



MIDLAND ACADEMY PERSONNEL HANDBOOK

2023-2024

*Approved by the Midland Academy Board
July 17, 2023*

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1. INTRODUCTION

1.1. Welcome to MIDLAND ACADEMY

Welcome to Midland Academy Charter School and to what we hope will be a long, productive and satisfying career. Midland Academy Charter School strives to create an exciting, supportive, and rewarding work environment. We want you to build a successful relationship with Midland Academy Charter School and be a happy and productive member of our school community.

This employee manual was prepared to help you become familiar with Midland Academy Charter School and its personnel standards and procedures. Please read it carefully and if you have questions or concerns speak with your supervisor. If you need further information or assistance please contact Kent Coker at 432.686.0003.

On behalf of our Midland Academy Charter School extended family, thank you for joining us. We look forward to working with you.

Kent Coker, Superintendent

1.2. About this Personnel Handbook

The purpose of this personnel handbook is to provide employees with a source of information about Midland Academy Charter School's procedures and policies. The policies and procedures in this handbook are to serve as guidelines. Although Midland Academy Charter School has tried to be comprehensive, the handbook does not, and cannot, include procedures and policies which address every situation that may arise. Such a list would be limitless.

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

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

1.3. About Midland Academy Charter School

At Midland Academy our mission is to LEAD;

Love Learning

Excel in all we do

Achieve Goals together

Do what is right

Midland Academy was granted a charter in 1999. In 2023 the Texas Education Agency extended the Charter until 2033.

Midland Academy serves students Kindergarten through grade 8.

1.4. Acknowledgement of Receipt of Personnel Handbook

The information contained in this personnel handbook is important and I should consult with Kent Coker, Superintendent, if I have a question that is not answered in this handbook.

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

I understand that Midland Academy Charter School may amend or withdraw any or all portions of this handbook at any time. I understand that it is my responsibility to comply with the provisions in this handbook, including any revisions, and that failure to comply may lead to disciplinary action. I further acknowledge that any revised information may supersede, modify, or eliminate existing provisions within this handbook. By remaining employed by Midland Academy Charter School following any modifications to this handbook I thereby accept and agree to such changes.

I acknowledge that I have read this handbook and agree to read any amendments of the handbook. Specifically, by signing this form, I acknowledge that I have read, understood, and agree to comply with all policies in this handbook, including but not limited to, the Harassment Policy, the Overtime and Timekeeping Policy, and the Violence in the Workplace Policy.

I understand that I am required to sign and date this Acknowledgment of Receipt and return it to Jennifer Currie, Dean of Students. I understand that a copy of this form will be retained in my personnel file.

Employee's Signature

Date

Printed Name

1.5 Open Door Policy

Midland Academy Charter School has adopted an Open Door Policy for all employees. The purpose of our Open Door Policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our Open Door Policy means that employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or some other school administrator.

Midland Academy Charter School values each employee and strives to provide a positive work experience. By listening to you, the Midland Academy Charter School is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes, and decisions. The Open Door Policy is not a substitute for a formal complaint. If an employee has a formal complaint or grievance, the employee should timely pursue it in accordance with Section 9 of this Handbook.

2. STARTING YOUR JOB

2.1. Accuracy of Information

Midland Academy Charter School relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Employees are expected to provide truthful and accurate information in connection with their employment at Midland Academy Charter School.

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

2.2. Pre-employment Affidavit for Applicants and Applicants Offered Employment

All applicants for employment for educator positions (as defined by Texas Education Code §21.003) must submit a pre-employment affidavit indicating whether the applicant has ever been charged with, or adjudicated for, having an inappropriate relationship with a minor.

An applicant offered employment for an educator position (as defined by Texas Education Code §21.003) must submit a Pre-Employment Affidavit for Applicant Offered Employment prior to the start of employment with Midland Academy Charter School. The Pre-Employment Affidavit must be signed by a notary public. Midland Academy Charter School offers applicants the opportunity to have the affidavit notarized for free by Midland Academy Charter School.

2.3. Employment Application & Other Forms

New employees are asked to review and/or complete the following forms

Employment Application:

- I-9 Employment Eligibility Form (“EEVF”) required by the Department of Homeland Security

Must be completed prior to the start of employment

- W-4 Employee’s Withholding Allowance Certificate
- Signed Hire Letter
- Employee Election Form to Withhold Certain Information from Public Access
- Acknowledgement of Receipt of Personnel Handbook
- Authorization for Automatic Deposit
- Applicable Healthcare/Benefit Forms
- Notice Regarding Workers Compensation Benefits

Current employees may be required to update or execute any of the above forms. Any employee who fails or refuses to complete the above forms or to provide Midland Academy Charter School with requested documentation in a timely manner may be subject to the loss of employment benefits, the delay of employment benefits, disciplinary action, or withdrawal of the employment offer..

2.4. Criminal History Background Checks

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

Criminal history records must also be obtained and reviewed prior to the employment of any driver for student transportation (bus drivers, bus monitors, and bus aides) either directly or through a commercial service. The Board of Directors shall be informed of a criminal record of a felony or misdemeanor involving moral turpitude and must affirmatively vote to employ such driver, monitor, or aide

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

All employees and applicants must complete the Authorization for Criminal History Background Check form accompanying this Handbook.

2.5. Prohibition Against Employing Individuals Convicted of Certain Offenses

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

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

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

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

Midland Academy Charter School may make employment decisions in accordance with its policy regarding employment of personnel with criminal histories (or arrested or charged with a criminal offense). Midland Academy Charter School's policy regarding employment of personnel with criminal histories is as follows:

As allowed by Commissioner of Education rule, a person may not serve as a Midland Academy Charter School officer or employee if the person has been convicted of:

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

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

Midland Academy Charter School may discharge an employee if it obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to Name of Charter School or the State Board of Educator

Certification (“SBEC”).

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

Midland Academy Charter School reserves the right to annually (or more frequently) perform criminal history record checks on current employees.

2.6. Fair Credit Reporting Act

Midland Academy Charter School may utilize consumer reports – e.g., credit, criminal, employment references and Department of Public Safety reports to assist us making employment decisions. In addition, Midland Academy Charter School may conduct annual driving record checks to verify that the licenses and driving records of those employees required to drive school-owned vehicles are valid and acceptable to our insurance carrier.

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

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

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

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

- The name, address, and telephone number of the Credit Reporting Agency (“CRA”) that supplied the report;

- A statement that the CRA supplying the report did not make the decision to take the adverse action, and cannot give specific reasons for it; and
- A notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

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

2.7. Certifications and Licenses

Employees whose positions require certification through the State Board for Educator Certification ("SBEC") or another professional license are responsible for taking actions to ensure their credentials do not lapse. It is solely the employee's responsibility to maintain a valid certification or license. An employee's employment may be terminated if he or she falsely represents holding a valid certificate or license, or fails to fulfill the requirements necessary to renew or extend a certificate or license. Employment may also be terminated if SBEC suspends or revokes an employee's certification.

2.8. New Hire Reporting

Federal and state law requires Midland Academy Charter School to provide information about all new or rehired workers to the Employer New Hire Reporting Operations Center in the Texas Office of the Attorney General.

2.9 Pre and Post Offer Medical Testing

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with Midland Academy Charter School.

2.10. New Employee Orientation

During the first few weeks of employment, an employee must attend an orientation that will include the following subject areas:

- A review of this personnel manual;
- A tour of the campus;
- Receipt of credentials necessary for parking, access to the school building and computers, and other materials as appropriate for the employee's employment position;
- Prevention techniques for, and recognition, of sexual abuse and other maltreatment of children.

2.11. Employee Election Form to Withhold Certain Information from Public Access

Employees of Midland Academy Charter School may elect whether to keep certain information about them confidential and not subject to disclosure under the Texas Public Information Act. Unless an employee chooses to keep it confidential, the following information about an employee of Midland Academy Charter School may be subject to public release if requested under the Texas Public Information Act:

- Home Address
- Home Telephone Number
- Social Security Number
- Emergency Contact Information
- Information that reveals that the individual has family members

Employees must complete and submit the Public Access Option Form to the Dean of Students no later than the 14th day after the date the employee begins employment with Midland Academy Charter School to keep certain information about them confidential under the Texas Public Information Act. The Dean of Students shall provide the employee with the Public Access Option Form upon employment with Midland Academy Charter School.

2.12. Arrest & Conviction Occurring After Employment Begins

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

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

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

The requirement to report a criminal history after employment begins shall not apply to

minor traffic offenses. However, a first offense of DWI or DUI must be reported if the employee drives or operates (or is authorized to do so) a Midland Academy Charter School vehicle or other mobile equipment. Failure to timely report may result in disciplinary action, up to and including termination.

Conviction may not be an automatic basis for termination, unless the conviction makes an employee ineligible for employment in a Texas public school. Midland Academy Charter School shall consider the following factors (or other appropriate considerations as deemed by Midland Academy Charter School) in determining what action, if any, should be taken against an employee who is convicted of a crime during employment:

- The nature of the offense;
- The date of the offense;
- The relationship between the offense and the position to which the employee is assigned; and
- The best interests of Midland Academy Charter School and its students.

