

# Katherine Anne Porter School



## Employee Handbook 2025-2026

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*A Compendium of Human Resources Policies, Procedures  
and Job-Related Information for Employees*

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## **DISCLAIMER:**

*Employment at Katherine Anne Porter School is considered "at-will," permitting a staff member or Katherine Anne Porter School to end the relationship at any time, with or without notice, and for any reason not otherwise prohibited by law. This Handbook is not intended to alter the "at will" employment relationship in any way or to alter the terms of any employment agreements.*

*This Handbook is not intended to be a legally binding contract, either expressed or implied, of continued employment. Receipt of this Employee Handbook does not constitute an employment offer or contract. With the exception of the "at will" employment policy, KAPS reserves the rights to modify, rescind, delete or add to the provisions of this Handbook at any time. Oral statements on part of Administration or other employees of KAPS concerning an employee's conditions of employment will be superseded by the written policies that are the basis of this guide and thus will not be contractual in nature.*

*This Handbook, including all of the policies contained herein, supersedes any previous or existing handbooks, policies and practices and may not be amended or added to without the approval of the Board.*

## **Welcome to Katherine Anne Porter Katherine Anne Porter School**

Welcome to Katherine Anne Porter School! The purpose of this handbook is to provide you with information that will help you with questions you have regarding the school and its policies. This handbook is intended to provide a general roadmap to navigating a successful year. It does not include all school policies and procedures. Those included are summarized and subject to change. Any suggestions for revisions to the handbook for the purposes of improvement may be submitted in writing to the Superintendent.

### **The Katherine Anne Porter School Board of Trustees**

**Paul Michels, (President of the Board)**  
**Dr. Joseph Smith (Board Treasurer)**  
**Linda Kaye Rogers (Board Member)**  
**Sara Dishman (Board Member)**  
**Ty Galloway (Board Member)**  
**Nick Lochman (Board Member)**  
**Zane Liston (Board Member)**  
**Nadine Pabst (Board Member)**

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#### **1.1. About this Handbook**

The purpose of this personnel handbook is to provide employees with a source of information about KATHERINE ANNE PORTER SCHOOL's procedures and policies. The policies and procedures in this handbook are to serve as guidelines. Although KATHERINE ANNE PORTER SCHOOL has tried to be comprehensive, the handbook does not, and cannot, include procedures and policies that address every situation that may arise.

KATHERINE ANNE PORTER SCHOOL has, and reserves, the right to adopt new procedures and policies, or modify, alter, change or cancel existing policies and procedures at any time. Violation of any provision within this handbook may lead to disciplinary action up to and including discharge from employment.

Questions regarding this handbook or any of the policies/procedures should be directed to Human Resources.

In accordance with applicable laws and KATHERINE ANNE PORTER SCHOOL's policies, no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, creed, color, national origin, sex, gender identity, age, religion, sexual orientation or veteran status, disability, (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration).

## **1.2. About KATHERINE ANNE PORTER SCHOOL**

## **1.3. Acknowledgement of Receipt of Personnel Handbook**

The information contained in this personnel handbook is important and I should consult with Human Resources if I have a question that is not answered in this handbook.

I acknowledge that the KATHERINE ANNE PORTER SCHOOL Personnel Handbook does not create an employment contract or otherwise modify my at-will employment status. I understand that no one has the authority to alter an employee's at-will status, or guarantee an employee's employment for a specific period of time, unless it is approved by the board of directors, is in writing, and is signed by both myself and the chair of the board of directors.

I understand that KATHERINE ANNE PORTER SCHOOL may amend or withdraw any or all portions of this handbook at any time. I understand that it is my responsibility to comply with the provisions in this handbook, including any revisions, and that failure to comply may lead to disciplinary action. I further acknowledge that any revised information may supersede, modify, or eliminate existing provisions within this handbook. As a condition of continued employment at KATHERINE ANNE PORTER SCHOOL, I accept and agree to any modifications to this handbook.

I acknowledge that I have read this handbook and agree to read any amendments of the handbook. I understand that I am required to sign and date my Acknowledgment of Receipt of this handbook. I understand that a copy of this form will be retained in my personnel file.

**Your signed agreement with the above statement will be obtained annually through electronic signature.**

## **STARTING YOUR JOB**

### **2.1. Accuracy of Information**

KATHERINE ANNE PORTER SCHOOL relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Employees are expected to provide truthful and accurate information in connection with their employment at KATHERINE ANNE PORTER SCHOOL.

Any falsification or misrepresentation in connection with application materials, or during the course of employment, is a serious offense and may lead to discharge from employment or non-selection of an applicant.

### **2.2. Employment Application and Other Forms**

New employees are asked to complete the following forms electronically through TalentEd and Formsite, the electronic Human Resource system:

1. Employment Application
2. Background Authorization
3. Common Law Rights

4. Statement of Confidentiality
5. Conflict of Interest
6. Enrollment and Authorization for Direct Deposit
7. Equal Employment Opportunity
8. Emergency Contact
9. Acknowledgement of Workers Compensation
10. I-9 Employment Eligibility Form

- The designee shall ensure that an employee properly completes Section 1 (“Employee Information and Verification”) on Form I-9 at the time of hire. KATHERINE ANNE PORTER SCHOOL 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 hiring. If KATHERINE ANNE PORTER SCHOOL hires an individual for employment for a duration of less than three business days, the designee must verify employment at the time of hire.

KATHERINE ANNE PORTER SCHOOL 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 KATHERINE ANNE PORTER SCHOOL rehires an individual, the designee 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 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii).*

11. Preemployment Affidavit
12. Employee Election Form to Withhold Certain Information from Public Access
13. SSA-1945 – Statement Concerning Employment Not Covered by Social Security
14. TRS Disclosure
15. W4 Employee’s Withholding Allowance Certificate
16. Acknowledgement of Policies – HR Handbook, Wage Deduction, Workers Comp Packet, Benefit Guide including Applicable Healthcare/Benefit Forms
17. Twelve Month Pay Election
18. Acceptance of offer letter (offer of at-will employment), minimum duty calendar, job description, and pay schedule

*\*Forms are subject to change based on updated legislation and local regulations.*

In addition, teaching staff will need to submit a copy of college transcripts, a copy of their service record from previous employers, and a copy of their teaching certificate. Additional documents may be needed for other positions as well.

Current, returning employees will be required to update or execute many of the above forms annually electronically through TalentEd. Any employee who fails or refuses to complete the above forms or to provide KATHERINE ANNE PORTER SCHOOL with requested documentation may be subject to discipline, up to and including discharge from employment.

### **2.3. Criminal History Background Checks & Fingerprinting Process**

A person may not be employed or serve as a teacher, substitute teacher, librarian, educational aide, administrator, counselor, or other employed role unless the person has been approved by the Texas Education Agency following

a review of the person's National Criminal History Record Information. Each individual serving or expected to serve in the aforementioned roles will be expected to comply and submit the necessary information for the background check prior to beginning employment.

Additionally, volunteers and contractors subject to criminal background checks will be required to comply and submit the necessary information for the background check.

All employees that have direct contact with scholars will be required to complete fingerprinting with the Texas Education Agency before contact with scholars.

The Superintendent maintains final authority for employment decisions in compliance with state law for any applicant with a criminal history/record not otherwise prohibited from working in a public school. The Superintendent will make any and all decisions in conformance with law, EEOC regulations, and in the best interest of student and employee safety.

***TEA Registry of Persons Not Eligible For Employment in Public Schools***

KATHERINE ANNE PORTER SCHOOL shall discharge or refuse to hire any person listed on the registry of persons who are not eligible to be employed by a school district, district of innovation, open-enrollment Katherine Anne Porter School, other charter entity, regional education service center, or shared services arrangement, as such registry is maintained and published by the Texas Education Agency ("TEA"). *Education Code 22.092(b)*.

**2.4. Policy on TRS Retire/Rehire Applicants for Roles at KATHERINE ANNE PORTER SCHOOL**

Effective 8/18/17, all new employees of KATHERINE ANNE PORTER SCHOOL, hired after this date, that are classified as Retire/Rehire by TRS, *meaning they are considered to be currently retired and reentering the public school workforce*, will pay in full all fees associated and required by TRS for returning to employment at KATHERINE ANNE PORTER SCHOOL, a TRS participating Public School System. These fees will be paid in compliance with all TRS requirements and a good faith estimate of fees will be provided to all applicants for positions. If during the course of working with TRS in the hiring process, the fees required by TRS are higher or lower than what was presented, the employee will remain solely responsible for paying for the adjusted fee amount.

**2.5. New Hire Reporting (Texas Attorney General's Office)**

KATHERINE ANNE PORTER SCHOOL 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 KATHERINE ANNE PORTER SCHOOL's name, address, and employer identification number.

KATHERINE ANNE PORTER SCHOOL may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and KATHERINE ANNE PORTER SCHOOL's payroll address for mailing of notice to withhold child support.

KATHERINE ANNE PORTER SCHOOL 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 KATHERINE ANNE PORTER SCHOOL and in a format acceptable to the attorney general.

**a) *Deadline***

New hire reports are due:



1. Not later than 20 calendar days after the date KATHERINE ANNE PORTER SCHOOL hires the employee; or
2. In the case of KATHERINE ANNE PORTER SCHOOL 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–.105; 1 TAC 55, Subch. I.*

#### **b) Texas Attorney General Notifications/Employment Requests**

KATHERINE ANNE PORTER SCHOOL will respond to all requests issued by the Texas Attorney General. KATHERINE ANNE PORTER SCHOOL will also abide by all orders issued by the Texas Attorney General. This includes, but is not limited to:

- a. Withholding notifications/terminations
- b. Employment Verifications
  - i. Includes employee's dates of employment and wages currently paid
  - ii. Current Benefit elections
- c. Dependent benefit enrollment/termination notifications

### **3. REPORTING TO WORK**

#### **3.1. Official School Building and Network Office Hours**

Standard hours of operation in the administrative office and school areas may vary by role and are listed below:

KATHERINE ANNE PORTER SCHOOL Administrative Office:

7:45AM to 4:00PM

Full-time staff work hours may be adjusted to best fit school needs for duties and other activities.

**Scholars are in session daily at:**

8:00AM to 4:00PM

#### **3.2. Regular Work Schedules**

KATHERINE ANNE PORTER SCHOOL prepares an offer of at-will employment agreement for each employee that stipulates the job title, number of days expected to work, according to the published school calendar, and salary. School instructional hours are dictated by the school's Yearly Calendar and bell schedule. In addition, you will receive a job description that clarifies your duties and responsibilities. These documents are delivered and signed electronically through TalentEd at the time of hire and annually thereafter.

KATHERINE ANNE PORTER SCHOOL has a standard workweek of 40 hours per week, excluding time off for lunch. Scheduled hours for employees may vary from department to department.

Part-time staff members must be on campus no later than 15 minutes prior to the start of their first class. In order

to avoid scheduling conflicts, all pre-planned absences must be approved by the Superintendent or Administrator. Part-time staff are responsible for noting any changes in the schedule due to unexpected closures or changes.

Every full-time teacher will be scheduled for one class section of instructional preparation/conference time. Presence on campus is expected during this period and should keep campus administration informed if leaving campus.

All full-time, **non-exempt** employees generally work a Monday through Friday schedule of 40 hours divided into (five) eight-hour workdays, to include Dragon Day weeks.

**Exempt** employees are expected to work the hours necessary to complete their assigned work to the satisfaction of their supervisor without regard to scheduled hours and without expectation of additional compensation.

All employees are expected to be at work during assigned hours unless otherwise required or approved by the employee's supervisor.

### **3.3. Attendance**

KATHERINE ANNE PORTER SCHOOL employees are expected to be reliable and punctual in reporting for work each scheduled day. If an employee will be late to work or is unable to work as scheduled, the employee should notify the Superintendent or Administrator in advance as soon as possible.

Scheduled workdays must be completed on campus. Remote working days are not acceptable, and if taken, will be counted as a sick leave day. If sick leave days have been depleted for the year, an employee will be deducted their daily rate of pay.

KATHERINE ANNE PORTER SCHOOL recognizes there will be occasions when an illness or other personal event may result in an unscheduled absence. As such, KATHERINE ANNE PORTER SCHOOL adheres to the leave policy defined below.

Poor attendance and/or repeated tardiness are disruptive to the operations of KATHERINE ANNE PORTER SCHOOL and may lead to disciplinary action, up to and including discharge from employment.

### **3.4. Leaving Campus During the School Day**

KATHERINE ANNE PORTER SCHOOL employees are expected to be on campus for the entirety of the workday. If a situation arises that you must leave the campus during the workday, notify the Superintendent or Administrator at the time of your departure and again upon return.

### **3.5. Faculty Meetings**

All KATHERINE ANNE PORTER SCHOOL employees may be required to attend regularly scheduled faculty/staff meetings. All instructional and non-instructional staff members are required to attend these meetings as assigned. Do not plan personal appointments, parent conferences or committee meetings during these times.

### **3.6. Attendance Expectations for School Events**

KATHERINE ANNE PORTER SCHOOL organizes multiple community events throughout the year hosted by faculty

and/or our support organizations such as the Parent Teacher Organization (PTO) or Parent Teacher Association (PTA). Participation at these events may be required.

### **3.7 Attendance Records**

Employee attendance records must be kept complete and accurate. Attendance records are subject to unannounced reviews to ensure proper use. Falsification of time records is a serious offense and may lead to disciplinary action, up to and including discharge from employment.

All employees must enter absences in the designated timekeeping system. When applicable, leave time will be deducted at each work cycle.

## **4. TIME AWAY FROM WORK**

### **4.1 Holidays & School Breaks**

KATHERINE ANNE PORTER SCHOOL will be closed for school breaks as reflected in the KATHERINE ANNE PORTER SCHOOL calendar.

Non-faculty, management, and office personnel may be required to work during school breaks. Each employee will be provided with an annual calendar of the days they are expected to work, known as the duty calendar. This information will be delivered along with the offer letter through TalentEd.

### **4.2. Paid Leave**

In an effort to provide the best educational experience to KATHERINE ANNE PORTER SCHOOL scholars, employees, especially instructional staff, are encouraged to use paid leave responsibly.

KATHERINE ANNE PORTER SCHOOL provides full-time faculty and staff with five personal paid leave days and five sick leave days annually to be used for emergencies, illnesses, or personal business that cannot be scheduled outside of the workday. **Full-time employees who are hired after the start of the school year will receive a prorated allotment of leave days based on their start date and the remaining portion of the school year.** Part-time staff will receive paid leave days proportionally to the number of days per week that they are employed. This benefit applies to exempt and nonexempt employees. Full-time staff may roll over ten leave days at the end of each school year. Part-Time staff may roll over five leave days at the end of each school year. Any remaining balance exceeding the ten days will be forfeited. Any unused leave will be forfeited upon separation from Katherine Anne Porter School.

