

**MIDLAND ACADEMY  
EMPLOYEE HANDBOOK  
2010 -- 2011**

**Red items are MACS additions**

**Blue items are Schwartz & Eichelbam additions**



**Approved by the MACS Board of Directors on \_\_\_\_\_**  
(Date)

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# INTRODUCTION AND NOTICES

Welcome—or welcome back—to Midland Academy. The purpose of this Employee Handbook is to inform you of important information about your employment in the District and about working with students of Midland Academy. This Handbook is not a “contract,” and we can make changes to it at any time.

All District employees serve on an at-will basis through a written employment agreement authorized by the Board of Trustees or the superintendent.

We have tried to make this Handbook easy to read and understand. When we say “you” or “your,” we mean the employee; when we say “we” or “our,” we mean the school District.



**I acknowledge that I have received the Midland Academy Employee Handbook for the 2010 - 2011 school years and that I am responsible for reading, understanding, and complying with the procedures, guidelines, and requirements contained in this Handbook.**

Employee’s Name: \_\_\_\_\_  
(Please Print)

Employee’s Signature: \_\_\_\_\_

Campus Assigned: Midland Academy

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

**Please detach this section and return it to the Human Resources Dept. Thank you.**

**The following pages contain several notices about your rights and responsibilities as a school employee. Please complete each form and return it to the Human Resources department within 5 days after you receive this Handbook. We recommend that you keep a copy of your signed forms for your own records.**

# Personal Information Election

Texas Government Code, Section 552.024, States that “each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body relating to the person’s home address, home telephone number, or social security number, or that reveals whether the person has family members.”

Please indicate below whether you wish your home address, home telephone number, or information that reveals whether you have family members to be disclosed to the public by the school District. We will not provide your social security number to any member of the public.

**I wish to allow public access to:**

- my home address;
- my home telephone number;
- information that reveals whether I have family members; or
- none of the items listed above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

# Employment Policies

Midland Academy publishes its entire employee manual on the District's website. You also have the right to obtain a paper copy of the District's employment policies if you make a request for them. If you wish to receive a paper copy of employment policies, please sign below and submit this form to the principal so that the office will know how many sets of policies to prepare.

I wish to receive a paper copy of the District's employment policies.

\_\_\_\_\_

(Printed Name)

\_\_\_\_\_

(Position)

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

# Employee User Agreement—Network, Internet and Computer Resources

I have read the Network, Internet and Computer Use policy included in this Handbook and understand the conditions for use of the network and Internet resources provided by the Midland Academy for the purpose of promoting educational excellence and supporting instructional goals.

By my signature below, I agree that any use of the network and Internet under my user ID or account will be consistent with that policy. **I understand that District employees have the authority to and will monitor network usage, including electronic messages sent and received to ensure compliance with this policy.** Furthermore, I understand that I am responsible for any transactions that occur under my user ID or account and that any violation of the District's policy will be considered misconduct and a violation of the employee standards of conduct.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name, Printed

\_\_\_\_\_  
Campus

## Board and Administration Information

**Midland Academy Board Members** will consist of three to five members, composed of a President and Vice President. The current board members are:

Roy Jaramillo, President  
Bob Watkins, Vice President  
Beverly Drummond  
Bobby Smith  
Clyde Hobbs

**Midland Academy Administration** will be composed of a Superintendent, Business Manager, Principal, IT **Computer Technician**, State and Federal Coordinator, Reading Facilitator.

<u>Name – Position</u>	<u>Phone</u>
Jill Lankford, Superintendent	853-7474
Janet Wallace, Principal	254-8705
Don McCarter, Business Manager	269-8533
<b>Bo Patino Computer Technician</b>	254-8703
Kathy Cornelius, State and Federal Coordinator	

**Midland Academy Support Personnel** will consist of: Attendance Coordinator and Receptionist, Nurse, Business Office Associate, Cafeteria personnel, Maintenance and Custodial personnel and PEIMS and Food Service Coordinator.

Donna Cornelius, PEIMS and Food Service Coordinator 254-8708  
Cindy Patino, Attendance Coordinator and Receptionist  
Robert Aleman, Maintenance

Midland Academy Board of Trustees usually meets at the school on the third (3<sup>rd</sup>) Tuesday of the month at 5:30 p.m. in Room 213. In the event that large attendance is anticipated, the board may meet in the Cafeteria. Special meetings may be called as necessary. A written notice of regular and special meetings will be posted at the central office door and on the school's web site at least 72 hours before the scheduled meeting date. The written notice will show the date, time, place and agenda items of each meeting. In emergencies, a meeting may be held with a two-hour notice.

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

## **Equal Opportunity Employer**

Midland Academy is an Equal Opportunity Employer and does not discriminate in employment based on sex, race, religion, national origin, age, disability, or status as a veteran.

The District's Title IX and our ADA Coordinator is Don McCarter. 432-686-0003 x 211, 500 N. Baird Street, Midland, TX 79701. Employees with disabilities may contact the ADA coordinator or campus principal to initiate interactive reasonable accommodation plans when necessary or appropriate.

## **Right of Association**

All employees enjoy the right of association and are free to participate or not participate in professional or political organizations of their own choosing. No District administrator will require or coerce you to participate or not participate in any professional or political organization. No employment-related decisions will be made based on participation or nonparticipation in any professional or political organization.

School facilities and equipment, however, cannot be used for any political or partisan purpose, except as authorized by the principal or superintendent under District policy. We also will not permit partisan political activity or campaigning by employees in the classroom or other instructional settings or at school-sponsored or school-sanctioned activities or events, including wearing campaign buttons.

# IMPORTANT INFORMATION ABOUT YOUR EMPLOYMENT IN MIDLAND ACADEMY

**Personnel Records** We will maintain records about you at the campus administrative office. You have the responsibility to make sure that all required records, including your official service record, certificates, licenses, professional development records, and the like are submitted to the appropriate offices when requested. If you have a name or address change [during the school year](#), you must notify us within five days. We will use the address and phone number on file to contact you with official communication, so it is critical that you keep these numbers up to date.

Under the Texas Public Information Act and because you are a public employee, **most of the records we have and keep related to your employment, including your salary, are available to anyone upon written request.** Employees may direct that their home addresses and telephone numbers not be released by completing the form, “Personal Information Election,” at the beginning of this Handbook. Official written evaluations for teachers and administrators are confidential and will not be released. If we receive a request for copies of your personnel records, we will consult with the school’s attorneys to determine which records must be released and will take the necessary steps under the Public Information Act to withhold records that are confidential.

Professional employees who obtain additional certification while employed with the District must provide copies of those certificates to the human resources office. If you agree to obtain additional certification at our request, you must submit transcripts and ExCET registration forms and test results related to that additional certification to the superintendent’s office.

We will maintain the following personnel records at the human resources administrative offices.

## **All Employees:**

- Application
- References
- Criminal history record report
- Signed employee notices, including Drug-free Workplace
- Completed I-9 Form
- Completed W-4 Form
- Copy of social security card and driver’s licenses
- Notice of reasonable assurance (non-agreement employees only)
- Evaluations
- Verification of additional training/workshops
- Employee leave request and approval forms
- Service record and any required attachments

### **Professional Employees:**

- Credentials (valid Texas certificate or permit)
- Official college transcripts
- Employee-signed contract of employment or employment agreement, if applicable
- Teaching schedule or other assignment record
- Evaluations and PDAS information

### **Educational Aides:**

- Certification
- Official transcripts of any college work

### **Bus Drivers:**

- Proof that applicant is at least 18 years of age
- Proof of valid driver's license with class "S" endorsement
- Criminal history record report

**Attendance and Absences:** Punctual and consistent attendance at work is a fundamental requirement of your employment in Midland Academy. **Excessive absences or repeated tardiness in reporting for duty can result in the termination of your employment.** "Excessive" absences are any that are not in compliance with our policies and procedures for taking available local, State, or federal leave. If you are going to be absent or late for work, you must contact your supervisor or **their** designee no later than 6:30 a.m. This contact must be made every time you are absent or late unless you have provided your supervisor with more specific long-term information from your treating health care provider.

If you are absent in excess of the number of days of leave you have available under District policy, you are simply absent and will not be paid for those days. Employees who are paid on a salary basis will have appropriate deductions made from the regular salary payment for days of absences in excess of accumulated leave. If you do not comply with our policies and procedure for notice of an absence or for requesting leave, you will not be paid for those days of absence even if you have leave available.

**Basic Leave Information** All full-time employees receive five days of State personal leave each year. Additionally, the District provides thirteen (13) days of local leave each year for employees that are employed for 226 days and five days of local leave for employees that are employed for 187 days. The accrual rate for local leave for 226 day employees shall be one and one twelfth (1 and 1/12) day per month and one half (1/2) a day per month for 187 day employees.

