- Extracurricular activities, clubs, and organizations page 32
- Grade classification page 35
- Promotion and retention page 35
- Graduation page 36
- Homework page 40
- Nontraditional academic programs page 41
- Special programs page 41
- Summer school page 45
- Textbooks page 46

ACADEMIC PROGRAMS

The school counselor provides students and their parents' information regarding academic programs to prepare for higher education and career choices.

CLASS RANK / TOP TEN PERCENT / HIGHEST RANKING STUDENT

Class Rank and Grade Point System

Class rank for senior students shall be calculated by averaging semester grades earned in grades 9-12 and any high school course taken prior to ninth grade for which a student earned state graduation credit. The numeric semester average shall earn grade points according to the District weighted grade point scale. Class rank shall be calculated at the end of the fifth six-weeks grading period.

For the purpose of assigning grade points to determine student ranking in class in grades 9-12, the following conversion table is used:

WEIGHTED GRADING SYSTEM					
	Grade	AP	Pre-AP, G/T, & Honor	Regular	Modified
	100	5.3	5.0	4.0	3.0
	99	5.2	4.9	3.9	2.9
	98	5.1	4.8	3.8	2.8
	97	5.0	4.7	3.7	2.7
	96	4.9	4.6	3.6	2.6
	95	4.8	4.5	3.5	2.5
	94	4.7	4.4	3.4	2.4
	93	4.6	4.3	3.3	2.3
	92	4.5	4.2	3.2	2.2
	91	4.4	4.1	3.1	2.1
	90	4.3	4.0	3.0	2.0
	89	4.2	3.9	2.9	1.9
	88	4.1	3.8	2.8	1.8
	87	4.0	3.7	2.7	1.7
	86	3.9	3.6	2.6	1.6
	85	3.8	3.5	2.5	1.5
	84	3.7	3.4	2.4	1.4
	83	3.6	3.3	2.3	1.3
	82	3.5	3.2	2.2	1.2
	81	3.4	3.1	2.1	1.1
	80	3.3	3.0	2.0	1.0
	79	3.2	2.9	1.9	0.9

	78	3.1	2.8	1.8	0.8
	77	3.0	2.7	1.7	0.7
	76	2.9	2.6	1.6	0.6
	75	2.8	2.5	1.5	0.5
	74	2.7	2.4	1.4	0.4
	73	2.6	2.3	1.3	0.3
	72	2.5	2.2	1.2	0.2
	71	2.4	2.1	1.1	0.15
	70	2.3	2.0	1.0	0.1
	Below 70	0.0	0.0	0.0	0.0

Top Ten Percent

The state of Texas allows all Texas high school students who graduate in the top ten percent (10%) of their class to obtain automatic admission to state supported universities. State policy permits this admission for two years following graduation. MWHS oversees placement on the list based on its weighted grade point average table. In case of a tie in determining these graduates, the averages will go four decimal places. Students and parents should contact the senior counselor for further information about how to apply and the deadline for application.

Honor Graduates

Honor graduates are those who pursue a **Recommended Program** or **Distinguished Achievement Program** and have a 90 numerical average as calculated by the weighted GPA table.

Highest Ranking Students

To be considered for valedictorian or salutatorian in the graduating class, a student must meet the following:

- be a graduating senior who has attended MWHS for his/her final four semesters (2 years), and
- be a graduating senior who has met the graduation requirements for the **Recommended Program** or **Distinguished Achievement Program**.

Given these two requirements, the valedictorian and salutatorian will have the highest and second highest grade point average. In case of a tie, the grade point average will be extended to four decimal places. If the tie is not resolved through this method, co-valedictorians or co-salutatorians will be declared.

For two school years following their graduation, District graduates who ranked in the top ten percent of their graduating class are eligible for admission into four-year public universities and colleges in Texas. Students and parents should contact the senior counselor for further information about how to apply and the deadline for application. [For further information, see policies at EIC.]

STATE SCHOLARSHIPS AND GRANTS

- Under the Texas Early High School Graduation Scholarship Program, students who complete the Recommended or Advanced (Distinguished Achievement) High School Program may earn financial credits in varying amounts to apply toward college tuition. The amounts depend on the number of consecutive months in which the student completed graduation requirements and the number of early college credits earned and may be used at public or private Texas higher education institutions within the state. The counselor can provide additional information about meeting the program's eligibility requirements.
- Students who have a financial need according to federal criteria and who complete the Recommended High School Program or Distinguished Achievement Program may be eligible under the TEXAS Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. [For further information, see the principal or counselor and policy EJ.]

CLASS SCHEDULES

Bell Schedules

- Lamar Elementary classes begin at 8:00
- Houston Elementary classes begin at 8:00
- Travis Elementary classes begin at 8:00

Mineral Wells Junior High School Bell Schedule:

7TH GRADE	**PERIOD**	**8TH GRADE**
8:15-9:00	1ST	8:15-9:00
9:05-9:55	2ND	9:05-9:55
10:00-10:45	3RD	10:00-10:45
10:50-11:35	4TH	10:50-11:35
11:40-12:25	5th----------LUNCH	11:40-12:10
12:30-1:00	LUNCH----------5TH	12:15-1:00
1:05-1:50	6TH	1:05-1:50
1:55-2:40	7TH	1:55-2:40
2:45-3:30	8th	2:45-3:30

Mineral Wells High School Bell Schedule:

0	7:10-7:55	45 minutes
Enrichment	8:00-8:25	25 minutes
1	8:30-9:20	50 minutes
2	9:25-10:15	50 minutes
3	10:20-11:15	55 minutes (5 minutes announcement time)
4	11:20-12:45	85 minutes
A lunch***	11:15-11:45 Tardy Bell @ 11:50	30 minutes
B lunch**	11:45-12:15 Tardy Bell @12:20	30 minutes
C lunch*	12:15-12:45	30 minutes
5	12:50-1:40	50 minutes
6	1:45-2:35	50 minutes
7	2:40-3:30	50 minutes
A***	lunches have 4th period class from 11:50-12:45 (55 min.)	
B**	lunches have 4th period class from 11:20-11:45 & 12:20-12:45 (50 min.)	
C*	lunches have4th period class from 11:20-12:15 (55 min.)	

Students are pre-registered in the spring and scheduled during the summer according to their pre-registration and their academic achievement scores. No schedule changes will be made except where an error has been made in scheduling or when there is a rationale acceptable to the counselor and principal.

COMPUTER RESOURCES

To prepare students for an increasingly computerized society, the District has made a substantial investment in computer technology for instructional purposes. Use of these resources is restricted to students working under a teacher's supervision and for approved purposes only. Students and their parents will be asked to sign a user agreement regarding use of these resources; violations of this agreement may result in withdrawal of privileges and other disciplinary action.

Students and their parents should be aware that e-mail, using District computers, is not private and may be monitored by District staff.

Please see the MWISD Network and Internet Acceptable Use Guidelines at the end of the handbook.

[For additional information, see policy CQ.]

CORRESPONDENCE COURSES

MWHS makes correspondence courses available to students, but recommends taking them only in an extreme case. Should a student and his or her counselor deem a correspondence course

necessary, permission to enroll in such a course must be obtained from the principal or his designee. Failure to obtain such permission will negate any correspondence course credit awarded toward graduation. Students may be enrolled in only one correspondence course at a time. The student is responsible for all costs of the course. A graduating senior enrolled in such a course to earn required graduation credit shall complete the course and submit the grade no later than 30 days prior to the end of the term.

The Mineral Wells Independent School District allows no more than two (2) credits by correspondence. Credits earned in this manner are recorded on the student's official transcript and the recorded grade is calculated in the GPA.

COUNSELING

Academic Counseling

Students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn about course offerings, the graduation requirements of various programs, and early graduation procedures. Each spring, students in grades 9 through 12 will be provided information on anticipated course offerings for the next year and other information that will help to make the most of academic and vocational opportunities.

To plan for the future, including attendance at a college, university, or training school, or pursuit of some other type of advanced education, students should work closely with the counselor in order to take the high school courses that best prepare them. The counselor can also provide information about entrance exams and deadlines for application, as well as information about automatic admission to state colleges and universities, financial aid, housing, and scholarships.

Personal Counseling

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, or emotional issues, or substance abuse. The counselor may also make available information about community resources to address these concerns. A student who wishes to meet with the counselor should make an appointment with the counselor.

Please note: The school will not conduct a psychological examination, test, or treatment without first obtaining the parent's written consent, unless required by state or federal law for special education purposes or by the Texas Education Agency for child abuse investigations and reports.

[For more information, refer to policy FFE and FFG (EXHIBIT).]

CREDIT BY EXAM—If a Student Has Taken the Course

A student who has received prior instruction in a course or subject—but did not receive credit for it—may, in circumstances determined by the teacher, counselor, principal, or attendance committee, be permitted to earn credit by passing an exam on the essential knowledge and skills defined for the course or subject. To receive credit, a student must score at least 70 on the exam. In other instances, the District administration will determine whether any opportunity for credit by exam will be offered. To be eligible for credit by examination, the student must have had prior instruction in the subject and earned a grade of at least 60 in the course failed.

The attendance review committee may offer a student with excessive absences an opportunity to earn credit for a course by passing an exam. A student may not use this exam, however, to regain

eligibility to participate in extracurricular activities. [For further information, see the counselor and policy EEJA.]

CREDIT BY EXAM—If a Student Has Not Taken the Course

Credit by Examination (CBE) provides an alternative process for grade placement and for granting of course credit for students with no prior instruction in the grade level or course. The district will administer CBE tests in language arts, mathematics, science, and social studies for grades 1-6. For secondary courses, grades 7-12, most academic subjects will be tested by semester. There are six testing dates scheduled through the Mineral Wells ISD. These examinations provide a way for students who have good command of a subject area or course content to accelerate. Granting of acceleration requires district recommendation and is subject to written approval by the student's parent or guardian.

A request for CBE must be submitted in writing to the principal/assistant principal. A CBE registration form indicating the grade level/subject area for testing and signed by the parent or guardian must be completed for each student. A student must meet the eligibility requirements for enrollment in order to register.

Credit by Exam Schedule

Date of Test	Registration Deadline
July 15, 2005	June 15, 2005
October 15, 2005	September 12, 2005
November 12, 2005	October 10, 2005
March 25, 2006	February 20, 2006
May 20, 2006	April 17, 2006
June 17, 2006	May 15, 2006

Credit by Examination with Prior Instruction

With the prior recommendation of the campus administrator, a student may use credit by examination to demonstrate mastery to earn credit in an academic course. To be eligible for the credit by examination, the student must have had prior instruction in the subject and earned a grade of at least 60 in the course failed. To receive credit, the student must score a grade of 70 or above on the examination. If such credit is given, the District shall enter the examination score on the student's transcript or permanent folder.

Credit by Examination without Prior Instruction

To take an examination for acceleration, the students must be enrolled in the district, and the student and parent must conference with the campus administrator.

In grades 1-5, the district shall accelerate a student one grade level if the student meets the following requirements:

- The student scores 90 or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
- A district administrator recommends that the student be accelerated; and
- The student's parent or guardian gives written approval for acceleration.

The district shall give a student in grades 6-12 credit for an academic subject in which the student has received no prior instruction if the student scores 90 or better on a criterion-referenced examination for acceleration for the applicable course. If such credit is given, the District shall enter the examination score on the student's transcript or permanent folder.

Kindergarten acceleration requires that the student be at least 5 years old, parent must make a request with the principal, student takes test on reading and math readiness, and a committee decides whether the student shall be accelerated.

Assessment for Acceleration

Kindergarten

Students are required to reach the age of five years on or before September 1 in order to attend kindergarten. Acceleration to first grade will be determined through established district procedures.

Grades 1-6

Students must score a minimum of 90 percent on each area of criterion-referenced tests that cover the essential knowledge and skills in reading/language arts, mathematics, social studies, and science for the grade they wish to skip.

Grades 7-8

Students must score a minimum of 90 percent on each area of a criterion-referenced semester test that covers the essential knowledge and skills in the subject they wish to skip. Students must take one exam for each semester in the subject area they wish to skip: reading, English, mathematics, social studies, and science.

A course that is taken for high school credit, i.e., algebra, foreign language, must meet the high school course requirements.

Students must score a minimum of 90 percent on each area of criterion-referenced tests that cover the essential knowledge and skills in reading/language arts, mathematics, social studies, and science for the grade they wish to skip.

High School Courses

Students must take an exam for each semester of an academic course they wish to skip. A student must score a minimum of 90 percent on each subject area exam to be awarded credit. The recorded grade is calculated in the GPA. Any passing scores on the exams will be recorded on the student's academic achievement record.

A student will be permitted to take an exam to earn credit for an academic course for which the student has no prior instruction. The dates on which exams are scheduled during the 2005–2006 school year are listed under the Credit by Exam Schedule.

The passing score required to earn credit on an exam is 90.

If a student plans to take an exam, the student (or parent) must register with the principal no later than 30 days prior to the scheduled testing date. The District will honor a request by a parent to administer a test on a date other than the published dates. The parent will be responsible for paying an appropriate fee to the District or for purchasing the test from a university approved by the State Board of Education. [For further information, see policy EEJB.]

DUAL CREDIT COURSES / COLLEGE COURSES

Mineral Wells High School offers a number of dual credit courses through Weatherford College that enable students to gain high school credit and college credit simultaneously. In addition, dual credit courses with student grades of "B" or better can serve as a part of the advanced measures for the Distinguished Achievement Diploma.