2.13. Personnel Records

Midland Academy Charter School maintains a personnel file on each employee. This file includes the employee's job application, résumé, records of training, documentation of performance appraisals and salary increases, and other employment records.

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

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

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

Employees who wish to review their own personnel file should contact Superintendent Kent Coker.

Many personnel records may also be public information and must be released upon request in accordance with state law. Pursuant to a written Open Records Request under the TPIA, employees may choose to have the following personal information withheld from disclosure:

- Home Address,
- Phone number, including personal cell phone number,
- Information that reveals whether they have family members, and
- Emergency contacts.

Please complete and return to Superintendent Kent Coker the “Texas Government Code § 552.024 Public Access Option Form” included with this Handbook if you wish to opt-out and have the above-identified information “exempted” from disclosure under the TPIA. New or terminated employees have 14 days after hire or termination to submit a request; otherwise, personal information will be released to the public in accordance with the TPIA. A request to deny public access to personal information is effective only for public information requests made after the date the employee submits to Superintendent Kent Coker the request to deny access. With respect to certain medical information protected by state and federal law and evaluation documents exempted from disclosure under state law, Midland Academy Charter School will seek to exempt and protect such documentation from disclosure to the extent permitted by law.

2.14. Name and Address Changes

Employment records must be kept up to date. Employees must notify Superintendent Kent Coker if there are any changes or corrections to their name, address, telephone number, marital status, and emergency contact information. Name change notifications must also be submitted along with the employee’s new social security card depicting the employee’s new name.

2.15. Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This section of the Handbook establishes only the framework within which Midland Academy Charter School wishes to operate. Midland Academy Charter School’s framework is also guided by applicable state and federal law governing conflicts of interest and nepotism applicable to Texas open-enrollment charter schools and nonprofit tax-exempt entities. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact Superintendent Kent Coker for more information or questions about conflicts of interest.

All Midland Academy Charter School employees shall avoid employment, financial, business, social, or other relationships that might be opposed to the interests of Midland Academy Charter School or might create the appearance of impropriety, or might cause a conflict with the performance of their duties. Employees shall at all times conduct themselves in a manner that avoids even the appearance of conflict between their personal interests and those of Midland Academy Charter School.

Conflict of interest situations may arise in many ways. Examples include, but are not limited to, the following:

- Employment with a vendor/contractor, regardless of the nature of the employment, while employed by Midland Academy Charter School.
- Contract award with a vendor in which an employee or his or her family have a substantial ownership or management interest.
- Ownership of, or substantial interest in, a company that is a supplier of Midland Academy Charter School.
- Acting independently as a consultant to a Midland Academy Charter School supplier.
- Accepting expense-paid invitations to sports or entertainment events from a long-time friend who is also a Midland Academy Charter School vendor.
- Socializing with vendors or persons interested in doing business with Midland Academy Charter School under circumstances that create the appearance of impropriety.

Any employee who may have a conflict situation, actual or potential, shall report all pertinent details in writing to his or her supervisor. If the proper resolution is not apparent to the supervisor, the supervisor shall refer the matter to the Superintendent of Schools or designee for resolution. If a conflict of interest develops accidentally or unexpectedly, the matter shall be reported to the supervisor immediately.

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

Employment of Relatives and Fraternization

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

While relatives of employees or the Board of Directors may be employed by Midland Academy Charter School in accordance with applicable law, a familial relationship among employees can also create an actual, or at least a potential conflict of interest in the employment setting, especially where one relative has professional supervisory responsibility over another relative. Additionally, Midland Academy Charter School may not employ relatives of the Superintendent if the Superintendent has final hiring authority over the position sought, unless the relative of the Superintendent was hired prior to September 1, 2013.

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

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

In other cases where a conflict or the potential for conflict arises between an employee and another employee, even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment to another position or terminated from employment, at the discretion of Midland Academy Charter School.

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

<u>First Degree</u>	Parent, Child
<u>Second Degree</u>	Grandparent, Grandchild, Sibling
<u>Third Degree</u>	Great-Grandparent, Great-Grandchild, Aunt/Uncle, Niece/Nephew

Non-Disclosure

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

- Curriculum systems;
- Instructional programs;
- Curriculum solutions;

- Student course work;
- Compensation data;
- Computer processes;
- Computer programs and codes;
- New materials research;
- Pending projects and proposals;
- Proprietary production processes;
- Research and development strategies;
- Technological data; and
- Technological prototypes.

An employee who improperly uses or discloses trade secrets or confidential business information belonging to Midland Academy Charter School will be subject to disciplinary action, up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information. This does not include any disclosure of otherwise confidential business information or trade secrets in accordance with the TPIA, Chapter 552 of the Texas Government Code, or other applicable federal or state law.

2.16. Special Rules for Social Studies Courses

For any social studies course offered by Midland Academy Charter School , a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs . A teacher who chooses to discuss such a topic shall to the best of the teacher’s ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective.

2.17. Assignment and Reassignment

All personnel are subject to assignment and reassignment by the Superintendent or designee, and may also be directed to perform additional or supplemental duties from time to time. Unless specifically required by applicable law or approved by the Board of Directors and/or the Superintendent, no additional financial compensation is provided for additional or supplemental duties. Midland Academy Charter School’s criteria for approval of reassignments will be consistent with school policy regarding equal opportunity employment.

Any employee may request reassignment to another position for which he or she is qualified. All interested employees who meet a position’s minimum qualifications are encouraged to apply. Selection is based on the school’s needs and a candidate’s qualifications and performance. Decisions concerning job vacancies will be based on each individual’s job qualifications, experience, and abilities and in accordance with applicable state and federal law. Midland Academy Charter School reserves the right to select candidates from outside the school.

2.18. Professional Development

Midland Academy Charter School is committed to the professional development of all its employees. For educators, Midland Academy Charter School provides training before the start of the school year, on-site coaching and modeling throughout the school year, day-to-day instructional leadership, and access to external workshops. For non-instructional staff, Midland Academy Charter School provides technical training before the start of the school year and throughout the year.

In addition, all employees are encouraged to pursue external professional development opportunities in the form of workshops or additional certification. Employees should talk with their supervisors about additional development opportunities and specific career paths. Supervisors must approve professional development before it is taken if time off will be required to attend the session/course.

3. REPORTING TO WORK

3.1. Official Midland Academy Charter School Office Hours

During the school year, standard hours of operation in the administrative office areas are from 7:30 a.m. until 4:45 p.m. Students are in session from 8:00 a.m. until 4:45 p.m.

3.2. Regular Work Schedules

Midland Academy Charter School has a standard work week of forty (40) hours per week, excluding time off for lunch or other personal breaks. Scheduled hours for employees may vary from department to department.

All full-time, non-exempt employees generally work a Monday through Friday schedule of forty (40) hours divided into (5) eight-hour workdays, unless a different schedule is approved in writing by the employee's supervisor.

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

All employees are expected to be at work during Midland Academy Charter School official office hours unless otherwise required or approved by the employee's supervisor.

3.3. Attendance

Midland Academy Charter School employees are expected to be reliable and punctual in reporting for work each scheduled day. If an employee will be late to work or is unable to work as scheduled, the employee should notify their supervisor immediately.

Midland Academy Charter School recognizes there will be occasions when an illness or other personal event may result in an unscheduled absence. As such, Midland Academy Charter School has a leave policy (see Section 4.2.). It is the charter school's expectation that each employee attends work every day unless approved paid or unpaid leave is granted pursuant to the charter school's leave policy.

When employees who have not given advance notice find that they cannot report for work, they are required to notify their supervisor and/or the Dean of Students within the first working hour each day of absence. Notification to an employee other than their appropriate supervisor and/or Dean of Students is insufficient.

Excessive absenteeism, tardiness and leaving work prior to designated time are disruptive to the operations of Midland Academy Charter School and may lead to disciplinary action, up to and including discharge from employment. Failure to attend work for up to three days in a row (unless prevented by circumstances beyond the employee's control) without notice to the charter school will constitute job abandonment and/or voluntary resignation on the last day worked, in accordance with applicable federal and state law, and Midland Academy Charter School shall process the work separation as a voluntary resignation on the employee's part.

In the event of a voluntary resignation, all school-owned property (e.g., keys, uniforms, etc.) must be returned immediately to Midland Academy Charter School .

No payment shall be made for accrued or unused sick leave or any other type of leave upon voluntary resignation or job abandonment, regardless of whether or not the employee provided advance notice of resignation.

Notice of Resignation

An employee voluntarily resigning employment is requested to provide notice of resignation to his or her supervisor as follows:

- One month advance notice of resignation by teachers and other exempt employees.
- Two weeks advance notice of resignation by non-exempt employees.

3.4. Textbook and Materials Acquisition

Any Midland Academy Charter School administrator or teacher who receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used by Midland Academy Charter School may commit a Class B misdemeanor offense.

Any Midland Academy Charter School officer, administrator, or teacher who accepts a gift, favor, or service given to the person, or to Midland Academy Charter School that could not be lawfully purchased with funds from the state textbook fund, and that might reasonably tend to influence the person in the selection of a textbook, electronic textbook, instructional material, or technological equipment may commit a Class B misdemeanor offense.