You can always use accumulated State or local leave for your personal illness or injury or the illness or injury of an immediate family member.

Days taken as “personal leave” must be requested **two days in advance**. **Discretionary leave shall not be allowed on the workday preceding the first instructional day of the school year, the first and last instructional days of the semester, the day before a holiday, the day after a holiday, days scheduled for end-of-semester or end-of-year exams days scheduled for required statewide assessments, nor on professional or staff development days or teacher workdays unless otherwise approved by the superintendent. For the purpose of this provision, unused snow days shall be considered school holidays.**

We will try always to honor timely requests for personal leave that comply with policy requirements, but your principal or supervisor may withdraw approval if unforeseeable absences among other staff (bad weather, flu or other transmittable disease) would affect the efficient and effective operation of the campus or department.

**Family Medical Leave** If you provided at least 1,250 hours of service to the District in the **12 months preceding the first use or assignment of family medical leave**, you are eligible to receive up to 12 weeks of family medical leave during the **12-month period stated in local policy**. You can use family medical leave after the birth or adoption of a child or for a serious health condition of your own or of an immediate family member. **Family medical leave is also available in some circumstances related to a family member’s military deployment and for a family member who has been injured in active military duty**. During family medical leave, we will continue to maintain your individual participation in our health insurance program as if you were on active duty, but you will have to make arrangements for making payments of any employee portion you normally make for coverage.

When you can foresee the need for family medical leave, such as for child birth, scheduled surgery, or scheduled medical treatments, you must notify us and request the leave at least thirty (30) days in advance. If thirty (30) days notice is not possible, you must inform us of the need for leave at least two working days before the leave. In emergencies when the need for family medical leave is not foreseeable, you or a close family member must notify us of the need for family medical leave as soon as practicable, generally on the same day that you are aware of the need for family medical leave or the next business day.

Our policy requires concurrent use of family medical leave with all other kinds of leave, so some or all of your family medical leave may be with pay, depending on how much leave you have accumulated. If you are using family medical leave, we will communicate directly with you about the details of your absence.

**Medical Certification** We have the right to and will ask you to provide periodic information from your treating health care provider to verify the need for family medical leave or other medical absences and to give us some idea of when you will be able to return to duty. We will provide forms for your health care provider to complete. Your failure to provide the necessary information to us can affect your eligibility for leave and will be treated as a failure to follow District policy and procedures.

**Medical Examinations** We have the right to and will ask you to have a medical or psychological examination paid for by the District if we believe that your condition is interfering with the performance of your regular duties. Your failure to cooperate in this situation will be treated as a failure to follow District policy and comply with directives.

## Major Sick Leave Bank

Each employee of Midland Academy, who earns sick leave, may participate, on a voluntary basis, in the Major Sick Leave Bank. The following conditions apply:

1. To participate, the employee shall contribute one day of his/her sick leave time for the sick leave bank.
2. New full-time employees will be advanced five (5) days of sick leave in order to be able to participate in the major sick leave bank, one of which will be used to join the bank. However, the days must still be earned according to board policy.
3. The sick leave bank entitlement may be used only when an enrolled employee is incapacitated by illness or injury.
4. The first twenty (20) consecutive working days of illness or disability must be covered by the employee's own accumulated leave or leave without pay.
5. A member of the bank shall not be permitted use of the bank benefit until all his/her own sick leave is depleted.
6. A member may not use more days from the Major Sick Leave Bank than he/she has accumulated in sick leave at the time the major illness/injury occurred.
7. Maximum use of the Major Sick Leave Bank is eighty (80) days.
8. When the Major Sick Leave Bank has been depleted or reached a point near depletion, the membership will be assessed again in order to replenish the bank. Such times will be determined by a Major Sick Leave Bank monitoring committee elected by the membership. Notification of such assessment shall be sent to each member at the time it is determined to be necessary and the assessment shall be made unless the member chooses to cease membership in the bank.
9. A member utilizing sick leave days from the bank shall not have to replace these days except as a regular contributing member in accordance with provisions for additional assessment as prescribed by the committee.
10. After a day has been contributed to the Major Sick Leave Bank by an employee, it cannot be reclaimed
11. An employee who does not enroll when first eligible may do so between any subsequent September 1 to September 20 period by making application and providing satisfactory evidence of good health.
12. A monitoring committee composed of five (5) members elected by the participating members of the bank shall approve or deny each claim submitted. All monitoring committee decisions are final.
13. Unless complications are involved which would extend the period of time the member is absent beyond twelve (12) weeks, pregnancies are not covered in this policy. In such cases, the monitoring committee will respond to the claim.
14. Current full-time employees who have been employed sixty (60) days are eligible to enroll in the Major Sick Leave Bank within the first thirty (30) days following the effective date of this policy.
15. Any eligible employee who does not have a day to contribute to the bank may be advanced one day of sick leave to join the bank.

Application in Appendix

**On-the-Job Injuries** If you are injured while performing your duties for the District, you must notify your supervisor immediately so that we can comply with our responsibilities under workers' compensation laws. We provide workers' compensation coverage for all employees. If an injury at work causes you to be absent, it is your responsibility to inform us whether you wish to use accumulated leave in order to receive full pay during your absence to the extent of accumulated leave or whether you wish to save your accumulated leave and receive only the temporary income benefits that are available under the workers' compensation laws. **If you do not inform us of your choice, we will NOT charge your absence to accumulated leave and you will receive only temporary income benefits.** If absence because of a work-related injury also qualifies as a serious health condition under family medical leave, you will also be charged with family medical leave during your absence.

**Administrative Leave** The superintendent can order that any employee be placed on administrative leave, usually with pay, when he/she determines that it is in the District's best interest to do so.

**Jury Duty** You will be paid your regular rate of pay and will not use accumulated leave while you are responding to a call for jury duty.

**Bereavement (Funeral) Leave** Employees who need to take time off due the death of an immediate family member (family in the first and second degree) should notify their supervisor. Up to three (3) days of paid bereavement leave will be provided to eligible employees in the following classification: regular full time employees.

**Compensation, Benefits, and Pay Schedules:** The Board of Trustees annually will adopt or approve salary and pay systems for all classes of employees in conjunction with the annual budget adoption process. **We do not pay anyone on a "daily" basis; non-exempt employees are paid based on the hours worked within a pay period or on a monthly salary basis; contractual or exempt employees are paid on a semi-monthly basis.** The superintendent will make decisions about where to assign individual employees within the ranges and positions set in the systems. The Human Resources department will notify you at the beginning of the school year of your anticipated pay rate and whether you are classified as exempt or non-exempt for purposes of providing overtime or compensatory time. **This notice is not a contract; it is provided for your information only.** If we discover during the school year that either you or we made an error in that information, we will make adjustments to remaining salary or pay to correct the error. This correction during the payment term may increase or decrease your regular pay check.

We pay employees bi-monthly on the 15th and last day of the month. As a benefit to employees, we provide a direct deposit option for your pay checks. If you wish to take advantage of this convenience, please contact the business office to make arrangements.

Professional employees (teachers, administrators, counselors, librarians, nurses, supervisors, etc.) earn a monthly salary based on the number of months required under their contracts or assignments. Employees with 10 or 11-month **employment agreements** or assignments will have a portion of that monthly salary set aside each month to provide a regular paycheck during the one or two months in the summer when they are not actively providing service to

the District. This is known as annualizing compensation. All other employees are paid for hours actually worked during a pay period and will not have pay set aside for this purpose.

Overtime/Compensatory Time If you are an employee who is covered by the minimum wage and overtime requirements of the Fair Labor Standards Act, you must keep accurate records of all time worked for the District. This means that you must record on the documents or through the system that we provide the actual time that you begin work each day, the time you take for lunch, and the time you stop working each day. We generally expect that non-exempt employees will not work more than 40 hours in a work week.

**All overtime must be approved in advance by your supervisor. Working overtime without prior authorization is insubordination and may result in the termination of your employment.**

You will receive compensatory time off at the rate of one and half (1 1/2) hours paid time off for every hour worked in a work week above 40 hours. You can accumulate a maximum of sixty (60) compensatory time hours before we will require you to take compensatory time off. All compensatory off must be taken in the current school year or will be lost.

Insurance We will hold meetings with all staff at the beginning of each school year to explain and provide information about the insurance programs that are available to you, including optional coverage for long-term disability and short term disability, additional group life insurance, vision and dental coverage. We make a contribution to the basic health coverage, short term disability, group life insurance, dental and vision coverage for all employees and will make this contribution so long as you are using accumulated paid leave or family medical leave. If you have an illness or injury that exhausts all paid and family medical leave, you may continue to participate in our health insurance for **2** months by paying your own premiums in advance. At the end of that time, you will be offered the opportunity to pay for continuation coverage.