The list of courses ordinarily includes U.S. Government, Economics, College Algebra, and Psychology. Other course offerings are available from time to time. In order to register for the classes, students must provide several pieces of paper work.

- College Application for Admission
- Early Admission Form (available from MWHS counselor; must be signed by principal and parent)
- Copy of high school transcript
- Copy of TAKS scores with ELA essay score included (scores of 2200 on subject area tests and "3" on the essay allow student enrollment without having to take the THEA or COMPASS test)
- Acceptable THEA or COMPASS scores if TAKS scores are not sufficient for admission (contact Weatherford College at 817 598-6488 for more information on test administration times and dates)

While planning for these courses needs to be considered during the junior year, the actual registration process can be completed during the first part of the student's senior year. He or she should express interest during the spring of his junior year, make plans to provide test scores, and plan for the expense of the THEA or COMPASS testing, as well as the cost of the course and the textbooks needed. Once school begins at the high school in August, a Weatherford College counselor will visit interested dual credit course students to take registration information, accept fees for tuition and books, and be sure that all paper work is complete.

CAREER AND TECHNOLOGY PROGRAMS

Mineral Wells ISD will take steps to ensure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

Mineral Wells ISD, in partnership with Weatherford College or TSTC, awards credit for high school Tech Prep classes completed with an 85 or better. After graduating from high school and enrolling in Weatherford College and completing at least one other technical course in the career major, credit will be transcribed on the college transcript without any expense to the student. Among the Tech Prep classes currently offered at MWHS are Introduction to Business, Accounting I, Business Computer Information Systems, Computer Aided Design, Child Development/Preparation for Parenting, Individual and Family Living, Food Science and Technology, Family Health Needs, Introduction to Horticulture, and Introduction to Ag Mechanics. These courses are subject to change from time to time. Students with an interest in Tech Prep classes should visit with their counselors about this course of study.

Mineral Wells Independent School District will take steps to ensure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right.

Eligibility for participation in many of these activities is governed by state law as well as rules of the University Interscholastic League (UIL)—a statewide association overseeing inter-district competition. The following requirements apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class—other than a class identified as honors or advanced by either the State Board of Education or by the local Board of Trustees—may not participate in extracurricular activities for at least three school weeks.
- A student with disabilities who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse.
- A student is allowed in a school year up to ten absences not related to post-district competition, a maximum of five absences for post-district competition prior to state, and a maximum of two absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the Board, are subject to these restrictions.
- A student who misses a class because of participation in an activity that has not been approved will receive an unexcused absence.

Travis Elementary School UIL offerings include the following:

Academic

Oral Reading	Spelling	Band
Dictionary	Art	Cadets
Ready Writing	Music Memory	
Number Sense	Maps/Graphs/Charts	

Another activity that is a large part of Travis School is the trip to Camp Grady Spruce. This takes place in March each year, and is available to sixth grade students. Certain standards of behavior are required of students who wish to participate. Travis staff members will advise sixth graders of the standards for the trip.

Mineral Wells Junior High UIL offerings include the following:

Athletics	Academics	
Football	Band	Choir
Basketball	Science	Spelling
Track	Ready Writing	Mathematics
Cheerleading	One Act Play	Calculator Applications
Volleyball	Number Sense	Informative Speaking
Cross Country	Persuasive Speaking	Oral Reading

Impromptu Speaking	Art
Dictionary Skills	Modern Oratory
Listening Skills	Keyboarding
Pantomime	Improvisation
Maps/Graphs/Charts	Editorial Writing
Social Studies	

Other activities and/or clubs available to MWJH students are: National Junior Honor Society, Student Council, Mathletes, and Pathfinders.

The National Junior Honor Society (NJHS) members are chosen for their scholarship, leadership, citizenship, and services to their school and community. During the spring of their seventh grade year, a student may apply to become a member of NJHS. The student's academic grade must be a 93 average in the core subjects. The average of 93 must be maintained throughout the next school year. There is a probation period to enable students to regain their appropriate average of 93.

NJHS is a service organization. The students participate in a variety of projects both for the school and the community.

The Mineral Wells Junior High School Student Council is the student government body for the school. The purpose of this organization is to develop school spirit and pride, to provide a forum for student expression, to provide for the general welfare of the school, to teach leadership and fellowship, to promote good citizenship, and to cooperate with the administration in all problems concerning the school and student body. Membership in Student Council is by application and is conducted each fall. Qualifications for membership are determined according to the Student Council Constitution and Bylaws. Students may also be dismissed from the Council according to the Constitution and Bylaws.

Mineral Wells High School UIL offerings include the following:

Athletics	Academics	
Baseball	Band	One Act Play
Basketball	Choir	Literary Criticism
Football	Cheerleading	Oral Interpretation
Golf	Drill Team	Computer Applications
Powerlifting	Accounting	Calculator Applications
Soccer	Journalism	Computer Science
Softball	Science	Number Science
Tennis	Spelling	Informative Speaking
Track	Ready Writing	Persuasive Speaking
Volleyball	Mathematics	
Cross Country		

Other activities and/or clubs available to MWHS students are: Art Club, Burro (Yearbook), Chess Club, Crime Stoppers, Drama Club, Future Business Leaders of America (FBLA), Fellowship of Christian Athletes(FCA), Family Community Career Leaders of America, Future Educators of America (FCCLA), FFA, HOSA, Key Club, Los Latinos, National Honor Society, Pathfinders, Skills USA, Student Council, and Z Club.

The National Honor Society is one of the most active and prestigious organizations at MWHS. Students may apply for membership during their sophomore, junior, or senior years. Students wishing to apply must have an 89.5 or above grade point average. However, the criteria for selection to the NHS are not based on grades alone. Leadership, service, and character are also criteria for becoming a member. An appointed faculty council will review and screen each applicant for scholarship, leadership, service, and character. A majority of the council must agree that the applicant meets the criteria before membership is granted. The counselors can provide more details.

The Mineral Wells High School Student Council is the student government body for our high school. The purpose of this organization is to develop school spirit and pride, to provide a forum for student expression, to provide for the general welfare of the school, to teach leadership and fellowship, to promote good citizenship, and to cooperate with the administration in all problems concerning the school and student body. Membership in student council is by application with teacher recommendation and is conducted each spring. Junior Student Council members in good standing will be appointed as senior members. Qualifications for membership are as follows: students must maintain an average of 75 or above in all classes and have no truancy or disciplinary infraction within the last year.

Please note: Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization.

Organizational codes of conduct and constitutions can be supplied on request.

Other Clubs and Organizations: (High School)

ART – Libby Wiley

BAND –George Strandberg

BURRO- Donna Parker

CHEERLEADERS –Rhonda Connally

CHOIR- Robert Lloyd

CRIME STOPPERS-Officer Harrison

DRAMA- Angela Destro

DRILL TEAM –Peggy Harvey

FBLA- Michelle Carlson

FCA- Greg Wright/Brett Lang

FCCLA- Lynn Deisher

FEA- Michelle Stone

FFA-David Hardy/Blake Edwards

HOSA- Garry Fade

KEY CLUB- Steffany Gillen

LOS LATINOS-Misty Avila

NATIONAL HONOR SOCIETY – Patsy Myers

PATHFINDERS – Kim Ortiz

SKILLS USA- Cannon/Griffin/Whittenberg

STUCO- Deeann Hampton

Z –CLUB- Katrina Brister

UIL ACADEMIC- Donna Parker

UIL SPORTS –Sean Harvey

GRADE CLASSIFICATION

Students will be classified as freshmen, sophomores, juniors, or seniors at the beginning of the school year based upon the following criteria:

Freshman	Less than 5 credits
Sophomore	5 to 11.5 credits
Junior	12 to 16.5
Senior	17+ credits and completion of 3 years of high

Twenty four (24) credits are required for graduation.

PROMOTION AND RETENTION

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level. To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards. Students must also meet attendance guidelines as discussed in the Attendance section of the handbook.

- Grades 1-3

  In grades 1-3, promotion to the next grade level shall be based on an overall average of 70 or above on a scale of 100 based on course-level, grade-level standards for each subject area listed: language arts, reading, mathematics, science, and social studies.

- Grades 4-8

  In grades 4-8, promotion to the next grade level shall be based on an overall average of 70 or above on a scale of 100 based on course-level, grade-level standards for each subject area listed: language arts, mathematics, science, social studies, or a passing score on the applicable exit-level examination.

In addition, at certain grade levels a student—with limited exceptions—will be required to pass the Texas Assessment of Knowledge and Skills (TAKS), if the student is enrolled in a public Texas school on any day between January 1 and April 15 and is a Texas resident during the week that the TAKS is administered the first time.

- In order to be promoted to grade 4, students must have performed satisfactorily on the Reading section of the grade 3 assessment test in English or Spanish.

- In order to be promoted to grade 6, students enrolled in grade 5 must have performed satisfactorily on the Mathematics and Reading sections of the grade 5 assessment test in English or Spanish.
- In order to be promoted to grade 9, students enrolled in grade 8 in the 2007–2008 school year must perform satisfactorily on the Mathematics and Reading sections of the grade 8 assessment test in English.

In addition, students in grades 3, 5, and 8 must meet promotion standards established by the District in order to be promoted.

Parents of students in grades 3, 5, and 8 who do not perform satisfactorily on their exams will be notified that their child will participate in special instructional programs designed to improve performance. These students will also have two additional opportunities to take the test. If the student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the District, the decision of the committee must be unanimous. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policy EIE.]

A Personal Graduation Plan (PGP) will be prepared for any student in a middle school or beyond who did not perform satisfactorily on a state-mandated assessment test or is determined by the District as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a guidance counselor, teacher, or other staff member designated by the principal. The plan will identify the student's educational goals and include consideration of the parent's educational expectations for the student. [For additional information, see the counselor and policy EIF.

Certain students—some with disabilities and some with limited English proficiency—may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, counselor, or special education director.

GRADUATION

Requirements for a Diploma

To receive a high school diploma from the District, a student must successfully complete the required number of credits and pass a statewide exit-level exam.

The grade 11 exit-level test, required for students in grade 11, covers English language arts, mathematics, science, and social studies and requires knowledge of Algebra I, Geometry, Biology, Integrated Chemistry and Physics, English III, and early American and United States History. A student who does not pass the exit-level assessment will have additional opportunities to take the test.

The state mandated the current exit-level TAKS test effective for school year 2003–2004; previously students had taken an earlier version of the exit-level test beginning in grade 10 that was known as Texas Assessment of Academic Skills (TAAS). Any student who was scheduled to graduate during the administration of the TAAS exit-level exam will be permitted to take it.

Graduation Programs

The District offers the graduation programs listed below. All students entering grade 9 are required to enroll in the Recommended High School Program or Distinguished Achievement Program. Permission to enroll in the Minimum Graduation Program will be granted only if an agreement is reached among the student, the student's parent or person standing in parental relation, and the counselor or appropriate administrator. The counselor can help you decide which program is best for you. [See policy EIF.] In addition, students must pass state mandated exit-level assessments (TAKS)

	Number of Credits
• Minimum Graduation Plan	24
• Recommended High School Program	24
• Distinguished Achievement Program	25

The district offers the graduation programs listed below. All students entering grade 9 are required to enroll in the Recommended High School Program or Distinguished Achievement Program. Permission to enroll in the Minimum Graduation Program will be granted only if an agreement is reached among the student, student's parent or person standing in parental relation, and the counselor or appropriate administrator.

MINIMUM GRADUATION PLAN REQUIREMENTS (16 ½ specified credits, 24 total)

22 of the required 24 credits must be state credits

English	I, II, III, and IV (4 credits)
Mathematics	(3 credits), to include Algebra I and Geometry
Science*	(2 credits), to include Biology and IPC
	*for 2005-2006 9th graders 2 credits include Biology, and IPC or Chemistry
Social Studies	(4 credits) World Geography, World History, U.S. History,
	Government (½ credit) and Economics (½ credit)
Physical Education	1 ½ (Band and drill team students receive waivers for fall season
Health	½
Speech Communication	½
Technology Applications	1 credit
Electives	7 ½ credits

RECOMMEMDED High School Program (24 specified credits)

English	I, II, III, and IV (4 credits)
Mathematics	(3 credits), to include Algebra I, Algebra II and Geometry
Science*	(3 credits), Biology, and 2 from IPC, Chemistry, or Physics
	*for 2005-06 9th graders 3 credits from Biology, Chemistry, Physics (Principles of Technology may be substituted for Physics)
Social Studies	(4 credits) World Geography, World History, U.S. History,
	Government (½ credit) and Economics (½ credit)
Physical Education	1 ½ credit (Band and drill team students receive waivers for fall season
Health	½ credit
Speech Communication	½ credit
Technology Applications	1 credit
Foreign Language	(2 credits) in the same language
Fine Arts	1 credit (Art, Theater Arts, Band, Choir, Dance)
Electives	3 ½ credits

DISTINGUISHED HIGH SCHOOL PROGRAM (24 Specified credits)

English	I, II, III, and IV (4 credits)
Mathematics	(3 credits), to include Algebra I and Geometry
Science	(3 credits), must be chosen from four areas with not more than 1 credit from each area
Social Studies	(4 credits) World Geography, World History, U.S. History,
	Government (½ credit) and Economics (½ credit)
Physical Education	1 ½ (Band and drill team students receive waivers for fall season
Health	½
Speech Communication	½
Technology Applications	1 credit
Foreign Language	(3 credits) in the same language
Fine Arts	1 credit (Art, Theater Arts, Band, Choir, Dance)
Electives	2 ½ credits

A student also must achieve any combination of four of the following advanced measures. Original research/projects may not be used for more than two of the four advanced measures. The measures must focus on demonstrated student performance at the college or professional level. Student

performance on advanced measures must be assessed through an external review process. The advanced measures are as follows:

1. An original research/project that is:
    - Judged by a panel of professionals in the field that is the focus of the project; or
    - Conducted under the direction of mentor (s) and reported to an appropriate audience; and
    - Related to the required curriculum set forth in 19 TAC 74.1
2. Test data in which a student receives:
    - A score of three or above on the College board Advanced Placement examination;
    - A score of four or above on an International Baccalaureate examination; or
    - A score on the PSAT that qualifies a student for recognition as a Commended Scholar or higher by National Merit Scholarship Corporation; as part of the National Hispanic Scholar program of the College Board; or as part of the national Achievement Scholarship program for outstanding negro Students of the National Merit Scholarship Corporation. The PSAT score may count as only one advance measure regardless of the number of honors received by the student.
3. A grade of 3.0 or higher in courses that count for college academic credit and in tech-prep articulated college courses.