3.5. Copyrighted Material

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

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

3.6. Proprietary Information

Proprietary information includes all information relating in any manner to the business of Midland Academy Charter School and its schools, students, parents, consultants, customers, clients, and business associates obtained by Midland Academy Charter School employees during the course of their work. Occasionally, in the service of Midland

Academy Charter School's mission, Midland Academy Charter School may choose to share otherwise proprietary information (e.g., best practices) with outside parties. Such documents will be prepared specifically for publication and dissemination. If an individual employee receives a request from an outside party for either paper or electronic copies of Midland Academy Charter School documents, that employee should direct the request to Superintendent Kent Coker.

3.7. Performance Evaluations

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually.

Evaluations will be completed on forms approved by Midland Academy Charter School Reports, correspondence, and memoranda may also be used to document performance information.

4. TIME AWAY FROM WORK

4.1. Holidays & School Breaks

Refer to the school calendar for holidays and professional development days.

4.2. Local Personal Leave

Basic Leave Information:

- **Eligibility for Local Personal Leave**

Each full-time employee, whether working in an exempt or non-exempt position, will be granted 5 days per school year for local personal leave. District provides thirteen (13) days of local leave each year for employees that are employed for 12 months and five days of local leave for employees that are employed for 10.5 months. The accrual rate for local leave for 12 month employees shall be one and one twelfth (1 and 1/12) day per month and one half (1/2) a day per month for 10.5 month employees.

- **Use of Local Personal Leave**

Local Personal Leave is paid leave and may be used for an employee's illness, for the illness of a family member, family emergencies (i.e., natural disasters, or life threatening situations), death in the immediate family (parents, stepparent, child, stepchild, sibling, grandparents, or cousin), active military service in conjunction with any applicable military leave of absence, or for any other personal reason as determined by the employee. Unless

previously approved by the employee's supervisor, local personal leave may not be taken on the first day of school, on the last day of school, on any testing day, on any professional development days, or on any day immediately before or after a school holiday or school break.

- **Approval for Local Personal Leave**

At least 2 days prior to the anticipated absence, employees are required to complete an Employee Request for Leave Form and submit it to Dean of Students Jennifer Currie for approval. For unexpected illnesses of an employee or of an employee's family member, employees are required to submit a completed Employee Report for Leave Form no later than the day that the employee returns to work.

- **Accumulation of Local Personal Leave**

At the end of each school year, any unused Local Personal Leave will not be paid to the employee. Local Personal Leave will not be paid to any employee who is separated from employment during the school year, either because of resignation, retirement, or termination. Local Personal Leave will accumulate from one school year to the next school year.

- **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.

4.3 State Leave

Under the State of Texas' minimum personal leave program, which is codified in Section 22.003 of the Texas Education Code, public school district employees receive five days per year of personal leave that has no limit on accumulation and is transferable among school districts. This program does not apply to charter schools. Accordingly, Under the State of Texas' minimum personal leave program, which is codified in Section 22.003 of the Texas Education Code, public school district employees receive five days per year of personal leave that has no limit on accumulation and is transferable among school districts. This program does not apply to charter schools. Accordingly, Midland Academy Charter School does honor state leave days. State leave days may be transferred to or used by any former school district employee during the employee's employment tenure with Midland Academy Charter School. Nevertheless, Midland Academy Charter School honors state leave days. State leave days may be transferred to and used by any former school district employee during the employee's employment tenure with Midland Academy Charter School. Furthermore, Midland Academy Charter School allows additional state leave days to accumulate and may be transferred to another school after employment tenure.

4.4 Limitation on Leaves of Absences (Unavailability to Work)

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

4.5. Family Medical Leave (FMLA)

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

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

The following text is adapted from the federal notice, Employee Rights Under the Family and Medical Leave Act. Specific information that Midland Academy Charter School has adopted to implement the FMLA follows this general notice.

Leave Entitlements

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

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

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

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

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

Benefits and Protections

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

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

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

Eligibility Requirements

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

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

Requesting Leave

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

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or

that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

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

Employer Responsibilities

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

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

Enforcement

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

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

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-497-9243) TTY: 1-877-889-5627

www.dol.gov/whd

Local FMLA Guidelines

Calculating FMLA Leave Year

Midland Academy Charter School uses the following method to establish the 12-month period in which FMLA leave may be used:

- A fixed 12-month period starting on an employee's employment anniversary date (i.e., the 12-month period starting on the employee's first day of employment).

Use of Paid Leave

FMLA leave runs concurrently with accrued sick and personal leave, temporary disability leave, and absences due to a work-related illness or injury. Midland Academy Charter School will designate the leave as FMLA, if applicable, and notify the employee that accumulated leave will run concurrently.

Combined Leave for Spouses

Spouses who are employed by Midland Academy Charter School are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition, or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave

When medically necessary or in the case of a qualifying emergency, an employee may take leave intermittently or on a reduced schedule. Midland Academy Charter School does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

Fitness for Duty

An employee that takes FMLA leave due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee's ability to perform essential job function is required, Midland Academy Charter School shall provide a list of essential job functions (e.g., job description) to the employee with the FMLA designation notice to share with the health care provider.

Reinstatement

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

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FMLA entitlement, and Midland Academy Charter School will maintain the employees group health insurance and reinstate the employee at the end of the leave according to school policy and procedure.

Failure to Return

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

Contact

Employees that require FMLA leave or have questions should contact Kent Coker, Superintendent, at 432-686-0003 or kcoker@macharter.org for details on eligibility, requirements, and limitations.

4.6. Bereavement Leave

In the event that a full-time employee experiences the death of an immediate family member, Midland Academy Charter School will provide up to 3 days of paid time off. An employee may request to use additional vacation or personal paid leave time if the employee has such leave available.

An immediate family member is defined as a spouse, child or step-child, parent, grandchild, grandparent, sibling, father-in-law, and mother-in-law, spouse's grandparent, daughter-in-law/son-in-law, any other family member residing in the employee's home.

Midland Academy Charter School will provide up to 2 days of paid bereavement leave in the event of a death in the employee's extended family. For purposes of this policy, "extended family" is defined as a first cousin, brother-in-law/sister-in-law, aunt/uncle, spouse's aunt/uncle, and spouse's niece/nephew.

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

If an employee experiences a death in the family, he or she should inform the Principal as soon as possible. Supporting documentation may be required.

4.7. Military Leave Of Absence

Midland Academy Charter School is committed to protecting the rights of employees absent on military leave, and complying with all employment and reemployment rights granted under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") and corresponding state military leave rights. Specifically, Midland Academy Charter School will not deny employment, reemployment, retention, promotion,

or any benefit of employment based on an individual's membership, or application for membership, in the uniformed services. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under USERRA and corresponding state law. If any employee believes that he or she has been subjected to discrimination in violation of this provision, the employee should immediately contact Human Resources.

Service members of the Texas military forces who are ordered to state active duty or to state training and other duty by the Governor, the Adjutant General, or another proper authority under Texas law are entitled to the same benefits and protections provided to persons performing service in the United States uniformed services

Eligibility

Employees taking part in a variety of military duties are covered under this policy. This includes leaves of absence taken by members of the United States uniformed services, including active duty, reserve, or National Guard, for training, periods of active military service, funeral honors duty, and time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

Procedures for Military Leaves of Absence

Employees must contact Superintendent Kent Coker to obtain a military leave of absence form. Notice of the need for leave should be provided as far in advance as is reasonable under the circumstances, unless providing advance notice is prevented by military necessity or is otherwise impossible or unreasonable. Written notice is preferred, but not required under law.

Superintendent Kent Coker will review the request for military leave of absence and issue written notice as to whether the request is approved.

Benefits

An employee on military leave is entitled to continuation of health insurance coverage as follows:

- Absences of 31 or more days: The employee may elect to continue coverage for up to 24 months or for the period of military service (including the time period allowed to reapply for reemployment), whichever is shorter. The employee may be required to contribute up to 102% of the overall (both employer and employee) premium. Upon reinstatement, the employee must be reinstated immediately into the health plan without any waiting periods or pre-existing condition exclusions.

- Absences of fewer than 31 days: The employee is entitled to coverage under the health benefits plan as if he or she were employed continuously. The employee must continue to pay his or her portion of the regular premium.
- If the employee is participating in TRS-ActiveCare, the employee must elect to continue participation in the plan. If the employee does not elect continuation, coverage will end on the last calendar day of the month in which the employee enters active, full-time military service.

Group term life insurance provided by Midland Academy Charter School will terminate the day the employee becomes active military. Group long-term disability insurance provided by Midland Academy Charter School will terminate the day the employee becomes active military. Voluntary supplemental insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage.

With respect to any retirement plan sponsored by Midland Academy Charter School, employees who have taken military leave will be credited upon reemployment for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Upon reemployment, the employee may, at his or her election, make any or all employee contributions that the employee would have been eligible to make had employment not been interrupted by military service. Such contributions must be made within a period that begins with the individual's reemployment and that is not greater than three times the length of the employee's military service. Employees will also receive all Midland Academy Charter School matches for such contributions.