Payroll Deductions We will make all required State and federal deductions from your gross pay each pay period. We will comply with any court order to deduct child support payments from your gross pay and with any valid orders to deduct federal school loan payments or pay a portion of your wages directly to the Internal Revenue Service. Other regular deductions may include:

- amounts that you are required to pay to maintain health insurance coverage for yourself and any dependents you have chosen to include in the District's health plan,
- amounts that you elect to pay for optional insurance coverage or additional investments,
- Professional organization dues if you have requested us to make those payments.

We provide a Section 125 Cafeteria Plan under the federal tax laws that allow you to request that some regular and optional deductions be made from your gross salary before federal income withholding taxes are calculated. We will hold information sessions at the beginning of the school year to explain this program and give you the opportunity to make decisions and complete any paper work necessary to participate.

**Tuition Reimbursement Program:** Full Time employees are eligible for tuition reimbursement for college courses that lead to an undergraduate degree in the field of education or a master's degree in one's current teaching field (i.e. science, math). Reimbursement for tuition will be provided for a maximum of \$650 per semester. Reimbursement will only be made upon the successful completion of a course or courses with a grade of "C" or better for undergraduate and a "B" or better for a master's degree. Reimbursement is for tuition and fees associated with tuition only.

**Duties and Responsibilities:** All employees are subject to assignment and reassignment. At the campus level, the principal or your supervisor will ultimately determine your assignment. The superintendent can make assignments and reassignments between campuses and positions. Teachers may be assigned to any teaching assignment for which they are or can be qualified.

Your principal or supervisor can assign additional duties if needed in order to make sure that the campus or department is running effectively and efficiently. Ordinarily, you will not receive any additional compensation for those duties, except as may be necessary to provide overtime for non-exempt employees.

The work day is not the same as the instructional day. Principals may set hours of work for employees that require you to be on duty before daily instruction begins and after daily instruction ends. As an example, the work day for full time instructional employees is

- 7:30 am to 4:00 pm for teachers and instructional aids

If you wish to leave campus during the school day for any reason other than taking a duty-free lunch, you must receive permission from the principal or your direct supervisor and sign out in the office indicating the time and purpose for leaving campus and sign in when you return.

**Cell Devices** – Teachers are NOT to use cell phones for any reasons during instructional time.

**Visitors to the Workplace** Any visitor for you during the working day must check in with the principal or your supervisor and receive permission to go to your work site. Ordinarily we will not allow personal visitors to disrupt classroom instruction, so teachers should inform potential visitors of the time scheduled for a conference period or lunch period. We will not allow frequent or lengthy visits by friends or family to interfere with your performance of your assigned duties.

**Duty-free Lunch** All teachers and librarians will receive a 30-minute duty-free lunch at least four days each week. During this time, teachers and librarians have no responsibilities related to supervising students and may leave campus, provided they return within the allotted 30 minutes. If we are experiencing a personnel shortage, economic conditions that limit our ability to hire lunchroom monitors or support staff for this purpose, or in unforeseen circumstances, we may have to assign teachers and librarians to supervise students during their lunch no more than one day per week. We will make efforts, though, to provide lunch room supervision using parent volunteers or support staff so that teachers and librarians can be provided a duty-free lunch each school day.

**Faculty/Staff Meetings** Your principal will periodically schedule meetings for all teachers and other professional staff and sometimes for all staff. These meetings will usually be in late afternoon after students have been released for the day. Important information about District and campus operation and programs at the campus is communicated in these meetings, which also provide an opportunity for employees to communicate ideas and issues to the administration. You must attend these meetings unless you have contacted the principal in advance and received permission to be absent.

**Conference Period** All teachers will receive a conference period of not less than forty five (45) minutes daily/five (5) days per week. The purpose of the conference period is for teachers to plan and prepare instruction, to grade student work, to hold meetings with parents, and to hold meeting with students. We cannot require you to do anything else during your conference period; however, you are required to use your conference period for those stated purposes. You will not ordinarily be permitted to leave campus during your conference period to run errands, keep doctor or other appointments, or for any other purpose. Very occasionally, we may allow teachers to oversee another teacher's classroom during a conference period to provide for an unexpected absence or other administrative reason.

**Site-Based Committee and Other Committees:** Our District and campus site-based committees (Campus Improvement Team) provide a valuable service to the District and the campus. If you are interested in serving on this or any other committee, please see your principal for more information.

**Staff Development:** A prepared, well-trained professional and instructional support staff is essential to our providing a quality education to all the students of Midland Academy. We have scheduled twelve (12) days of professional development into the annual calendar. On these days students will not be present, and professional and instructional support staff must participate in training and development opportunities, under the conditions and guidelines described here.

During these professional development days, all staff will participate in training in topics or areas that have been identified either in our annual District improvement plan or in your campus improvement plan.

In order to substitute individual professional development for required days, you must request the substitution from the principal in advance. Your principal will review your request in view of training areas and topics targeted in the campus improvement plan and in view of your assignment and need for training. Employees who have not made arrangements to substitute individual training or professional development must be present and participate in the training and development opportunities.

**Evaluations/Appraisals:** All employees will be evaluated or appraised in writing by their supervisors. Teachers will ordinarily be appraised annually, but may be appraised less frequently if they agree in writing and the most recent appraisal showed no areas of deficiency. However, everyone will be evaluated at least once every five years. You will have an opportunity for a conference with your supervisor to discuss your evaluation and expectations for performance. An important part of your supervisor's job is overseeing and assessing employee performance throughout the school year, and your supervisor may provide written documentation to you relating to your performance as he or she determines appropriate.

Teachers are appraised using the Professional Development Appraisal System (PDAS) and paraprofessionals are appraised using the Paraprofessional Assessment of Knowledge and Skills (PAKS) and will receive orientation to the system early each school year.

**Assignments:** The superintendent has the authority under State law and District policy to transfer or assign any employee in the District.

We will usually post vacancies within the District on a bulletin board in the teachers lounge and on the District's website. All current District employees are eligible to apply for other jobs in the District, but we will not consider any applicant for any position who does not meet the minimum requirements posted for the position. If a current employee is selected for an interview, the employee will be notified and an interview time scheduled.

**Safety:** We strive to maintain a safe and healthy work environment. All employees share the responsibility for helping to keep the workplace safe and to avoid injury to themselves or others. We will provide training from time-to-time for all employees on how to avoid accidents in the workplace. Violating safety standards pertinent to your assignment can result in disciplinary action. We remind you that you must report a job-related injury immediately to your supervisor so that the District can complete required reports under the workers' compensation statutes and rules.

We comply with the State Hazard Communication Act and maintain current lists of hazardous chemicals used in the District and current Material Safety Data Sheets. If you want or need this information, please contact your principal or supervisor.

Periodically, District buildings and grounds are treated by licensed or trained individuals to control unwanted pests, such as insects and rodents. We will post notices of those treatment dates as required by law and will schedule treatment times when students or employees are least likely to be in the building or on the grounds.

**Maintenance and Repairs:** We strive to keep all our facilities clean, well-maintained, and in good repair. Teachers and other employees must ensure that they do not store items in their classrooms or offices that will attract pests of any kind. If your classroom or office needs maintenance or a repair, complete a Maintenance Request Form and submit it to your business manager. If you believe that your work area or classroom is not being adequately cleaned, contact the business manager. Do not take it on yourself to direct the work schedule or activities of our custodial and maintenance staff.

**Standards of Conduct:** We expect all District employees to treat each other, students, parents or other patrons of the District with common courtesy and respect at all times. We hold our students to a high standard of conduct, as expressed in the Student Code of Conduct, and we expect no less of our employees. All District employees serve as role models for our students and must conduct themselves at work and in public as honest, law-abiding citizens.

The Texas Education Association Code of Ethics is included in the Appendix of the Handbook. By law, it applies to all District employees who hold a certificate issued by the State Board of Educator Certification. By local policy, it applies to all employees in the District. You should read and be familiar with the standards and expectations expressed there because these are the standards and expectations we will impose on you.

If you are arrested for or convicted of a felony or any crime of moral turpitude, you must report that fact to your principal or immediate supervisor within three (3) days. Offenses involving moral turpitude include without limitation theft or attempted theft of any kind,

fraud of any kind, sexual offenses, any assault or violent offense, bribery, perjury, drug or alcohol offenses, offenses constituting abuse or neglect under the Texas Family Code, or any other offense contrary to justice, honesty, modesty, or good morals.

**Sexual Harassment/Inappropriate Conduct** We do not allow employees to engage in sexual harassment of other employees, students, parents, patrons, or vendors to the school. No District employee is permitted to have a sexual or romantic relationship with a student, regardless whether the student or parent welcomes or approves of the relationship.