Certificates of Coursework Completion

A certificate of coursework completion will be issued to a senior student who successfully completes state and local credit requirements for graduation, but fails to perform satisfactorily on the exit-level tests. However, this student will not be eligible to participate in the graduation ceremonies.

Students with Disabilities

Upon the recommendation of the admission, review, and dismissal committee, a student with disabilities may be permitted to graduate under the provisions of his or her individualized education program (IEP).

Graduation Activities

Graduation activities include Baccalaureate and Graduation Ceremonies. State and local requirements must be met before a student is eligible to participate in the graduation ceremony. Students shall also have all attendance requirements successfully completed and any fines and debts paid before participating in graduation. (December graduates wishing to participate in May ceremonies must still adhere to all school rules, policies, and guidelines.)

Graduation Expenses

Because students and parents will incur expenses in order to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture—both student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Student Fees** on page 62.]

HOMEWORK

The Mineral Wells ISD Staff recognizes that homework is an integral component of the learning process. The homework assigned should enhance the learning of necessary concepts and direct students toward mastery of the Texas Essential Knowledge and Skills (TEKS). Homework should provide students with opportunities to apply learning and experience necessary practice. It should also develop a certain amount of independence among students and provide an opportunity to take personal responsibility for their own achievement.

	Lamar	Houston	Travis	Junior High	High School
Amount of homework	20 minutes per day (Monday – Thursday)	20 minutes per day (Monday – Thursday)	30 minutes per day (Monday – Thursday)	Not to exceed 70 minutes in a single evening	30 minutes per day per core subject area
Grading	Part of Work Habits Grade	Part of Conduct Grade	Academic Grade	Academic Grade	Academic Grade
Planner or Assignment Sheet	Homework given on assignment sheet	Homework given on assignment sheet	Homework written in planner by student	Student responsible for noting assignments	Student responsible for noting assignments

<u>Parent Responsibilities</u>

- Be aware of policy
- Be positive toward homework
- Provide quiet, well lighted area to complete homework
- Establish definite time for homework
- Read to children regularly
- Refrain from doing homework
- Inform teacher of any concerns about homework as they arise

<u>Student Responsibilities</u>

- Complete and return all homework on time
- Seek immediate help from teachers if work is not understood
- Establish a realistic time schedule for long term assignments
- Read nightly for pleasure
- Do homework on your own and to the **BEST** of your ability

NONTRADITIONAL ACADEMIC PROGRAMS

The DREAM Academy is an Alternative By Choice campus which offers at risk students in grades 9-12 an alternate route to graduation in the Mineral Wells ISD. The DREAM Academy requires no additional credits beyond the 22 credits mandated by the state for graduation in the Minimum Program. For information regarding entrance requirements, please contact Frances Cleveland---325-3033.

SPECIAL PROGRAMS

The District provides special programs for gifted and talented students, homeless students, bilingual students, migrant students, students with limited English proficiency, dyslexic students, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact your campus counselor.

Bilingual/ESL

Bilingual classes are available at the elementary level. ESL classes are available at all levels (Grades PK-12)

As required by the Texas Education Agency, students in grades PK-12 who are new to MWISD and indicate a language other than English on their Home Language Survey are given an English and Spanish language assessment test to determine their eligibility for the bilingual or ESL program. In addition to an oral test, students in grades 2-12 are also administered a written and reading test in English and Spanish (when applicable).

If the test indicates that the student is limited English proficient, the student is eligible for the bilingual or the ESL program. The parents or guardians are contacted and given the opportunity to accept or deny the services and sign a letter to that effect. The parents are given a copy of the program's benefits.

The Language Proficiency Assessment committee (LPAC) meets and determines each student's placement and documents each decision.

The above procedures must be completed within the first four weeks of the student's enrollment in school.

Bilingual and ESL classrooms are served by certified bilingual and ESL teachers trained in instructional strategies especially suited for these students.

Foreign Exchange Students

The number of Foreign Exchange Students desiring enrollment in the Mineral Wells ISD is limited to five students at the high school. This is granted by a waiver from the Texas Education Agency. Foreign Exchange Students are accepted on a first come, first serve basis after meeting requirements for admission.

Gifted and Talented Program

> **"***Supporting advanced learning for all students and meeting the unique needs of gifted and talented learners"*

Mineral Wells ISD offers a comprehensive Gifted and Talented Program for qualifying students in kindergarten through twelfth grade as required by the state.

The goal of the MWISD G/T program is to organize curriculum and instruction providing challenging, differentiated content, intellectual processes, student products and research. Both the elementary and secondary programs are characterized by interdisciplinary approaches to the curriculum, extended units of study and questioning designed to enhance the analytical, creative and evaluative processing.

Elementary gifted students are served within the regular classroom setting. Pre-AP/AP and Dual Credit courses address the needs of gifted secondary students. Secondary students are required to participate in a least on Pre-AP/AP or Dual credit course each semester. All teachers serving the Gifted Learner have received 30 hours of specified G/T training and maintain yearly 6-hour updates.

Screening

Parents, teachers, administrators, community members, or students may nominate students who perform or show potential for performing at superior levels. Copies of nomination forms may be obtained at the appropriate campus office during the following dates:

Fall window for nominations:

The second full week in September for students entering the district after March 1 in grades 1-12

Kindergarten window for nominations:

The second full week in December

Spring window for nominations:

The first full week of March for students in grades 1-12 who have not been tested this year.

Selection

A Board approved Matrix using multiple criteria will be used to determine placement in the G/T program. All students qualifying for the program may participate if they desire. Notification of qualification will be sent by mail after the testing process has been completed.

Appeals

A parent may file an appeal concerning district program placement by completing a *Notice of Appeal* for (available for the principal) and returning it to the District G/T Coordinator's office.

Furloughs

A student may request a furlough from the G/T program if a student is facing extenuating circumstances or it is felt the G/T program no longer meets the child's needs.

Exiting

A student may be exited from the program based on multiple criteria relating to performance and/or continued inappropriate behavior in the program.

Transfers

Students previously identified by another district shall have their records reviewed by the selection committee within 30 days of the student's enrollment to determine placement or appropriate testing procedures.

For further information contact:

Cathey A. Drew, District G/T Coordinator

906 SW 5th Ave.

Mineral Wells, TX 76067

940-325-6404- ext. 5152

cdrew@mwisd.net

Homeless Students

A homeless child is a minor who lacks a fixed, regular, and adequate residence or who has a primary nighttime residence with in a supervised, publicly or privately operated shelter for temporary accommodations, in an institution providing temporary residence for individuals intended to be institutionalized, or in a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings. A person who claims to be a homeless child may apply to the At Risk Coordinator for enrollment. (Nan Brandt—325-0711). A homeless child's residence for school purposes shall be the place where the child most regularly lives.

Human Sexuality Instruction

The basic content of Mineral Wells ISD's human sexuality instruction entitled "Worth the Wait" presents abstinence from sexual activity as the preferred choice of behavior. The program devotes more attention to abstinence from sexual activity than to any other behavior. Teachers shall provide parents and students with the course syllabus which lists the topics to be covered during instruction. Parents have the right to remove their student from any part of the instruction by stating this desire in writing to the campus principal.

State Compensatory Education

The District shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument. The program shall be designed to enable the student to perform at the student's grade level at the conclusion of the next regular school term, to the extent practicable, or to attain a standard of annual growth specified by the District and reported by the District to TEA. The District shall use student performance data from the state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive or accelerated instructional services for students in the District's schools.

The campus level programs may be found in the MWISD State Compensatory Manual which is available from the campus principal.

Title I, Part A Program

The Title I, Part A program provides students with an enriched and accelerated educational program with effective instructional strategies and challenging academic content. A focus of Title I, is to provide parents with meaningful opportunities to participate in the educational program. The Title I parent Involvement Policy and School-Parent Compact have been developed to support partnerships and build capacity among schools and parents in order to help parents become full partners in the education of their children. (See the Parent Involvement Policy and School-Parent Compact in Section I of the Handbook)

Tutorial Program

The District provides tutorial services at the District schools. These tutorials require a student whose grade in a subject for a reporting period lower than a 70 to attend.

Mineral Wells High School Mandatory Enrichment Program

In order to assist our students who are in need of extra academic assistance, we have incorporated an enrichment time in our schedule. This enrichment time will run from 8:00-8:25 every morning from Monday through Thursday and will be **mandatory** for students who:

* Receive a failing grade in any class on any 3-weeks progress report, with the exception of the first 3 weeks progress report, or
* Receive a failing grade in any class on any 6-weeks report card, or
* Fail one or more portions of the TAKS test.

Students will be assigned to a particular teacher for enrichment and roll will be taken each day. If a student who is required to attend enrichment does not attend, he or she will be considered truant and the appropriate disciplinary action will be taken**, up to and including filing charges against the student and parent in municipal court for failure to attend school.**

Students may earn their way out of enrichment by fulfilling the following requirements, as appropriate:

Students who receive a failing grade in a class at the 6-weeks or 3-weeks may exit tutorials after recording a passing grade **in all classes** on a 6-weeks report card or 3-weeks progress report. In order to get permission to exit the enrichment class, students must bring a copy of the passing report card or progress report to the enrichment teacher so that their name can be removed from the enrichment roll sheet.

Students who receive a failing grade on any section of the TAKS test may exit the enrichment program by passing all sections of the TAKS or upon recommendation of the Student Assistance Team (SAT). The SAT will meet monthly and will consider students for exit from the enrichment program at their regular meeting.

If a student fails more than one class or TAKS section, he or she will be placed in the enrichment program for the class or TAKS section in which he or she was farthest behind. After a period of 9 weeks, he or she may be moved to the next-weakest subject area in which he or she is also failing.

If a student fails a class or classes and also failed a section or sections of the TAKS, TAKS remediation will take precedence and he or she will be placed in the appropriate TAKS enrichment class.

Students who are not in need of the enrichment program (those who are passing all classes and have passed all sections of the TAKS) will not be required to be present at school during the 8:00-8:25 period. These students will be required to report to first period, by 8:30. **(Please note that all buses will arrive at the high school by 8:00. Those students who ride buses but who are not required to attend enrichment class will be allowed to sit in the cafeteria and study or have breakfast during this time.)** Any student who is not required to attend enrichment class but who wishes to receive extra help will be allowed to sit in the enrichment time, provided he or she is not a discipline problem.

On Fridays, students will be required to be at school before 8:30 (unless they have been assigned to morning detention). Students who arrive earlier than that will be allowed to sit in the cafeteria and study or have breakfast.

Extra instructional time for those who need it most—this is the vision of the MWHS Enrichment Program.

Options and Requirements for Providing Assistance to Students Who Have Learning Difficulties or Who Need or May Need Special Education

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the District's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other support services that are available to all students.

At any time, a parent is entitled to request an evaluation for special education services. Within a reasonable amount of time, the District must decide if the evaluation is needed. If evaluation is needed, the parent will be notified and asked to provide consent for the evaluation. The District must complete the evaluation and the report within 60 calendar days of the date the District receives the written consent. The District must give a copy of the report to the parent.

If the District determines that the evaluation is not needed, the District will provide the parent with a written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parent of their rights if they disagree with the District. Additionally, the notice must inform the parent how to obtain a copy of the ***Notice of Procedural Safeguards—Rights of Parents of Students with Disabilities***.

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education is Dennis Scott at 325-6404.

SUMMER SCHOOL

Summer school is offered for enrolled ESL and Bilingual students who will be entering kindergarten or first grade the following year. Third grade and Fifth grade students that failed to meet state standards on TAKS will be offered Accelerated Instruction during the summer months. At junior high and high school, opportunities to regain credit during the summer will be offered.