Please contact Superintendent Kent Coker for additional information on benefit continuation during a military leave of absence.

Employees on a military leave of absence may elect, at his or her option, to use paid leave available; the remainder of military leave will be unpaid. Employees will not accrue paid leave during periods of military leave.

Reemployment

To be entitled to reinstatement following military service, the following conditions must be satisfied:

- The employee provided Midland Academy Charter School notice of the need for military leave.
- The period of military service did not exceed five. Years. (Note: Some types of duty do not count against this five-year limit. Employees with disabilities have two years after their return dates—for purposes of recuperation and convalescence—to seek reemployment.)

- The employee was released under honorable conditions.
- The employee returned and reapplied for re-employment within the following time restrictions:
 - o Leaves of fewer than 31 days: The employee must report to work on the first regularly scheduled work period following the completion of military service; no application is required.
 - o Leaves of more than 31 but fewer than 180 days: The employee must apply for reinstatement within 14 days after completion of military service.
 - o Leaves of more than 180 days: The employee must apply for reinstatement no more than 90 days after completion of military service.

When the employee returns from military service, he or she is entitled to return to the position the employee would have attained if he or she had not been called to uniformed service. In limited circumstances based on business necessities, reinstatement may not be possible.

A reemployment position includes the seniority, status, and rate of pay that an employee would ordinarily have attained in the position, given the employee's job history, if the employee had been continuously employed.

Protection from Discharge

Under USERRA, a reemployed employee may not be discharged without cause: (1) for one year after the date of reemployment if the person's period of military service was for 181 days or more; or (2) for 180 days after the date of reemployment if the person's period of military service was for 31 to 180 days. Persons who serve for 30 or fewer days of military service are not protected from discharge without cause. Cause can be based on conduct or on job elimination. However, they are protected from discrimination because of military service or obligation.

General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward eligibility for FMLA leave.

4.8. Jury Duty/Court Appearance

Midland Academy Charter School will grant employees time off for mandatory jury duty or for court appearances as a witness when the employee must serve or is required to appear as a result of a jury summons, court order, or subpoena. A leave of absence for jury or grand jury duty will be granted to any employee and will be compensated at his or her

regular daily or hourly rate for each day of absence due to jury or grand jury duty, up to a total of three days of paid absence per school year. A copy of the jury summons, court order or subpoena must be supplied to the employee's supervisor when requesting time off.

Other Court Appearances. Employees will be granted leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees must submit documentation of their need for leave for court appearances to their supervisor. Midland Academy Charter School will not discharge, discipline, or otherwise penalize an employee because he or she complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

4.9. Workers' Compensation Leave

Midland Academy Charter School provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits depend on coverage eligibility and requirements, and the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the employee's immediate supervisor. Employees who are unable to work because of a work-related injury or illness will be notified of their rights and responsibilities with respect to workers' compensation benefits.

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

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

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

Additional information about Midland Academy Charter Schools workers' compensation benefit offerings may be obtained from Superintendent Kent Coker.

4.10. Optional Unpaid Leave

With the express written permission of the employee's direct supervisor and the charter school superintendent, any employee may be permitted to take unpaid leave for up to one school year for any professional or personal reason determined acceptable by the charter school superintendent. Unless otherwise required by law, the employee will not be entitled to any compensation or employment benefits during the period of the employee's unpaid leave. Upon return from the unpaid leave, the employee will be eligible for reemployment with Midland Academy Charter School; however the employee may be subject to reassignment to a different position than the position held prior to the leave of absence and a different rate of pay.

4.11. Voting Leave

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

5. BENEFITS

5.1. Health

Health insurance is provided through TRS ActiveCare. Midland Academy pays \$386.00 per month (\$193.00) per pay period towards major medical coverage.

Health Coverage Benefits

Group health insurance coverage is available through TRS Active Care to eligible employees in accordance with TRS Active Care provisions. Employees may access the TRS website at:

https://www.trs.texas.gov/Pages/healthcare_trs_activecare.aspx

Midland Academy Charter School's medical coverage plan(s) and Midland Academy Charter School's annual contribution(s) to such plan(s) are reviewed annually and approved as needed by the Board of Directors. Detailed information and descriptions of coverage, premiums, and eligibility are available through Superintendent Kent Coker.

5.2. Dental

Midland Academy uses a Third Party administrator which allows employees to purchase supplemental dental coverage.

5.3. Vision

Midland Academy uses a Third Party administrator which allows employees to purchase supplemental vision coverage.

5.4. Teacher Retirement System of Texas

The Teacher Retirement System of Texas (TRS) administers a pension trust fund that has been serving the needs of Texas public education employees for over 75 years. A charter school is eligible for membership in TRS when the employee has:

- Regular employment with a **single** public, state-supported education institution in Texas that is expected to last for a period of 4 ½ months or more,
- For one-half or more of the full-time workload, and
- With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. To earn a year of TRS membership credit, an employee must work in a TRS-eligible position or receive paid leave from a TRS-eligible position for at least 90 days during the school year. If an employee will not meet the 90-day requirement and has worked in excess of five days in a workweek, it is the employee's responsibility to ensure the additional day(s) have been reported. Members should carefully review years of service reported when TRS provides them with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

An employee of a public, state-supported educational institution in Texas is considered to meet these requirements if the employee's customary employment is for 20 hours or more each week at a single employer and for 4 ½ months or more in one school year.

Midland Academy Charter School will make all required contributions for employees eligible for TRS benefits on a timely basis. Employees who are planning retirement and retirees who are considering employment after retirement should contact Superintendent Kent Coker for the current administrative procedures regarding the school's Retire/Rehire Policy.

Employees can contact TRS by calling 800-223-8778 or 512-542-6400. TRS information is also available on the web at www.trs.state.tx.us.

5.5. Other Retirement Plans

In addition to the state-mandated TRS retirement benefit, charter schools may offer additional 401(3)(b) retirement plans for their staff members. Additional 401(3)(b) retirement plans may be offered on the terms and conditions set by the charter school and the plan administrator.

5.6. Same Sex Spouses

In compliance with the U.S. Supreme Court's ruling in *Obergefell v. Hodges* (2015) and the final judgment rendered by the Texas courts in *Pidgeon v. Turner* (2017), Midland Academy Charter School extends spousal benefits, where applicable, to same-sex spouses.

5.7. Additional Benefits

Midland Academy uses a Third Party administrator which allows employees to purchase additional benefit coverage.

5.8. Unemployment Compensation Insurance

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

6. WAGES & EXPENSES

Midland Academy Charter School follows all Texas Payday Laws. All exempt employees are paid on the first business day of each month. All non-exempt employees are paid twice a month, on the 15th and 30th or 31st of the month, in accordance with the Texas Payday law. Pay dates are posted in the main office.

The method of pay may be changed at any time, with or without advance notice. Employee pay will either be directly deposited into the employee's financial institution of choice, or delivered through other legal means. Pay will not be released to any person other than the employee to whom pay is due, without the employee's prior written authorization.

Pay due will include earnings per time clock submissions for non-exempt employees for all work performed through the end of the previous payroll period and per the exempt work agreement period for exempt employees.

In the event that a regularly scheduled payday falls on a day off, such as a weekend or holiday, employees will be paid on the last day of work prior to the regularly scheduled payday.

6.1. Classification of Employees: Hours Worked

- Full-Time Employees. Full time employees are employed at least 40 hours per week. Full time employees are eligible for the employee benefits set forth in this Handbook in Section 4.
- Part-Time Employees. Part-time employees work less than 40 hours per week.

Part-time employees are regularly scheduled to work during the work week at a fixed part-time schedule. Part-time employees ordinarily are not eligible for the employee benefits set forth in this Handbook in Section 4, but a part-time employee could qualify for TRS Retirement benefits depending on the employee's tenure and the number of hours worked by the employee.

- Temporary Employees. Temporary employees are hired as interim replacements to temporarily supplement the workforce, such as substitute teachers, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration.

6.2. Classification of Employees: Non-Exempt Status v. Exempt Status

Midland Academy Charter School assigns positions, determines wages and compensates employees for overtime in accordance with state laws, local laws, and the federal Fair Labor Standards Act. The workweek for each employee is set in accordance with Section 3.2 of this Handbook.

- Exempt v. Non-Exempt Designation. Each employment position is designated as either non-exempt or exempt as required by the federal Fair Labor Standards Act.
- Exempt Positions. Exempt employees are expected to work the hours necessary to complete their assigned work to the satisfaction of their supervisor without regard to scheduled hours and without expectation of additional compensation. Exempt employees are not entitled to overtime compensation. Generally, teaching and administrative positions are designated as exempt positions.
 - Teaching positions are classified as exempt positions if:
 1. The primary duty is teaching, tutoring, instructing or lecturing in the activity of imparting knowledge; and
 2. They are employed and engaged in this activity as a teacher in an educational establishment.
 - Administrative positions are classified as exempt positions if:
 1. The position is compensated on a salary basis at a rate of \$455 or more per week; and
 2. The primary duty is performance of office or non-manual work directly related to the management or general business operations of the of the employer or the employer's customers; and
 3. The primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
- Non-Exempt Positions. Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require the school to pay the employee overtime (time and a half) for all hours worked in excess of 40 hours in a workweek. The key phrase is "hours worked." An employee may work 32 hours in a week and have 16 hours of vacation time. This would reflect as 48 hours on a paycheck, but for overtime calculation, the employee actually worked 32 hours – so overtime would not be paid. All employees in positions that are classified as non-exempt will be required to maintain a timecard or record, and will be eligible for

overtime pay in accordance with the appropriate federal and state wage and hour laws.