Use of personal leave (paid or unpaid) is not permitted for campus staff during the “black out days” listed here. Your attendance is critical to our mission to serve scholars, and your pay may be affected if you take unapproved leave during these days:

- First three weeks of school
- Last three weeks of school
- STAAR/EOC testing days
- Two days immediately before or after school holidays and/or closures
- Designated professional development or in-service days

### **KAPS Planned Staff Leave Procedures:**

Planned leave for personal days requires a two weeks notice.

1. Send a request to the Superintendent or Administrator detailing the date of requested leave, reason, etc.
2. After approval, the Superintendent or Administrator will forward the approved request to the Front Office Personnel, cc'ing Human Resources.
3. Front Office Personnel will arrange for sub coverage.
4. Front Office Personnel will issue confirmation to all parties once sub arrangement is secured, and will add the absence to the admin google calendar.

### **KAPS Unplanned Staff Leave Procedures:**

1. Send an email and text message to the Superintendent or Administrator as soon as you know that you won't be able to make it to work (for illness or emergency only). The email needs to also be sent to the Front Office Personnel.
3. Front Office Personnel will arrange for sub coverage.
4. Employees need to fill out a Staff Leave form when they return to work indicating how many PTO days they will be using.

### **4.3. Family Medical Leave Act**

KATHERINE ANNE PORTER SCHOOL complies with the Family and Medical Leave Act (FMLA) administered by the Wage and Hour Division (WHD) of the United States Department of Labor. The FMLA provides a means for employees to balance their work and family responsibilities by taking unpaid leave for qualifying reasons. The Act is intended to promote the stability and economic security of families as well as the nation's interest in preserving the integrity of families.

Regular full-time employees who have at least 12 months of service with Katherine Anne Porter School and have worked at least 1,250 hours over the prior 12 months and who work at a location where the employer has at least 50 employees within a 75-mile radius are eligible to request family leave as described in this policy.

**Basic Leave Entitlement.** FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child, or parent, who has a qualifying serious health condition; or
- For a qualifying serious health condition that makes the employee unable to perform the employee's job.

### **4.4. Pregnant Workers Fairness Act**

In accordance with the Pregnant Workers Fairness Act (PWFA), KATHERINE ANNE PORTER SCHOOL will provide reasonable accommodations for medical conditions related to pregnancy and childbirth. The law states that employers can't deny employment opportunities based on these pregnancy accommodations, and they can't "require employees to take paid or unpaid leave if another reasonable accommodation can be provided."

“Reasonable accommodations” are changes to the work environment or the way things are usually done at work, and examples of possible reasonable accommodations include the ability to sit or drink water; receive closer parking; have flexible hours; receive appropriately sized uniforms and safety apparel; receive additional break time to use the bathroom, eat, and rest; take leave or time off to recover from childbirth; and be excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy. Employers are required to provide reasonable accommodations unless they would cause an “undue hardship” on the employer’s operations. An “undue hardship” is significant difficulty or expense for the employer.

## **Pump Act**

In accordance with the Providing Urgent Maternal Protections for Nursing Mothers Act, known as the PUMP Act, KATHERINE ANNE PORTER SCHOOL will provide time and space for breastfeeding parents. In general, this act broadens existing workplace protections for employees to express breast milk at work. The PUMP Act is part of Fair Labor Standards Act (FLSA) protections, enforced by the Department of Labor (DOL).

Under this act, nursing employees have the right to reasonable break time and a place, other than a bathroom, that is shielded from view to express breast milk while at work, each time the employee has a need to express milk. This right is available for up to one year after the child’s birth. The frequency and duration of breaks needed to express milk will likely vary depending on factors related to the nursing employee and the child. Factors such as the location of the space and the steps reasonably necessary to express breast milk, such as pump setup, can also affect the duration of time an employee will need to express milk. Employees who telework are eligible to take pump breaks under the FLSA on the same basis as other employees.

Under the FLSA, when an employee is using break time at work to express breast milk they either must be completely relieved from duty or must be paid for the break time. Further, when employers provide paid breaks, an employee who uses such break time to pump breast milk must be compensated in the same way that other employees are compensated for break time.

**Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**Eligibility Requirements.** Employees are eligible if they have worked for a covered employer for at least one year and have at least 1,250 hours over the previous 12 months.

**Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

**Use of paid leave.** Family and medical leave runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury.

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

**Intermittent leave.** When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

#### **Local FMLA provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period beginning on the first duty day of the school year.

Special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. *Instructional employees* are those whose Administrator 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, and the special rules do not apply to, teacher assistants or aides who do not have as their Administrator job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

Special rules may exist for the following considerations:

1. Limitations on intermittent leave
2. Limitations on leave near the beginning or end of an academic term
3. Duration of FMLA leave
4. Restoration of “an equivalent position.”

**District contact.** Employees that require FMLA leave or have questions should contact the Superintendent or Administrator for details on eligibility, requirements, and limitations.

#### **4.5 Mandated School Closure**

KATHERINE ANNE PORTER SCHOOL recognizes that inclement weather and other emergencies can affect the school’s ability to open for business and the employee’s ability to get to work. The safety of our employees is paramount in any emergency situation. The Superintendent will make the decision to cancel a regularly scheduled school day based upon the best information at her disposal. The school will notify the following media outlets: NEWS 8, KXAN, KEYE, and KVUE and any other platforms including a few Spanish language outlets. Additionally, the school website will be updated with the most current information.

When an emergency such as these examples occurs, the school may experience required closure.

- Inclement weather
- electricity outage
- a governmental entity declares an emergency or issues notice that asks schools to consider closure

#### **Notification**

In an emergency, KATHERINE ANNE PORTER SCHOOL will make every effort to notify employees. It is the responsibility of the employee to ensure that accurate contact information is on file, both telephone and email, to receive these alerts. The Registrar manages the contact database.

#### **Pay for Employees**

**If the closure day will be made up at a later date:**

During the time when the school is closed in which it normally would have been open, exempt employees will receive their full salary for their normal hours worked. Per the school calendar, the employee will be required to work on a future scheduled make-up date with no additional pay.

Nonexempt (hourly) employees will not receive pay for the work hours that were missed. However, per the school calendar, the employee will be required to work on a future scheduled make-up date and at that time will receive hourly pay earned on the makeup day.

In the event it was thought the day would be made up, but later determined there would not be a makeup date, the nonexempt employee would be paid the wages from the missed day at the time of this determination.

**If the closure day will not be made up at a later date:**

During the time when the school is closed in which it normally would have been open, exempt employees will receive their full salary for their normal hours worked.

Nonexempt (hourly) employees will receive their hourly pay for their normally scheduled hours.

For an unlikely emergency that extends beyond one work week, at the end of the one work week, employees will be expected to use PTO to cover additional days that the school may be closed to ensure that they continue to receive their pay.

In return for this pay during the paid work week while the company is closed, employees are expected to work at home if feasible.

**Partial Day Closure**

If an emergency event such as inclement weather or a power outage occurs, the Superintendent or Administrator may determine that the school will close mid-day. When the school closes mid-day, employees are encouraged to leave immediately so that the conditions do not further deteriorate and affect their ability to safely travel.

Exempt employees already at work at the time of closure will be paid their normal salary. Nonexempt employees already at work at the time of closure will be paid for their scheduled hours of work. No overtime will be paid.

Employees who had taken the day off will have the day subtracted from their allotted PTO as would have occurred if the school did not close.

**4.6. Bereavement Leave**

In the event that an employee experiences the death of an immediate family member, KATHERINE ANNE PORTER SCHOOL will provide up to three days of paid time off. An employee may request to use additional vacation or personal paid leave time if the employee has such leave available.

An immediate family member is defined as a spouse (including domestic partners), child or step- child, parent (including step-parents), grandchild, grandparent (including in-laws), sibling (including in-laws), father-in-law, mother-in-law, or any other relative living within the employee's home.

#### **4.7. Military Leave of Absence**

KATHERINE ANNE PORTER SCHOOL is committed to protecting the employment rights of employees serving in the uniformed services who must be absent due to military leave.

The Uniformed Services Employment and Employment and Reemployment Act (USERRA) provides that returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The law clearly provides for alternative reemployment positions if the service member cannot qualify for the "escalator" position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

USERRA also requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

For more information about rights and protections for uniformed service members, please visit:

[https://www.dol.gov/vets/programs/userra/userra\\_fs.htm](https://www.dol.gov/vets/programs/userra/userra_fs.htm)

#### **4.8. Job Abandonment**

Failure to return to work as scheduled from an approved leave of absence or to inform your administrator of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment. If you accept any employment or go into business while on a leave of absence from KATHERINE ANNE PORTER SCHOOL, you will be considered to have voluntarily resigned from employment with KATHERINE ANNE PORTER SCHOOL as of the day on which you began your leave of absence.

#### **4.9. Jury Duty/Court Appearance**

KATHERINE ANNE PORTER SCHOOL will grant employees time off for mandatory jury duty or for court appearances as a witness when the employee must serve or is required to appear as a result of a court order or subpoena. A copy of the court order or subpoena for each day must be supplied to the employee's supervisor when requesting time off. The employee is entitled to full pay for each day of jury duty or service as a witness up to a maximum of normal daily rate, in addition to any other paid leave.

However, if the employee is court-ordered or subpoenaed for court appearances as a party to any civil or criminal litigation, it shall not be compensated, and the employee must arrange for time off without pay or use



accrued vacation or personal leave for such appearance.

## **5. BENEFITS**

The benefits information in this handbook is only a summary of benefit plans offered by KAPS. This general explanation is not intended to and does not provide employees with all the details of these benefits. This Handbook does not change or otherwise interpret the terms of the official plan documents. If there is any conflict or difference between the information in this Handbook and the plan documents, the plan documents will govern. KAPS reserves the right to change or end these benefits at any time and for any reason, consistent with all laws. Additionally, benefit eligibility is dependent upon a variety of factors, including employee classification. If employees would like additional information related to any benefits offered by KAPS please contact Human Resources.

Full-Time employees are eligible to enroll in benefit plan(s) during their first 30 days of employment. Plans will go into effect the first day of the month following hire date.

### **5.1. Health**

Group health insurance coverage is available through TRS Active Care to eligible employees in accordance with TRS Active Care provisions.

KAPS' medical coverage plan(s) is/are reviewed annually and approved as needed by the Board of Directors. KAPS annual contribution to the plan(s) is/are also reviewed on an annual basis by the Board of Directors. Detailed information and descriptions of coverage, premiums, and eligibility are available through Human Resources.

### **5.2 Supplemental Benefits**

KATHERINE ANNE PORTER SCHOOL participates in various supplemental benefit plans. Such as dental, vision and employer paid basic life. A full overview of all benefits can be found in the current plan year's benefit guide.

### **5.3. Teacher Retirement System of Texas**

KATHERINE ANNE PORTER SCHOOL is required by the laws of the State of Texas to participate in the Teacher Retirement System of Texas in order to provide eligible employees with a monthly pension benefit upon retirement. All employees who work at least 15 hours per week are eligible to participate in the retirement plan. This minimum will apply if there is no full-time equivalent position. If there is a full-time equivalent, the position must be for one-half or more of the full-time equivalent. Participation in the plan begins on your date of hire.

The details regarding KATHERINE ANNE PORTER SCHOOL and employee contributions, vesting, administration, and investments are provided in the Summary Plan Description, which was (if already participating) or will be (as a new teacher in this state) sent to you by the Teacher Retirement System of Texas.

## **6. WAGES & EXPENSES**

### **Expected Employee Conduct**

All employees are required to utilize the electronic clock in/out system daily. If at any time the electronic system is not functioning properly, a paper time sheet will be provided and you will be required to record your hours manually and submit the timesheet to the Superintendent or Administrator.

All timesheets must be submitted every 2 weeks, on the last Friday of the pay period, based on the payroll schedule for the year. Late, incomplete or incorrectly filled out timesheets will be paid on the next regularly scheduled pay date.

### **6.1 Payday**

A work week is Monday at 12 midnight through Sunday at 11:59pm. Employees are paid based on the approved annual pay schedule, which is the 15<sup>th</sup> and 30<sup>th</sup> of each month for the current month. If a payday falls on a day in which school is not in session, the official pay date is the first official in session day according to the published school calendar prior to the 15<sup>th</sup> or 30<sup>th</sup>.

Pay rates vary for particular positions.

- The pay scale for full time teachers can be found on the Katherine Anne Porter School website at [www.kapschool.org](http://www.kapschool.org).
- Part time teachers are those that have fewer than 4 scheduled work periods per day. Part time teachers are paid per course.

### **6.2. Direct Deposit**

Direct deposit is KATHERINE ANNE PORTER SCHOOL's preferred method of payment for all employees paid by KATHERINE ANNE PORTER SCHOOL. Direct deposit enables KATHERINE ANNE PORTER SCHOOL to facilitate the distribution of pay to employees in a safe, secure, and timely manner. To enroll in direct deposit an employee must complete an Authorization for Direct Deposit electronically through TalentEd. All employees will be emailed a payroll stub that explains each deduction from their pay once the employee provides written consent for this on the Authorization for Direct Deposit.

### **6.3. Mistake in Payroll or Expense Reimbursement**

In the event that an error in payment is identified, including in wage amount, deduction total, or any other circumstance affecting compensation, the school will communicate payroll correction efforts with the employee as

soon as feasible to ensure that pay is appropriately remedied in a compliant, fair, and timely manner.

Employees are required to immediately notify their supervisor in the event of a suspected mistake in their payroll or expense reimbursement. Failure to report an overpayment in payroll or in an expense reimbursement may result in disciplinary action. Every effort will be made to correct the mistake in a timely manner.

#### **6.4. Hours Worked: Exempt Employees**

All exempt employees who are compensated on a salary rather than hourly basis are paid their salary for all hours worked during the work week, regardless of the actual number of hours worked.

In accordance with applicable labor laws, KATHERINE ANNE PORTER SCHOOL categorizes each staff member as exempt or non-exempt for purposes of federal wage and hour laws. Exempt staff members are, generally, instructional staff, professional and administrative staff, in line with the regulations set forth by the FLSA. KATHERINE ANNE PORTER SCHOOL pays exempt staff members on a salaried basis. They are expected to spend as much time on task as is required to perform their duties. Exempt staff members do not receive overtime pay, though they may receive other discretionary benefits in compensation for any time commitment required under exceptional circumstances.

#### **6.5 Hours Worked: Non-Exempt Employees**

Non-exempt staff members are paid an hourly fixed wage. Non-exempt staff members are entitled to receive extra pay for approved overtime work, in accordance with both the applicable law and KATHERINE ANNE PORTER SCHOOL's overtime policy. No non-exempt staff member shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal, or alternatively, for six or more consecutive hours without a period of at least twenty consecutive minutes for a meal. Such period shall be given at some time after the first two hours of work and before the last two hours.

A non-exempt employee is entitled to overtime pay. This overtime pay, under the Fair Labor Standard Act ("FLSA"), is equal to time and one-half the "regular rate" of pay for each hour actually worked over the applicable FLSA overtime threshold in the applicable FLSA work period.