Sexual harassment is any unwelcome conduct of any kind that is based on a person's sex or that would not occur but for the sex or gender of the person and that is so severe or pervasive that it deprives a person of the benefit of his or her job or education. Isolated incidents of inappropriate sexually charged conduct may not amount to sexual harassment, but they are still prohibited under our standards of conduct and should be reported to an administrator so that he or she can look into the situation.

We provide mandatory training periodically for all employees on how to recognize, prevent, and avoid sexual harassment.

If you believe you are the victim of sexual harassment or any other inappropriate conduct by a co-worker or even a student, you should contact the Title IX coordinator or the principal to discuss the matter and perhaps to file a complaint. See complaint form in the Appendix.

**Inappropriate Social Relationships with Students** - School employees are always in the public eye, and the expectation is that they will always observe professional boundaries in their personal relationships with students. District policy also prohibits employees from having "inappropriate social relationships" with students. So there is no confusion or misunderstanding about the District's standards on this issue, the following interactions or communications with students will generally be considered an "inappropriate social relationship":

- Communications with students, whether by telephone, email, instant message, [twitter](#), or any other form of electrical or digital communication at any time, or text message at any time, unless the communication is directly related to your assigned duties and responsibilities, e.g., the student's homework, class or team activity, school club, or other school-sponsored activity
- Engaging in personal conversations with students about either the student's or your own personal relationships or problems with spouse, boyfriend, girlfriend, or significant other
- Taking a student away from school during the school day without obtaining express permission of the student's parent or the principal
- Visiting students at their homes when a parent is not present or inviting a student to your home without prior express permission of the student's parent
- Giving gifts of a personal nature (clothing, perfume or cologne, jewelry, etc.) to students at school or at any time without the parent's knowledge and permission

- Playing “favorites”, e.g., allowing specific students to get away with conduct that is not permitted from other students

Other Harassment We also do not allow employees to harass each other based on race, color, gender, national origin or ethnicity, religion, age, or disability.

Harassment on these bases includes physical, verbal, or nonverbal conduct when it is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with someone’s work performance; creates an intimidating, threatening, hostile, or offensive work environment; or otherwise adversely affects someone’s employment opportunities.

If you always conduct yourself in the workplace with common courtesy and respect for your co-workers, harassment will never be a problem for you. You should be sensitive to the desires of your co-workers in making or displaying personal religious expressions in the workplace and should not engage in unwelcome religious discussions or proselytizing in the workplace.

If you believe you are the victim of harassment or any other inappropriate conduct by a co-worker or even a student, you should contact the Title IX coordinator or the principal to discuss the matter and perhaps to file a complaint.

Tobacco Use We do not allow any use of any tobacco product on school property, indoors or outdoors, at any time by any person. This prohibition includes any tobacco use in a school-owned vehicle. Because you are a role model for students, we also prohibit you from using any tobacco product in the presence of students when you are serving in any school-related capacity. If you are a tobacco user, you must leave school property—with the permission of your supervisor—in order to smoke or otherwise use a tobacco product.

Alcohol and Drug Use You are prohibited from using or being under the influence of alcohol or any illegal drug or controlled substance at work or at any school-sponsored activity, whether you have an official role in that activity or not. If we have any reason to believe that you are under the influence of alcohol or drugs at a school or while engaged in any school activity, we may transport you to a medical facility and require you to be tested, at our expense, to determine blood alcohol level or other relevant information.

If you are required to have a commercial driver’s license or drive a school-owned vehicle as any part of your assigned duties and responsibilities, you will be subject to drug and alcohol testing. We are required to make a report to Texas Department of Public Safety if you test positive for alcohol or drugs, refuse to provide a specimen for testing, or provide an adulterated or diluted, or substitute specimen for testing. If you have questions about the details of the drug testing program for employees, talk to your supervisor. You cannot provide alcohol or illegal or prohibited drugs to students and must not allow students to use alcohol or illegal drugs in your presence, at any time or place. You are also prohibited from providing any type of over-the-counter medication or dietary supplement to students. Only designated school employees or the nurse may administer prescription medications or over-the-counter medications to students.

Weapons You cannot bring any firearm or any other prohibited weapon on school property unless you have written permission from the principal or superintendent.

Appropriate Language As a role model for students in the school setting, all employees are expected to refrain from using profanity or vulgar language, both in the presence of students and to each other.

**Dress and Grooming Standards** You must maintain a clean, neat, modest, professional appearance at school and school activities. Food service and maintenance/custodial employees may be required to comply with specific dress and grooming standards for health and safety reasons. Your supervisor will provide more detailed information about these requirements.

The Professional Attire for Teachers is a style of dress that is above the standard set for students. The policy calls for staff members to use their professional judgment in their wardrobe selections using the following criteria and requirements: blouses for women should not have narrow straps and midriff or cleavage areas not exposed; all shirts for men should have collars and no T-shirts **except for physical education instructors**, no spandex pants or walking short ensemble. There should NOT be any visible body tattoos, flip-flops, see-through cloths, or body piercing other than ears (**ear rings are not allowed for males**). Jeans can be worn on casual Friday only, unless approved by the principal or your supervisor in advance.

**Searches** We can search you, your work area, your vehicle on school property, or you're other possessions or property at school with or without your consent if we have a reasonable basis to believe that the search will turn up evidence of work-related misconduct. Any search we conduct will be reasonably related in scope to the circumstances that justified the search in the first place.

**Outside Employment:** You are free to have employment outside the District so long as those duties do not interfere with your performance of duties for the District and are not inconsistent with your position in the District. Teachers may not tutor their own students for pay during the school year.

**Work-Related Travel:** Any travel on our behalf must be approved by the principal or superintendent in advance. Reservations and costs for air travel and overnight accommodations will usually be made with District credit cards through the business office. We have an approved per diem rate for meals when traveling on school business. You will not be reimbursed for any amounts in excess of the approved per diem amount. No employee may receive both a per diem allotment and reimbursement for actual meal expenses. No employee may receive a per diem allotment for meals purchased with a District credit card. We will reimburse you for your out-of-pocket expenses for rental cars, parking, and other approved expenses at a rate not to exceed that permitted under the State travel allowance guide, provided you submit receipts and complete the District's required travel expense form. We will not reimburse you for alcohol and will not pay for personal charges on hotel/motel rooms such as in-room movies.

We will reimburse you at the rate authorized under the State travel allowance guide for gasoline purchased with your own credit card or money. If you use your own car for approved work-related travel, we will pay you for mileage at the current approved rate, but will not reimburse you for gasoline, which is included in the mileage rate.

**District Credit Cards:** We will issue District credit cards to the business office. Your principal or supervisor will provide detailed information on use of District cards; however, these cards are for school-related and approved use only. If you are allowed to use a District credit card, you may not use it for any personal expense at any time. It is a violation of the terms under which the card is issued and of employee standards of conduct for you to make a personal purchase with the card, even if you reimburse the District at a later time.

**Purchases:** All purchases with school funds, or for which you will seek reimbursement from school funds, must be approved in advance with an authorized purchase order. We will not pay for or reimburse for any purchases that do not comply with our required procedures. You will be personally responsible for any purchases that do not comply with our required procedures. **No school employee other than the superintendent and others specifically designated by the Board of Trustees can sign a contract that binds the District.** All contracts for purchases of goods or services, including vending contracts, yearbook publication contracts, graduation supply contracts, and so on must be submitted to the business office for review and approval **before they are signed.** If you sign a contract other than in accordance with these requirements, we will not be responsible for any amounts to be paid under that contract and you may be personally responsible.

**Complaints and Grievances:** We encourage you to attempt an informal resolution of any complaints or concerns you have about the workplace by talking to your principal or supervisor. However, you have the right to bring a written complaint about wages, hours, or conditions of work or if you believe that you have been harmed in some way by the violation of a law or policy. Complaints must be filed within 15 business days of the event you are complaining about. We will not entertain untimely complaints. Our policy generally provides for a three-step process, beginning with the principal or immediate supervisor and ending with the Board of Trustees.

At-will employees may complain about the termination of their employment through this process.

**Resignation from Employment:** Any employee who has an employment agreement must submit a written resignation to the superintendent. The superintendent is the only person with authority to approve resignations from employment agreement employees. Other employees can resign by informing their immediate supervisor, in writing, who will inform the superintendent.

**Termination of Employment:** Please refer to our policies regarding termination or non-renewal for the processes involved in ending employment in the District. Generally, at-will employees can be dismissed from employment at any time for any reason or no reason provided it is not an illegal reason.

We will try to conduct an exit interview with every employee who leaves District employment for any reason. We will delay the delivery of the last paycheck until all District equipment, keys, or any other District-owned property or materials have been returned and accounted for.