- Midland Academy Charter School positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by Superintendent Kent Coker. Employees may obtain this information from Superintendent Kent Coker upon request.
- Timekeeping. Federal and state laws require Midland Academy Charter School to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not to estimate future hours and include them on their timecard.
- Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This work log should be recorded as it takes place – not several hours or days later. Overtime work must always be approved before it is performed.
- Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their immediate supervisor and/or the Dean of Students.
 - Exempt employees should use a timecard to document days worked. Sick or personal leave must be clearly marked, as should days off without pay.
- Employees sign their timecards to certify the accuracy of all time recorded. Supervisors generally will review and then sign the timecard before submitting it for payroll.
- Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Minimum Wage and Overtime

Midland Academy Charter School compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Depending on Midland Academy Charter School's work needs, employees may be requested to work overtime. Midland Academy Charter School compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Non-exempt employees are not authorized to work beyond their normal work schedule

without advance approval from their supervisor. An employee who works overtime without prior written approval is subject to disciplinary action, up to and including termination.

6.3. Payday

Midland Academy Charter School pays its employees on a monthly or bi-weekly basis depending on job classification. The payday cycles are as follows:

Paydays will take place on the 15th and the 30th/31st of each month.

- Exempt Employees. Paydays will take place twice per month on the 15th and the 30th/31st. All exempt employees will receive annualized pay in their monthly paychecks, whether central office administrators who work 12 months per calendar year, campus administrators who work 11 months per calendar year, or teachers and other instructional staff who work 10 months per calendar year. For purposes of this handbook, annualized pay means the payment of wages is equalized payments over the course of 12 calendar months.
- Non-Exempt Employees. Paydays will take place twice per month on the 15th and the 30th/31st of each month. The amount of the paycheck will depend on the number of hours worked by the employee during the designated pay period.
- Final Paycheck. If an employee is laid off, discharged, fired, or otherwise involuntarily separated from employment, the final payday will be within six (6) calendar days of discharge. If the employee quits, retires, resigns, or otherwise leaves employment voluntarily, the final payday will be on the next regularly-scheduled payday following the effective date of resignation. Any school employee who receives annualized pay and who has been overpaid wages as of their last day of employment either must reimburse the school for the amount of overpaid wages or must provide written consent for the amount of the overpaid wages to be deducted from the employee's final paycheck.

6.4. Supplemental Duties and Related Stipends

The Superintendent may assign formal supplemental duties to personnel from time to time for activities such as athletic coaching and student club sponsoring.

- Supplemental Duty Pay for Exempt Employees. Exempt employees assigned supplemental duties shall be compensated for these assignments according to the compensation plan set by Midland Academy Charter School.
- Supplemental Duty Pay for Non-Exempt Employees. Non-exempt employees assigned supplemental duties shall be compensated for the supplemental duties on an hourly rate. The hourly rate set for the employee's supplemental duty may differ from the hourly rate set for the employee's core employment position. Overtime wages will be paid if the employee works over 40 hours per work week, whether the work is performed in the employee's core duties, supplemental duties, or a combination of both duties.
- No Contractual Obligation Committed. Paid supplemental duties do not

create any contractual obligation by the charter school to continue the assignment of the supplemental duty. An employee shall hold no expectation of continuing assignment to any paid supplemental duty.

6.5. Automatic Deposit

Employees can have their paychecks deposited into a designated account. This structure helps Midland Academy Charter School pay its employees faster and more accurately. You may contact the Payroll Department for more information about automatic payroll deposit services.

Employees are responsible for notifying the Payroll Department, in writing, at least 10 business days before a regular scheduled payday of any changes in the employee's banking status. If the change constitutes the closing of a currently designated account, an alternate account must be specified. If funds cannot be deposited in an account and are returned by the bank for any reason, a replacement check will not be issued until the funds are credited back to Midland Academy Charter School's bank account. Additionally, a replacement fee may be applied.

The replacement check will be issued after the funds have been returned, and the employee will pick up their check at the Payroll Department and should bring a valid replacement direct deposit form.

6.6. Mistake in Payroll or Expense Reimbursement

Employees are required to immediately notify their supervisor in the event of a suspected mistake in their payroll or expense reimbursement. Failure to report an overpayment in payroll or in an expense reimbursement may result in disciplinary action.

6.7. Lost/Stolen Paychecks

Lost or stolen paychecks should be reported to the Business Manager immediately. Midland Academy Charter School will issue a stop payment on the lost or stolen check. Only after the financial institution has notified Midland Academy Charter School that payment of the check has been stopped can a new check be issued.

6.8. Unclaimed Payroll Checks

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

6.9. Authorized Check Pick Up

Midland Academy Charter School will release a paycheck to a third party, including a spouse, who is authorized in writing by the employee to receive the paycheck. Written authorization must be provided to the Human Resources Coordinator prior to any paycheck being released.

6.10. Attendance Records

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

6.11. Travel Expense and Other Reimbursements

- Travel Expense Reimbursements. Before an employee incurs travel expenses related to Midland Academy Charter School business, the employee must receive written approval from the employee's direct supervisor. For approved travel, employees will be reimbursed for mileage and travel expenditures according to the current rate schedule authorized by the Board of Directors. Employees must submit receipts to be reimbursed for travel expenses other than mileage. Employees will not be reimbursed for travel to and from the workplace.
- Other Reimbursements. Unless specifically pre-approved in writing by the employee's supervisor or designee, no employee will be reimbursed for any personal expense incurred for any work related expenses such as professional development courses or for classroom supplies.

6.12. Deductions in Pay

Midland Academy Charter School is required to make the following automatic payroll deductions.

- Teacher Retirement System of Texas or Social Security employee contributions.
- Federal income tax.
- Medicare tax.
- Child support and spousal maintenance, if applicable.
- Delinquent federal education loan payments, if applicable.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. Salary deductions may also be made

for unauthorized or unpaid leave in accordance with applicable law.

If you have questions why deductions were made from your paycheck or how they were calculated, notify the Business Manager.

7. NON-DISCRIMINATION & ANTI-HARASSMENT

7.1. Non-Discrimination

Midland Academy Charter School does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis prohibited by law as required by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Title I and Title V of the Americans with Disabilities Act of 1990, as amended (“ADA”); the Age Discrimination in Employment Act of 1967, as amended (“ADEA”); Section 504 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008 (“GINA”); and any other legally-protected classification or status protected by federal, state, or local law. Additionally, Midland Academy Charter School does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to an alleged discriminatory employment practice. Employment decisions will be made on the basis of each individual’s job qualifications, experience, and abilities and in accordance with applicable state and federal law.

Employees can raise concerns and make reports without fear of reprisal. Employees with questions or concerns relating to equal employment opportunity, including discrimination and disability accommodations, are encouraged to bring these issues to the attention of a Midland Academy Charter School administrator, or the Title VII/Title IX, ADA, or ADEA Coordinator.

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

Midland Academy Charter School has designated the following person as the Title IX Coordinator, who is responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment: Superintendent Kent Coker.

Midland Academy Charter School has designated the following person as the ADA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Superintendent Kent Coker.

Midland Academy Charter School has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of age: Superintendent Kent Coker.

All other complaints regarding equal employment opportunity may be directed to: Superintendent Kent Coker.

Federal and State Worksite Postings

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

7.2. Immigration Law Compliance

Midland Academy Charter School is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

7.3. Nondiscrimination Based on Religion

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

7.4. Nondiscrimination Based on Military Service

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

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

7.5 Americans with Disabilities Act (ADA)

Midland Academy Charter School is committed to complying fully with the ADA, as amended, and ensuring equal opportunity in employment for qualified persons with

disabilities (which includes life-threatening illnesses and HIV and AIDS). All employment practices and activities are conducted on a non-discriminatory basis.

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

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

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

Midland Academy Charter School does not discriminate against qualified employees or applicants because they are related to or associated with a person with a disability.

7.6. Prohibition of Harassment

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

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

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

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

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

Retaliation

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

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

7.7. Reporting Discrimination and/or Harassment

The following procedures apply to allegations of Prohibited Conduct other than allegations of harassment prohibited by Title IX. For allegations of sex-based harassment that, if proved, would meet the definition of a formal complaint of sexual harassment under Title IX, please see the procedures outlined in "Sexual Harassment Prohibited," Section 7.8 of this Handbook.