Non-exempt employees will be paid at the rate of 1.5 times their regular hourly rate of pay for all time worked in excess of 40 hours in any one workweek. Overtime is never at the employee's discretion. An employee may work overtime only after receiving authorization from the employee's supervisor. Working overtime without prior authorization may result in disciplinary action.

A non-exempt employee is never permitted to work "off the clock". While all hours will be compensated appropriately, an employee's failure to report hours accurately whether too low or too high is cause for disciplinary action. Employees should immediately report to the Superintendent or Administrator any effort by a supervisor to participate, encourage, or even permit an employee to work "off the clock" in violation of this overtime provision.

#### **6.6. Time and Effort Reporting**

KATHERINE ANNE PORTER SCHOOL requires time and effort reports on all staff and faculty paid by a federal grant, whether for base or hourly pay or for extra duty or stipend awards. Employees are responsible for accurately reporting their time and to report any error in recording their time to their supervisor.

### **6.7. Travel and Other Expense Reimbursements/Requests**

Before an employee incurs any expense related to KATHERINE ANNE PORTER SCHOOL business, the employee must submit a request form for approval to the Administrator or risk not being reimbursed.

Expense Reimbursements - Written authorization to be reimbursed for all expenditures must be obtained prior to spending money. KATHERINE ANNE PORTER SCHOOL DOES NOT reimburse sales taxes.

Mileage Reimbursement - The Internal Revenue Service guidelines will be used to determine the reimbursement rate for mileage. Those rates can be found at: <http://www.gsa.gov/portal/category/21287>.

Hotel and Meals Reimbursement - Employees should select moderately priced lodging convenient to their destination to minimize time and expense. KATHERINE ANNE PORTER SCHOOL will use the U.S. General Services Administration to determine the prevailing rate for hotels and meals in the city traveled. Those rates can be found at: <http://www.gsa.gov/portal/category/21287>. If the actual cost of hotels or meals is less than the prevailing rates, KATHERINE ANNE PORTER SCHOOL will reimburse the least of the two.

To be reimbursed, all original receipts for travel expenses must be included with the reimbursement request and submitted to the Administrator or risk not being reimbursed. Additionally, KATHERINE ANNE PORTER SCHOOL will not reimburse any purchases which include alcoholic purchases on the same receipt.

### **EXPENDITURE REQUESTS**

An employee who wishes to purchase or order items or services for the school or related to school purposes must submit a request at least 1-2 weeks **in advance along with vendor information and invoice** to the Administrator. Processing and approval will be done through ASCENDER. This will be approved by the Business Office/Superintendent. The W-9 should be turned in to the Business office to authorize the new vendor. When approved by the Superintendent, the requestor will receive a purchase order to be used to make the purchase. The requestor will then be authorized to make the purchase and should complete the order. When the items or services are received, the employee must submit all receipts, packing slips and any other backup to the Superintendent and Business office. Because the Katherine Anne Porter School is a 501(c)3 organization, a tax exempt form must be used to avoid paying any sales tax and must be submitted in advance to the vendor. If sales tax is charged, the responsible employee will be required to pay the sales tax. Tax exempt forms may be obtained from the Superintendent's office.

### **6.8. Deductions in Pay**

KATHERINE ANNE PORTER SCHOOL will only deduct wages from an employee's pay under circumstances that are allowable under state and federal law. Additionally, any wages that an employee has requested and authorized in writing will be deducted. If there is a deduction that has been made that the employee believes is in error, the employee should immediately contact the Administrator. Retaliation against an employee who has questioned what he/she believes may be an incorrect deduction in pay is prohibited.

Court-ordered deductions, such as child support or wage garnishments may be made from an employee's check. The Administrator will notify employees if a court-ordered deduction has been received.

Employees are required to return all property issued to them during their employment. If any property is lost, stolen, or damaged, the employee is personally responsible for all cost associated with its repair or replacement. KATHERINE ANNE PORTER SCHOOL retains the right to withhold the replacement cost of lost, stolen, or damaged property from an employee's paycheck.

## **6.9. Twelve Month Pay Election**

Employees who work less than 12 months per year may be paid over 12 months. This is called "annualized compensation". Annualized compensation gives employees income during the summer months and makes it easier to pay summer benefit premiums. Due to IRS regulations, you must make a written election that is irrevocable. As with any income tax matter, please contact a personal tax counselor with any questions.

## **7. NON-DISCRIMINATION & ANTI-HARASSMENT**

### **7.1. Non-Discrimination**

KATHERINE ANNE PORTER SCHOOL is committed to honor the laws that prohibit discrimination based upon an applicant or employee's race, color, religion, sex, sexual orientation, gender identity, age, disability, national origin, citizenship/immigration status, veteran status or any other protected status. Employees are prohibited from discriminating against other employees, against applicants, or against students based upon the aforementioned protected classes.

KATHERINE ANNE PORTER SCHOOL shall not print or publish any notice or advertisement relating to school 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); Labor Code 21.059.*

### ***Racial Discrimination Based on Hair Texture or Protective Hairstyle "CROWN Act"***

For purposes of KATHERINE ANNE PORTER SCHOOL policy, any provision referring to discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. The term "protective hairstyle" includes braids, locks, and twists. *Labor Code 21.1095.*

### ***Equal Pay***

KATHERINE ANNE PORTER SCHOOL may not pay an employee at a rate less than the rate paid to 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)(Equal Pay Act); 34 CFR 106.54 (Title IX).*

### ***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 KATHERINE ANNE PORTER SCHOOL demonstrates that it is unable to

reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to KATHERINE ANNE PORTER SCHOOL's business. "Undue hardship" means more than a de minimus (minimal) cost. 42 U.S.C. 2000e(j); 29 CFR 1605.2; Labor Code 21.108.

### ***Bankruptcy Discrimination***

KATHERINE ANNE PORTER SCHOOL shall not terminate the employment of, or discriminate with respect to employment against, an individual who is or has been a debtor under federal bankruptcy laws, or an individual associated with such debtor or bankrupt, solely because such debtor or bankrupt:

1. Is or has been a debtor under federal bankruptcy laws;
2. Has been insolvent before the commencement of a case under federal bankruptcy laws or during the case but before the grant or denial of a discharge; or
3. Has not paid a debt that is dischargeable in a case under federal bankruptcy laws.

11 U.S.C. 525(b).

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

The Americans with Disabilities Act of 1990 seeks to eliminate discrimination against individuals with disabilities in the areas of employment, transportation and public accommodations. ADA prohibits employers from excluding people from jobs, services, activities or benefits based on their disabilities.

### **The ADA defines disability with respect to an individual as:**

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.

### **It also defines:**

- A qualified individual with a disability as one who possesses the requisite skills, education, experience and training for a position, and who can, with or without reasonable accommodations, perform the essential functions of the position the individual desires or holds.
- A substantial limitation as an impairment that prevents the performance of a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average person in the general population.
- A reasonable accommodation as a modification or adjustment to the job application process or the work environment that enables a qualified person with a disability to be considered for a position or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

### **Major life activities include:**

Walking, Seeing, Speaking, Hearing, Breathing, Learning, Performing manual tasks, Caring for one's self, Working, Eating, Sleeping, Standing, Lifting, Bending, Reading, Concentrating, Thinking

## **Major Bodily Functions:**

Functioning of immune system, Normal cell growth, Digestive, Bowel, Bladder, Neurological, Brain, Respiratory, Circulatory, Endocrine, Reproductive, Communicating

## **Procedures for Requesting ADA Accommodations**

Employees can initiate the accommodation process by requesting an accommodation for a disability to the Administrator. If you believe you have a qualifying disability and are seeking accommodations in the workplace to enable you to perform your essential job functions, you should contact the Administrator.

**Please note:** Having a medical condition alone is not enough to make an employee eligible for accommodations under the American with Disabilities Act Amendment Act of 2008 (ADAAA).

KATHERINE ANNE PORTER SCHOOL reserves the right to obtain an independent medical opinion concerning the impairment for which an employee seeks an accommodation at District expense.

### **7.3. Anti-Harassment**

KATHERINE ANNE PORTER SCHOOL is committed to creating and maintaining a work environment free of all forms of unlawful harassment. Employees are prohibited from engaging in all forms of unlawful harassment, including harassment based on race, sex, religion, national origin, disability, age, genetic information, veteran status, sexual orientation, and any other protected class status.

Harassment based on any of the aforementioned protected classes may include, but is not limited to, many different types of actions: verbal (e.g. derogatory comment), physical (e.g. assault), or visual (e.g. internet materials). Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. Both victim and harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer.

### **7.4. Reporting Discrimination and/or Harassment**

This section applies to both incidents of harassment and discrimination.

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

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

KATHERINE ANNE PORTER SCHOOL has designated the following person as the Title IX Coordinator, who is

responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment: Superintendent, 515 FM 2325, Wimberly, TX 78676, 512-648-3180, mingram@kapschool.org.

KATHERINE ANNE PORTER SCHOOL has designated the following person as the ADA / Section 504 Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Lino Cantu, 515 FM 2325, Wimberly, TX 78676, 512-648-3180, lcantu@kapschool.org.

KATHERINE ANNE PORTER SCHOOL has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis race, color, religion, gender, sex, national origin, or age: Superintendent, 515 FM 2325, Wimberly, TX 78676, 512-648-3180, mingram@kapschool.org.

All other complaints regarding equal employment opportunity may be directed to: Superintendent, 515 FM 2325, Wimberly, TX 78676, 512-648-3180, mingram@kapschool.org.

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

KATHERINE ANNE PORTER SCHOOL prohibits discrimination, including harassment, of a co-worker based upon race, color, national origin, religion, sex or gender, disability, veteran status, age, genetic information, or any other basis prohibited by law. While acting in the course of their employment, employees shall not engage in prohibited discrimination or harassment of other persons including Board members, vendors, contractors, volunteers, or parents. Discrimination or harassment become unlawful where:

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

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

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

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

### ***Retaliation***

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



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

### ***Reporting Procedures***

An employee who believes that he or she has experienced prohibited discrimination or harassment, retaliation, or believes that another employee has experienced such prohibited conduct, should follow the reporting standards below.

Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to promptly report may impair KATHERINE ANNE PORTER SCHOOL'S ability to investigate and address the prohibited conduct.

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

### ***Sexual Harassment Prohibited***

KATHERINE ANNE PORTER SCHOOL prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or student.

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

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

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

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

### ***General Definitions***

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

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

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

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

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

### ***Reporting Sexual Harassment***

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

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

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

### ***Notice of Allegations***

Upon receipt of a formal complaint, KATHERINE ANNE PORTER SCHOOL must provide the following written notice to the parties who are known:

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

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

### ***Grievance Process***

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of KATHERINE ANNE PORTER SCHOOL

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

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

### ***Consolidating Formal Complaints***

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

### ***Dismissal of Formal Complaints***

KATHERINE ANNE PORTER SCHOOL must investigate the allegations in a formal complaint.

KATHERINE ANNE PORTER SCHOOL must dismiss a formal complaint if the conduct alleged in the formal complaint:

- Would not constitute sexual harassment, even if proved;
- Did not occur in KATHERINE ANNE PORTER SCHOOL'S education program or activity; or
- Did not occur against a person in the United States.

KATHERINE ANNE PORTER SCHOOL may dismiss a formal complaint or any allegations therein if, at any time during the investigation:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by KATHERINE ANNE PORTER SCHOOL ; or
- Specific circumstances prevent KATHERINE ANNE PORTER SCHOOL from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

### ***Investigating Formal Complaints***

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

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

investigator will consider prior to completing the investigative report.

- KATHERINE ANNE PORTER SCHOOL must create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for review and written response.
- After sending the investigative report to the parties and before reaching a determination of responsibility, the decision-maker(s) must afford each party the opportunity to submit written relevant questions that a party wants asked of any witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

### ***Determination Regarding Responsibility***

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

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

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

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

### ***Appeals***

KATHERINE ANNE PORTER SCHOOL will offer both parties an appeal from a determination regarding responsibility, and from KATHERINE ANNE PORTER SCHOOL'S dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;

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

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

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

A party who is dissatisfied with the appeal decision may file an appeal to the Board of Directors through the process outlined in KATHERINE ANNE PORTER SCHOOL'S grievance procedures.

### ***Emergency Removals***

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

### ***Informal Resolution***

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

Prior to facilitating an informal resolution process, KATHERINE ANNE PORTER SCHOOL must:

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

KATHERINE ANNE PORTER SCHOOL may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### ***Retaliation Prohibited***

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

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

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

### ***Confidentiality***

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

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

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

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

**\*\*NOTE\*\*** KATHERINE ANNE PORTER SCHOOL'S process for handling formal complaints regarding sexual harassment is discussed in the "Sexual Harassment Prohibited" portion of the Employee Handbook.

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

- In the event you feel you are a victim of harassment, you should contact your immediate supervisor and/or the designated Compliance Coordinator immediately. In the event your immediate supervisor is the alleged harasser, you should contact the next level of management immediately. Complaints against the designated compliance coordinator may be submitted to the Superintendent.
- Any employees who are uncomfortable with face-to-face interaction may write down their complaints in a memo, and submit the memo to their immediate supervisor and/or the designated Compliance Coordinator.
- Any KATHERINE ANNE PORTER SCHOOL employee who receives a report of suspected harassment or discrimination is expected to immediately contact the designated Compliance Coordinator.
- Complaints will be handled in a timely manner.

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

address the alleged prohibited conduct.

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

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

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

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

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

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

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

An employee who is dissatisfied with the outcome of the investigation may appeal through the School's general employee grievance process, beginning at the level of Superintendent review.

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

In addition to using the school's complaint process, an employee may file a formal complaint with the Equal Employment Opportunity Commission ("EEOC") or Texas Workforce Commission ("TWC"). Additional information may be found by visiting <http://www.eeoc.gov/employees/charge.cfm>.

## **7.5. Reporting Student Bullying**



All employees are required to report student complaints of bullying to the Administrator. Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property, (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student, (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school, or (4) infringes on the rights of the victim at school. The definition of bullying includes "cyberbullying." Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Employees who observe students engaged in bullying, or who suspect that a student has engaged in or is the victim of bullying, must report the fact or suspicion to the Administrator. The Administrator shall conduct an investigation into the allegations.

The Administrator may make a report to the local police department (or if the school is not in a municipality to the county sheriff), if after an investigation is completed, the Administrator has reasonable grounds to believe that a student engaged in conduct that constitutes the offense of Assault, as defined in Section 22.01 of the Texas Penal Code, or Harassment, as defined in Section 42.07 of the Texas Penal Code.

## **7.6. Service and Emotional Support Animals**

Service animals are permitted to accompany individuals with a disability to public events or within public areas of the district, consistent with the Americans with Disabilities Act. This policy serves to establish procedures for the use of service animals at KATHERINE ANNE PORTER SCHOOL.