## **IMPORTANT INFORMATION ABOUT WORKING WITH STUDENTS IN MIDLAND ACADEMY**

Much of the information in this section of the Handbook applies primarily to teachers and other professional employees working directly with students on a daily basis. Some of the information, however, applies to all employees. We will use the term “employees” when we mean everyone and “teachers” when we mean professionals. We will also continue to use “you” and “your” as appropriate.

**Student Records and Confidentiality:** Education records and information maintained about students that is related to their education are confidential under federal law. You will often learn personal information about your students and their families in the course of your work for the District. You must not discuss students or their families—their conduct, their academic achievement or academic failings, or personal information—with anyone unless you need to share the information with another employee or someone working with the school District for a reason related to the child’s education. [Board policy contains information related to the confidentiality of student records.](#)

**Discipline/Student Supervision and Control:** The board-approved Student Code of Conduct contains all the rules and requirements for conduct and discipline. You will receive a copy of the Code and must be familiar with the rules of conduct. Each employee has the responsibility to be mindful of student conduct at all times and to intervene if students are harming each other or school property. In other situations, if you observe student misconduct, promptly inform the principal or administrative intern. In most circumstances, only professional employees will actually impose or administer disciplinary consequences. Employees can use reasonable restraint of students to prevent injury to the student or other students or employees, or to prevent property damage. However, students with disabilities can be restrained only in emergency situations.

Classroom teachers have the authority and responsibility to develop and communicate rules for classroom behavior. We expect you to handle minor disturbances in the classroom through these rules. However, if a student engages in classroom conduct that violates the Code of Conduct, complete a discipline referral form and send the student to the office.

Any employee who observes students acting in any way that could be construed as harassment or bullying under the code of conduct must promptly report the conduct to the principal or administrative intern and should intervene to correct or stop the conduct when possible. If you reasonably believe the conduct is sexual abuse of a child, then you must also make the required report to Child Protective Services or local law enforcement.

Classroom teachers should not leave students unattended at any time and must not leave them unattended for more than a minute or two in an emergency. This rule is particularly important at the elementary grades, but also applies at the secondary grades. If you must leave your classroom during instruction because of an emergency, inform the office so that we can make arrangements to have an adult present in the classroom while you are gone.

**Emergency Procedures:** We have developed a District-wide plan for use in case of dangerous weather or other emergency or crisis situations. This plan is posted in various locations around the campus. You must be familiar with these procedures and follow them. Your calm demeanor and confidence in dealing with an emergency or crisis situation at school will help your students remain calm so that they can respond as needed. We will conduct emergency procedure exercises periodically—some announced to staff, some unannounced.

In situations where weather conditions may interfere with the school schedule, listen to KMID, watch Channel 3 and/or 7. The superintendent will make all decisions regarding the necessity for an early release, late beginning or school closure because of the weather.

**Reporting Child Abuse or Neglect:** We provide annual training to all staff on recognizing the signs of child abuse or neglect. All employees have a legal duty to make a report to local law enforcement or to Child Protective Services if they have reason to believe that a child has been or may be abused or neglected. A report that a parent or other person responsible for the care, custody, or welfare of a child may have abused or neglected the child must be reported to Child Protective Services. Professionals, and paraprofessionals who hold an aide certificate, have a legal duty to make this report orally within 48 hours and to follow that with a written report. You have not fulfilled this duty if you simply make a report to your supervisor. While we want you to inform the principal if you believe a report is required, you must still make the report yourself. If you are not certain whether you have observed child abuse or neglect, you should err on the side of reporting. Professionals can receive sanctions against their certificates and any person can face criminal charges for knowingly failing to make a report of known or suspected child abuse or neglect. Your identity will be protected when you make a good faith report.

**Abuse Hotline for Spouse-Partner-Children 800-252-5400**

**National Child Abuse Hotline 800-422-4453**

**Midland County Sheriff - Administrative offices -688-4600**

**Midland City Police -685-7110**

**School Activities and Functions:** Our campus has several school-wide functions each year.

During “Back-to-School” nights at the beginning of the school year, all teachers are required to be present unless you have made advance arrangements with the principal or are too sick to attend. This event is an opportunity to meet parents, explain briefly how you operate your classroom, and give parents an opportunity to ask questions and tell you things they think you need to know about their children.

We will let you know when you are expected to attend other events or activities.

**Parent Organizations:** We have a parent-teacher organization at each campus in the school District. We encourage teachers to be familiar with and take part in, as they choose, the activities of the parent group at their campus.

**Parent Relations:** All written and oral communications from teachers or other staff to parents must be professional and courteous and always made with the child's best interest at heart. Teachers and other professionals should always respond as promptly as reasonable under the circumstances to parent communications to them, either in writing or by telephone.

We provide a conference period so that you can schedule meetings with parents at their request or at yours. If you schedule a meeting with a parent, you must inform the principal's office so that we will know to expect the parent to check in. We generally encourage parents to visit their children's classroom occasionally, but parents must make prior arrangements with you and you need to let us know in advance. Parents or other visitors must always check in at the reception area and receive a Visitor's Pass. Do not allow parents to come directly to your room to pick up a child unless you have received prior specific authorization from the principal.

If for some reason a problem in communication develops between you and a parent, your principal or another administrator will be glad to be present at your conferences with the parent, at your request.

Only materials that have been approved by the principal can be sent home with students in their backpacks or otherwise. Do not rely on students to deliver important communications from you to their parents, such as progress reports, report cards, requests for a conference, or concerns about the child's conduct or performance.

**Counseling Program:** We generally expect you to be sensitive to students and supportive of them and their personal issues without becoming overly involved in their personal lives. Most classroom teachers are not trained counselors. While we want you to be a receptive ear to students, we also expect you to know your own limits and to refer immediately students who come to you with concerns about drug or alcohol use of their own or in their family, who come to you with concerns about pregnancy or sexual matters, or who express a desire to injure themselves or others. In the event you have a student who would benefit from counseling, contact the principal.

**Special Education/Section 504 Program:** Classroom teachers and other professionals can refer students, based on the teacher's academic or behavioral observations or concerns, for assessment to determine if they have a disability that makes them eligible for special education or related services. However, you cannot suggest any particular diagnosis to parents or recommend to them that a child use any psychotropic drug. We will provide training opportunities for classroom teachers and other professionals in knowing when to refer students and in working with students with disabilities in the regular classroom.

If you are a teacher for a student with disabilities, you may be required to attend Admission, Review, and Dismissal committee meetings and participate in reviewing or planning the child's Individualized Educational Program. These meetings may occur during your conference period because they are meetings to plan for a student's instruction, and you must attend if scheduled.

Even if you are not a member of the ARD committee, you must follow the IEP for any student with disabilities in your classroom and make sure that you are making any and all the modifications to instruction or the instructional setting that are called for in the IEP. Non-instructional staff must also comply with any administrative directives for handling or working with student with disabilities.

**Student Attendance Accounting:** We rely on accurate student attendance accounting for State funding and for determining one of the school's ratings under the **Academic Excellence Student Achievement** Indicator System. You must complete daily attendance records for each class. Students will be tardy if arrive in class after the 8:00 am bell.

The official attendance count for the day is taken at 9:00 am during 2nd period.

Accurate record keeping is also necessary because of the attendance for credit law, which requires that students be present for 90% of the days class is taught in order to get credit for the class. The campus attendance committee ultimately determines whether credit will be granted for a student with excessive absences. You may be called on to serve as a member of the attendance committee.

**Curriculum/Instruction:** Teachers must teach the curriculum approved by the Board of Trustees, which is focused on the Texas Essential Knowledge and Skills adopted by the State Board of Education. The TEKS are aligned with the statewide assessment program for all students, which are administered annually at most grade levels. As you are all aware, campus and District **academic** ratings rely to a great extent on student achievement as demonstrated through success on the State assessments. For all these reasons, each teacher must devote his or her best energy and efforts to delivering the required knowledge and skills to their students and making sure that students are learning.

Teachers do not have the latitude to select their own instructional materials. You must use the District-provided textbooks and curriculum and must obtain prior approval from your principal to use any other materials in your classroom.

We have included in the Appendix to the Handbook regarding federal copyright limitations on the use of copied materials in the classroom. Any copying you do for your classes must conform to the fair use guidelines.

We encourage teachers to be creative in how they impart the essential skills and knowledge but you must obtain prior approval from your principal to conduct any special activity in the classroom that is not covered in the curriculum guide for your subject or grade level.

**Lesson Plans:** All teachers must prepare lesson plans for each subject or class each week. These plans must be submitted to your principal by Friday of each week. We will provide the format for lesson plans, which must indicate the plan of instruction for each day/week in sufficient detail that a substitute teacher could follow through and deliver the scheduled lessons. Lesson plans must also indicate plans and techniques for differentiating instruction and implementing modifications for students with disabilities as required by IEPs or Section 504 plans.