TEXTBOOKS

State-approved textbooks are provided free of charge for each subject or class. Books must be covered by the student and treated with care. A student who is issued a damaged book should report the damage to the teacher immediately. Any student failing to return a book issued by the school loses the right to free textbooks until the book is returned or paid for by the parent. However, a student will be provided textbooks for use at school during the school day. Below is a chart indicating possible textbook fines:

Damage	**Elementary**	**Jr. High /High School**
Pencil Marks	.10 per page	.25 per page
Ink Marks	.25 per page	.50 per page
Excessive Marks throughout book	Full price of book	Full price of book
Markings on edge of book	.50 per edge	$1.00 per edge
Torn Page	.50 per page	$1.00 per page
Page Torn Out & Missing	Full price of book	Full price of book
Binding Damage	$1.00 to full price	$1.00 to full price
Broken or Bent Cover	$1.00 to full price	$1.00 to full price
Liquid or Water Damage	Full price of book	Full price of book

Library Books---Lost or Damaged

Elementary (EC/PK-3)- When the student loses or damages a library book on any other library item, the student is responsible for paying the replacement cost of the item. Students are responsible for paying the replacement cost of library materials damaged beyond repair. If a damaged item can be repaired, the librarian and principal will assess a damage fine to be paid by the student.

Intermediate, Junior High, and High School (4-12)- Students are required to pay an overdue fine of ten cents. ($.10) per book, per day, excluding holidays and weekends, for books returned late. The total fine assessed may not exceed five dollars ($5.00) per book. When a student loses or damages a library book or any other library item, the student is responsible for paying the replacement cost of the item. Students are also responsible for paying the replacement cost of library materials damaged beyond repair. If a damaged item can be repaired, the librarian and principal will assess a damage fine to be paid by the student.

SECTION III
GENERAL INFORMATION AND REQUIREMENTS

Topics in this section of the handbook contain important information regarding school operations and requirements. Included are provisions such as student welfare; health and safety issues; fees; the school's expectations for student conduct (other than Student Code of Conduct requirements); use of facilities, such as the cafeteria, library, and transportation services; and emergency closings. For additional information or questions you may have, please see the principal.

QUICK REFERENCE:

- Attendance page 48
- Driver License Attendance Verification page 51
- Makeup work page 51
- Health-related matters page 52
- Freedom from Discrimination page 52
- Conduct page 55
- Disruptions page 55
- Law enforcement agencies page 56
- Distribution of published materials or documents page 57
- Dress and grooming page 58
- Student fees page 62
- Fund-raising page 62
- Immunization page 62
- Pledges of allegiance and a minute of silence page 63
- Prayer page 63
- Safety page 63
- Emergency school-closings information page 64
- School facilities page 65
- Searches page 68
- Transportation page 68
- Videotaping of students page 69
- Visitors to the school page 69

ATTENDANCE

Regular school attendance is essential for the student to make the most of his or her education—to benefit from teacher-led and school activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Two state laws, one dealing with compulsory attendance, the other with attendance for course credit, are of special interest to students and parents.

Attention: Parents/Guardians

Senate Bill 1432, approved by the 77th Texas Legislative Session, requires Texas school districts to notify parents of the following:

> Sec. 25.095. WARNING NOTICES. (a) A school district shall notify a student's parent in writing at the beginning of the school year that if the students is absent from school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period: (1) the student's parent is subject to prosecution under Section 25.093; and (2) the student is subject to prosecution under Section 25.094.

Ley del Senado 1432, aprovado por la 77 Sesion Legislativa de Texas, require Que distritos escolares de Texas notifiquen a los padres de lo siguiente:

> Sec. 25.095 NOTAS DE AVISO. (a) El distrito escolar notificara a los padres del estudiante por escrito al empezar el ano escolar de que si el estudiante es ausente de la escuela 10 ao mas dias o parte de esos dias dentro de un periodo de seis meses en el ano escolar o en tres o mas dias o parte de esos dias dentro de un perio de cuatro semanas: (1) Los padres del estudiante seran sujecto a prosecucion bajo la Seccion 25.093: y (2) el estudiante sera sujeto a prosecucion bajo la Seccion 25.094.

Each is discussed in the following sections:

Compulsory Attendance

The state compulsory attendance law requires that a student between the ages of 6 and 18 must attend school and District-required tutorial sessions unless the student is otherwise legally exempted or excused. A student who voluntarily attends or enrolls after his or her eighteenth birthday is required to attend each school day. However, if a student 18 or older has more than five unexcused absences in a semester, the District may revoke the student's enrollment. The student's presence on school property thereafter is then unauthorized and may be considered trespass.

School employees must investigate and report violations of the state compulsory attendance law. A student absent from school without permission from any class; from required special programs, such as additional special instruction (termed "accelerated instruction" by the state) assigned by the grade placement committee and basic skills for ninth graders; or from required tutorials will be considered in violation of the law and subject to disciplinary action.

A school-aged student's deliberately not attending school may also result in assessment of penalties by a court of law against both the student and his or her parents. A complaint against the parent may be filed in the appropriate court if the student:

- Is absent from school on ten or more days or parts of days within a six-month period in the same school year, or
- Is absent on three or more days or parts of days within a four-week period.

Attendance for Credit

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who attends fewer than 90 percent of the days the class is offered may be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit.

In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- All absences will be considered in determining whether a student has attended the required percentage of days. If makeup work is completed, absences for religious holy days and health-care appointments will be considered days of attendance for this purpose. [See policy FEB.]
- A transfer or migrant student incurs absences only after his or her enrollment in the District. For a student transferring into the District after school begins, including a migrant student, only those absences after enrollment will be considered.
- In reaching consensus about a student's absences, the committee will attempt to ensure that its decision is in the best interest of the student.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

Regaining Credit

The attendance committee may impose conditions on the receipt of credit, such as requiring the student to:

- Complete additional assignments, as specified by the committee

- Satisfy time on-task requirements before and/or after school
- Attend tutorial sessions as scheduled
- Attend Saturday classes
- Maintain the attendance standards for the rest of the semester
- Satisfy other reasonable requirements as determined by the attendance committee
- Take an examination to earn credit in accordance with policy EEJA.

The student or parent may appeal the committee's decision to the District's Board of Trustees by filing a written request with the Superintendent in accordance with policy FNG.

The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year.

When a student must be absent from school, the student—upon returning to school—must bring a note signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older.

Registration

Pre-Kindergarten Enrollment

Pre-Kindergarten classes will be offered on a full-day basis. To be enrolled in the Mineral Wells ISD Pre-K program a child must be:

- Four (4) years old on or before September 1
- Limited English speaking and/or
- Meet the required economic guidelines
- Complete new student requirements

Enrollment will be on a first-come, first-served basis until the class is full. A waiting list will be established when the program fills.

Pre-Kindergarten students must meet the same attendance guidelines as required by the district for regular students, or the student may be withdrawn.

Parent(s) and/or guardians(s) must participate in parenting workshops (1 hour each semester for the school year) for the student to remain in the program.

New Student and Transfer Requirements

- An official city, county, or state birth certificate to show evidence of a birth date is required for all kindergarten and first grade students who have not been enrolled in MWISD. Acceptable documents of identification are driver's license, passport, school ID card, school record, school report card, hospital birth records, adoption records, church baptismal record, or another legal document that establishes identity. Note: Original document, certified copy, or photocopy made and certified by the county clerk or other official who keeps the record of the above listed documents, qualify as acceptable proof of identity.

- Students previously enrolled in a school should present the most recent report card to verity grade placement.
- Proof of residence is required. Examples of proof of residence include lease agreement, house title, current electric bill, current gas bill and/or current water bill.
- Students transferring from accredited schools (TEA or its equivalent in other states) within the United States, numerical grades will be recorded exactly as they appear on the transcript, and alphabetical grades will be given the numerical equivalent according to the grading scale of the sending school. If no grading scale is provided, the following conversion scale will be used.

  A+ = 99 B+ = 89 C+ = 79

  A = 95 B = 85 C = 75

  A- = 90 B- = 80 C- = 70 F = 65
- For students that transfer from state accredited schools within the US with a grade of 60 to 69 that is indicated as passing, credit will be awarded and recorded as a "70". Pre-AP and/or AP courses will be designated on the MWHS transcript.
- Private and Home school credit will be given only for courses taken at schools accredited by TEA or its equivalent. Students entering from a non-accredited private school or home school must either retake state required courses or receive credit by examination.

WITHDRAWAL OF STUDENTS FROM SCHOOL

Please notify the school office at least 24 hours in advance to prevent a lengthy waiting period while withdrawal papers are being prepared. This may also save an unnecessary trip to return library books or textbooks.

A student may be withdrawn from school before the end of the school year only by his parents or guardian.

Driver License Attendance Verification

To obtain a driver license, a student between the ages of 16 and 18 must annually provide to the Texas Department of Public Safety a form obtained from the school verifying that the student has met the 90 percent attendance requirement for the semester preceding the date of application. The student can obtain this form at the Mineral Wells High School office.

MAKEUP WORK

Routine and In-depth Makeup Work Assignments

A student will be permitted to make up tests and to turn in projects due in any class missed because of absence. Secondary teachers may assign a late penalty to any project in accordance with time lines approved by the principal and previously communicated to students.

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student will be responsible for obtaining and completing the makeup work in a satisfactory manner and within the time specified by the teacher. [For further information, see policy EIAB.]

A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

DAEP or In-school Suspension Makeup Work

A student removed to a Disciplinary Alternative Education Program (DAEP) during the school year will have an opportunity to complete coursework needed to fulfill the student's high school graduation requirements before the beginning of the next school year. The District may provide the opportunity to complete the coursework through any method available, including a correspondence course, distance learning, or summer school. The District will not charge the student for any method of completion provided by the District. [See policy FOCA.]

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The District may provide the opportunity by any method available, including a correspondence course, distance learning, or credit recovery. [See policy FEA.]

Students and their parents are encouraged to discuss options with the teacher or counselor to ensure the student completes all work required for the course or grade level.

HEALTH-RELATED MATTERS

Physical Activity for Students in Elementary Grades

The District will make available for public inspection a statement of the policy adopted to ensure that students in elementary grades engage in at least 30 minutes of physical activity per day or 135 minutes per week, along with other information. For information regarding the District's requirements and programs regarding elementary student physical activity requirements, please see the principal.

School Health Advisory Council

Information regarding the District's School Health Advisory Council, including the number of meetings scheduled or held during the year, and information regarding vending machines in District facilities and student access to the machines is available from the principal. [See also policies BDF and EHAA.]

Other Health-Related Matters

Tobacco Prohibited

The District and its staff strictly enforce prohibitions against the use of tobacco products by students and others on school property or at school-sponsored or school-related activities. [See the Student Code of Conduct and policy GKA.]

Smoking or tobacco use is strictly prohibited on any campus parking lots, in or in front of the bleachers at Miller Stadium, Pratt Field, Kessler Field and the Jackie Harvey Track Complex.

Asbestos Management Plan

The District's Asbestos Management Plan, designed to be in compliance with state and federal regulations, is available in the Principal's office. If you have any questions, please contact Bill Ralph at 940-328-0065.

Pest Management Plan

The District applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area may contact Bill Ralph at 940-328-0065.

FREEDOM FROM DISCRIMINATION

The District believes that all students learn best in an environment free from harassment and that their welfare is best served when they can work free from discrimination. Students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The Board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, religion, color, national origin, gender, sex, age, or disability. [See policy FFH] Prohibited harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; or substantially interferes with the student's academic performance. A copy of the District's policy is available in the principal's office and in the Superintendent's office.

Examples of prohibited discrimination may include, but are not limited to, derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; bullying, threatening or intimidating conduct; name-calling or slurs, taunting, teasing (even when presented as "jokes"), or rumors; aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or aggressive conduct such as theft or damage to property. Examples of prohibited sexual harassment may include touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature. However, all romantic and inappropriate social relationships, as well as all sexual relationships, between students and District employees are prohibited, even if consensual.

Any student (or the student's parent) who believes that he or she has experienced prohibited harassment should immediately report the problem to a teacher, counselor, principal, or other District employee.

To the extent possible, the District will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations will be promptly investigated. The District will notify the parents of any student alleged to have experienced prohibited harassment by an adult associated with the District, or by

another student, when the allegations, if proven, would constitute "sexual harassment" or "other prohibited harassment" as defined by District policy.

If the District's investigation indicates that prohibited harassment occurred, appropriate disciplinary or corrective action will be taken to address the harassment. The District may take disciplinary action even if the conduct that is the subject of the complaint did not rise to the level of harassment prohibited by law or policy.

Retaliation against a person who makes a good faith report of prohibited harassment is prohibited. However, a person who makes a false claim or offers false statements or refuses to cooperate with a District investigation may be subject to appropriate discipline.

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG.

In its efforts to promote nondiscrimination, the District makes the following statements:

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

The following District staff members have been designated to coordinate compliance with these requirements:

- Title IX Coordinator, for concerns regarding discrimination on the basis of sex: Linda Porter Bradford 325-6404
- Section 504 Coordinator, for concerns regarding discrimination on the basis of disability: Nan Brandt 325-0711
- All other concerns: See the Superintendent Ray Crass at the District Services Complex, 906 S.W. 5th Ave.

Services for the Homeless and for Title I Participants

Other designated staff you may need to contact include:

- Liaison for Homeless Children and Youths, who coordinates services for homeless students: Nan Brandt 325-0711
- Parent Involvement Coordinator, who works with parents of students participating in Title I programs: Campus Principals

Services for Students with Disabilities

Parents of students with learning difficulties or who may need special education services may request an evaluation for special education at any time. For more information, contact Dennis Scott at 325-6404.