The purpose of this policy is to establish procedures for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

### **DEFINITIONS**

#### *A. Service Animal*

Service Animal means any dog (regardless of breed or size) or miniature horse that is individually trained to do work or perform "work or tasks" for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Service animals are working animals that perform valuable functions; they are not pets. Service animals do not include wild animals, farm animals and rodents and animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

#### *B. Emotional Support Animal (ESA)*

An "emotional support animal" or "comfort animal" is an animal that is necessary to afford the person with a qualifying disability an equal opportunity to thrive in their educational experience. The emotional support animal may provide physical assistance, emotional support, calming, stability, and other kinds of assistance.

Under the Americans with Disabilities Act, emotional support animals do not perform tasks that would qualify them as service animals. Unlike a service animal, an emotional support animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times.

Despite all the therapeutic benefits that ESAs are known for, schools and colleges are still not obligated to allow emotional support dogs by the federal law. However, KATHERINE ANNE PORTER SCHOOL realizes the importance of emotional support animals in certain circumstances and therefore allows them to be part of qualifying students' lives.

#### *C. Handler*

A "handler" is an individual with a disability who is accompanied by a service animal or a trainer who is accompanied by a service animal. For purposes of this policy, the terms "handler" and "individual with a disability" may be used interchangeably.

#### *D. Work or Tasks*

1. Work or tasks are those tasks performed by a Service Animal. The "work or tasks" must be directly related to the handler's disability.
2. Examples of work or tasks include, but are not limited to:
  - a. Assisting individuals who are blind or have low vision with navigation and other tasks;
  - b. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
  - c. Providing non-violent protection or rescue work;
  - d. Pulling a wheelchair;
  - e. Assisting an individual during a seizure;
  - f. Alerting individuals to the presence of allergens;
  - g. Retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
  - h. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
3. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

#### *E. Trainer*

A "trainer" is a person who is training a service animal and is affiliated with a recognized training program for service animals.

### **REQUIREMENTS FOR SERVICE ANIMALS**

1. Verification of disability/need of service animal from a health care provider;  
*A person desiring the assistance of a service animal must first provide verification that she or he has a qualifying disability and that the animal is needed for the use. The person's health care provider, who is familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities, must submit a signed letter on professional letterhead, expressing the following:*
  1. *The provider's diagnosis of the person's condition.*
  2. *The provider's opinion that the condition qualifies as a disability under federal law, including the major life activities which are substantially limited by the disability.*
  3. *Any additional rationale or statement KATHERINE ANNE PORTER SCHOOL may reasonably need to understand the basis for the professional opinion.*

4. *The provider must give her/his professional opinion of how the person's documented disability relates to the necessity of the animal's presence on campus.*
5. *The provider's description of what function(s) the animal will specifically provide.*

*Examples of a "health care provider" may be a therapist/counselor, psychologist, psychiatrist, primary care doctor, or nurse. However, other health care providers may be qualified to provide documentation for the person's disability and need for an emotional support animal.*

2. The service animal must be individually trained and certified to do work or tasks for the benefit of the individual with a disability. Documentation required.
3. A service animal must be under the control of its handler.
4. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
5. The service animal must be housebroken.
6. Record of up-to date Vaccinations, including rabies shot for county of residence.
7. Record of current Veterinarian Clean Bill of Health
8. Signed Statement of Acknowledgment of this policy
9. KATHERINE ANNE PORTER SCHOOL's Animal Registration Form/Agreement

#### **ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

- A. In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:
  1. The type, size and weight of the miniature horse and whether the facility can accommodate these features;
  2. Whether the handler has sufficient control of the miniature horse;
  3. Whether the miniature horse is housebroken;
  4. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate safety requirements that are necessary for safe operation; and
  5. Whether the miniature horse's presence is contrary to any other provision of this policy.

#### **REQUIREMENTS FOR EMOTIONAL SUPPORT ANIMALS**

1. Verification of disability/need of service animal from a health care provider;
 

*A person desiring the assistance of a service animal must first provide verification that she or he has a qualifying disability and that the animal is needed for the use. The person's health care provider, who is familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities, must submit a signed letter on professional letterhead, expressing the following:*

  6. *The provider's diagnosis of the person's condition.*
  7. *The provider's opinion that the condition qualifies as a disability under federal law, including the major life activities which are substantially limited by the disability.*
  8. *Any additional rationale or statement KATHERINE ANNE PORTER SCHOOL may reasonably need to understand the basis for the professional opinion.*

9. *The provider must give her/his professional opinion of how the person's documented disability relates to the necessity of the animal's presence on campus.*
10. *The provider's description of what function(s) the animal will specifically provide.*

*Examples of a "health care provider" may be a therapist/counselor, psychologist, psychiatrist, primary care doctor, or nurse. However, other health care providers may be qualified to provide documentation for the person's disability and need for an emotional support animal.*

2. The emotional support animal must be individually trained, licensed, and registered to do work or tasks for the benefit of the individual with a disability. Documentation required.
3. An emotional support animal must be under the control of its handler.
4. The emotional support animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal's safe, effective performance of work or tasks, in which case the emotional support animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
5. Record of up-to date Vaccinations, including rabies shot for county of residence.
6. Record of current Veterinarian Clean Bill of Health
7. Signed Statement of Acknowledgment of this policy
8. KATHERINE ANNE PORTER SCHOOL' Animal Registration Form/Agreement

**All certifications, licenses, registrations and vaccination records MUST be updated with KATHERINE ANNE PORTER SCHOOL upon their expiration date.**

#### **APPROVAL OF ANIMAL**

KATHERINE ANNE PORTER SCHOOL Administration will review documentation and, if it is determined that the animal meets all criteria above within the appropriate category, a member of the administrative team shall meet with the person requesting the animal on campus. This policy will be carefully reviewed with the person at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation, considering alternative accommodations and the impact of the animal at KATHERINE ANNE PORTER SCHOOL .

If the accommodation of the animal on campus cannot be granted, KATHERINE ANNE PORTER SCHOOL will make every reasonable effort to find ways to assist the student in her/his academic progress or the employee in her/his position.

#### **ANIMAL ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

- A. Prior to bringing a service or emotional support animal on district property, facilities, or vehicles, the parent/guardian of a student with a disability or the employee may be asked to meet with a planning team to prepare for effective integration of the animal into the school environment. This meeting will allow for planning regarding schedules, transportation, student instructional day and extracurricular activities, as well as a communication plan to the school community in preparation for the service or emotional support animal. In addition, the parent/guardian or employee will be asked to review the district's Animal Policy and to complete the Animal Registration Form/Agreement to verify their understanding of Administrative Procedures.
- B. In general, handlers or trainers are permitted to be accompanied by their service or emotional support animal in all areas of school district properties where members of the public, students, and employees are permitted. A handler has the right to be accompanied by a service or emotional support animal whenever and to the same extent that the handler has the right:

1. to be present on school district property or in school district facilities;
  2. to attend or participate in a school sponsored event, activity, or program; or
  3. to be transported in a vehicle that is operated by or on behalf of the school district.
- C. When an individual with a disability brings a service or emotional support animal to a school district property, school district employees or students shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether the animal qualifies as a service or emotional support animal:
1. If the animal is required because of a disability; and
  2. What work or tasks the animal has been trained to perform.
- D. School district employees or students shall not make these inquiries of an individual with a disability bringing a service or emotional support animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.

#### **CARE OF, AND RESPONSIBILITY FOR, SERVICE ANIMALS; LIABILITY**

- A. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, toileting, clean up and stain removal.
- B. The district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. Neither the school district nor its staff will assume such responsibilities. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the building administrator.
- C. Individuals with disabilities who are assisted by service animals are responsible for providing the supplies and equipment needed by the service animal.
- D. Owners of service animals are liable for any harm or injury caused by the service animal to other students, staff, visitors and/or property.

#### **REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

- A. A school official may require a handler to remove a service animal from school district property, a school building or a school-sponsored program or activity, if:
1. The service animal is out of control and the handler does not take effective action to control it;
  2. The service animal is not housebroken;
  3. The presence of the animal would fundamentally alter the nature of a service, program or activity;
  4. The service animal poses a direct threat to the health and safety of others that cannot be eliminated by reasonable modifications, or

5. The handler fails to submit proof of current vaccinations and immunizations of the service animal.
- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

## **ALLERGIES; FEAR OF ANIMALS**

If a student or employee notifies the school district that he or she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.

## **ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAM PLANS/INDIVIDUAL FAMILY SERVICE PLANS OR SECTION 504 PLANS, RE. Emotional Support Animals**

If a student on an Individualized Education Program Plan/Individual Family Service Plan or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP Team or Section 504 Team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education ("FAPE").

## **SERVICE ANIMALS FOR EMPLOYEES**

Use of a service animal by a school district employee who is a qualified individual with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

## **7.7. Whistleblower Protection**

### **DEFINITIONS**

"Employee" means an employee or appointed officer who is paid to perform services for KATHERINE ANNE PORTER SCHOOL. This definition does not include independent contractors.

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance.

"Personnel action" means an action that affects an employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation.

A "good faith" belief that a violation of law occurred means that:

1. An employee believed the conduct reported was a violation of law; and
2. The employee's belief was reasonable in light of the employee's experience and training.

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to
  - a. Regulate under or enforce the law alleged to be violated in the report; or
  - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's experience and training.

## **WHISTLEBLOWER COMPLAINTS**

An employee who alleges a violation of whistleblower protection may take legal action against KATHERINE ANNE PORTER SCHOOL as described in Chapter 554 of the Texas Government Code. Before taking such action, an employee must initiate a grievance.

The employee must invoke the grievance process no later than the 90<sup>th</sup> day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence. KATHERINE ANNE PORTER SCHOOL may shorten the timelines outlined in the grievance process in order to allow the Board to make a final decision concerning the grievance within 60 days of initiation of the grievance.

If the Board does not render a final decision before the 61<sup>st</sup> day after grievance procedures are initiated, the employee may elect to:

1. Exhaust the grievance process, in which case the employee must file legal action not later than the 30<sup>th</sup> day after the date those procedures are exhausted to obtain relief under Chapter 554 of the Texas Government Code; or
2. Terminate the grievance process and file legal action within the timelines set by sections 554.005 and 554.006 of the Texas Government Code.

*Gov't Code 554.005, .006.*

## **WHISTLEBLOWER PROTECTIONS**

Neither the Board nor its agents shall suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by KATHERINE ANNE PORTER SCHOOL or another KATHERINE ANNE PORTER SCHOOL employee to an appropriate law enforcement authority. *Gov't Code 554.002.*

## **NOTICE OF RIGHTS**

KATHERINE ANNE PORTER SCHOOL shall inform employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. *Gov't Code 554.009.*

## **7.8. PSYCHOTROPIC DRUGS AND MEDICAL EVALUATIONS**

A KATHERINE ANNE PORTER SCHOOL officer or employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest any particular diagnosis; or
3. Preclude a student from attending a class or participating in a school-related activity because of the parent's refusal to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student.

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

This policy does not prevent a KATHERINE ANNE PORTER SCHOOL officer or employee from:

1. Making an appropriate referral under Child Find;
2. Recommending that a child be evaluated by an appropriate medical practitioner, if the employee is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional; or
3. Discussing any aspect of a child’s behavior or academic progress with the child’s parent or other KATHERINE ANNE PORTER SCHOOL officer or employee, as appropriate.

*Education Code 38.016.*

## **8. EMPLOYMENT STANDARDS**

### **8.1. Expected Employee Conduct**

All employees are expected to:

- Meet established expectations of job performance;
- Comply with attendance policies;
- Be responsible in the performance of job duties;
- Be efficient;
- Respect the personal and property rights of all individuals one comes in contact with during the course of KATHERINE ANNE PORTER SCHOOL’S business;
- Follow job instructions;
- Maintain a courteous and professional demeanor; and
- Communicate with parents effectively and timely.

Employees who do not adhere to these standards are subject to disciplinary action, up to and including discharge.

## **CLASSROOM MANAGEMENT**

At all times, teachers should strive to create a positive and healthy classroom environment which contains high levels of rigor and relevance for the students. A positive classroom setting combined with a well planned management strategy will reap rewards of student participation and success as well as smooth and efficient daily lessons. Clarity of expectations, consistency in application of policy, and repeated positive feedback all contribute to an environment conducive to lifelong learning.

Every student who is enrolled at KAPS should abide by these classroom rules no matter who is teaching.

- Be respectful to staff and students
- Follow directions given by a teacher or administrator
- Food and drinks in class are allowed only at the teacher's discretion. No food or drinks are allowed in computer labs or computer areas.



- No Food or drinks allowed when laptops are used in the classroom.
- Students must have their classroom pass when leaving the class for a bathroom break. They need a signed pass to leave class for any other reason. The pass should include the date and time of issue, location student is permitted to visit, and teacher's signature
- Be prepared with appropriate materials for classroom instruction

When a student breaks the code of conduct, the teacher will follow their respective classroom disciplinary consequences, after which, issue office referrals, which can lead to detention, parent conference ISS/OSS, KAPS would try to provide all options for correction of behavior, and resort to consideration of expulsion as the last option. Documentation of behavior and consequence is critical for follow, to track behavior patterns and also for future reference.

### GRADING AND ATTENDANCE

The Katherine Anne Porter School utilizes a third-party grading software, ASCENDER. All instructional staff are required to maintain accurate attendance and grading records by use of this software. **Grades should be posted regularly for both the students and parents to access online and should be posted by the end of two weeks and should be current by the end of 5 weeks. A minimum of two grades per class per student should be posted into the gradebook per week. At the end of the 9 weeks grading cycle, each student must have a minimum of 18 grades in each class, with a minimum of two-three formative assessment grades.** Failure to meet the gradebook entry requirements in accordance with this policy may result in a write-up, 3 write ups may lead to consideration of termination of employment. All attendance data must be current, posted each day in each period.

Employees must notify the front office/PEIMS via email if there is an error or discrepancy in their student attendance records. Only the front office/PEIMS personnel may override student attendance records once posted by the teacher.

### CURRICULUM AND LESSONS

Teachers must follow the TEKS of the respective subjects they are teaching. Careful planning and preparedness are crucial. Lessons should be valuable to the students and all types of learning styles should be accommodated. KAPS has subscribed to TEKS Resources, which should be used for planning and saving lesson plans. Teachers should have all lesson plans saved along with a substitute folder containing lessons for unexpected absences.

### EMPLOYEE INVOLVMENT

The Katherine Anne Porter School has many on-site committees charged with analyzing and implementing policy decisions. These committees are also charged with making recommendations to the Katherine Anne Porter School faculty and administration regarding current and future policies. The intent of these committees is to provide school-wide input on matters and policy that affect all of the Katherine Anne Porter Community. All staff, whether full or part time, are highly encouraged to participate in this process in order to ensure that all stakeholders in the Katherine Anne Porter School have an opportunity to have their voices heard.

Additionally, full time employees must attend all staff development and waiver days and all staff meetings. Part time employees' mandatory commitment to such events is dependent on their teaching load and to be determined on a case-by-case basis.