**Grade Books/Grading Records:** You must maintain timely recorded grades for students in grade books we will issue to you/in the computerized grade recording and reporting system. Grades must be turned in no later than 5:00 p.m. the Wednesday after the 9<sup>th</sup> week grading period and the last day of each semester. Any grade books we provide must be turned in to the principal at the end of each school year.

**Grading Guidelines:** You may establish grading standards and guidelines for your classroom, provided they are consistent with the campus and District standards described below. You must communicate your individual requirements and the campus requirements to students at the beginning of each school year or semester.

You cannot use grade reductions to discipline students for classroom misconduct, but you can give zeros or grade reductions for work that is not turned in, work that is late, work that does not fulfill the assignment, or for cheating or plagiarism.

**Make-up Work** Students who have been absent for illness or any other reason has the responsibility to contact you about any make-up work they need to do. Ordinarily, students have the number of days they have been absent to complete and turn in make-up work. That is, a student who misses one day has one day after returning to class to complete the make-up assignment. Make-up assignments should be the same or essentially equal to the assignment or work assigned for students who were present.

**Homework** We expect teachers to use homework to reinforce skills and concepts introduced in the classroom. You cannot use homework assignments to introduce new concepts or information other than a reading assignment to prepare for instruction the following day. Grade level teams should coordinate their homework assignments so that students are not overburdened; however, as students advance in grade level, the amount of time reasonably devoted to homework each evening will increase. In making homework assignments, keep in mind the balance for students of school, play, and family.

**Field Trips:** Well-planned and well-executed field trips are a valuable instructional experience for students of all ages. If you or your grade level or team wants to take students on a field trip, you must first get principal written approval for the activity and the scheduled date, as well as submit a request for necessary transportation. A proposal for a field trip must be coordinated with the TEKS for the course, define the curricular objectives for the trip, and fit in with the current instructional unit.

Field trips will always be taken on school transportation and never by private passenger vehicles. Students must submit signed parent permission slips before the trip. We encourage you to enlist the help of parents to assist in supervising students on the field trip. You will need a ratio of one adult for each 10 students.

If you will have certain criteria for students to participate in the field trip, you must communicate those well in advance to students and parents. Any criteria should be designed to maximize student participation. Criteria for participation must not be designed in such a way that all students who are ineligible can be readily identified as students who are failing the class. You must plan an alternate instructional activity for students who are not eligible to participate in the field trip.

**Using Film/Movies in Class:** Movies can be used as an effectively tool for instruction in many courses. Before you show a movie to a class, however, you must discuss the activity with your principal, including how the movie is related to the TEKS for the class or subject. Movies should always be age-appropriate for the students in the class. Movies should never be used for entertainment.

**Tutorials:** Tutorials will be provided in reading and math for elementary grades one (1) – six (6) and core areas in seven (7) – nine (9). The principal will oversee the tutorial program. Teachers will be paid \$25.00 per hour for tutoring.

**Textbooks/Instructional Technology:** At the beginning the school year or semester, you will assist in the distribution of State-adopted textbooks or instructional technology to students in your classes. You will oversee and ensure that all State-adopted textbooks are covered to protect them and ensure they are usable for the life of the adoption cycle. At the end of the year or semester, you are responsible for accounting for the return of textbooks or instructional technology issued to your students. However, we will not require you to pay for any textbooks or instructional technology that your students steal, misplaces, or do not return.

Some students will not be issued textbooks if they did not properly return books issued in the previous year. You will have a few classroom copies of the textbook for those students to use in class, but they cannot take the books home.

**Fund-Raising:** You cannot use instructional time to administer or facilitate fund-raising efforts of student or other organizations.

If you are the sponsor of a student group or organization that wishes to conduct a fund-raising campaign, you must get prior approval from the principal for the activity. Elementary students will not be allowed to conduct any fund-raising activities that involve door-to-door solicitation; however, with adult supervision at all times, secondary students may conduct door-to-door fund-raising campaigns.

As a sponsor of a student group or organization, you are personally responsible for accounting for all funds raised or collected by students in your group. These amounts must be deposited with the principal or their designee daily for safekeeping and deposited to the activity account for the group or organization.

You cannot keep funds collected from students for any purpose in your classroom or at your home.

Your failure to follow established procedures related to depositing, handling, and accounting for the proceeds from fund-raising activities or any other monies associated with student activities or organizations may affect your employment.

**Extracurricular /UIL Sponsorships:** Your principal can assign extra duties related to sponsorship of extracurricular student groups and UIL academic activities. Some of these assignments may have additional stipends according to the schedule approved by the Board of Trustees; some may not. A teacher's primary responsibility is **always** the delivery of the required curriculum to students in your classes.

## **APPENDIX**

Educators' Code of Ethics

Employee Complaints and Grievances

Level One Complaint Form\*

Employee User Agreement – Network and Internet Resources

Copyrighted Materials

**Employee Complaint Form**  
**Level One**

Complete this form. Your complaint will be dismissed if it is submitted with incomplete information. Submit your Level One complaint to your campus principal or immediate supervisor.

1. Name \_\_\_\_\_
2. Position/Campus \_\_\_\_\_
3. The date of the event or action that gave rise to this complaint \_\_\_\_\_
4. A detailed factual description of all of the circumstance(s) that gave rise to this complaint. (Use additional pages if necessary.)

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5. Explain specifically how you were harmed or injured by the facts that you provided in response to item 4 above.

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6. Specifically identify, and attach if possible, any documents upon which you will rely during the grievance process and explain what those documents will prove. (If you do not have these documents at the time you file your grievance, you will be able to provide copies at the Level One conference. However, please identify to the best of your ability what those documents are and what you think they will prove.)

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7. Identify the specific policy or policies, constitutional or statutory provision, or administrative regulations that you allege have been misapplied or the specific type of discrimination that you allege was committed. For each, provide the facts that support your allegations.

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8. The District wants to have all complaints resolved informally or at the lowest possible level. Explain your efforts to informally resolve your complaint including who you spoke with, when you met, and the response you received. If you did not attempt informal resolution, give a detailed explanation why not.

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9. Identify the remedy you seek for this complaint.

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Employee's Signature

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Date Submitted

Name, address, and telephone and fax number of representative, if any.

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# **Midland Academy**

## **Employee User Agreement—Network and Internet Resources**

The Midland Academy Board of Trustees is proud to provide the most up to date technology available. Internet ready networked computers and laptops are available to all students and staff on the campus. The network contains inter office e-mail and State of the art educational software. The use of this network is considered a privilege and not a right. Therefore, Midland Academy reserves the right to revoke employee access to the computer.

### Inappropriate Use of the Midland Academy Computer Network is as follows:

- Damage, vandalism or theft of computer equipment.
- Use by a student of a teacher's computer.
- Copying of files into a computer from a disk not owned and provided by Midland Academy.
- Copying files from a Midland Academy computer to a disc without express written permission.
- Surfing the net. Students may only access education sites with teacher permission.
- Use the net to access pornographic or inappropriate material or failing to report the existence of pornographic material encountered inadvertently.
- Listing or downloading of any type of music.
- Using the network for solicitation, advertising or harassment of any kind.
- Trying to access data that is confidential and protected.
- Using someone else's account or password at any time.
- Violation of any State or federal law.
- Changing the desktop/icons on any computer.

The employee will be responsible for reporting infractions to the appropriate principal/supervisor for consideration of revoking privileges. The decision may be appealed to the Superintendent if the employee believes there are extenuating circumstances. The Superintendent decision is final.

# Texas Administrative Code

<b><u>TITLE 19</u></b>	<b>EDUCATION</b>
<b><u>PART 7</u></b>	<b>STATE BOARD FOR EDUCATOR CERTIFICATION</b>
<b><u>CHAPTER 249</u></b>	<b>DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES</b>
<b><u>SUBCHAPTER A</u></b>	<b>GENERAL PROVISIONS</b>
<b>RULE §249.3</b>	<b>Definitions</b>

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The following words, terms, and phrases, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Administrative denial--a decision or action by the Texas Education Agency (TEA) staff to deny a person any of the following based on the withholding or voiding of certification test scores; the invalidation of a certification test registration; or evidence of a lack of good moral character or improper conduct:

(A) admission to an educator preparation program;

(B) certification (including certification following revocation, cancellation, or surrender of a previously issued certificate) or renewal of certification; or

(C) reinstatement of a previously suspended certificate.

(2) Administrative law judge (ALJ)--a person appointed by the chief judge of the State Office of Administrative Hearings (SOAH) under Texas Government Code, Chapter 2003.