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

- In the event you feel you are a victim of harassment, you should contact your immediate supervisor and/or the designated Compliance Coordinator immediately. In the event your immediate supervisor is the alleged harasser, you should contact the next level of management immediately. Complaints against the designated compliance coordinator may be submitted to Superintendent Kent Coker.
- Any employees who are uncomfortable with face-to-face interaction may write

down their complaints in a memo, and submit the memo to their immediate supervisor and/or the designated Compliance Coordinator.

- Any Midland Academy Charter School employee who receives a report of suspected harassment or discrimination is expected to immediately contact the designated Compliance Coordinator.
- Complaints will be handled in a timely manner.

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

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

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

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

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

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

If the results of an investigation indicate that prohibited conduct occurred, Midland Academy Charter School shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. Midland Academy Charter School may also take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

To the greatest extent possible Midland Academy Charter School shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. The purpose of this provision is to maintain impartiality and confidentiality to the extent possible. Both the

reporting individual, victim and the accused have equal privacy rights under the law, and Midland Academy Charter School must respond accordingly. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

An employee who is dissatisfied with the outcome of the investigation may appeal through the “Process for General Employee Complaints and Grievances” process described in this Handbook.

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

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

7.8. Sexual Harassment Prohibited

Midland Academy Charter School prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or student.

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

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

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

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

prohibited, even if consensual.

General Definitions

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

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

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Midland Academy Charter School investigate the allegation of sexual harassment.

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

Reporting Sexual Harassment

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

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

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

complaint, and explain to the complainant the process for filing a formal complaint.

Notice of Allegations

Upon receipt of a formal complaint, Midland Academy Charter School must provide the following written notice to the parties who are known:

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

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

Grievance Process

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of Midland Academy Charter School.

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

- Midland Academy Charter School will require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a complainant,

respondent, or witness.

- Any individual designated by Midland Academy Charter School as a Title IX Coordinator, investigator, decision-maker, or to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Midland Academy Charter School will ensure that Title IX Coordinators, investigators, decision-makers, and anyone who facilitates an informal resolution process receive appropriate training related to the requirements of Title IX and Midland Academy Charter School's sexual harassment policy.
- Midland Academy Charter School recognizes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.
- Midland Academy Charter School shall attempt to complete an investigation of reported sexual harassment within 60 calendar days [K11] of receiving a complaint. However, the investigation process may be delayed or extended for a limited time for good cause with written notice to the complainant and the respondent of the delay or extension. Good cause may include considerations such as absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- Students found to have engaged in sexual harassment are subject to disciplinary action as outlined in the Student Code of Conduct.
- Midland Academy Charter School shall employ the preponderance of the evidence or the clear and convincing evidence [A1] standard to determine responsibility when reviewing formal complaints.
- Midland Academy Charter School may not require, allow, rely upon, or otherwise use questions of evidence that constitute, or seek disclosure, of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Consolidating Formal Complaints

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

Dismissal of Formal Complaints

Midland Academy Charter School must investigate the allegations in a formal complaint.

Midland Academy Charter School must dismiss a formal complaint if the conduct alleged in the formal complaint:

- Would not constitute sexual harassment, even if proved;
- Did not occur in Midland Academy Charter Schools education program or activity;
or
- Did not occur against a person in the United States.

Midland Academy Charter School may dismiss a formal complaint or any allegations therein if, at any time during the investigation:

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

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

Investigating Formal Complaints

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

- Midland Academy Charter School will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Midland Academy Charter School and not on the parties.
- Midland Academy Charter School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Midland Academy Charter School receives that party's voluntary, written

consent to do so.

- Midland Academy Charter School will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Midland Academy Charter School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Midland Academy Charter School will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisory of their choice, and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. Midland Academy Charter School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Midland Academy Charter School will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.
- Midland Academy Charter School will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completing an investigative report, Midland Academy Charter School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completing the investigative report.
- Midland Academy Charter School must create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for review and written response.
- After sending the investigative report to the parties and before reaching a

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

Determination Regarding Responsibility

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

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

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

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

Appeals

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

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

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

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

A party who is dissatisfied with the appeal decision may file an appeal to the Board of Directors through the process outlined in Midland Academy Charter School's grievance procedures.

Emergency Removals

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

Informal Resolution

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

Prior to facilitating an informal resolution process, Midland Academy Charter School must:

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

Midland Academy Charter School may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

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

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

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

Confidentiality

Midland Academy Charter School must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA or as required by law, or for purposes related

to the conduct of any investigation, hearing, or judicial proceeding arising under the Title IX regulations.

Non-Sexual Harassment Sex Discrimination

The formal complaint investigation and resolution process outlined above in this Section 7.8 applies only to formal complaints alleging sexual harassment as defined by Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of non-sexual harassment sex discrimination may be filed with the Title IX Coordinator and will be handled under the process described in Section 7.8 of this Handbook.

7.9 Student Discrimination/Harassment

Discrimination and harassment of students by employees are forms of discrimination and are prohibited by law. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the Principal or other appropriate Midland Academy Charter School official. All allegations of prohibited harassment of a student by an employee or adult will be promptly investigated. An employee who knows of or suspects child abuse or neglect must also report his or her knowledge or suspicion to the appropriate authorities, as required by law.

Midland Academy Charter School shall take appropriate disciplinary action against employees who have engaged in discrimination or harassment of students, up to and including termination of employment.

Retaliation against anyone involved in the complaint process is a violation of Midland Academy Charter School policy and acts of retaliation may result in disciplinary action, up to and including termination.

Sexual Harassment of Students

Sexual harassment of students includes any unwelcome verbal or physical sexual advances, including but not limited to engaging in sexually oriented conversations; making comments about a student's potential sexual performance; requesting details of a student's sexual history; requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee; engaging in conversations regarding the sexual problems, preferences, or fantasies of either party; inappropriate hugging, kissing, or excessive touching; suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; telephoning or texting students at home or elsewhere to solicit unwelcome social relationships; physical contact that would reasonably be construed as sexual in nature; threatening or enticing students to engage in sexual behavior in exchange for grades or other school-related benefit; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct when the conduct affects the student's ability to participate in or benefit from a program or

activity; or conduct of a sexual nature that creates an intimidating, threatening, hostile or offensive educational environment.

Sexual harassment of students by employees is always a violation of law and will result in appropriate disciplinary action up to and including termination from employment and referral to appropriate law enforcement authorities.

Midland Academy Charter School employees are generally encouraged to report an action or suspected action that is illegal or in violation of any adopted Board policy. Good faith reports may be made without fear of reprisal.

Any sexual or romantic relationship between a student and a Midland Academy Charter School employee is always prohibited, even if consensual.

7.10. Fraud, Dishonesty, and False Statements

No employee or applicant may ever falsify any application, medical history record, student paperwork, employee paperwork, time sheet, timecard, investigative questionnaires or any other document. Any employee found to have engaged in résumé fraud, or who made material misrepresentations or omissions on their employment application, will be subject to immediate termination of employment. Violations of this policy should be immediately reported to the appropriate supervisor.

7.11. Insubordination

All employees have duties to perform. It is against Midland Academy Charter School policy for an employee to refuse to follow the directions of a supervisor or other school official. Employees must cooperate fully with investigations into potential misconduct. Refusal to disclose information during the course of an investigation constitutes insubordination and is subject to possible disciplinary action, up to and including termination.

In the event a supervisor directs an employee to perform an illegal or immoral act/task, the employee should immediately notify the Principal or designee.

7.12. Growth Plan/Disciplinary Action

Employment with Midland Academy Charter School is based on mutual consent and both the employee and Midland Academy Charter School have the right to terminate employment at-will, with or without cause or advance notice. Midland Academy Charter School may use progressive discipline at its discretion.

Disciplinary action may include, but is not limited to, any of the following:

1. Verbal warning.
2. Conference with a supervisor and/or the Principal.

3. Written warning.
4. Imposition of an employee growth plan / performance improvement plan.
5. Suspension with or without pay.
6. Termination of employment.

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

8. EMPLOYMENT STANDARDS

The successful operation and reputation of Midland Academy Charter School is built upon the principles of ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

Midland Academy Charter School will comply with all applicable laws and regulations, including its charter agreement with the State of Texas, and expects all employees to conduct their work in accordance with relevant law and to refrain from any illegal, dishonest or unethical conduct. Neither the Board of Directors nor any Midland Academy Charter School employee shall retaliate against a person who in good faith reports perceived illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, discuss the matter with your immediate supervisor and, if necessary, Human Resources.

Every employee is responsible for complying with Midland Academy Charter School's policy of proper business ethics and personal conduct. Disregarding or failing to comply with these standards may lead to disciplinary action, up to and including termination of employment.

8.1. Expected Employee Conduct

All employees are expected to:

- Meet established expectations of job performance;
- Comply with attendance policies;
- Be responsible in the performance of job duties;
- Be efficient;
- Respect the personal and property rights of all individuals one comes in contact with during the course of business; Midland Academy Charter School
- Follow job instructions;
- Maintain a courteous and professional demeanor;

- Follow directives and initiatives of the district administration

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

8.2. Alcohol and Drug-Abuse Prevention

Midland Academy Charter School is committed to maintaining an alcohol-and drug free environment and will not tolerate the use of alcohol or illegal drugs in the workplace or at school-related or school-sanctioned activities on or off school property. Employees who possess, distribute, use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours or while representing Midland Academy Charter School may be dismissed. Midland Academy Charter School's policy regarding employee alcohol and/or drug use is as follows:

Drug-Free Workplace Notice

Midland Academy Charter School is committed to maintaining a drug-free work environment and each employee is responsible for the maintenance of such an environment. The unlawful manufacture, distribution, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medications without a prescription on Midland Academy Charter School premises or while attending a school-sponsored or school-related activity are strictly prohibited.