### SCHOOLWIDE EXTRACURRICULAR ACTIVITIES

All full-time employees are encouraged to participate in school related activities that are scheduled outside of the normal hours of operation. The school participates in many community and local events and activities which require staff support. To ensure that the school is both adequately represented, and the burden is dispersed amongst the staff, all members of the staff are encouraged to participate in at least one activity per month.

There are some events that all full-time staff are strongly encouraged to participate in: Prom, Java Jive, 1 Full Market Day shift, and both Parent Teacher Nights - Back to School & Chili Cook-off.

## **8.2. Violence in the Workplace**

KATHERINE ANNE PORTER SCHOOL is committed to providing a safe workplace that is free from violence or threats of violence. Any and all acts of violence in the workplace are prohibited and subject to disciplinary action, up to and including discharge. Additionally, any and all threats of violence, direct or indirect, serious or said in jest, are prohibited. All threats will be taken seriously and may result in disciplinary action, up to and including discharge.

Employees concerned about family violence being brought into the workplace or onto the work parking lot are encouraged to notify the Administrator.

Any employee who receives a protective or restraining order that lists KATHERINE ANNE PORTER SCHOOL or any campus thereof as a protected area is required to provide the Superintendent or Administrator with a copy of the order and information requested by KATHERINE ANNE PORTER SCHOOL to identify the individual subject to the order.

## **8.3. Drug-and Alcohol- Free Workplace**

KATHERINE ANNE PORTER SCHOOL intends to provide a safe and drug- and alcohol-free environment for employees and students. With this goal in mind, KATHERINE ANNE PORTER SCHOOL expressly prohibits:

1. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on KATHERINE ANNE PORTER SCHOOL property or while performing an assignment.
2. Being impaired or under the influence of legal or illegal drugs or alcohol away from KATHERINE ANNE PORTER SCHOOL, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or put at risk KATHERINE ANNE PORTER SCHOOL's reputation.
3. Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from KATHERINE ANNE PORTER SCHOOL, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk KATHERINE ANNE PORTER SCHOOL's reputation.
4. The presence of any detectable amount of prohibited substances in the employee's system while at work, while on KATHERINE ANNE PORTER SCHOOL property, or while on KATHERINE ANNE PORTER SCHOOL-related business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

### **DRUG AND ALCOHOL TESTING**

KATHERINE ANNE PORTER SCHOOL will conduct drug and/or alcohol testing under any of the following circumstances:

#### **b) *School Drivers***

Employees who drive KATHERINE ANNE PORTER SCHOOL -owned or leased vehicle(s) on school-related business may be subject to drug and/or alcohol testing as determined necessary by the KATHERINE ANNE PORTER SCHOOL administration.

#### **c) *Random Testing***

Employees may be selected at random for drug and/or alcohol testing at any interval determined by KATHERINE ANNE PORTER SCHOOL .

#### **d) *Reasonable Suspicion Testing***

KATHERINE ANNE PORTER SCHOOL may remove an employee from duty and require the employee to submit to drug and/or alcohol testing if there is reasonable suspicion that that the employee may be under the influence of drugs in violation of KATHERINE ANNE PORTER SCHOOL policy. Circumstances supporting a finding of reasonable suspicion include, but are not limited to, the following circumstances:

1. Evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity;
2. Unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol;
3. Negative performance patterns; or
4. Excessive and unexplained absenteeism or tardiness.

The determination of reasonable suspicion will be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty, or other relevant information.

#### **e) *Post-Accident Testing***

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

### **POLICY VIOLATIONS**

An employee is subject to disciplinary sanctions under this policy if:

1. The employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy;
2. The employee is tested for drugs or alcohol in accordance with this policy and the results indicate a violation of this policy; and/or
3. The employee refuses to submit to testing under this policy.

Disciplinary sanctions for violations of this policy may include, but are not limited to:

1. Referral to drug and/or alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Referral to appropriate law enforcement officials for prosecution;

4. Removal from safety-sensitive functions;
5. Employment actions, up to and including termination of employment; and/or
6. Any other form of disciplinary sanction deemed appropriate by KATHERINE ANNE PORTER SCHOOL .

#### **DRUG-FREE AWARENESS PROGRAM**

The Superintendent shall establish, as needed, a drug-free awareness program complying with legal requirements. The program shall provide relevant information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. KATHERINE ANNE PORTER SCHOOL 's drug-free workplace policy.
3. Counseling, rehabilitation, and other assistance programs available to employees in the community, if any.
4. Consequences on employment for violating KATHERINE ANNE PORTER SCHOOL 's drug use and abuse prohibitions.

The employee shall be responsible for all fees or charges related to drug/alcohol counseling or rehabilitation, if any.

#### **TOBACCO USE**

KATHERINE ANNE PORTER SCHOOL further intends to provide a tobacco-free environment for employees and students. Smoking (including, but not limited to cigarettes, cigars, and pipes) and the use of tobacco by employees is prohibited on all KATHERINE ANNE PORTER SCHOOL -owned property, in KATHERINE ANNE PORTER SCHOOL -owned vehicles, and while supervising students during school-related events.

KATHERINE ANNE PORTER SCHOOL also prohibits the use of any “vapor products”—meaning electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device; any substance used to fill or refill the device-cigarette; inhalants; electronic cigarette devices; and/or other devices or paraphernalia used with vapor products, other inhalants, or chemicals—at all times on KATHERINE ANNE PORTER SCHOOL property, at any KATHERINE ANNE PORTER SCHOOL event or activity (whether or not on school property), or in KATHERINE ANNE PORTER SCHOOL vehicles.

An employee who violates this tobacco use policy is subject to disciplinary action, up to and including termination from employment.

#### **8.4. Suspicious Behavior**

Employees are encouraged to report any suspicious behavior observed at school or at any school- related or school-sponsored activity. Strangers or former employees walking unaccompanied in areas not generally open to the public should be pointed out to the Superintendent and Administrator.

#### **8.5. Former Employees**

Former employees may not enter areas that are not open to the public after they are no longer employed by KATHERINE ANNE PORTER SCHOOL unless accompanied by a current school employee.

#### **8.6. Employee Dress Code**

Employee dress should be neat, clean and appropriate for a professional appearance. Shoes or dress sandals must be worn at all times. House shoes (e.g. slippers) and flip-flops are not permitted.

Exceptions to the dress code may be considered in order to make reasonable accommodations for an employee's disability, as defined by the *Americans with Disabilities Act*, or an employee's sincerely held religious belief.

#### **8.7. Outside Employment**

Employees of KATHERINE ANNE PORTER SCHOOL may seek outside employment. Any outside employment that is related to our core business of education should be immediately disclosed to and approved by the Administrator. In most circumstances such outside employment will be permitted by KATHERINE ANNE PORTER SCHOOL ; however, KATHERINE ANNE PORTER SCHOOL retains the right to review and evaluate each situation on an individual basis to ensure a conflict of interest does not exist. Under no circumstances may the property of KATHERINE ANNE PORTER SCHOOL be used to further an outside employment opportunity.

#### **8.8. Employee Monitoring/Searches**

KATHERINE ANNE PORTER SCHOOL reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of KATHERINE ANNE PORTER SCHOOL and individual property, drugs and alcohol, and possession of other prohibited items.

"Prohibited items" include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property.

"Control" means knowing where a particular item is, having placed an item where it is currently located, or having any influence over its continued placement.

In addition to KATHERINE ANNE PORTER SCHOOL premises, KATHERINE ANNE PORTER SCHOOL may search employees, their work areas, lockers, personal vehicles if driven or parked on KATHERINE ANNE PORTER SCHOOL property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and any and all other containers.

#### **NO EXPECTATION OF PRIVACY**

There is no general or specific expectation of privacy in the KATHERINE ANNE PORTER SCHOOL workplace, either on KATHERINE ANNE PORTER SCHOOL property or while on duty. In general, employees should assume that what they do while on duty or on KATHERINE ANNE PORTER SCHOOL property is not private. All employees and all of the areas listed above are subject to search at any time. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to KATHERINE ANNE PORTER SCHOOL officials and/or law enforcement authorities.

#### **LOCKERS AND OTHER STORAGE AREAS**

If an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, KATHERINE ANNE PORTER SCHOOL will either furnish the lock and keep a copy of the key or combination, or else allow the employee to furnish a personal lock. If the employee uses a personal lock, he or she must provide a copy of the key or combination to KATHERINE ANNE PORTER SCHOOL .

#### **APPLICABILITY OF POLICY**

All KATHERINE ANNE PORTER SCHOOL employees are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis, or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item, as defined above.

Any search under this policy will be done in a manner protecting employee privacy, confidentiality, and personal dignity to the greatest extent possible. KATHERINE ANNE PORTER SCHOOL will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search request by KATHERINE ANNE PORTER SCHOOL will face disciplinary action, up to and possibly including immediate termination of employment.

#### **AUDIO/VIDEO SURVEILLANCE**

In order to promote the safety of KATHERINE ANNE PORTER SCHOOL employees, students, and visitors, as well as the security of its facilities KATHERINE ANNE PORTER SCHOOL may conduct audio and/or video surveillance of any portion of its premises at any time. The only areas excepted from audio and/or video surveillance are private areas of restrooms, showers, and dressing rooms. All video cameras will be positioned in appropriate places in and around KATHERINE ANNE PORTER SCHOOL buildings and used to promote the safety and security of people and property.

#### **8.9. Audio and Video Recordings**

An employee is prohibited from making any audio or video recording while acting in the course and scope of their employment or while on school property without the written consent of all parties subject to the recording. This includes ALL school functions such as athletic activities or performances.

#### **8.10. Communication Mechanisms**

KATHERINE ANNE PORTER SCHOOL has established several mechanisms for employees to receive timely communications. It is incumbent upon individual employees to ensure that they have checked all communication mechanisms both before and after school. Staff are not permitted to communicate with students outside of the KAPS email account or approved KAPS student-teacher platform(s).

Mailboxes – Located in the staff workroom. Phone messages, memos, or other correspondence will be used to disseminate hard copy communications to faculty and staff.

Email Accounts – Each employee will be assigned an email address to send and receive communications from the school community. Employees must follow district protocol for emails. Email should also be checked during holidays and vacations, including Summer Break. If assistance is needed for the use of the email server, direct the appropriate concerns to the Technology Director.

KAPS Slack- our Instant Messaging system and should be used during the school day to contact other Staff Members with quick questions or announcements without disrupting the classroom.

Google Drive-, employees will be encouraged to use the google drive and sharing applications of the email account for communication with students (also assigned a KAPS email account) and staff.

Texting – Texting school business on personal or school provided devices is discouraged. All texts regarding school business are subject to open records requests.

## **ELECTRONIC AND SOCIAL MEDIA**

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as land lines, cell phones, and web-based applications.

### **SCHOOL-OWNED SOCIAL MEDIA ACCOUNTS**

#### **a) *General Guidelines***

KATHERINE ANNE PORTER SCHOOL may provide employees with access to social media applications or accounts. Only public information is permitted to be posted by KATHERINE ANNE PORTER SCHOOL employees on school-owned social media websites. If communication that takes place on a school-owned social media websites involves or requires private information, communication will be redirected through other appropriate channels.

KATHERINE ANNE PORTER SCHOOL retains ownership of all school-owned social media applications or accounts used for school business.

#### **b) *Content of Social Media Posts***

All content posted by employees to school-owned social media accounts is subject to monitoring. Employees are strictly prohibited from using school-owned social media accounts to post material(s) that:

- Advertises or promotes a commercial product or service, or any entity or individual;
- Are obscene or that appeal to the prurient interest;
- Consist of personal attacks or insulting statements directed toward an individual;
- Contain offensive terms that target protected classes;
- Contains information that reasonably could compromise public safety;
- Incites or promotes violence or illegal activities;
- Include personal identifying information or sensitive personal information, as defined by Chapter 521 of the Texas Business and Commerce Code;
- Is of a repetitive or “spamming” nature (the same comment posted multiple times)

- Is threatening, harassing or discriminatory; or
- Promotes or endorses political campaigns or candidates.

#### **c) *Password Security***

Employees granted access to school-owned social media accounts must maintain the security of any password used to access the account. In the event an employee changes a password to a school-owned social media account, the employee must provide the Administrator with the updated password or similar login credentials used to access the account.

#### **d) *Policy Violations***

Employees who violate KATHERINE ANNE PORTER SCHOOL's standards for use of school-owned social media accounts are subject to discipline, up to and including termination.

### **ELECTRONIC COMMUNICATIONS WITH STUDENTS**

#### **a) *Introduction***

In this policy, "electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through an Internet website, including a social media website or a social networking website.

#### **b) *Electronic Communications with Students***

KATHERINE ANNE PORTER SCHOOL employees may engage in electronic communications with students who are currently enrolled in KATHERINE ANNE PORTER SCHOOL for academic purposes only. All other employees are prohibited from communicating electronically with a student who is enrolled in KATHERINE ANNE PORTER SCHOOL unless express authorization is provided by the Superintendent or designee. An employee is not subject to these provisions to the extent he or she has a social or family relationship with a student.

##### **i. *Inappropriate Communications***

KATHERINE ANNE PORTER SCHOOL employees are prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a KATHERINE ANNE PORTER SCHOOL student; adversely affects a student's learning, mental health, or safety; includes threats of violence against a student; reveals confidential information about a student; or constitutes an inappropriate communication with a student.

Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- The nature, purpose, timing, and amount of the communication;
- The subject matter of the communication;
- Whether the communication was made openly or the educator attempted to conceal the communication;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship ;
- Whether the communication was sexually explicit; and



- Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

ii. *No Expectation of Privacy*

KATHERINE ANNE PORTER SCHOOL employees have no expectation of privacy in electronic communications with students. Employees shall comply with KATHERINE ANNE PORTER SCHOOL's requirements for record retention and destruction to the extent those requirements apply to electronic communications with students.

**c) *Incident Notification***

A KATHERINE ANNE PORTER SCHOOL employee shall report to the Administrator any incident in which a student engages in improper communications with the employee. Such reports should include a summary of the student's communication, as well as the time, date, and method of communication.

**d) *Disclosing Personal Telephone Number or E-mail Address***

A KATHERINE ANNE PORTER SCHOOL employee may elect not to disclose to students the employee's personal telephone number or e-mail address.

**PERSONAL USE**

Employees shall be held to the same professional standards in their public use of social media and/or electronic media as they are for any other public conduct. If an employee's use of social media and/or electronic media violates state or federal law or KATHERINE ANNE PORTER SCHOOL policy or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

**PARENTAL COMMUNICATION**

Positive and constructive communication with the parents of the Katherine Anne Porter School's students is mandatory. All teachers are required to keep a log of their accumulated communications with parents. This log must include the date and time of the communication, reason for the communication, and result of the communication. Attempted communications must also be logged. These logs will be checked as part of the employee evaluation.