CONDUCT

Applicability of School Rules

As required by law, the District has established a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior—both on and off campus—and consequences for violation of the standards. Students need to be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

To achieve the best possible learning environment for all students, the Student Code of Conduct and other campus rules of behavior will apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. The District has disciplinary authority over a student in accordance with the Student Code of Conduct.

Social Events

School rules apply to school social events to which a student brings a guest. Each campus has guidelines specific to behavior and guests attending social events. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

Disruptions

As identified by law, disruptions include the following:

- Interferes with the movement of people at an exit, an entrance, or a hallway of a District building without authorization from an administrator.
- Interferes with an authorized activity by seizing control of all or part of a building.
- Uses force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Uses force, violence, or threats to cause disruption during an assembly.
- Interferes with the movement of people at an exit or an entrance to District property.
- Uses force, violence, or threats in an attempt to prevent people from entering or leaving District property without authorization from an administrator.
- Disrupts classes or other school activities while on District property or on public property that is within 500 feet of District property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with profane language or any misconduct.
- Interferes with the transportation of students in District vehicles.

Radios, CD Players, Cell Phones, and Other Electronic Devices and Games

Students are not permitted to display, turn on or use cellular telephones or other telecommunications or electronic device on school property during the instructional day.

Any disciplinary action will be in accordance with the Student Code of Conduct. For certain items, such as pagers, in which a third party retains a legal right of ownership, the school may charge for releasing the item to the third party. (See policy FNCE)

LAW ENFORCEMENT AGENCIES

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.
- The principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation.

Students Taken Into Custody

State law requires the District to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a custody action, notification will most likely be after the fact.

Notification of Law Violations

The District is also required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or adjudicated of delinquent conduct for any felony offense or certain misdemeanors.

[For further information, see policy GRA.]

DISTRIBUTION OF PUBLISHED MATERIALS OR DOCUMENTS

School Materials

Publications prepared by and for the school may be posted or distributed, with prior approval by the principal, sponsor, or teacher. Such items may include school posters, brochures, murals, etc.

The school newsletter and the yearbook are available to students.

All school publications are under the supervision of a teacher, sponsor, and the principal.

Nonschool Materials … from students

Unless a student obtains specific prior approval from the principal, written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials that were not developed under the oversight of the school may not be posted, sold, circulated, or distributed on any school campus. To be considered, any nonschool material must include the name of the sponsoring organization or individual. The decision regarding approval will be made in two school days.

The principal will designate the location for approved nonschool materials to be placed for voluntary viewing by students. See policy FNAA.

The student may appeal the principal's decision in accordance with policy FNG (LOCAL). Any student who posts material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without this approval will be removed.

Nonschool Materials … from others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization will not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District, except as permitted by policy GKDA. To be considered, any nonschool material must meet the limitations on content

established in the policy, include the name of the sponsoring organization or individual, and be submitted to the Assistant Superintendent for specific prior review. The principal will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate District complaint policy. [See policy DGBA, FNG, or GF.]

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD (LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All nonschool materials distributed under these circumstances must be removed from District property immediately following the event at which the materials are distributed.

DRESS AND GROOMING

The District's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the following:

Lamar and Houston

- The district prohibits clothing with pictures, emblems, or writing that: a). is lewd, offensive, vulgar, obscene, or disrupts the educational environment; b). depicts satanic and/or cult symbols, advertises or depicts tobacco products, alcoholic beverages, drugs, or any substance prohibited under MWISD's policy FNCF (L);
- Caps/hats and sunglasses are not allowed to be worn inside any building
- Revealing, see-through, or extremely tight clothing is unacceptable. Clothing which real undergarments or bare body parts is prohibited
- Moderate length shorts, skirts and/or dresses are permitted
- Shoes must be worn at all time. Footwear styles which are dangerous, noisy and/or distracting are not acceptable
- Hair and body shall be kept neat, clean, and well groomed. Any hairstyle causing a significant disruption to school environment will not be allowed.
- Moderate ear piercing is acceptable (no more than two earrings per ear and studs only). Not other visible body piercing is allowed.
- Chains, ropes, or other objects not originally designed as jewelry are prohibited.
- Overall and dress straps must be securely attached over the shoulder.

Violations will be subject to the guidelines set out in the student code of conduct.

The principal may designate other modes of dress for special occasions.

Travis

The following dress code will be followed by all students:

- The district prohibits clothing with pictures, emblems, or writing that: a). is lewd, offensive, vulgar, obscene, or disrupts the educational environment; b). depicts satanic and/or cult symbols, advertises or depicts tobacco products, alcoholic beverages, drugs, or any substance prohibited under MWISD's policy FNCF (L);
- Caps/hats are not to be worn inside any building. Students may wear caps/hats outside the building provided the cap is facing the front. Caps/hats worn backwards or sideways will not be allowed.
- Revealing, see-through, or extremely tight clothing is unacceptable. These include, but are not limited to: extremely short skirts, halter tops, tank tops, or other shirts with deep-cut openings, bare midriffs, low cut dresses, tube shirts, bicycle pants, tights over or under unacceptable clothing, clothing which real undergarments or bare body parts, including baggy or sagging pants.
- Moderate length shorts, skirts and/or dresses are permitted. Walking shorts, capris, jams, culottes, and skorts are examples of appropriate styles. Wind shorts, cut-offs, short shorts, jogging shorts, or bicycle shorts are not acceptable.
- Shoes must be worn at all time. Footwear styles which are dangerous, noisy and/or distracting, such as flip-flops, extremely high or spike heels, and thongs are not acceptable
- Hair and body shall be kept neat, clean, and well groomed. Any hairstyle causing a significant disruption to school environment will not be allowed. Including, but not limited to: Mohawk cuts, spikes, designs cut into the hair, and/or extreme hair coloring.
- Sunglasses are not allowed inside the school without a written explanation from the student's physician.
- Moderate ear piercing is acceptable. No more than two earrings per ear are permitted. No other visible body piercing is allowed.
- Wallet chains are not allowed. Chains, ropes, or other objects not originally designed as jewelry are prohibited.
- Overall and dress straps must be securely attached over the shoulder.

Violations will be subject to the guidelines set out in the student code of conduct.

The principal may designate other modes of dress for special occasions such as Crazy Sock Day, etc.

Junior High and High School

It is the intent of Mineral Wells High School to teach discipline in dressing at school which reflects the beliefs and values of the community. We also strive to provide the guidance necessary so that our students have an appropriate knowledge of grooming to be successful in a variety of situations. We also want our students to dress in a manner that represents the student, the student's family, and Mineral Wells High School in a positive and dignified manner. There is a close relationship between high standards of dignity and pride and proper grooming. In order to represent yourself, your family, and our school, the following guidelines are required.

Students and parents should keep in mind that the student and their parents share in the responsibility for proper grooming and hygiene of the student. Modesty will be the dominant feature in all clothing. Attire shall be clean and not offensive.
Appropriate behavior, attitude and our community standards take precedence over style.

The District prohibits any ***picture, emblem, or writing*** that:

1. Is lewd, offensive, vulgar, obscene or disrupts the educational environment
2. Depicts satanic and/or cult symbols; advertises or depicts tobacco products, alcoholic beverages, drugs or any other substance prohibited under FNCF (L) of the M.W.I.S.D. Board Policy Manual, or any violent behavior not allowable on campus
3. Reflect or affiliate an individual or individuals with an organization not recognized through the office, i.e. gangs, cults, etc...(For example extra long belts, bandanas, sagging pants, towels and t-shirts carried rather than worn)

The following guidelines will serve as determining factors for parents and students in choosing **clothing appropriate for school**:

- Revealing, see-through, or skintight clothing is unacceptable. These include, but are not limited to the following: extremely short skirts, halter tops, tank tops or other shirts with deep-cut openings, bare midriffs, low-cut dresses or tops, tube skirts, bicycle pants, pajamas, boxer style shorts, tights over or under otherwise unacceptable clothing, or clothing which reveals undergarments, including baggy pants which are not worn at the traditional waist or baggy pants which show undergarments or bare body parts.
- Shorts, dresses, and skirts may be worn if they extend to the top of the knee cap. No extremely tight or thin shorts such as: wind shorts, jogging shorts, or bicycling shorts will be allowed. Stirrup pants or leggings may be if worn with a long top that extends to the top of the kneecap. Cut-offs and other clothes with fashionable holes, rips, tears, or frays, etc., are unacceptable.
- Tattoos must be covered up.
- Hair and body shall be kept clean and well groomed. In addition, any hair style causing significant disruption to the school process will not be allowed (such as: Mohawk or similar hair cuts, spikes, designs cut in head, and extreme and unnatural hair coloring). No facial hair, except for a neatly trimmed mustache not extending below the corner of the mouth, will be permitted. Sideburns shall not extend below the bottom of the ear. Mutton chop sideburns are considered to be unacceptable facial hair.
- Shoes must be worn at all times. Unacceptable footwear includes dangerous, noisy and/or distractive shoes, such as house shoes and extremely high or spike (3 in.) heels.

- Sunglasses are not allowed inside the building without a written explanation from the student's physician.
- Caps/hats and other head coverings are not allowed to be worn inside the building or carried to classrooms. Headgear required for classes or religious reasons may be approved by the principal or principal's designee.
- School sanctioned uniforms will be approved on a case-by-case basis.
- The Principals may designate other modes of dress for special occasions such as Western Day, etc.
- Ear piercing is acceptable (no more than 2 pieces of jewelry per ear). No other visible body piercing will be allowed **(including plugs).** Rings worn in earlobes to create large holes) are unacceptable and will not be permitted.
- Wallet chains are prohibited. No chains will be allowed on school property (examples: wallet, backpack). Only neck chains considered to be jewelry will be allowed. Dog chains or bicycle chains worn around the neck or wrist will not be allowed.
- Overalls and dress straps must be securely attached over the shoulders.
- Bandanas are prohibited.

Note: ALL SHORTS, DRESSES AND SKIRTS MAY ONLY BE WORN IN THE ACADEMIC SETTING IF THEY EXTEND TO THE TOP OF THE KNEE CAP.

DAEP

SHIRTS:	Solid color shirts (with no writing or symbols). Shirts will be tucked in at all times with belt visible.
PANTS:	Solid color pants (jeans or slacks are acceptable, but must be fitted at the waist.) Pants should fit no more than two (2) inches larger than the student's waist. No bagging or sagging. The bottom of the slacks may not touch the floor or be flared enough to cover the foot. Excessive rips or tears are not permitted. No cargo pants. No shorts.
BELT:	Black or brown, unadorned, extending no more than four (4) inches beyond the buckle. Belt should be worn in belt loops and visible at all times.
SHOES:	Closed toe, low heel, low top shoes. No flip-flops and no boots.
SWEATSHIRTS:	(Optional item) Solid color with no pockets, logos, or hoods.
JEWELRY/HAIR:	No jewelry except a wristwatch without rhinestones or adornment. No hair coverings of any kind.

STUDENT FEES

Materials that are part of the basic educational program are provided with state and local funds and are at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
- Personal physical education and athletic equipment and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student accident insurance.
- Musical instrument rental and uniform maintenance, when uniforms are provided by the District.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses, if offered.
- Fees for optional courses offered for credit that requires use of facilities not available on District premises.
- Summer school for courses that are offered tuition-free during the regular school year.
- A fee not to exceed $50 for costs of providing an educational program outside of regular school hours for a student who has lost credit because of absences and whose parent chooses the program in order for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a District-provided request form.

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the Principal. [For further information, see policy FP.]

FUND-RAISING

Student clubs or classes, outside organizations, and/or parent groups occasionally may be permitted to conduct fund-raising drives for approved school purposes. An application for permission must be made to the Principal at least 20 days before the event.

Fund-raising by outside organizations is not permitted on school property, except as approved by the Superintendent. [For further information, see policies FJ and GE.]

IMMUNIZATION

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued

by the Department of State Health Services, Immunization Division, can be honored by the District. The immunizations required are: diphtheria, rubeola (measles), rubella, mumps, tetanus, Haemophilus influenzae type B, poliomyelitis, hepatitis A, hepatitis B, and varicella (chicken pox). The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Department of State Health Services. Proof of immunization may be personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or any member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB and the Department of State Health Services Web site: http://www.tdh.state.tx.us/immunize/school_info.htm]

PLEDGES OF ALLEGIANCE AND A MINUTE OF SILENCE

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others. [See policy EC for more information.]

PRAYER

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt instructional or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

SAFETY

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus and threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

Accident Insurance

Soon after school opens, parents will have the opportunity to purchase low-cost accident insurance that will help meet medical expenses, in the event of injury to their child.

Drills: Fire, Tornado, and Other Emergencies

From time to time, students, teachers, and other District employees will participate in drills of emergency procedures. When the alarm is sounded, students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

Fire Drill Bells

Continuous Fire Alarm

Evacuate the building using campus procedures

Tornado Drill Bells

Continuous Campus Bell

Duck and cover according to campus procedures

Lock Down Drill

Verbal notification will be given

Emergency Medical Treatment and Information

If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school will need to have written parental consent to obtain emergency medical treatment, and information about allergies to medications, foods, insect bites, etc. Therefore, parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up-to-date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the school nurse to update any information that the nurse or the teacher needs to know.

Emergency School-Closing Information

From time to time, inclement weather makes it necessary to close schools. When weather conditions threaten such action, stay tuned to any of the following media stations for information about MWISD.