(3) Answer--the initial responsive pleading filed in reply to factual and legal issues raised by a petition.

(4) Applicant--a party seeking any of the following from the TEA staff or the State Board for Educator Certification (SBEC): issuance of a certificate (including issuance of a new certificate following revocation, cancellation, or surrender of a previously issued certificate); renewal of a certificate; or reinstatement of a suspended certificate.

(5) Cancellation--the invalidation of an erroneously issued certificate.

(6) Certificate--the whole or part of any certificate, permit, approval, endorsement, or similar form of permission issued by the TEA staff or the SBEC. The official certificate is the record of the certificate as maintained on the SBEC's website.

(7) Certificate holder--a person who holds a certificate issued under the Texas Education Code (TEC), Chapter 21, Subchapter B.

(8) Chair--the presiding officer of the SBEC, elected pursuant to the TEC, §21.036, or other person designated by the chair to act in his or her absence or inability to serve.

(9) Chief judge--the chief administrative law judge of the SOAH.

(10) Code of Ethics--the Code of Ethics and Standards of Practices for Texas Educators, pursuant to Chapter 247 of this title (relating to the Educators' Code of Ethics).

(11) Complaint--a written statement submitted to the TEA staff that contains essential facts alleging improper conduct by an educator, applicant, or examinee, and provides grounds for sanctions.

(12) Contested case--a proceeding under this chapter in which the legal rights, duties, and privileges of a party are to be determined by the SBEC after an opportunity for an adjudicative hearing.

(13) Conviction--an adjudication of guilt for a criminal offense. The term does not include the imposition of deferred adjudication for which the judge has not proceeded to an adjudication of guilt, except as provided by Code of Criminal Procedure, Article 42.12.

(14) Disciplinary proceedings--contested case proceedings before the TEA staff, the SOAH, and the SBEC that commence when a request for hearing is timely filed under this chapter.

(15) Educator--a person who is required to hold a certificate issued under the TEC, Chapter 21, Subchapter B.

(16) Effective date--as applied to a non-rulemaking decision or action by the SBEC or the TEA staff, the date the decision or action becomes final under the appropriate legal authority.

(17) Examinee--a person who registers to take or who takes a basic skills examination prescribed by the SBEC for admission to an educator preparation program or a comprehensive examination prescribed by the SBEC for a certificate.

(18) Filing--any written petition, answer, motion, response, other written instrument, or item appropriately filed with the TEA staff, the SBEC, or the SOAH under this chapter.

(19) Good moral character--the virtues of a person as evidenced, at a minimum, by his or her not having committed crimes relating directly to the duties and responsibilities of the education profession as described in §249.16(b) of this title (relating to Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53) or acts involving moral turpitude.

(20) Informal conference--an informal meeting between the TEA staff and an educator, applicant, or examinee; the purpose of such a meeting being to give the person an opportunity to show compliance with all requirements of law for the granting or retention of a certificate or test score.

(21) Invalidation--rendered void; lacking legal or administrative efficacy.

(22) Law--the United States and Texas Constitutions, state and federal statutes, regulations, rules, relevant case law, and decisions and orders of the SBEC and the commissioner of education.

(23) Mail--certified United States mail, return receipt requested, unless otherwise provided by this chapter.

(24) Majority--a majority of the voting members of the SBEC who are present and voting on the issue at the time the vote is recorded.

(25) Moral turpitude--improper conduct including, but not limited to, the following: dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or to gratify the sexual desire of the actor; drug or alcohol related offenses as described in §249.16(b) of this title (relating to Eligibility of Persons with Criminal Convictions for a Certificate under Texas Occupations Code, Chapter 53); or acts constituting abuse or neglect under the Texas Family Code, §261.001.

(26) Party--each person named or admitted to participate in a contested case under this chapter.

(27) Person--any individual, representative, corporation, or other entity, including the following: an educator, applicant, or examinee; the TEA staff, SBEC, or SOAH; any other agency or instrumentality of federal, state, or local government; or any public or non-profit corporation.

(28) Petition--the written pleading filed by the petitioner in a contested case under this chapter.

(29) Petitioner--the party having the burden of proof by a preponderance of the evidence in any contested case hearing or proceeding under this chapter. The term includes the following persons:

(A) the TEA staff;

(B) a person appealing the administrative cancellation of scores based on irregularities involving a TEA-administered test; and

(C) a person appealing the administrative denial of any of the following:

(i) certification (including certification following revocation, cancellation, or surrender of a previously issued certificate) or renewal of certification; or

(ii) reinstatement of a suspended certificate.

(30) Presiding officer--the chair or acting chair of the SBEC.

(31) Proposal for decision--a recommended decision issued by an ALJ in accordance with the Texas Government Code, §2001.062.

(32) Quorum--a majority of the 14 members appointed to and serving on the SBEC pursuant to the TEC, §21.033; eight SBEC members, as specified in the SBEC Operating Policies and Procedures.

(33) Reinstatement--the reactivation to valid status of a certificate suspended by the SBEC; the lifting or discharging of a suspension on a certificate.

(34) Representative--a person representing an educator, applicant, or examinee in matters arising under this chapter; in a contested case proceeding before the SOAH, an attorney licensed to practice law in the State of Texas.

(35) Reprimand--the SBEC's formal censuring of a certificate holder.

(A) An "inscribed reprimand" is a formal, published censure appearing on the face of the educator's virtual certificate.

(B) A "non-inscribed reprimand" is a formal, unpublished censure that does not appear on the face of the educator's virtual certificate.

(36) Revocation--a sanction imposed by the SBEC permanently invalidating an educator's certificate.

(37) Respondent--the party who contests factual or legal issues or both raised in a petition; the party filing an answer in response to a petition.

(38) Sanction--

(A) a disciplinary action by the SBEC, including a restriction, reprimand, suspension, surrender, or revocation of a certificate;

(B) a reasonable and lawful punitive measure imposed by the ALJ or presiding officer against a party, representative, or other participant involved in a disciplinary proceeding, hearing, or other matter under this chapter.

(39) State Board for Educator Certification--the SBEC acting through its voting members in a decision-making capacity.

(40) State Board for Educator Certification member(s)--one or more of the members of the SBEC, appointed and qualified under the TEC, §21.033.

(41) Surrender--an educator's voluntary, permanent relinquishment and invalidation of a particular certificate in lieu of disciplinary proceedings under this chapter and possible revocation of the certificate.

(42) Suspension--a sanction imposed by the SBEC temporarily invalidating a particular certificate until reinstated by the SBEC.

(43) Test administration rules or procedures--rules and procedures governing professional examinations administered by the SBEC through the TEA staff and a test contractor, including policies, regulations, and procedures set out in a test registration bulletin.

(44) Texas Education Agency staff--staff of the TEA assigned by the commissioner of

education to perform the SBEC's administrative functions and services.

(45) Unworthy to instruct or to supervise the youth of this state--the determination that a person is unfit to hold a certificate under the TEC, Chapter 21, Subchapter B, or to be allowed on a school campus under the auspices of an educator preparation program.

(46) Virtual certificate--the official record of a person's certificate status as maintained on the SBEC's website.

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**Source Note:** The provisions of this §249.3 adopted to be effective March 31, 1999, 24 TexReg 2304; amended to be effective December 16, 2007, 32 TexReg 9112; amended to be effective June 21, 2009, 34 TexReg 3944

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<b><u>TITLE 19</u></b>	<b>EDUCATION</b>
<b><u>PART 7</u></b>	<b>STATE BOARD FOR EDUCATOR CERTIFICATION</b>
<b><u>CHAPTER 249</u></b>	<b>DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES</b>
<b><u>SUBCHAPTER A</u></b>	<b>GENERAL PROVISIONS</b>
<b>RULE §249.4</b>	<b>Applicability</b>

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(a) In conjunction with the rules of practice and procedure of the State Office of Administrative Hearings (SOAH), (1 Texas Administrative Code, Part 7, Chapter 155 (relating to Rules of Procedures)) and other applicable law, this chapter shall govern disciplinary matters before the State Board for Educator Certification (SBEC), including the following proceedings:

- (1) sanctions sought against a certificate holder;
  - (2) appeals of administrative denials;
  - (3) appeals of the administrative cancellation or withholding of test scores for alleged violation of test administration rules;
  - (4) reinstatement of a suspended certificate;
  - (5) complaints of contract abandonment filed with the Texas Education Agency (TEA) staff pursuant to Texas Education Code (TEC), §§21.105(c), 21.160(c), or 21.210(c); and
  - (6) sanctions sought against a certificate for the holder's knowing failure to report criminal history or other information required to be reported under the TEC, Chapter 22, Subchapter C; Texas Family Code, Chapter 261, Subchapter B; or this chapter.
- (b) The SOAH shall conduct all contested case hearings held under this chapter.
- (c) This chapter shall apply to any matter referred for a contested case hearing.
- (d) This chapter does not apply to matters related to the proposal or adoption of the SBEC rules under the Texas Government Code, Chapter 2001, or to internal personnel policies or practices of the TEA staff or the SBEC. The provisions of this chapter may not be used to seek sanctions against a member of the SBEC or the TEA staff acting in that capacity.