All calls, messages, emails, etc. from a parent to a teacher must be responded to within 1 school day. A teacher's failure to respond to a parent will result in a write-up. Emails must be recognized and contact made within 24 business hours of receipt

**8.11. Workplace Investigations**

There are instances when KATHERINE ANNE PORTER SCHOOL may wish to investigate personnel matters. Employees are required to cooperate in any investigation. Refusal to participate or actions taken to compromise the effectiveness of any investigation may result in termination. If the employee is instructed not to discuss the matter being investigated, failure to abide by this instruction may also result in termination. This restriction excludes the employee's privileged communications with his or her own private legal counsel.

**8.12. Personnel Files/Updating Information**

Personnel files will be maintained by KATHERINE ANNE PORTER SCHOOL. Employees are required to regularly update the items below, which can be accomplished by contacting the Administrator:

- A change in home address or telephone number;
- A change in marital status or in the number of dependents;
- A change of insurance beneficiary;
- A change in the number of exemptions claimed for income tax purposes (W4);
- The driving record or status of an employee's driver's license, if the employee operates any KATHERINE ANNE PORTER SCHOOL vehicle or operates his or her own vehicle for work-related duties, not including driving to and from work;
- A legal change of name (copy of new Social Security card);
- The Public Information Act form indicating whether certain personal information may be released to the public;
- Training certificates; or
- Professional licenses and all changes in the status of held licenses.

### **Confidentiality of Medical Information**

KATHERINE ANNE PORTER SCHOOL shall strive to protect the privacy of employees' medical information to the greatest extent possible.

#### **"MEDICAL INFORMATION" DEFINED**

"Medical information" is any information, data, or documentation relating to an employee's mental or physical condition. The term includes, but is not limited to:

1. Oral, written, or digital information concerning an employee's mental or physical condition;
2. Medical records;
3. Dental records;
4. Disability records;
5. Workers' compensation records;
6. Medical leave records;
7. Genetic information;
8. Health insurance information; and/or
9. Information concerning visits or payments to any health care professional, hospital, emergency room, or other type of short- or long-term health care facility.

#### **CONFIDENTIALITY OF RECORDS**

Any medical information concerning employees will be maintained in confidential personnel records. Only employees authorized by the Superintendent may access such files.

Employees are hereby notified that medical information concerning employees is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances, unless:

1. An employee needs to do so in order to carry out his or her job duties, or
2. The person discussing the information is talking or otherwise communicating with the subject of the information at that person's invitation.

If an employee is concerned about a possible medical condition on the part of another employee, the employee must not discuss such concern with anyone other than his or her Administrator or immediate supervisor.

### **POLICY VIOLATIONS**

Any employee who is found to have discussed medical information concerning another employee with anyone else in violation of this policy, or who is found to have released such information without authorization, will be subject to severe disciplinary action, up to and possibly including immediate termination from employment. Such an employee may also be subject to both civil and criminal action in a court of law under state and federal law.

#### **8.13. Allowable Uses of KATHERINE ANNE PORTER SCHOOL'S Property**

Employees may use KATHERINE ANNE PORTER SCHOOL'S property only for purposes consistent with applicable law and to implement a program that is described in KATHERINE ANNE PORTER SCHOOL'S charter.

Employees of KATHERINE ANNE PORTER SCHOOL may use local telephone service, cellular phones, electronic mail, and Internet connections, for incidental personal use under the following conditions:

Such incidental personal use must not result in any direct cost paid with school funds. If this does happen, the employee who caused the direct cost to be incurred by KATHERINE ANNE PORTER SCHOOL must reimburse KATHERINE ANNE PORTER SCHOOL .

Further, the following restrictions apply:

- Such incidental personal use must not impede the functions of KATHERINE ANNE PORTER SCHOOL or any of its schools' campuses;
- The use of KATHERINE ANNE PORTER SCHOOL property for private commercial purposes is strictly prohibited; and
- Only incidental amounts of an employee's time for personal matters, comparable to reasonable coffee breaks during the day, are authorized under this section.

An employee may be required to compensate KATHERINE ANNE PORTER SCHOOL for any damage and/or destruction the employee causes to KATHERINE ANNE PORTER SCHOOL'S property.

A violation(s) of this section may result in disciplinary action, up to and including discharge.

#### **8.14. Computer & Internet Use**

KATHERINE ANNE PORTER SCHOOL provides its full-time staff with equipment/supplies for use in school and at home. All equipment is on loan to you for the duration of your employment with KATHERINE ANNE PORTER SCHOOL and must be used according to the KATHERINE ANNE PORTER SCHOOL'S Technology Acceptable Use Policy and Guidelines. Use of these materials, as well as access to the computer network, the Internet and email is a privilege and not a right. These items are provided for educational purposes only and are intended to support the learning objectives of KATHERINE ANNE PORTER SCHOOL. Your use of these technologies is monitored at all times on the district network.

### **Technology Acceptable Use Policy and Guidelines - Terms and Conditions**

## **User Responsibilities**

1. KATHERINE ANNE PORTER SCHOOL strongly recommends that teachers purchase a carrying case or protective cover for their laptop to prevent scratches, dents, or damage to major parts of the computer.
2. KATHERINE ANNE PORTER SCHOOL is not responsible for damaged or stolen equipment. This also applies to equipment used within the classroom. Tablets and laptops must be used under constant supervision, in a responsible and orderly manner. Should the teacher (or assisting staff) need to step away from the classroom and leave the equipment unattended, campus leadership strongly recommends locking the door. The user who signs this agreement will be personally responsible for all cost associated with any repair or replacement.
3. When transporting the laptop, always be sure it is placed in a carrying case, and the case is fully closed. No other items shall be placed into the carrying case.
4. You are expected to treat these devices with care and respect. They are the property of KATHERINE ANNE PORTER SCHOOL, and should be kept clean and free of marks at all times. Placing stickers, writing or drawing on, engraving or otherwise defacing the devices is not allowed and will result in loss of privileges.
2. It is not recommended to use the laptop while being transported. The computer contains mechanical parts that could suffer from any minor shock inflicted during movement. It should preferably be used while they are on a flat, stable surface such as a table. Laptops can be fragile, and if they are dropped they may break.
3. Whenever possible, it is strongly recommended to turn the computer off. In addition, computers should not be placed on or under soft items such as pillows, chairs or sofa cushions, or blankets. This will cause the computer to overheat, and could result in damage.
4. The laptop should be preserved from extreme heat or cold. It should never be left in a car, even if the car is locked.
5. Computers should be protected from the weather, water or other liquid, food, and pets. Users should never eat or drink while using their computer, or use their laptop near others who are eating and drinking.
6. All devices are subject to constant monitoring by KATHERINE ANNE PORTER SCHOOL. They must be surrendered immediately upon request by any member of the Leadership Team.
7. Users in breach of KATHERINE ANNE PORTER SCHOOL'S Acceptable Use Policy for Technology may be subject to - but not limited to - disciplinary action, confiscation, removal of content or referral to external agencies in the event of illegal activity.
8. KATHERINE ANNE PORTER SCHOOL is not responsible for the financial or other loss of any personal files that may be deleted from managed devices.

## **Unacceptable Use**

1. Accessing Inappropriate Materials – All material on technology equipment must adhere to KATHERINE ANNE PORTER SCHOOL'S Acceptable Use Policy for Technology. Users are not allowed to send, access, upload, download or distribute offensive, threatening, pornographic, obscene, or sexually explicit materials.
2. Illegal Activities – Use of the school's Internet/e-mail accounts for financial or commercial gain or any illegal activity.
3. Copyrights Violation – Users will not load any illegally downloaded digital media onto the computer.
4. Cameras – Users must use good judgment when using the camera. The user agrees that the camera will not be used to take inappropriate, illicit or sexually explicit photographs or videos, nor will it be used to embarrass anyone in any way.
5. Users may not photograph any other person, without that person's' consent.

6. Posting of images/movie on the Internet into a public forum is strictly forbidden, without the express permission of KATHERINE ANNE PORTER SCHOOL'S Leadership team.
7. Any user caught trying to gain access to another user's accounts, files or data will be subject to disciplinary action.
8. Malicious Use/Vandalism – Any attempt to destroy hardware, software or data will be subject to disciplinary action.
9. You should NOT modify the computer in a way that will permanently alter either physically and (or) electronically other than instructed by an administrator or other school personnel.
10. You should NOT apply marks, stickers, or other decorations to computers.
11. You should NOT remove the asset tag.
12. Individual users are responsible for the setting up and use of any home Internet connections. No support will be provided for this by the school.

I understand all the above rules, and inability to follow the rules will result in loss of privileges. I agree to be financially responsible for any damages or loss that occur to the computer in my possession, or to the classroom technology under my supervision, as a result of not following the above guidelines.

With the exception of the incidental personal use described in Section 8.13, access and use of KATHERINE ANNE PORTER SCHOOL computers, computer networks, electronic mail, and the Internet is only for educational and administrative purposes. The access of material that is obscene, child pornography, or harmful to minors is prohibited.

Failure to comply with this section may result in disciplinary action, up to and including termination.

### **Internet Safety**

It is in this policy of KATHERINE ANNE PORTER SCHOOL to:

- a) Prevent user access over it's computer network to, or transmission of, inappropriate material via internet, electronic mail, or other forms of direct electronic communications;
- b) Prevent unauthorized access and other unlawful online activity;
- c) Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- d) Comply with the Children's Internet Protection ACT "CIPA", the neighborhood Children's Act, to the extent such laws are applicable to KATHERINE ANNE PORTER SCHOOL
- e) Establish a cybersecurity program and comply with applicable law regarding cybersecurity breach notifications and data breach notifications, to the extent such laws are applicable to KATHERINE ANNE PORTER SCHOOL.

It is the goal of this policy not only to prevent and protect, but also to educate employees, students, parents and the KATHERINE ANNE PORTER SCHOOL community in Internet safety. The CIPA guidelines for an Internet Safety Policy have also been incorporated by KATHERINE ANNE PORTER SCHOOL into its Acceptable Use Policy and/or Acceptable Use Agreement(s). All limitations and penalties set forth in the Acceptable Use Policy and/or Acceptable Use Agreement(s) are deemed to be incorporated into this policy. Terms used in this policy and that also appear in CIPA have the meanings defined in CIPA.

### **Compliance with the Requirements of CIPA**

#### **a) *Technology Protection Measures***

A Technology Protection Measure is a specific technology that blocks or filters Internet access. It must protect against access by adults and minors to visual depictions that are obscene, involve child pornography, or are harmful to minors. KATHERINE ANNE PORTER SCHOOL utilizes a sophisticated content filtering system that is compliant with CIPA and NCIPA on all computers that access the Internet.

**b) *Access to Inappropriate Material***

To the extent practical, Technology Protection Measures (or “Internet filters”) shall be used to block or filter Internet, or other forms of electronic communication, access to inappropriate information. Specifically, as required by CIPA, blocking shall be applied to visual and textual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to administrative approval, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Any attempt to bypass, defeat, or circumvent the Technology Prevention Measures is punishable as a violating of this policy and of the Acceptable Use Policies.

**c) *Inappropriate Network Usage***

To the extent practical, steps shall be taken to promote the safety and security of users of KATHERINE ANNE PORTER SCHOOL’s online computer network when using electronic mail, chat rooms, blogging, instant messaging, online discussions and other forms of direct electronic communications. Without limiting the foregoing, access to such means of communication is strictly limited by the Acceptable Use Policies.

Specifically, as required by CIPA, prevention of inappropriate network usage includes:

1. unauthorized access, including so-called “hacking” and other unlawful activities; and
2. unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

**d) *Supervision and Monitoring***

It shall be the responsibility of all professional employees (pedagogical and administrative staff) to supervise and monitor usage of KATHERINE ANNE PORTER SCHOOL’s computers, computer network and access to the Internet in accordance with this policy, the Acceptable Use Policies, and CIPA. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of each Administrator or designee.

**e) *Education***

KATHERINE ANNE PORTER SCHOOL will advocate and education employees, students, parents and KATHERINE ANNE PORTER SCHOOL community on Internet safety and “cyber-bullying.” Education will be provided through such means as professional development training and materials to employees, PTO/PTA presentations, and the KATHERINE ANNE PORTER SCHOOL website.

Additionally, the Administrator or designee will provide age-appropriate training for students who use KATHERINE ANNE PORTER SCHOOL’s Internet facilities. The training provided will be designed to promote KATHERINE ANNE PORTER SCHOOL’s commitment to:

1. The standards and acceptable use of Internet services as set forth in the Acceptable Use Policies.
2. Student safety with regard to:

- a. safety on the Internet;
  - b. appropriate behavior while online, on social networking Web sites, and in chat rooms; and
  - c. cyberbullying awareness and response.
3. Compliance with the E-rate requirements of CIPA.

Following receipt of this training, the student will acknowledge that he/she has received the training, understood it, and will follow the provisions of the Acceptable Use Policy and/or Acceptable Use Agreement(s).

#### **f) Cyberbullying**

The Acceptable Use Policies include provisions intended to prohibit and establish penalties for inappropriate and oppressive conduct, including cyber-bullying.

KATHERINE ANNE PORTER SCHOOL is a place of tolerance and good manners. Students may not use the network or any KATHERINE ANNE PORTER SCHOOL computer facilities for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group by reason of race, color, religion, national origin, gender, sexual orientation or disability.

Network users may not use vulgar, derogatory, or obscene language. Network users also may not post inappropriate anonymous messages or forge e-mail or other messages.

Furthermore, KATHERINE ANNE PORTER SCHOOL computers and network facilities may not be used for any activity, or to transmit any material, that violates United States, State of Texas, or local laws. This includes, but is not limited to, any threat or act of intimidation or harassment against another person.

*CIPA requires recipients of federal technology funds to comply with certain Internet filtering and policy requirements. Schools and libraries receiving funds for Internet access and/or internal connection services must also meet the Internet safety policies of the NCIPA that addresses the broader issues of electronic messaging, disclosure of personal information of minors, and unlawful online activities. The Protecting Children in the 21st Century Act adds an additional Internet Safety Policy requirement covering the education of minors about appropriate online behavior.*

*As defined by CIPA, the term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:*

1. *Obscene, as that term is defined in section 1460 of title 18, United States Code;*
2. *Child Pornography, as that term is defined in section 2256 of title 18, United States Code; or*
3. *Harmful to minors.*

*The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:*

1. *Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;*
2. *Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and*
3. *Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.*

*The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2256 of title 18, United States Code.*

#### **8.15. Administration of Medication to Students**

The administration of medication to students must be done in accordance with KATHERINE ANNE PORTER SCHOOL'S policy. All

employees, agents, and volunteers are prohibited from administering any medication to a student unless expressly authorized by KATHERINE ANNE PORTER SCHOOL.