RADIO: KYXS 95.9 FM or KJSA 1140 FM

TELEVISION: Channel 5, KXAS

An announcement will also be recorded on the after hours tape on the Central Office's Switchboard, 940-325-6404, (weather permitting). Information will also be posted on the District's website: www.mwisd.net

The administration does follow standard operating procedures when determining whether or not to close schools. During high-risk situations such as sleet, snow, icy streets and floods, members of

the administrative staff and the superintendent begin checking the streets throughout the district during the early hours (approximately 3:00 am) After evaluating all of those reports and listening to weather updates, the superintendent then makes the decision by 6:00 a.m. to either open or close schools. The media is immediately advised of MWISD's decision.

If schools do open, and weather conditions worsen during the course of the day, schools will not be closed early since the vast majority of MWISD's students come from households where both parents work. If school were to be dismissed early, those children would go home to empty houses during a dangerous weather situation. They are much safer at school where they will be supervised until it is time to go home.

Whenever road conditions allow for the buses to run safely, drivers will deliver students to the established stops. If buses cannot enter a subdivision because of road conditions, parents may meet the bus at the main roads and escort their children home.

If weather conditions make all roads impassable, the students will remain in the schools and will be supervised, warm, dry and fed until they can be transported home, or until their parents come for them.

SCHOOL FACILITIES

Use By Students Before and After School

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place.

The following areas are open to students before school beginning at 7:30 a.m.

- Lamar Cafeteria/Gym
- Houston Cafeteria/Gym
- Travis Cafeteria/Gym
- Junior High Cafeteria/Gym
- High School Cafeteria Only

Unless the teacher or sponsor overseeing the activity gives permission, a student will not be permitted to go to another area of the building or campus.

After dismissal of school in the afternoon, and unless involved in an activity under the supervision of a teacher, students must leave campus immediately.

Conduct Before and After School

Teachers and administrators have full authority over student conduct at before- or after-school activities on District premises and at school-sponsored events off District premises, such as play rehearsal, club meetings, athletic practice, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter code of conduct for extracurricular participants established by the sponsor in accordance with Board policy.

Use of Hallways During Class Time

Loitering or standing in the halls between classes is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Cafeteria Services

Student Nutritional Services/Policies

The primary goal of the MWISD Child Nutrition Services department is to provide balanced, nutritious meals at a minimum cost to all MWISD students and staff. The department provides breakfast and lunch in all schools, for all students. Special event food requests are also handled by the Child Nutrition Services department.

Meal Prices for the 2005-2006 are as follows:

Breakfast:	All students @ $1.00
	All adults @ $1.50
Lunch	Pre-K through sixth grade @ $1.75
	Seventh through twelfth grade @ $2.00

Ala carte prices are posted at each campus

Students eligible for free meals will be provided with a meal at no charge. Reduced-price students continue to pay $.30 for breakfast and $.40 for lunch.

Meal Service Accountability System

- When students enroll in any District school, they are assigned a 6 digit personal Keypad number. It is important that each student in grades 2 – 12 memorize their Keypad number as this number will be used daily in the cafeteria. Pre-K, Kindergarten and 1st grade students receive a scan card which debits money from the student's account. Keypad numbers are confidential; therefore the number should not be given to other students.
- At mealtime, students key in their Keypad number on a keypad. Special students, not using the Keypad, may have their names checked from a classroom roster or have their debit card scanned when they receive a meal. When the student's account is accessed, the system will determine if there is enough money in the account to pay for the meal and the transaction will be processed.
- By having every student in the school use his/her account number, the anonymity of children receiving free or reduced-price meals is assured.
- If there is not enough money in the account, the cashier may serve the meal and put the account in debit (a negative balance). The student is notified when they have a negative balance. **A negative balance is permitted for two days only.** The following day, the student should bring enough money to pay the negative balance and purchase that day's meal.
- Deposits can be made on meal money accounts before school in the cafeteria. When placing meal money in a sealed envelope, the following information must be stated:

- Student's name
- Grade
- Dollar amount enclosed.

- Credit or debit card web-based, payments can be made at computersdi.com on the Lunch Money Now page. You will need your students I.D. number, the last four digits of their social security number and their birth date. There is a small fee for this service.
- Please make your deposit with cash or check payable to your child's cafeteria by school name. (Ex. Lamar Elementary) Pre-payment for multiple meals are encouraged to reduce the need for frequent deposits and daily cash handling.
- Households with more than one child in a school need to designate the amount of money to be placed into each child's meal account. An account balance cannot be shared by different children in the same household.
- Money in a student's meal account may be used for complete meals and Ala Carte sales. Ala Carte (extra food and drinks) can be blocked on the student's account at the request of a parent or guardian. IF the account is open, students are allowed purchase meals and/or extras.
- Refunds from student meal accounts are available only upon written parent/guardian request. Small refunds up to $10.00 will be issued at the school site. Large refunds will be issued by the District Child Nutrition Services office. Allow at least five school days notice for large refunds.
- If you have questions concerning your child's meal account, please contact your child's school cafeteria. If you have any questions or comments about our computerized meal system, please contact the Child Nutrition Services office. (940-325-6404)

Free and Reduced Meals

Free and reduced-price meals are available to students from families who meet established federal income guidelines. Families must complete a new application each school year. SEND **ONLY ONE (1)** COMPLETE APPLICATION PER FAMILY (even though each student will receive an application form). Applications are distributed to all students at the beginning of each school year. Applications are available all year in the cafeteria and the Child Nutrition Services office.

Home-baked Goods

MWISD will not allow home-baked items sent for the consumption of other students, except for certain TEKS related activities. These exceptions must be approved by the principal.
Prepackaged items are required.

Meetings of Noncurriculum-Related Groups

Students are permitted to meet with noncurriculum-related groups during the hours designated by the principal before and after school. These groups must comply with the requirements found in policy FNAB.

A list of these groups is available in the principal's office.

Vandalism

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and in the coming years—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

SEARCHES

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, District officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law.

Students' Desks and Lockers

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of the assigned desks and lockers. Students must be certain that the locker is locked, and that the combination is not available to others.

Searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by District policy, whether or not a student is present.

The parent will be notified if any prohibited items are found in the student's desk or locker.

Vehicles on Campus

Vehicles parked on school property are under the jurisdiction of the school. School officials may search any vehicle any time there is reasonable cause to do so, with or without the presence of the student. A student has full responsibility for the security and content of his or her vehicle and must make certain that it is locked and that the keys are not given to others. [See also the Student Code of Conduct.]

Parking fees at Mineral Wells High School are as follows:

$15.00 for close parking

$1.00 for remote parking

TRANSPORTATION

School-Sponsored

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. The principal, however, may make an exception if the parent makes a written request that the student be released to the parent or to another adult designated by the parent.

Buses and Other School Vehicles

The District makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students. Bus routes and any subsequent changes are posted at the school. Further information may be obtained by calling David Kimbrough at 325-4290.

See the Student Code of Conduct for provisions regarding transportation to the Disciplinary Alternative Education Program.

Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely. When riding in District vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Enter and leave the bus or van in an orderly manner at the designated stop nearest home.
- Keep feet, books, band instrument cases, and other objects out of the aisle.
- Not deface the bus, van, or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the bus or van.
- Be seated while the vehicle is moving.
- Wait for the driver's signal upon leaving the bus or van and before crossing in front of the vehicle.

When students ride in a District van or passenger car, seat belts must be fastened at all times.

Misconduct will be punished in accordance with the Student Code of Conduct; bus-riding privileges may be suspended.

VIDEOTAPING OF STUDENTS

For safety purposes, video/audio equipment will be used to monitor student behavior on buses (and in common areas on campus). Students will not be told when the equipment is being used.

The principal will review the tapes routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

VISITORS TO THE SCHOOL

General Visitors

Parents and others are welcome to visit District schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the principal's office.

Visits to individual classrooms during instructional time are permitted only with approval of the principal and teacher and so long as their duration or frequency does not interfere with the delivery of instruction or disrupt the normal school environment.

All visitors are expected to demonstrate the highest standards of courtesy and conduct; disruptive behavior will not be permitted.

Students are not permitted to bring friends on to the campus for visitation.

Visitors Participating in Special Programs for Students

On High School Career Day, the Mineral Wells Independent School District invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

GLOSSARY

Accelerated instruction is an intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level.

ACT refers to one of the two most frequently used college or university admissions exams: the American College Test. The test may be a requirement for admission to certain colleges or universities.

ARD is the admission, review, and dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student's parents are part of the committee.

Attendance Review Committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent of the days the class is offered. Under guidelines adopted by the Board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit lost because of absences.

DAEP stands for a disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct. The DAEP will be separated from students not assigned to the program. It will focus on English language arts, mathematics, science, history, and self-discipline, and provide for students' educational and behavior needs, as well as supervision and counseling.

FERPA refers to the federal Family Educational Rights and Privacy Act that grants specific privacy protections to student records. The law contains certain exceptions, such as directory information, unless the student's parent or a student 18 or older directs the school not to release directory information.

IEP is the written record of the Individualized Education Program prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains several parts such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services, and program modifications or support for school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; modifications to state or district wide tests, etc.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a Disciplinary Alternative Education Program (DAEP), ISS removes the student from the regular classroom.

NCLBA is the federal No Child Left Behind Act of 2001 that, along with other requirements for schools, provides information for parents and opportunities for "opting" their students out of certain activities or surveys.

Personal Graduation Plan (PGP) is a new state requirement for any student in middle school or higher who fails a section on a state-mandated assessment test or is determined by the District as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

SAT refers to the second of the two most frequently used college or university admissions exams: the Scholastic Aptitude Test. The test may be a requirement for admissions to certain colleges or universities.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined by an ARD committee to be eligible for special education services, appropriate regular educational services will be provided.

State assessment tests are required of students at certain grade levels and in specified subjects. Successful performance is a condition of promotion and the grade 11 exit-level test is a condition of graduation. Students have multiple opportunities to take the tests.

> **Alternate assessment tests**, developed by the state, may be given to students in special education and students identified as limited English proficient.

Student Code of Conduct, developed with the advice of the District-level committee and adopted by the Board, identifies the circumstances, consistent with law, when a student may be removed from the classroom or campus. It also sets out the conditions that authorize or require the principal or another administrator to place the student in a Disciplinary Alternative Education Program. It outlines conditions for out-of-school suspension and for expulsion, and states whether self-defense is a consideration in suspension, DAEP placement, or expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TAKS is short for the Texas Assessment of Knowledge and Skills, the state's current standardized achievement test given to students in certain grade levels and subjects in grades 3–11.

UIL refers to the University Interscholastic League, the statewide voluntary non-profit organization that oversees educational extracurricular academic, athletic, and music contests.

ACCEPTABLE USE GUIDELINES

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT
NETWORK AND INTERNET ACCEPTABLE USE GUIDELINES
AND INTERNET PROTECTION PLAN

OVERVIEW

The Mineral Wells Independent School District (MWISD) provides technology resources to its students and staff for educational and administrative purposes. It is a privilege to have such sophisticated information networking capabilities available, and the District believes the vast, diverse and unique resources available on the Internet will assist us in carrying out our mission of providing a quality education for our students. Our goal in providing this service is to promote educational excellence in the Mineral Wells ISD by facilitating resource sharing, innovation, and communication with the support and supervision of parents, teachers, and support staff.

With access to computers and people from across the world comes the availability of material that may not be considered to be of educational value or appropriate in the context of the school setting. We will filter all access. However, on a global network, it is impossible to control all materials, and an industrious user may discover controversial information. Mineral Wells ISD firmly believes that the valuable information and interaction available on the Internet far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies and regional and state networks. In addition, the smooth operation of the network relies on the proper conduct of the end-users who must adhere to strict guidelines. These guidelines are provided so that you are fully informed and so that you may freely accept the responsibilities you are about to acquire. In general, the guidelines require efficient, ethical, and legal utilization of the network resources. If a user violates any of these provisions, his or her account will be deactivated and future access could possibly be denied. The signature(s) on the Application for Account is (are) legally binding and indicates the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

Definition of District Technology Resources

1. The District's computer systems and networks are any configuration of hardware and software.
2. The systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files. This includes, but is not limited to: electronic mail, local databases, externally accessed databases (such as the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.
3. The District reserves the right to monitor all technology resource activity.

Acceptable Use

The District's technology resources will be used in support of education and research and be consistent with the educational objectives of the Mineral Wells Independent School District. The use of any other organization's network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities by for-profit institutions is generally not acceptable. Use for product advertisement or political lobbying is also prohibited.

The use of the Internet is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrators, Mineral Wells ISD employees responsible for the operation of the network, will deem what is inappropriate use and their decision is final. Also, the system administrators may close an account at any time as required or as they deem appropriate and without notice. The administration of Mineral Wells ISD may direct the system administrators to deny, revoke, or suspend specific user accounts for, including but not limited to, violation of network computing regulations and guidelines, or as a result of other disciplinary action against the user.

Mineral Wells ISD is responsible for securing its network and computing systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while also making them accessible for authorized and legitimate users. This responsibility includes informing users of expected standards of conduct and the punitive measures for not adhering to them. Any violation of the regulations and guidelines will result in disciplinary action in the form of temporary revocation of user privileges. Permanent revocations can result from disciplinary actions taken by administrators.

Students and staff member of Mineral Wells Independent School District must be in compliance with Mineral Wells ISD Electronic Communication and Data Management Policies CQ (Local) and CQ (Legal) when using any computer, network or technology resource in the district.