**Source Note:** The provisions of this §249.4 adopted to be effective March 31, 1999, 24 TexReg 2304; amended to be effective December 16, 2007, 32 TexReg 9112

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<b><u>TITLE 19</u></b>	<b>EDUCATION</b>
<b><u>PART 7</u></b>	<b>STATE BOARD FOR EDUCATOR CERTIFICATION</b>
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<b><u>SUBCHAPTER A</u></b>	<b>GENERAL PROVISIONS</b>
<b><u>RULE §249.5</u></b>	<b>Purpose</b>

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The purpose of this chapter is:

- (1) to protect the safety and welfare of Texas schoolchildren and school personnel;
- (2) to ensure educators and applicants are morally fit and worthy to instruct or to supervise the youth of the state;
- (3) to regulate and to enforce the standards of conduct of educators and applicants;
- (4) to provide for disciplinary proceedings in conformity with the Texas Government Code, Chapter 2001, and the rules of practice and procedure of the State Office of Administrative Hearings;
- (5) to enforce an educators' code of ethics;
- (6) to fairly and efficiently resolve disciplinary proceedings at the least expense possible to the parties and the state;
- (7) to promote the development of legal precedents through State Board for Educator Certification (SBEC) decisions to the end that disciplinary proceedings may be justly resolved; and
- (8) to provide for regulation and general administration pursuant to the SBEC's enabling statutes.

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**Source Note:** The provisions of this §249.5 adopted to be effective March 31, 1999, 24 TexReg 2304; amended to be effective December 16, 2007, 32 TexReg 9112

## PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

**FREQUENCY** Except as provided below, each teacher must be appraised at least once during each school year.

**EXCEPTION** A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.

For purposes of the Professional Development and Appraisal System (PDAS), an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (that is, for all domains) to be eligible for less frequent appraisals.

District policy may stipulate:

1. Whether the appraisal option is to be made available to all teachers;
2. Whether the appraisal option is to be adopted District wide or is to be campus specific;
3. If the appraisal accompanying a teacher new to the District or campus meets the option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
4. Whether an appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented by cumulative data, including third-party information.

The District may choose annually to review the written agreement with the teacher. However, at the end of the school year, the District may modify appraisal options through Board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous years.

## ACCESS TO EVALUATIONS

The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

The state appraisal method is the Professional Development and Appraisal System. The foundation for the PDAS is the teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators*. 19 TAC 150.1001(b), 150.1002(a)

Each teacher shall be appraised on the following domains:

1. Domain I: Active, successful student participation in the learning process;
2. Domain II: Learner-centered instruction;
3. Domain III: Evaluation and feedback on student progress;
- Domain IV: Management of student discipline, instructional strategies, time, and materials;
4. Domain V: Professional communication;
7. Domain VI: Professional development;
  
8. Domain VII: Compliance with policies, operating procedures, and requirements; and
  
9. Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System [AEIS]).

Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process from observations, the Teacher Self-Report Form, and other documented sources.

The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.

Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified.

Each teacher shall be evaluated on Domains I through VIII using the following categories:

1. Exceeds expectations;
2. Proficient;
3. Below expectations; and
4. Unsatisfactory.

The teacher evaluation in Domain VIII shall include the following areas:

1. Efforts to enhance academic performance;
2. Efforts to enhance student attendance;
3. Efforts to identify and assist students in at-risk situations; and
4. Campus performance ratings.

Campus performance rating data for Domain VIII shall be reported (not scored) by the campus or District for the first year of the PDAS implementation and/or during the first year for new teachers to the campus.

The District shall ensure that all teachers are provided with an orientation to the PDAS no later than the final day of the first three weeks of school and at least three weeks before the first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. A teacher new to the District shall be provided with an orientation to the PDAS at least three weeks before the teacher's first observation.

The orientation shall include materials approved by the Commissioner. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length to allow teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

The teacher appraisal process requires at least one appraiser.

The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification. An appraiser other than the teacher's supervisor must be approved by the Board, hold a valid teaching certificate, and have at least three years of pre-kindergarten, elementary, or secondary teaching experience.

A classroom teacher may not appraise another classroom teacher at the same campus unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities.

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed uniform appraiser training. Periodic recertification and training shall be required.

The District shall establish a calendar for teacher appraisals. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The calendar shall:

1. Exclude observations in the three weeks after the day of completion of the PDAS orientation in the school years when an orientation is required;
2. Exclude observations in the three weeks after the day of completion of the PDAS

orientation for teachers new to the PDAS;

3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;
4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and
5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required.

The annual appraisal shall include:

1. At least one classroom observation of a minimum of 45 minutes, with additional walk through and observations conducted at the discretion of the appraiser.

By mutual consent of the teacher and appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.

A written summary of each observation shall be given to the teacher within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or appraiser;

2. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:

- a. Within the first three weeks from the day of completion of the PDAS orientation;
- b. Within the first three weeks from the day of completion of the PDAS orientation, for teachers new to the PDAS; or
- c. Within the first three weeks of instruction in the school years when the PDAS orientation is not required.

Revision of Section I, if necessary and completion of Sections II and III of the Teacher Self-Report Form shall be presented to the principal at least two weeks before the summative annual conference;

3. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations; and
4. A written summative annual appraisal report and a summative annual conference, described below.

A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period.

Unless waived in writing by the teacher, a summative conference shall be held within a time

frame specified on the District calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources.

If the appraiser is not an administrator on the teacher's campus, the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference.

During the appraisal period, the appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in the PDAS. The appraiser is responsible for documentation of cumulative data.

Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser.

Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal.

Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s).

A teacher may submit a written response or rebuttal after receiving a written observation summary, summative annual appraisal report, and/or any other documentation associated with the teacher's appraisal. The rebuttal is to be attached to the evaluation in the teacher's personnel file.

Any written response or rebuttal must be submitted within ten working days of receiving the written summary, documentation, or report. At the discretion of the appraiser, this time period may be extended to 15 working days.

A teacher may request a second appraisal by another appraiser after receiving a written observation summary and/or a written summative annual appraisal report.

#### PROCEDURE FOR SECOND APPRAISAL APPEALS

The second appraisal must be requested within ten working days of receiving the summary or report. At the discretion of the appraiser, this time period may be extended to 15 working days.

The second appraiser shall appraise the teacher in all domains and make observations and walk-through as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains.

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required

The District shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report.

**Professional Development and Appraisal System  
Request for Waiver of Formal Appraisal**

I, \_\_\_\_\_ am requesting to have my annual PDAS appraisal waived. I understand that this waiver may be rescinded by my supervisor should he/she determine that I am performing below expectations or unsatisfactorily. I acknowledge that I will receive a written “End-of-the-Year” report at the end of the school year during which I have been exempted from participating in the formal PDAS appraisal.

Teacher Signature \_\_\_\_\_ Date \_\_\_\_\_

Principal/Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

**MAJOR SICK LEAVE BANK APPLICATION FORM**

I hereby make application for membership in the Major Sick Leave Bank of Midland Academy and certify that I am an eligible applicant.

I have read and understand the conditions under which the bank is to be established, operated and maintained as set forth in board policy. I also understand that I shall have the option to cancel my membership in the bank at any assessment period by giving written notice.

My signature on this form authorizes the Business Office to transfer one day of my accumulated leave to the Major Sick Leave Bank.

**PLEASE PRINT**

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Last Name	First Name	Middle Initial
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Beginning Date of Employment

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Signature	Date
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**Midland Academy Charter School  
Major Leave Bank**

*Application for Member Benefits*

According to Board Policy, the sick leave entitlement may be used only when an enrolled employee is incapacitated by illness or injury.

To apply for member benefits of the Major Sick Leave Bank, please complete the

\_\_\_\_\_ Major Sick Leave Bank Member  
Employee Name Yes \_\_\_ No \_\_\_

Description of injury/illness (Please include any medical documentation.)

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Number of days requested from Major Sick Leave Bank: \_\_\_\_\_

Total number of work days missed due to the injury/illness: \_\_\_\_\_

Starting date of absence \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Ending date of absence \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent

Approved \_\_\_\_\_

\_\_\_\_\_  
Principal

Not Approved \_\_\_\_\_

\_\_\_\_\_  
Business Manager

Number Days Assigned \_\_\_\_