#### **8.16. Reporting Child Abuse/Child Neglect**

Any KATHERINE ANNE PORTER SCHOOL officer, director, employee, agent, volunteer or contractor having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse, maltreatment or neglect by any person shall **immediately** make a report (within 48 hours or less) to at least one of the following authorities after learning of facts giving rise to the reasonable cause to believe:

1. A local or state law enforcement agency;
2. The Texas Department of Family and Protective Services ("DFPS"), Child Protective Services Division; Reporting options are available here: [https://www.dfps.state.tx.us/Contact\\_Us/report\\_abuse.asp](https://www.dfps.state.tx.us/Contact_Us/report_abuse.asp)
3. A local office of Child Protective Services, where available; or
4. The state agency that operates, licenses, or registers the facility in which the alleged child abuse or neglect occurred.

If a professional has reasonable cause to believe that a child has been abused, maltreated or neglected or may be abused, maltreated or neglected, or that a child is a victim of an offense under Penal Code 21.11 (Indecency with a Child), and the professional has reasonable cause to believe that the child has been abused as defined by law, the professional shall make a report **not later than the 48<sup>th</sup> hour** after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Penal Code 21.11. A professional **may not delegate to or rely on** another person to make the report. For purposes of this policy, "professional" means an individual 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.

A 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 individual 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;
3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
  - a. Home address; or
  - b. If the individual is a professional as defined by Family Code § 261.101(b), the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

If the suspected abuse or neglect involves a person responsible for the custody, care or welfare of the child, the report must generally be made to the DFPS. All other reports should be made to any local or state law enforcement agency, the DFPS, the Texas Education Agency (if abuse or neglect occurred at school), another state agency where the abuse or neglect occurred, or an agency designated by a court responsible for protection of children.



*Texas Family Code, Chapter 261; 19 TAC 100.1211.*

## **TRAINING**

The Superintendent or designee shall ensure that training on child abuse and neglect is provided as required by law.

Training concerning prevention techniques for, and recognition of, sexual abuse, trafficking, and all other maltreatment of children, including the sexual abuse, trafficking, and other maltreatment of children with significant cognitive disabilities, must be provided as a part of new employee orientation to all new KATHERINE ANNE PORTER SCHOOL employees. The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk for sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs that are able to provide training or other education for KATHERINE ANNE PORTER SCHOOL staff, students, and parents.

KATHERINE ANNE PORTER SCHOOL must maintain records that include the district or Katherine Anne Porter School staff members who participated in the training.

*19 TAC 61.1051(d)(1)-(2).*

## **RETALIATION PROHIBITED**

KATHERINE ANNE PORTER SCHOOL may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who is a professional, as that term is defined by Texas Family Code 261.101(b), and who in good faith:

1. Reports child abuse or neglect to:
  - a. The person's supervisor;
  - b. An administrator of the facility where the person is employed;
  - c. A state regulatory agency; or
  - d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect.

*Texas Family Code 261.110.*

## **POSTING INFORMATION**

Using a format and language that is clear, simple, and understandable to students, KATHERINE ANNE PORTER SCHOOL shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS website ([www.txabusehotline.org](http://www.txabusehotline.org)) for more information on reporting abuse, neglect, and exploitation.

This information shall be posted at each KATHERINE ANNE PORTER SCHOOL campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11 x 17 inches or larger) in large print and placed at eye-level to the student for easy viewing. The current toll-free DFPS Abuse Hotline telephone number should be in bold print.

*Education Code 38.0042; 19 TAC 61.1051(e)-(f).*

#### **ANNUAL REVIEW**

The Board shall annually review policies for reporting child abuse and neglect. *19 TAC 61.1051(b).*

#### **COMPUTER TECHNICIAN REPORTS OF CHILD PORNOGRAPHY**

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

Except in a case of willful or wanton misconduct, a computer technician may not be civilly liable for reporting or failing to report the discovery of an image. A computer technician who intentionally fails to report an image may be subject to criminal prosecution. *Business & Commerce Code 110.002.*

#### **8.17. Traffic Violations**

If an employee, during the course of KATHERINE ANNE PORTER SCHOOL business, receives a traffic violation, the employee will be personally liable for any expenses incurred from that violation. If during the course of transporting a student(s) an employee receives a traffic violation, that employee is subject to disciplinary action, up to and including discharge. Employees may be required to present a copy of their driving record if requested by the district's insurance carrier.

#### **8.18. KATHERINE ANNE PORTER SCHOOL School District Vehicle Use**

Any driver of a district vehicle, or who is driving for the purpose of KATHERINE ANNE PORTER SCHOOL business in any manner, must meet the following requirements:

- Be at least 25 years of age.

- Possess a valid driver's license
- Maintain an acceptable driving record
- Follow the guidelines listed in the KATHERINE ANNE PORTER SCHOOL'S District Vehicle Use Policy at all times

### **8.19. Workers' Compensation**

KATHERINE ANNE PORTER SCHOOL provides Workers' Compensation insurance coverage for all employees. Employees should immediately notify the Administrator of any injuries sustained during the course of their employment.

Employees must report injury to the Administrator immediately. The Administrator will follow procedures to report the accident within 24 hours of the accident.

#### **NOTICE TO NEW EMPLOYEES**

*You may elect to retain your common law right of action if, no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.*

### **8.20. Confidential Information**

New employees are required to sign a Confidentiality Agreement upon accepting employment with KATHERINE ANNE PORTER SCHOOL stating that you will not disclose or use any KATHERINE ANNE PORTER SCHOOL confidential information, either during or after your employment. Employees are not permitted to remove or make copies of any KATHERINE ANNE PORTER SCHOOL records, reports or documents without prior administrator approval. Disclosure of confidential information could lead to termination, as well as other possible legal action.

#### **STUDENT CONFIDENTIALITY**

It is incumbent upon all employees to protect student confidentiality at all times. Matters of discipline, demographic information, Special Education or 504 information, state assessment information, medical records and history, and any legal information that an employee may have become privy to are all confidential issues. Employees are expressly prohibited from discussing confidential student matters with anyone who does not have a direct and immediate legitimate educational interest with that student. If there is any doubt as to what is confidential or with whom confidential matters may be discussed, employees must direct questions to the Administrator for clarification. This includes not discussing student information in an area where the conversation may be overheard, for example in the open area, canteen, or in the teacher's lounge with other people present.

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

1. Parents of a minor or of a student who is a dependent for tax purposes
2. The student, if they are 18 years of age or older
3. School officials who have direct educational contact with students within the context of said student's academic day.

### **8.21. Compensation Information**

The Board of Trustees for KATHERINE ANNE PORTER SCHOOL will adopt a pay schedule annually. In addition, the board will ensure that employees have a satisfactory benefits package that will allow KATHERINE ANNE PORTER SCHOOL to attract the best talent for our district.

### **8.22. Performance Reviews**

Staff evaluations are administered by the Administrator or Superintendent at least annually. The district assesses teachers using the Texas Teacher Evaluation and Support System (T-TESS). T-TESS strives to capture the holistic nature of teaching – the idea that a constant feedback loop exists between teachers and students, and gauging the effectiveness of teachers requires a consistent focus on how students respond to their teacher’s instructional practices. For those reasons, each of the observable domains in T-TESS focuses on teachers and students rather than separating them out into separate domains. Ultimately, T-TESS is a process that seeks to develop habits of continuous improvement, and the process itself best leads to that outcome when appraisers and teachers focus on evidence-based feedback and professional development decisions based on that feedback through ongoing dialogue and collaboration. T-TESS includes three components: Goal-setting and professional development plan, the evaluation cycle (including: pre-conference, observation, post-conference), and student growth measures. The purpose of the teacher’s role during this process is to share insights and think about his or her pedagogy and professional practices. A goal of the evaluation process is to include the teacher in a systematic way that assists with individualized professional growth and development.

**Teachers should always have the following readily available:** lesson plans, Special Education and Section 504 accommodation/modification records, parent communication logs, and Gradebook access.

There will be an annual appraisal system that will be used by administration to observe, evaluate and provide feedback to all employees; focusing on strengths and areas that need improvement, thus supporting opportunities for professional growth and open communication with campus administration.

All employees are required to submit an intent to return.

### **8.23. Growth Plans**

During a regular performance review a supervisor may determine that an employee may require additional support and supervision in order to meet the expectations of their assigned role. In this circumstance the supervisor may develop a Growth Plan for the employee that is struggling to meet job expectations. The Growth Plan is designed in order to call out key knowledge, skills, abilities and mindsets that require attention and development. The Growth Plan will include specific and measurable goals that include timeline expectations. The Growth Plan will also include specific and measurable support that your supervisor must provide during the period of the Growth Plan. If an employee is not able to meet the stated goals outlined in the Growth Plan, then either a new Growth Plan will be established, or an employee may be separated from employment.

### **8.24. Professional Development**

The Katherine Anne Porter School is committed to providing current, topical, and comprehensive employee training. Continued training is highly recommended, in order to provide the best possible student services and to stay abreast of recent developments in an employee’s field is highly recommended. Scheduled In-Service days are

mandatory for all employees so that Katherine Anne Porter School may maintain a highly functional and effective educational environment. In addition to scheduled In-Service days, Katherine Anne Porter School staff meets every other week. Failure to promptly attend scheduled In-Service days and staff meetings without obtaining reasonable prior authorization from the Administrator or Superintendent will lead to disciplinary actions. Part time staff must attend in-service and waiver days that occur during their typically scheduled work hours. Part time staff must attend every other staff meeting. Full time employees must attend all staff meetings, waiver days, and in-service days.

In addition to the mandatory on campus in-service days, each full time employee is encouraged to attend 6 hours of training per year within their field or related to campus programming. Region 13 hosts many valuable, free or low cost trainings throughout the year. All employees are encouraged to set up an e-campus account online with Region 13. Go to [www.esc13.net](http://www.esc13.net), click on Workshops and set up an account from there.

All faculty and staff are expected to attend at least one professional development training/session connected with their respective job or subject outside of district offerings within the academic year to be submitted before the first day of the upcoming academic year (documentation will be required; training costs cannot be submitted for reimbursement).

#### **8.25. Promotion**

KATHERINE ANNE PORTER SCHOOL is committed to helping employees be the best teacher or operations team member they can be for our scholars. Regardless of where employees are in their career, they can own their own development. KATHERINE ANNE PORTER SCHOOL is currently developing a model of career pathways for instructional and operations-focused team members. KATHERINE ANNE PORTER SCHOOL leaders will work with all instructional staff and operations-based staff to further develop and promote from within when possible. KATHERINE ANNE PORTER SCHOOL defined outcomes outlined in individual performance plans developed annually.

#### **8.26. Clearinghouse "SBEC" Annual Review**

The Board shall annually review the continuing education and training clearinghouse published by the State Board for Educator Certification ("SBEC") and adopt a professional development policy that:

- (a) Is guided by the recommendations for training in the clearinghouse;
- (b) Notes any differences in the policy adopted from the recommendations in the clearinghouse; and
- (c) Includes a schedule of all training required for educators or other KATHERINE ANNE PORTER SCHOOL personnel.

*Texas Education Code 21.4515(a).*

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy approved by the Board.

*Texas Education Code 21.4515(b).*

#### **8.27. Notification of New Criminal Charges**

A KATHERINE ANNE PORTER SCHOOL employee shall notify his or her Administrator or immediate supervisor

within three calendar days of any arrest, indictment, conviction, guilty or no contest plea, or other adjudication of the employee for any felony offense or misdemeanor offense involving moral turpitude and/or:

1. Crimes involving KATHERINE ANNE PORTER SCHOOL property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on KATHERINE ANNE PORTER SCHOOL property or at a school-sponsored or school-related activity; or
4. Crimes involving moral turpitude, which include:
  - a. Dishonesty, fraud, deceit, theft, misrepresentation;
  - b. Deliberate violence;
  - c. Base, vile or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - d. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct; or
  - e. Acts constituting abuse under the Texas Family Code.
  - f. Crimes listed under Texas Penal Code 5

## **8.28. Reporting Educator Misconduct**

### **PART I: REPORTING EDUCATOR MISCONDUCT**

#### **MATTERS TO REPORT**

In addition to the reporting requirements under Family Code 261.101<sup>1</sup>, the Superintendent shall notify the State Board for Educator Certification (the "SBEC") if:

1. An educator employed by or seeking employment with KATHERINE ANNE PORTER SCHOOL has a reported criminal history and KATHERINE ANNE PORTER SCHOOL obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;
2. An educator's employment with KATHERINE ANNE PORTER SCHOOL was terminated and there is evidence that the educator:
  - a. Abused or otherwise committed an unlawful act with a student or minor;
  - b. Was involved in a romantic relationship or solicited or engaged in sexual conduct with a student or minor;
  - c. Possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. § 801 *et seq.*;
  - d. Illegally transferred, appropriated, or expended KATHERINE ANNE PORTER SCHOOL property or funds;
  - e. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for purposes of promotion or additional compensation; or
  - f. Committed a crime or any part of a crime while on KATHERINE ANNE PORTER SCHOOL property or at a school-sponsored event.
3. The educator resigned and reasonable evidence supported a recommendation to terminate the individual because he or she engaged in misconduct described in paragraph 2 above; or

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<sup>1</sup> During the 87th regular legislative session in 2021, the standard for reporting child abuse and neglect under Texas Family Code §261.101 was changed from "cause to believe" to "***reasonable cause to believe***." A person having reasonable cause to believe abuse or neglect has occurred is required to make a report within 48 hours of when they first had reasonable cause to believe the abuse or neglect occurred.

4. The educator engaged in conduct that violated the assessment instrument security procedures established by Education Code section 39.0301.

*Education Code 21.006, 22.087; 19 TAC 249.14(d).*

#### **REQUIREMENT TO COMPLETE INVESTIGATION**

The Superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct items 2(a) or (b) in Part I, Section 1 (Matters to Report) above, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1).*

#### **DEADLINE FOR REPORTING TO SBEC**

The Superintendent must notify the SBEC in writing not later than the seventh business day after the date the Superintendent receives a report under Part I, Section 6 (Report by Administrator) or otherwise knew about an educator's termination of employment or resignation following an alleged incident of misconduct or an employee's criminal record. *Education Code 21.006(c).*

#### **CONTENTS OF REPORT**

The report shall be in writing in a form prescribed by the SBEC, and may be filed through the Internet portal developed and maintained by the SBEC, and must include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims;
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
7. Involvement by a law enforcement or other agency, including the Texas Education Agency.

*Education Code 21.006(c-1); 19 TAC 249.14(f).*

The Superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code Chapter 552. *Education Code 21.006(h).*

#### **REPORT NOT REQUIRED**

The Superintendent is not required to notify the SBEC or file a report if the Superintendent:

1. Completes an investigation into an alleged incident of misconduct for:
  - a. Abuse or unlawful act with a student or minor; or
  - b. Involvement in a romantic relationship with or solicitation or engagement in sexual contact with a student or minor; and

2. Determines the educator did not engage in the alleged incident of misconduct.

*Education Code 21.006(c-2); 19 TAC 249.14(d).*

The Superintendent should seek legal counsel before making any such determination, and if there is any doubt or concern, err on the side of reporting to the SBEC.