INTERNET - SPECIFIC TERMS AND CONDITIONS

SECTION 1 - GENERAL COMPUTING

Once a user receives an account or formal permission to access the network, he/she is solely responsible for all actions taken while using that account. Therefore:

1. Applying for an account or access permission under false pretenses is a punishable disciplinary offense.
2. Sharing an account or password with any other person is prohibited. You are fully responsible for any actions that occur in relation to your account or password.
3. Revealing your personal address or phone numbers, or the address or phone numbers of students, staff, or colleagues, is prohibited.
4. Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.
5. Continued use of network by monopolizing system resources that interferes with other users, after receipt of a request to cease activity is prohibited.
6. Use of facilities and/or services for commercial purposes is prohibited.
7. Any unauthorized, deliberate action that damages or disrupts a computing system, alters its normal performance, or causes it to malfunction is a violation regardless of system location or time duration.
8. Supervision and permission: Student use of the computers and the network is allowed only when supervised and granted permission by a staff member.
9. Copyright: All users are expected to follow existing copyright laws. Copyright infringement is theft.

SECTION 2 - ELECTRONIC MAIL

[Does not apply to students]

SECTION 3 - NETWORK SECURITY

As a user of the network, you may be allowed access to other networks and/or the computer systems connected to those networks. Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote system, is prohibited.
3. Decryption of system or user passwords is prohibited.
4. The copying of system files is prohibited.
5. The copying of copyrighted materials, without the express written permission of the owner or the proper license, is prohibited.
6. Intentional attempts to “crash” network systems or programs are punishable disciplinary offenses.
7. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.
8. The willful introduction of computer “viruses” or other disruptive and/or destructive programs into the network or into external networks is prohibited.

9. Software or external data may not be placed on any computer, whether stand-alone or networked to the District's system, without permission from the Technology Director or designee.

SECTION 4 - PROHIBITED MATERIAL AND ACTIONS

The following materials and/or actions are prohibited. This includes but is not limited to:

1. Material that is obscene, profane, lewd, lascivious, filthy, indecent, racist, or patently offensive as measured by contemporary community standards.
2. Material that would encourage illegal acts, violence, terrorism, or hate.
3. Actions that annoy, abuse, threaten, or harass another person.
4. Actions that attempt to or harm equipment, materials, or data.
5. Actions that attempt to or send anonymous messages of any kind.
6. Actions that attempt to or access information resources, files, and documents of another user without their permission.
7. Using the network for financial gain or commercial activity.
8. Political lobbying.
9. Using the network to provide addresses or other personal information that others may use inappropriately

MWISD uses filtering services/software that blocks access to inappropriate websites and material on the Internet. Internet Sentry (Squid) is currently being used in the district. In addition, students using the Internet will be monitored and supervised by a teacher/staff member continuously. All students must have a signed Acceptable Use Policy consent form on file.

Disclaimer And Limitation of Liability

Access to the Internet is provided on as "as is, as available" basis. The Mineral Wells Independent School District, its Board of Trustees, agents, and staff members make no representation of warranties, whether expressed or implied, of any kind with respect to the services provided by the network, or any information or software accessed or received by the applicant or contacts made by the applicant, and disclaims of any implied warranties, including any implied warranties of merchantability or fitness for a particular purpose. The system administrators and MWISD do not warrant that the functions or services performed by, or that the information or software contained on the system will meet the user's requirements or that the operation of the system will be uninterrupted or error-free or that defects in the system will be corrected. MWISD will not be responsible to you or liable to you for any claims, losses, or damages you may suffer as a result of these Terms and Conditions or your access to the MWISD Network, including without limitation, any losses, claims or damages arising from Mineral Wells ISD's negligence or your own errors or omissions. YOU AGREE THAT THIS LIMITATION IS INTENDED TO AND DOES RELEASE MINERAL WELLS INDEPENDENT SCHOOL DISTRICT, ITS BOARD OF TRUSTEES, AGENTS, AND STAFF MEMBERS FROM ANY CLAIMS, DAMAGES, OR LOSSES THAT YOU MAY SUFFER THAT MAY ARISE OUT OF THE USE OF THIS SYSTEM. Use of any information obtained via

your connection with the Network is at your own risk. Mineral Wells ISD specifically denies any responsibility for the accuracy or quality of information obtained through this service. Furthermore, Mineral Wells ISD assumes no responsibility or liability for any phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and or equipment or line costs incurred by the user while accessing the Mineral Wells ISD Network. Any disputes or problems regarding phone service are strictly between the user and his/her local phone company and/or long distance service provider.

Security

Security on any computer system is a high priority, especially when the system involves many users. If you identify a security problem on the Internet or the Network, you must notify your teacher, librarian, or system administrator. Do not demonstrate the problem to other users. Do not use another individual's account. A Mineral Wells ISD Network user shall not let anyone else use his/her account and password. Attempts to login to the system using any other account, password, or privileges than one's own will result in cancellation of user privileges. Users shall immediately notify a system administrator if their password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Network.

Vandalism

Vandalism will result in cancellation of user privileges. Vandalism, as addressed in the Network regulations and guidelines, is defined as any malicious attempt to access without permission of, or harm or destroys data of, another user, Internet, or any of the above listed agencies or other networks that are connected to the Internet or the Network. This includes, but is not limited to, the uploading or creation of computer viruses.

Netiquette and Good Practices

"Netiquette" is the Internet equivalent of good behavior or "etiquette." Accepting the responsibility of using the network requires that you treat users with respect and practice "netiquette." Backing up data is good computing practice and is strongly recommended.

Updating Your User Information

The system administrators may occasionally require new registration and account information from you to continue service. You must notify the system administrators of any changes in your account information.

Application of Terms and Conditions

All terms and conditions in this document are applicable to the applicant's use of the

MWISD Network. These terms and conditions reflect the entire agreement of the parties and supersede all prior oral or written agreements and understandings of the parties. These terms and conditions shall be governed and interpreted in accordance with the laws of the State of Texas, and the United States of America. Headings are for convenience of reference only and shall not be used in the interpretation of this document. Any dispute regarding these terms and conditions will be resolved by the administration whose decisions will be final and binding.

Application for Student Account and Acceptable Use Policy

Dear Parent(s) or Guardian(s): Your son or daughter is about to receive access to a worldwide network called the Internet. The reason for using the Internet is to participate in a curriculum or research project developed by some of your child's teachers. Your son or daughter will reach this worldwide network through a computer account provided by the Mineral Wells Independent School District.

The purpose of this letter is to give you information about the Acceptable Use Policy that MWISD will use. The policy is described below. We ask you to review this policy with your child and to sign the consent form. Your child's teacher has already discussed this policy with your son or daughter.

If you have any questions about the network curriculum activities, please call your child's teacher. If you would like more information about the Internet in MWISD, please call the technology director at 325-6404.

Guidelines and Prohibitions
The Internet is a worldwide telecommunications network. There are hundreds of thousands of resources on the Internet. You will find libraries, government agencies, universities, discussion groups, software, technical information, as well as the 40+ million people who are part of this global network. Your child's access to the Internet will allow him/her to use these resources.

The purpose of student access is to let your child use the Internet for curriculum activities and classroom projects. The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. Students are expected to exercise responsible behavior when on the Internet. Responsible behavior includes, but is not limited to, the following:

1. being courteous.
2. following the rules set up by other groups on the Internet.
3. using the Internet as a resource tool only.
4. avoiding inappropriate language.
5. staying on task.

The MWISD staff will monitor each student's use of network resources to ensure enforcement of this policy. Monitoring will include tracking the amount of time students

spend using these resources and what resources are used.

MWISD uses a technology protection measure that blocks or filters Internet access to block access to some Internet sites that are not in accordance with the policy of Mineral Wells ISD. The technology protection measure that blocks or filters Internet access may be disabled by an authorized MWISD staff member for bona fide research purposes by an adult.

An MWISD staff member may override the technology protection measure that blocks or filters Internet access for a student to access a site with legitimate educational value that is wrongly blocked by the technology protection measure that blocks or filters Internet access. The override must be approved by the technology director.

While working on the Internet, students are expected to follow general network etiquette as listed below:

1. Be polite. Do not be abusive in messages to others.
2. Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language.
3. Illegal activities (such as vandalism, theft of hardware or data either by transportation or electronic transfer, copyright infringement, and software piracy) are strictly forbidden.
4. Do not access material that is obscene, pornographic, child pornography, "harmful to minors", or otherwise inappropriate for educational uses.
5. Do not use school resources to engage in "hacking" or attempts to otherwise compromise system security.
6. Do not reveal personal information including name, address or phone number.
7. Do not use the network in such a way that would disrupt the use of the network by other users.
8. Hate mail, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the network. Therefore, messages should not contain expressions of bigotry or hate, profanity, obscene comments, or sexually explicit material.
9. The use of chat rooms is not permitted.
10. Subscriptions to LISTSERVs are not permitted.

Vandalism will result in the cancellation of privileges. Vandalism is defined as any malicious attempt to harm, modify, or destroy computer hardware, data of another user, Internet, or any of the other networks that are connected to the MWISD Internet backbone. This includes, but is not limited to, the uploading or creation of computer viruses.

The technology director will deem what is considered to be inappropriate use of the network and his decision is final. He may close an account at any time. In addition, the administration, faculty, and staff of MWISD may request that the technology director deny, revoke, or suspend any student's computer use.

Rules

1. Using someone else's account is not acceptable.
2. Using the network account for non-school related activities is not acceptable.
3. Using unauthorized copies of commercial software is not acceptable.
4. Copying software provided by MWISD for student use is not acceptable.
5. Bringing floppy disks, CDs, or any other computer software from home, to be used on an MWISD computer is not acceptable.

Violating the above guidelines and prohibitions will result in the loss of the individual's computer and/or network use.

Mineral Wells ISD
Student Code of Conduct
2005-2006

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STUDENT CODE OF CONDUCT

Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Mineral Wells ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the district's board of trustees it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code will prevail.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas; and
9. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

The district has the right to search a student's locker when there is reasonable cause to believe it contains articles or materials prohibited by the district.

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on Suspension, DAEP Placement, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

The district prohibits the following:

Disregard for Authority

- Failing to comply with directives given by school personnel (insubordination).
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Refusing to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

- Using profanity or vulgar language or making obscene gestures.
- Fighting or scuffling. (For assault see DAEP Placement and Expulsion)
- Threatening another student or district employee on or off school property.
- Engaging in bullying, harassment, and making hit lists. (See glossary for all three terms)
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another student or a district employee.
- Engaging in inappropriate or indecent exposure of private body parts.
- Hazing. (See glossary)
- Causing an individual to act through the use of or threat of force (coercion).
- Committing extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engaging in inappropriate verbal, physical, or sexual conduct directed toward another student or a district employee.

Property Offenses

- Damaging or vandalizing property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion)

- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Stealing from students, staff, or the school.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement and Expulsion)

Possession of Prohibited Items

- Possessing or using:
  - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
  - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
  - a "look-alike" weapon;
  - an air gun or BB gun;
  - ammunition;
  - a stun gun;
  - a pocketknife;
  - mace or pepper spray;
  - pornographic material;
  - tobacco products;
  - matches or a lighter;
  - a laser pointer for other than an approved use; or
  - any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion)

Possession of Telecommunications Devices

- Displaying, turning on, or using a cellular telephone or other telecommunications device on school property during the instructional day.

Illegal and Prescription Drugs

- Possessing or selling seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary for "paraphernalia")

- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
- Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Computers and the Internet

- Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students or employees or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Using e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

Safety Transgressions

- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Making false accusations or perpetrating hoaxes regarding school safety.
- Engaging in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throwing objects that can cause bodily injury or property damage.
- Discharging a fire extinguisher without valid cause.

Miscellaneous Offenses

- Violating dress and grooming standards as communicated in the student handbook.
- Cheating or copying the work of another.
- Gambling.
- Falsifying records, passes, or other school-related documents.
- Engaging in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violating other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

Discipline Management Techniques

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion the district will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal (oral or written) correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions as permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.

- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.mwisd.net.

Consequences will not be deferred pending the outcome of a grievance.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the appropriate administrator will inform the student of the misconduct for which he or she is charged and the consequences. The administrator will give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension
- DAEP

Returning Student to Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order suspension, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student will have an informal conference with the appropriate administrator who shall advise the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the appropriate administrator, but will not exceed three school days.

The appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in DAEP in addition to the expulsion.

In deciding whether to order placement in a DAEP, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

General Misconduct

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
- Any Criminal mischief, including a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Certain Felonies

Unless removal is otherwise required by one of the reasons below, in accordance with Education Code 37.0081, a student **may** be placed in a DAEP after an opportunity for a hearing before the board of trustees or its designee, if:

- The student receives deferred prosecution for conduct defined as a felony offense in Title 5 (see glossary) of the Texas Penal Code, or
- The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code.

The board or the board's designee must determine that the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to pulling a fire alarm without cause.
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
    - Engages in conduct punishable as a felony.
    - Commits an assault (see glossary) under Penal Code 22.01(a)(1).
    - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence")
    - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or

is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)

- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
    1. The student receives deferred prosecution (see glossary),
    2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
    3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student will be transferred to a DAEP.

Emergencies

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

Process

Removals to a DAEP will be made by the hearing officer.