Midland Academy Charter School strictly prohibits

Being impaired or under the influence of legal or illegal drugs or alcohol away from school property, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk Midland Academy Charter School's reputation.

Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from Midland Academy Charter School property, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk Midland Academy Charter School's reputation.

The presence of any detectable amount of prohibited substances in the employee's system while at work, on Midland Academy Charter School property, or while attending a school-sponsored or school-related activity. "prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to an employee.

Additionally, an employee must notify Midland Academy Charter School of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within 30 days of receiving such notice, Midland Academy Charter School shall either (1) take appropriate personnel action against the employee, up to and

including termination; or (2) require the employee to participate satisfactorily on drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency or other appropriate agency.

Violation of this policy may lead to disciplinary action, up to and including discharge.

As a condition of employment with Midland Academy Charter School may ask an employee to submit to a drug or alcohol test (1) whenever it reasonably believes that the employee may be under the influence of drugs or alcohol at the workplace in violation of this Drug-Free Workplace policy, including, but not limited to the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual, bizarre or erratic conduct that suggests the employee is impaired by, or under the influence of, drugs or alcohol; negative performance patterns; or excessive and unexplained absenteeism or tardiness. (2) An employee is involved in an on-the-job accident or injury under circumstances that suggest the possible use or influence of drugs or alcohol in the accident or injury. (this includes not only the employee who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way). (3) Midland Academy Charter School may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

Nothing in this policy prohibits, or in any way limits, the lawful use of prescription or nonprescription drugs. However, an employee must inform his/her immediate supervisor if he/she is using a prescription or nonprescription drug which could impair work performance or pose a risk of harm to the employee, to others, or to property. It is the employee's responsibility to determine from his or her physician(s) if the medication can impair work performance or pose such a risk. If the lawful use of lawful prescription or nonprescription drugs does limit or otherwise impair the employee's ability to perform the essential functions of his or her position or otherwise creates a safety risk, the Human Resources Department will meet with the employee to determine whether a reasonable accommodation is available.

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

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

Employees with Commercial Driver's License: Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all

drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

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

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact Superintendent Kent Coker.

8.3. Violence in the Workplace

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

Employees concerned about family violence being brought into the workplace or onto the workplace parking lot are encouraged to notify their director supervisor or the Human Resources Department.

Any employee who receives a protective or restraining order that lists Midland Academy Charter School as a protected area is required to provide Superintendent Kent Coker with a copy of the order and any information requested by Midland Academy Charter School to identify the individual subject to the order.

8.4. Suspicious Behavior

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

8.5. Former Employees

Former employees may not enter areas that are not open to the public after they are no longer employed by Midland Academy Charter School.

8.6. Employee Dress Code

Employee dress should be neat and clean and appropriate for a professional appearance. While shoes must be worn at all times, house shoes (e.g. slippers) and flip-flops are not allowed. If an employee is unsure of the appropriateness of a particular item of clothing, the employee should choose not to wear it.

The policy calls for staff members to use their professional judgment in their wardrobe selections using the following criteria:

- Blouses should not have narrow straps
- Midriff or cleavage areas should not be exposed (visible)
- No shorts, sweats, wind pants or jogging suits – except for physical education teacher
- No spandex shorts/compression shorts
- Tops designed to be worn over leggings need to cover the subject
- Dress slacks may be worn regardless the fabric
- No see-through clothes
- Jeans can be worn only on “Casual Friday” unless approved by your supervisor
- No “workout clothing/leggings”

If an employee is unsure of the appropriateness of a particular item of clothing, the employee should choose not to wear it.

An administrator may require an employee to cover his or her tattoos and/or remove facial jewelry. Additionally, because it is difficult to establish a specific dress standard, a Midland Academy Charter School administrator may require an employee to change clothing into attire more appropriate for the school environment.

Exceptions to the dress code may be considered in order to make reasonable accommodations for an employee’s disability, as defined by the Americans with Disabilities Act of 2008, or an employee’s sincerely held religious beliefs.

8.7. Employee Searches

Midland Academy Charter School reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of company and individual property, drugs and alcohol, and possession of other prohibited items. “Prohibited items” include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess

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

Employees do not have an expectation of privacy in any work areas such as, but not limited to, classrooms, offices, desks, file cabinets, computers or cell phones owned or leased by the Midland Academy Charter School. Work areas, Employees, and Midland Academy Charter School property are subject to search at any time including but not limited to lockers, personal vehicles (if driven or parked on school property), and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. Any of the following may be monitored if they occur during business hours, at school activities, and/or on school property: phone calls, voice-mail, e-mail (work and personal), cameras, computers, and internet activity. Furthermore, employees do not have an expectation of privacy in school issued phones or private phones used for work purposes.

Also, employees have no expectation of privacy with respect to their text messages or emails pertaining to school business. Consequently, all school related records or student related records, including text messages and emails, must be kept in accordance with Midland Academy Charter School's records retention policy.

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

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search request by the school will face disciplinary action, up to and possibly including immediate termination.

8.8. Tobacco Products and E-Cigarettes

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

For purposes of this policy, "e-cigarette" means an electronic cigarette or any other device

that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. This also includes any and all vapors, inhalants, electronic cigarette devices or other devices or paraphernalia used with vapors, other inhalants or chemicals.

All personnel shall enforce this policy on Midland Academy Charter School property.

8.9. Audio & Video Recordings

Midland Academy Charter School is charged with the responsibility of caring for students. Maintaining a safe and efficient school is critical to fulfilling this responsibility. Midland Academy Charter School reserves the right to conduct surveillance in its facilities and offices when such surveillance is in the best interest of the school, its students, or its employees, such as for possible problems with student abuse, theft, drugs, alcohol or other serious misconduct. Therefore, employees are on notice that they should have no expectation of personal privacy while at work and all schools and school facilities are subject to surveillance, including parking lots. Surveillance may be by electronic means or direct human involvement. Surveillance methods may be visible or may be concealed. Periods of surveillance may or may not be announced at the option of Midland Academy Charter School. No employee shall initiate surveillance of any kind without express approval of the Superintendent. Technical assistance with surveillance may be sought from local law enforcement agencies in conducting surveillance and surveillance results may be shared with local law enforcement agencies when possible criminal action is indicated.

8.10. Office Dating

Employees who are in administration/management/supervisory roles are prohibited from dating any employee over whom they have direct or indirect supervision. Also, individuals who work within the Human Resources Department are prohibited from dating any Midland Academy Charter School employee.

If two employees are involved in a dating relationship it will be presumed by Midland Academy Charter School that the relationship is welcomed by both parties unless one or the other notifies Midland Academy Charter School to the contrary. Public displays of affection and favoritism in the course of employment are prohibited.

Conduct that occurs during a disagreement or following a termination of the relationship must not violate Midland Academy Charter School's harassment policy.

8.11. Workplace Investigations

When Midland Academy Charter School investigates a complaint of misconduct, including but not limited to complaints of student abuse or any type of discrimination or harassment,

it expects and requires the cooperation of all employees including the complainant, witnesses, and the accused. During an investigation, Midland Academy Charter School may interview employees privately and take oral and/or written statements from them. Any employee who fails to cooperate with such an investigation or to provide complete and truthful information may be subject to disciplinary action, up to and including termination from employment.

8.12. Reporting an Educator's Misconduct

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

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

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

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

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

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

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

8.13. Reporting Employee Misconduct (Non-Educators)

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

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

This reporting requirement applies to any person who is employed by Midland Academy Charter School and who does not hold a certification or permit issued under Subchapter B,

Chapter 21 of the Texas Education Code.

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

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

8.14. Updated/Current Employee Information

Employees are required to regularly update:

- A change in home address or telephone number;
- A change in marital status or in the number of dependents;
- A change of insurance beneficiary;
- A change in the number of exemptions claimed for income tax purposes;
- The driving record or status of an employee's driver's license, if the employee operates any Midland Academy Charter School vehicle or operates his or her own vehicle for work-related duties, not including driving to and from work.
- A legal change of name.
- The Public Information Act form indicating whether certain personal information may be released to the public.

Updates should be made by notifying Donna Cornelius.

8.15. Allowable Uses of School Property

Employees may use Midland Academy Charter School property only for a purpose that is consistent with applicable law and to implement a program that is described in Midland Academy Charter School's charter. Without written permission from Superintendent Kent Coker, employees are prohibited from using school property for non-instructional purposes. Also, using charter school property for political purposes is prohibited. Employees must request approval from a supervisor before distributing third-party materials on school property or at school related events.