#### **REPORT BY THE ADMINISTRATOR**

The Administrator of a KATHERINE ANNE PORTER SCHOOL campus must notify the Superintendent not later than the seventh business day after learning of an educator's termination of employment or resignation following an alleged incident of misconduct or the Administrator knew about an educator's criminal record, as described in Part I, Section 1 (Matters to Report) above. *Education Code 21.006(b-2).*

#### **NOTICE OF REPORT**

##### **a) Notice to the Board and Educator**

The Superintendent shall notify the Board and the educator of the filing of a report to the SBEC. The Superintendent shall notify the Board before filing the report. *Education Code 21.006(d); 19 TAC 249.14(d)(3)(B).*

##### **b) Notice Prior to Accepting Educator's Resignation**

Before accepting an employee's resignation that requires filing a report, the Superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. *19 TAC 249.14(d)(3)(A).*

##### **c) Notice to Parents**

The Superintendent or designee shall provide notice to the parent or guardian of a student if there is evidence that an educator:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

The notice must inform the parent or guardian:

1. That the alleged misconduct occurred;
2. Whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the SBEC concerning the alleged misconduct.

The Superintendent or designee shall provide such notice as soon as feasible after KATHERINE ANNE PORTER SCHOOL becomes aware that alleged misconduct may have occurred.

*Education Code 21.0061.*

#### **IMMUNITY**



The Superintendent, a director, or Administrator who, in good faith and while acting in an official capacity, files a report with the SBEC under this policy or communicates with another superintendent, director, or Administrator concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 21.006(e)*.

## **PART II: REPORTING EMPLOYEE (NON-EDUCATOR) MISCONDUCT**

### **APPLICABILITY**

Part II of this policy applies to a person who is employed by KATHERINE ANNE PORTER SCHOOL and who does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code.

### **TERMINATIONS OR RESIGNATIONS TO REPORT**

In addition to the reporting requirement under Section 261.10, Family Code, the Superintendent shall notify the Commissioner of Education (the "Commissioner") if:

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

*Education Code 22.093(c)*.

### **NOTICE BY THE ADMINISTRATOR**

The Administrator of any KATHERINE ANNE PORTER SCHOOL campus must notify the Superintendent not later than the seventh business day after the date of an employee's termination of employment or resignation in the circumstances discussed in Part II, Section 2 (Terminations or Resignations to Report). *Education Code 22.093(e)*.

### **REQUIREMENT TO COMPLETE INVESTIGATION**

The Superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described in Part II, Section 2 (Terminations or Resignations to Report), despite the employee's resignation from employment before completion of the investigation. *Education Code 22.093(d)*.

### **DEADLINE TO REPORT TO THE COMMISSIONER**

The Superintendent must notify the Commissioner by filing a report not later than the seventh business day after the date the Superintendent receives a report from an Administrator or knew about an employee's termination of employment or resignation following an alleged incident of misconduct described in Part II, Section 2 (Terminations or Resignations to Report).

The report must be in writing and in a form prescribed by the Commissioner.

*Education Code 22.093(f).*

#### **ADDITIONAL REPORTS**

The Superintendent shall notify the Board and the employee of the filing of the report. *Education Code 22.093(g).*

#### **IMMUNITY**

The Superintendent, director, or Administrator who in good faith and while acting in an official capacity files a report under this Sec. 4.3.2 is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22.093(h).*

### **8.29. Request Procedures**

#### **Field Trips**

##### **Field Trips During Class Time:**

- Need **2 school days** notice to Administration
- Must be of **educational value; TEKS attached to proposal**
- Limited to students currently enrolled in class
- Must maintain 1 chaperone per 10 students (Parents/Guardians are a great resource here.)
- Teachers are encouraged to host one educational field trip per school year

##### **Field Trips:**

- Need **3 WEEKS** notice to Administrator and Transportation
- Field Trips must be of **educational value; TEKS attached to proposal**
- Send a staff email detailing the field trip (date, time, location, chaperones, students invited)
- Sponsoring teacher will provide and share permission slips both paper and virtual with a specific return date (if students do not submit their permission slips and financial contributions in time will not be permitted to attend).
- Any failing grades, poor behavior may disqualify a student from participating in the field trip.
  - Upon receiving all required signatures, the student should return the form to the hosting teacher **24 hours** before the day of the field trip. **Students who fail to meet this requirement will not be granted permission to attend.**
- The students are asked to pay any fees associated with the field trip (ex: lunch, admission costs)
- Must maintain 1 chaperone per 10 students
  - Parent chaperones are encouraged. Parents are a valuable resource and they do not require a sub fee for additional teacher coverage
- Teachers may drive white buses (if they are on added to the school insurance policy as a driver); however, if the number calls for a yellow bus, a CDL driver must be employed for the field trip
- Any faculty needing sub coverage should alert front office personnel **within 24 hours** of receiving approval

from Administrator

- The host of the field trip is responsible for proper and timely planning

### **Maintenance Requests**

Maintenance requests should be made at the following link: <https://kapschool.on.spiceworks.com/portal> or given to the Front Desk Admin.

### **Janitorial Requests**

Janitorial requests, intended to alert the custodian of special cleaning needs outside of normal duties, should be given to the Front Desk Admin.

### **IT Requests**

IT requests and notification of technology-based issues, should be made by emailing [ticketsystem@kapschool.org](mailto:ticketsystem@kapschool.org).

## **9. GRIEVANCE PROCEDURES**

Employees who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, then the employee may file a formal complaint according to the procedures below.

Each complaint must initially be brought at the lowest level of review.

### **9.1. Campus Administrator Review of Complaint**

Where an employee has a complaint or concern regarding their terms or conditions of work, the individual shall first bring their complaint or concern in writing to the campus Administrator. The complaint must be brought within 15 school days of the date that the complainant knew or should have known of the alleged harm. The complaint must be specific, and where possible suggest a resolution. The Administrator must hear the complaint, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The Administrator must respond to the complainant and issue a final decision in writing within 10 days of the Administrator's receipt of the complaint.

### **9.2. Superintendent Review of Complaint**

If the complainant is not satisfied with the final decision of the Administrator, then the individual may file a written appeal to the Superintendent. This written appeal shall be filed within 10 days of the individual's receipt of the final decision from the Administrator. The complaint shall include a copy of the prior written complaint along with a copy of the final decision of the Administrator.

The appeal must be specific, and where possible suggest a resolution. The complaint shall not include any new issues or complaints unrelated in the original complaint.

The Superintendent shall respond to the complaint and issue a final decision in writing within 15 days of receipt of the written appeal.

### **9.3. Board of Trustees Review of Complaint**

If the complainant is not satisfied with the Superintendent's final decision, then the individual may appeal their complaint in writing to the Board of Trustees within 10 days of receiving the Superintendent's final decision. The complaint shall be directed to the Chair of the Board and shall include a copy of the written complaint along with a copy of the Superintendent's final decision. The Chair of the Board, at the next regular meeting of the Board, shall provide a copy of the complaint record to all board members. The Board's decision shall be decided on a review of the record developed at the Superintendent's level. Any action of the Board of Trustees regarding the complaint shall be taken in compliance with the Texas Open Meeting Act. Failure to act on the part of the board will be deemed as upholding the decision of the Superintendent.

## **10. DISCIPLINE**

In an effort to correct employee misconduct at the earliest stage possible, KATHERINE ANNE PORTER SCHOOL administration may implement a tiered disciplinary procedure. Such procedure may begin first with a verbal warning. The next offense would proceed to a written warning; the next step is suspension; followed by termination of employment.

Though KATHERINE ANNE PORTER SCHOOL may utilize such tiered disciplinary procedures, KATHERINE ANNE PORTER SCHOOL reserves the right to skip any or all steps and immediately discharge the employee.

The tiered disciplinary procedure does not forfeit the at-will status of its employees and KATHERINE ANNE PORTER SCHOOL preserves the at-will nature of the employment relationship. Accordingly, discharge may be initiated by KATHERINE ANNE PORTER SCHOOL at any time, with or without cause, and with or without notice.

### **Corrective Action Plans**

Corrective Action Plans, also referred to as Improvement Plans, are provided to employees who have not met their employment obligations. They are typically used to address repetitive minor violations or issued immediately for more serious offenses. Corrective Action Plans will be provided to the employee by the Administrator and/or Superintendent with the Department Head or their designee present as a witness. A signature of receipt from the employee is required. This signature, as outlined in the plan, is not an agreement with the contents of the plan, but merely an acknowledgement that it was received. Failure to implement the recommendations within the plan or accumulated Corrective Action Plans for repeated or multiple deficiencies is grounds for termination. Clarifications and disagreements should follow the grievance procedure as outlined below.

### **Repetitive minor violations that can lead to Corrective Action Plans [list not exhaustive]:**

- Arriving late
- Absence without notice

- Leaving early without notice
- Using your cellphone during class time [unless communicating with front office]
- Misuse of School Email
- Gradebook not up to date
- Missing required meetings and volunteer commitments

Appropriate consequences may include:

- Verbal Warning
- Written Warning
- Meeting with Department Head and/or Administrator
- Corrective Action Plan

## **11. SEPARATION FROM EMPLOYMENT**

### **11.1. Resignation**

An employee is expected, but not required, to give as much advance notice as possible regarding their resignation from KATHERINE ANNE PORTER SCHOOL . Typically, two weeks (10 business days) is considered sufficient notice time. KATHERINE ANNE PORTER SCHOOL requests that employees submit their resignation in writing to their supervisor; the writing should include the employee's anticipated last workday.

KATHERINE ANNE PORTER SCHOOL reserves the right to require the employee to resign immediately rather than work during the notice period.

KATHERINE ANNE PORTER SCHOOL will consider you to have voluntarily terminated your employment if you:

1. Resign your position;
2. Fail to return from a leave of absence on the agreed upon date; or
3. Fail to report to work or call in for three (3) consecutive work days.

### **11.2. Discharge**

The following are sufficient grounds for nonrenewal of employment or, as appropriate, immediate termination. This list is not exhaustive and may be modified as needed.

1. Deficiencies pointed out in observation reports, appraisals, evaluations, supplemental memoranda, or other communication.
2. Failure to fulfill duties or responsibilities.
3. Incompetence or inefficiency in the performance of required assignments.
4. Inability to maintain discipline in the classroom or at assigned school-related functions.
5. Failure to comply with Board policies or administrative regulations.
6. Conducting personal business during school hours when it results in neglect of duties

7. Reduction in force because of financial exigencies or program changes.
8. Public displays of inappropriate behavior including excessive use of alcohol, use of illegal substances or abuse of other substances.
9. The possession, use, or being under the influence of alcohol, alcoholic beverages, or drugs and narcotics as defined by the Texas Controlled Substances Act, while on school property, working in the scope of the employee's duties, or attending any school or district sponsored activity.
10. Conviction of a felony or any crime involving moral turpitude.
11. Failure to meet the District's standards of professional conduct.
12. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
13. If health issues consistently interfere with your assigned job responsibilities.
14. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters but includes conduct that is not consistent with rectitude, or indicative of corruption.
15. Any activity, school related 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.
16. Failure to maintain an effective working relationship or maintain good rapport with parents, the community, students, faculty, and staff.
17. A significant lack of student progress.
18. Assault on an employee or student.
19. Falsification of records or other documents related to the District's activities.
20. Misrepresentation of facts to a supervisor or other District official in the course of District business.
21. Failure to fulfill the requirements of a Campus Improvement Plan.
22. Any attempt to encourage or coerce a child to withhold information from the child's parent, school officials, or other legal authorities including law enforcement.
23. Reasons for constituting good cause for dismissing the employee.

Final authority with regards to termination resides with the Superintendent. If an employee has been terminated and wishes to request an audience with the Board of Trustees, s/he must submit a written request to the Superintendent prior to 5 days of the meeting. This request must be received by the Superintendent no later than 15 days after the date of termination. This request must include a brief summary of any and all information that the employee wishes to bring to the attention of the Board.

When a timely request for a hearing is received by the Superintendent, the hearing shall be heard no later than the 15<sup>th</sup> day after receipt of the request, unless a mutual agreement between the parties for a delay has been reached. The employee will be given notice of the date of appearance within a reasonable timeframe.

The appearance shall be conducted in a closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called into attendance. Witnesses may be excluded from the hearing until it is their turn to appear. The conduct of the meeting will be under the Board President's control. The employee may request an open meeting and the Board shall consider the request. If the Board determines the administration was acting correctly and not in an arbitrary or capricious manner, it shall notify the employee by written notice not later than 15 days after the date of the hearing.

In an effort to reduce the risk of employee violence or vandalism, upon an employee's discharge from

employment KATHERINE ANNE PORTER SCHOOL administration may request that an employee leave the facility immediately upon separation from employment. If accompanied by a KATHERINE ANNE PORTER SCHOOL administrator, the employee will be permitted to gather his/her personal belongings before being escorted to the exit.

The exiting employee is prohibited from taking any KATHERINE ANNE PORTER SCHOOL property or information with him/her; the employee is not to retain in hard copy or soft copy any KATHERINE ANNE PORTER SCHOOL information. KATHERINE ANNE PORTER SCHOOL reserves the right to examine any boxes, briefcases, or other receptacle of an exiting employee to ensure these rules are being followed.

An exiting employee who has been discharged is not to return to the premises of KATHERINE ANNE PORTER SCHOOL'S without prior written approval from the Superintendent.

### **11.3. COBRA Benefits**

KATHERINE ANNE PORTER SCHOOL employees are eligible to COBRA their health insurance benefits upon separation whether voluntary or involuntary. This information will be sent to the employee directly from the insurance provider.

### **11.4. Exit Interviews**

KATHERINE ANNE PORTER SCHOOL may request employees to participate in an exit interview upon separation whether voluntary or involuntary.

### **11.5. Return of School Property**

Failure to return all school property upon separation, whether voluntary or involuntary, may result in the value of the item(s) being deducted from your final paycheck. Employees are required to return all computer equipment issued to them during their employment, including key fobs, iPads, computers, and cords. If the computer equipment is lost, stolen, or damaged, the employee is personally responsible for all cost associated with its repair or replacement. KATHERINE ANNE PORTER SCHOOL retains the right to withhold the replacement cost of lost, stolen, or damaged equipment from an employee's final paycheck.

### **11.6 Final Paycheck Issuance**

Final paychecks will be issued in accordance with the Texas Payday Law. In situations of employee lay off, discharge, or otherwise involuntary separation from employment, the final pay will be issued within six (6) calendar days of discharge. In situations of employee retirement, resignation, or otherwise voluntary leave from employment, final pay will be issued on the next regularly-scheduled payday following the effective date of resignation.

## **12.0 Miscellaneous**



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## **NOTICE TO BUILDING OCCUPANTS AND PARENTS**

### Notification of inspection for asbestos containing materials in schools

In March 2023, an inspection to detect asbestos-containing building materials was conducted at KAP School.

Asbestos was not identified inside the school's campus.

The asbestos containing building material inspection, the results of subsequent inspections, surveillance, and the management plan are kept in the school's Administration Office and this information is available for your review.