Conference

When a student is removed from class for a DAEP offense, the appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the appropriate administrator will inform the student, orally or in writing, of the reasons for the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Placement Order

After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order will give notice of the inconsistency.

Length of Placement

The duration of a student's placement in a DAEP will be determined by the hearing officer.

The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year except as provided below.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended placement is in the best interest of the student.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student in a DAEP so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the hearing officer must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.mwisd.net.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions during Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

Placement Review

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the campus principal at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

The office of the prosecuting attorney will notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee will review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board will make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal during Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

A student assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), at the time he or she enrolls in the district will be placed directly into the district's DAEP.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, will reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

Expulsion

Discretionary Expulsion: Misconduct That May Result in Expulsion

In deciding whether to order expulsion, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

A student **may** be expelled for:

Any Location

- Engaging in the following no matter where it takes place:
  - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at School Event

- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
  - Engaging in deadly conduct. (See glossary)

Within 300 Feet of School

- Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson.
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
  - Felony drug- or alcohol-related offense.
  - Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

- Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

Federal Law

- Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes:
  - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm weapon.
  - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
  - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
  - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
  - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
  - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
  - Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a DAEP. A student under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.

Emergency

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion **may** be made on a nonemergency basis.

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension
- DAEP

Hearing

A student facing expulsion will be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board will review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the

review. The board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

Expulsion Order

After the due process hearing, if the student is expelled, the board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the hearing officer will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order will give notice of the inconsistency.

Length of Expulsion

The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal during Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program or another district-approved program.

Newly Enrolled Students

The district will continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district will reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Expulsion

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
    a. Knowing that it is within the limits of an incorporated city or town;
    b. Knowing that it is insured against damage or destruction;
    c. Knowing that it is subject to a mortgage or other security interest;
    d. Knowing that it is located on property belonging to another;
    e. Knowing that it has located within it property belonging to another; or
    f. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False Alarm or Report occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Graffiti are markings with aerosol paint or an indelible pen or marker on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

Hazing is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Knuckles is any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Machine gun is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other school property used by the student, including but not limited to a locker or desk.

Reasonable belief is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

Terroristic threat is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior or the presence of physical symptoms of drug or alcohol use. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

MINERAL WELLS ISD ATHLETICS

The athletic department has designed an athletic philosophy and a discipline policy program for both High School and Junior High athletics. This policy will explain the goals, regulations, and standards and the responsibilities of our athletes.

Our School Board, Superintendent, Principals, and Coaching Staff believe that participation in athletics is a privilege. Mineral Wells athletes must follow our guidelines. Athletes, in our opinion, should be role models and leaders of the school. Athletes represent the school and the community. We believe this representation is very important.

If you have any questions concerning the handbook for policies, please contact the Athletic Director at (940) 325-4408.

MINERAL WELLS ATHLETIC POLICY

The privilege of representing the Mineral Wells Athletic Program causes many things to be expected of our student athletes by their principals, coaches, teachers, parents, community, and most of all by their teammates and classmates. Athletes, as well as coaches, are always on display; they are judged by the company they keep. Their actions in everyday life are important.

The fact they have chosen to participate in Interscholastic Athletics is indicative that they consider the rewards, privileges, and pleasures which they will receive from this participation to be worth the price they must pay in meeting their responsibilities, following rules, and meeting the demands which are made upon them as student athletes.

CLASSROOM:

Mineral Wells student athletes must realize they are students first, athletes second.

1. We will meet all the U.I.L. requirements for participation.
2. We will treat all teachers, administrators, and school personnel with respect.
3. We will maintain proper behavior and good citizenship in all classes and subjects.
4. Tardiness and unnecessary absences are unacceptable.

CAMPUS BEHAVIOR:

Mineral Wells athletes will involve themselves in activities for the betterment of the school and for the good of their fellow students.

1. We will maintain proper dress and appearance as defined in the student handbook and in conjunction with school policy.
2. We will refrain from fighting and juvenile behavior in and around school facilities.
3. We will not wear bandanas or any attire with gang affiliation.
4. We will maintain proper public relationships with our girlfriends/Boyfriends. Kissing in any fashion, or embracing each other with suggestive gestures will not be tolerated.

DISCIPLINE MANAGEMENT:

There a few reasons for which players can be dismissed from the team or the athletic program.

1. If they are caught using any substance that is harmful to their bodies.
2. If they repeatedly get into trouble at school.
3. If they are disrespectful to coaches, teachers, or administrators.
4. If they fail to show up to workouts or games.
5. If they are caught doing things that do not represent Mineral Wells Junior High and/or High School or the athletic department in positive manner.

RESPONSIBILITIES OF MINERAL WELLS ATHLETES

SCHOOL ATTENDANCE POLICY:

A student must be in a school through the attendance period in order to participate in an activity that day. An exception would be made if the student had an approved medical appointment. In the case of a medical excuse, the student must present to the attendance supervisor a signed statement from the doctor regarding the absence.

If a student athlete is absent the last school day of the week and the athletic competition is on a non-school day, the student must bring to the coach a signed statement from the parent/guardian that permission is given to participate. It is recommended that the coach contact the parent regarding the absence.

A student athlete who has been injured and has received medical treatment cannot participate again until cleared by a date indicated by the student athlete's physician.

PRACTICE RESPONSIBILITIES:

All student athletes must notify the coach if they are going to miss a practice for any reason. This is the responsibility of the athlete or his/her parents, not friends. Excessive absences or failure to report absences may result in dismissal from the team or athletic program.

Justifiable Excuses

1. Illness or injury
2. Death in the immediate family
3. A.C.T. or S.A.T testing
4. U.I.L. competition by prior arrangement

PRACTICE RULES:

Any of the following habits demonstrated by the student athlete during workout on a repeated basis can and will be dismissed from the team or athletic program:

1. Poor attitude in practice
2. Habitual bad attitude during practice
3. Tardy to practice
4. Sullen mood

5. Procrastination
6. Not giving 100% effort in drills
7. Not making an effort to improve weak areas pointed out by the coach

TEAM RESPONSIBILITIES:

1. Theft or malicious destruction of any school or individual's property is not tolerated.

   First offense: The student will be counseled by the head coach and athletic director where a decision regarding further competition will be made or the punishment determined.

   Second offense: The student will be suspended for 365 days.

2. If a student athlete starts a sport, he/she is expected to complete the season. If a player decided to quit during a season, he/she may be allowed to play another sport but he/she will not practice with the new sport until the season of the sport he/she quit is completed.

3. When a student athlete has to serve time in DAEP, ISS or expulsion for severe misconduct or inappropriate behavior at school he/she will receive the following:

   ISS: Corrective measure initiated by the coach.
   Expulsion: Corrective measure initiated by the coach.
   DAEP: Immediate suspension for the duration of the DAEP assignment. Also corrective measure initiated by the coach.

4. Student athletes are responsible for getting plenty of rest. Do not stay out late, especially get a good night's sleep before a game. This continued offense is subject to dismissal at the head coaches' discretion.

5. Any student athlete causing problems among team members will be dismissed from the team. We will not tolerate any player who is trying to fragment the team.

6. Lying to a coach, administrator, or teacher is a serious matter. If a student athlete is caught lying:

   First Offense: Corrective measures initiated by the coach.

   Second Offense: Corrective measures or dismissal from the sport.

7. No student athlete shall be involved in the use of tobacco in any form:

First Offense: Corrective measures by the coach.

Second Offense: The student athlete will be removed from all extracurricular activities for a period of 365 calendar days.

8. Possession or use of alcohol, drugs or related substances:

   First Offense: Corrective measures by the coach.

   Second Offense: The student will be removed from all extracurricular activities for a period of 365 calendar days.

9. Selling or distributing any drugs or related substances:

   First Offense: Immediate suspension from the athletic program for 365 calendar days.

   Second Offense: Immediate removal from the athletic program for the rest of his/her eligibility.

10. Involvement in or conviction of any type of criminal activity.

    First Offense: Corrective measures by the coach.

    If the student athlete admits guilt, pleads guilty, or is found guilty of a misdemeanor, the student will be suspended for a time that is suitable for the crime. The student has to be found innocent not to be punished by the Athletic Department. The student will be declared guilty with an adjudicated of delinquent conduct, deferred prosecution, or deferred adjudication. The student will also be removed for 365 calendar days for a second misdemeanor offense. A student that admits guilt, pleads guilty, or is found guilty of a felony will be removed for 365 calendar days. The student is also removed for 365 calendar days if they receive any type of deferred adjudication, or deferred prosecution for a felony.

11. Unsportsmanlike Conduct:

    First Offense: Corrective measures issued by the coach.

    Second Offense: Conference with the coach and parents, possible dismissal from the athletic team or athletic program.

12. Missing a game or contest unless excused by the coach.

    First Offense: Conference with coach and corrective measures issued.

Second Offense: Possible dismissal from the athletic team.

13. A student who is under an indictment for a felony shall not be allowed to participate in any school contest. This action shall not be considered a presumption of guilt, but rather it affords the accused the time and opportunity to clear his/her name. The student athlete may be allowed to remain a member of the organization as a suspended member, but shall not be allowed to represent his/her school in any contest while under suspension.

OTHER SPORTS:

Each student athlete is encouraged to participate in every sport they wish to play. If an athlete wishes to compete in two sports with the same season, arrangements will be made.

LETTERING POLICIES:

The awarding of the school letter to a student is giving that student the second highest honor of the school is capable, the highest, of course, being the diploma.

Athletes may receive from the school only one major award during their high school career. In order to letter, they must be on a varsity team and satisfy the requirements state below. After receiving the one major award, letter certificates or similar awards (called minor awards by the U.I.L.) shall be given by the respective coach each time an athlete letters in any sport.
The athlete must be recommended by the coach of that sport. In making recommendations for varsity awards, the coach must take into consideration the following:

1. Conduct: As explained in this policy

2. Attendance: In order to letter, athletes must attend scheduled practices and contests

3. Participation: Fulfillment of specific criteria for each sport as determined by the coach of that sport in cooperation with the athletic director.

4. Finishing the Season: Being eligible and in good standing.

There may be other criteria set by the head coach of each sport.

TRAVEL:

1. Mineral Wells athletes will travel to and from all out-of-town contests with the team. Players will not be allowed to travel to or return from a game with their parents with the following exceptions*:

   A. Illness or injury.
   B. Planned out-of –town trip which will save travel time for the athletes family

   * Exceptions must have pre-approval with the parents and the coach

2. Athletes will dress neatly and properly on all trips. Each head coach will specify the attire for his or her team. School dress codes will be enforced. No earrings will be worn by male athletes on a trip.

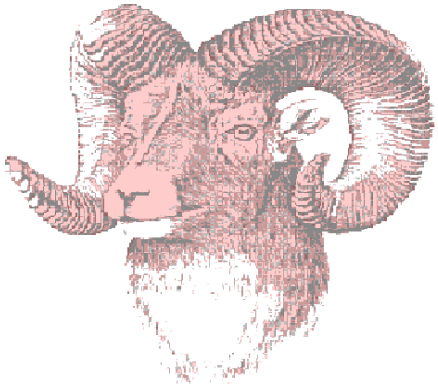
3. The use of personal listening devices,(such as IPods, Walkmans, etc…) are allowed at each coaches discretion.

4. Athletes will conduct themselves properly on the school bus or in any school vehicle.

5. Athletes will conduct themselves with dignity and proper manners while eating in restaurants. They should respect all property of the eating establishments. The team will enter and leave as a unit, and everyone will remain seated until the coach indicates they may leave.

6. Athletes will be informed of departure and appropriate return time for each trip by the coach. It is the student athlete's responsibility to be on time for all departures and to inform their parents of the time to pick them up after the contest. All times may vary each date because of the travel distances, game times or unavoidable circumstances. Teams will return as soon as possible.

7. Parents, family members, and/or friends will not be allowed on bus trips unless prior arrangements have been made with the head coach.



MINERAL WELLS ATHLETE CONTRACT AND PLEDGE

I, _____, do agree as a condition of my being involved in the Mineral Wells Athletic Program, that I will abide by the rules in the Athletic Handbook and the policies of Mineral Wells ISD. I further agree that I will not partake in the consumption of alcohol, tobacco, or illicit drugs as long as I am a member of the Mineral Wells Athletic Program.

Athlete's Signature _____ Date _____

Parent / Guardian Signature _____ Date _____

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT

906 S.W. 5th Ave.
Mineral Wells, Texas 76067

Office of:

Russell Cotton
Assistant Superintendent
Support Services

August 10, 2005

To: Board of Trustees, Mineral Wells I.S.D.
RE: Bids for Fuel – 2005/2006 School Year

The following vendors responded to the bid notice and bid opening of August 10, 2005:

Fuel Bid

Connel Oil Corp. (Mr. C, Inc.)	
Unleaded Gas (Chevron)	1.93.20 based on 1.84.20 tank wagon price
#2 Diesel Fuel	1.888 based on 1.7980 tank wagon price (plus Freight)
Lambert Oil Company	
Unleaded Gas (Citgo)	2.0075 based on 1.8615 tank wagon price
#2 Diesel Fuel	1.9270 based on 1.7720 tank wagon price

Recommendation: to accept Connel Oil Corp. (Mr. C, Inc.)

Russell Cotton
Assistant Superintendent/Support Services

Office: (940) 325-6404 • Fax: (940) 325-6378 • e-mail: cotton@mwisd.esc11.net