Employees of Midland Academy Charter School may use local telephone service, cellular phones, electronic mail, and Internet connections for incidental personal use under the following conditions:

- Such incidental personal use must not result in any direct cost paid with state

- funds. If this does happen, the employee who caused the direct cost to be incurred by Midland Academy must reimburse Midland Academy;
- Such incidental personal use must not impede the functions of Midland Academy;
 - The use of Midland Academy property for private commercial purposes is strictly prohibited; and
 - Only incidental amounts of an employee's time for personal matters, comparable to reasonable coffee breaks during the day, are authorized under this section.

An employee may be required to compensate Midland Academy for any damage and/or destruction the employee causes to Midland Academy property.

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

8.16. Computer & Internet Use

With the exception of the incidental personal use described in Section 8.15, access and use of Midland Academy's computers, computer networks, electronic mail, and the Internet is only for educational and administrative purposes. The access of material that is obscene, child pornography, or harmful to minors is prohibited. Please see Section 12 for a more in-depth policy regarding communication systems, property, and networks.

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

8.17. Administration of Medication to Students

Administration of Medication

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

- Nonprescription medication brought to school must be submitted by a parent along with a written request. The medication must also be in the original and properly labeled container.
- Prescription medications administered during school hours must be prescribed by a physician or advanced nurse practitioner ("ANP") and filled by a pharmacist licensed in the State of Texas. Prescriptions ordered or filled in Mexico will not be accepted.
- Prescription medications must be submitted in a labeled container showing the

student's name, name of the medication, reason the medication is being given, proper dosage amounts, the time the medication must be taken, and the method used to administer the medication. Medications sent in plastic bags or unlabeled containers will NOT be administered.

- If the substance is herbal or a dietary supplement, it must be provided by the parent and will be administered only if required by the student's Individualized Education Program ("IEP") or Section 504 plan for a student with disabilities.
- Only the amount of medication needed should be delivered to the school, i.e., enough medication to last one day, one week, etc. In cases of prolonged need, send in the amount for a clearly specified period. Extra medication will not be sent home with the student.
- In certain emergency situations, Midland Academy Charter School may administer a nonprescription medication to a student, but only in accordance with the guidelines developed by the school's medical advisor and when the parent has previously provided written consent for emergency treatment.

8.18. Psychotropic Drugs and Psychiatric Evaluations or Examinations

No employee may:

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

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

8.19. Parent and Student Complaints

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board of Directors has adopted orderly processes for handling such complaints. Parents or students may obtain information on this process from the main office or the Principal.

8.20. Student Conduct and Discipline

Students are expected to follow all classroom and campus rules, and the rules listed in the Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by Midland Academy Charter School. Non-instructional employees with concerns about a particular student's conduct should contact the student's classroom teacher or the Principal.

Bullying

Midland Academy Charter School prohibits bullying of students, as well as retaliation against anyone involved in the complaint process. Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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

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

Midland Academy School's anti-bullying policy applies to:

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

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

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

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

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

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

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

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

Student Attendance

Teachers and staff should be familiar with Midland Academy Charter School's policies and procedures for attendance accounting. Contact the Dean of Students for additional information.

Student Transportation

Except in limited emergency situations, Midland Academy Charter School employees are not authorized to transport students in the employee's personal automobile.

Student Welfare: Computer Technician Reports of Child Pornography

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

8.21. Reporting Child Abuse/Child Neglect

All employees are considered professional reporters and are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §261.001, to a law enforcement agency, Child Protective Services (“CPS”), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

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

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

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

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

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the Dean of Students. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency. In addition, employees must cooperate with investigators of child abuse and neglect.

Reporting the concern to the Dean of Students or another administrator does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer’s request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

Sexual Abuse and Maltreatment of Children

Midland Academy Charter School has established a plan for addressing sexual abuse, sex trafficking, and other maltreatment of children. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually

abused, trafficked, or otherwise maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described in "Student Welfare: Child Abuse and Neglect Reporting" above.

Notification to Parents Regarding Qualifications

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

State law requires that Midland Academy Charter School provide to the parent or guardian of each enrolled student written notice of the professional qualifications of the student's classroom teachers. Midland Academy Charter School will also provide this information upon request from a parent.

Employee Training

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

8.22. Use of Personal Vehicles and Traffic Violations

Employees conducting school-related business in their personal vehicles are expected to comply with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on school-related business, personal vehicle insurance takes precedence.

If an employee, during the course of Midland Academy Charter School business, receives a traffic violation, the employee will be personally liable for any expenses incurred from that violation. If, during the course of transporting a student(s), an employee receives a traffic violation, that employee is subject to disciplinary action, up to and including discharge.

8.23. Weapons and Firearms Prohibited

Texas Penal Code section 46.03, prohibits firearms, location-restricted knives, clubs or any prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by a Midland Academy Charter School employee may result in

immediate termination. To ensure the safety of all persons, employees who observe or suspect a violation of this prohibition should report it immediately to their supervisor.

8.24. Social Media Usage

Personal Accounts. Midland Academy Charter School does not take a position on an employee's decision to participate in blogs, wikis, social media pages, etc. for personal use on personal time. If, however, staff members choose to do so, staff members should not post anything that would violate student confidentiality or the professionalism and ethical conduct of Midland Academy Charter School employees.

Midland Academy Charter School prohibits employees from being friends or connecting with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others, unless you have an appropriate out-of-school relationship with the student such as relatives, church, scouts, or other activity that would be appropriate for such informal communication. (see also section 8.20) Staff must avoid posting student information, pictures, work product exemplars on personal social media sites, blogs, etc. Parental consents apply only to school-sanctioned sites.

When using personal social media sites, if you identify yourself as an employee of the Midland Academy Charter School, you must remember that you have associated yourself with the school, your colleagues and your school community; therefore, your online behavior must reflect the same standards of professionalism, respect and integrity as your face-to-face communications. You must ensure that any associated content is consistent with the mission and work of the school. You must also respect all copyright and other intellectual property laws. For Midland Academy Charter School's protection, as well as your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including Midland Academy Charter Schools own copyrights, trademarks, and brands.

Even with the most stringent privacy settings, when posting online comments that are related to school, students, or families, even in a personal capacity, staff should act as if all comments/postings are in the public domain. Use caution when posting any comment and/or images to the internet that may reflect negatively on your professional image. Be advised that failure to adhere to these guidelines may result in disciplinary action, up to and including termination.

Professional Accounts. When using social media sites/products for school related purposes, use Midland Academy Charter School-sanctioned and/or created platforms, (e.g. Midland Academy Charter Facebook page).

Staff should not communicate with parents and students with a personal phone number or email account. Professional communications between staff, students, and parents should be through a school approved program, or school provided device.

We encourage staff to establish "professional office hours" and share them with students and parents so that they know if and when you will respond to questions that are emailed,

posted on social media, or otherwise communicated to staff.

If staff wishes to post student information, pictures, work product examples on personal social media sites, blogs, etc., they must first ensure a parental consent is on file with the school. Staff must not post anything regarding a student without parental consent.

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

8.25. Staff/ Student Romantic Relationships

All Midland Academy Charter School employees will recognize and respect the rights of students, as established by local, state, and federal law. Employees shall, at all times, maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Employees shall not form personally intimate or romantic relationships with students, regardless of whether the student is 18 years old. Intimate physical contact between an employee and a student is strictly prohibited, even if consensual. For purposes of this policy, "intimate physical contact" includes but is not limited to holding hands, lap sitting, kissing, petting, and sexual intercourse of any kind.

Text messages and email communications are prohibited between employees and students unless the communication is for educational purposes. Midland Academy Charter School prohibits employees from being friends or connecting with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. Also, employees are prohibited from engaging in electronic dating applications with students such as Tinder.

Employees may elect not to disclose their personal telephone number or e-mail address to students.

Employees must report any behavior that is observed at school or at any school-related or school-sponsored activity that might violate this policy. Additionally, if employees receive any inappropriate communication from a student, the employee must report the incident to District Administration. Reports may be submitted directly to the campus administrator via email or verbally in person. A report should include the name of the employee involved, name of the student involved, location of incident, and description of incident. If possible, a report should include any copies of communication between the employee and the student.

8.26. Authority to Bind Contracts

Only the charter school board of directors, acting as a body corporate, has legal authority

to bind the charter school to a financial or contractual obligation. Accordingly, no school employee is authorized to bind the charter school to any financial or contractual obligation unless the board of directors has expressly and explicitly delegated contracting authority to that employee through the adoption of board policy or through other formal board action.

8.27. Expressing Breastmilk in the Workplace

Midland Academy Charter School supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A location, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For non-exempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with Campus Administration to discuss their needs and arrange break times.

8.28. Visitors in the Workplace

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

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

9. GRIEVANCE PROCEDURES

Informal Process

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

resolution, then the employee may file a formal complaint according to the procedures below.

With the exception of a complaint against the Superintendent, each complaint must initially be brought at the lowest level of review, to the Dean of Students Review level. If the complaint is against the dean, then the complaint may be initially brought at the Superintendent level.

Guidelines for General Employee Complaint Process

Definitions

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

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

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

“Business Day”

For purposes of this grievance policy, “school day” means any calendar day that the school’s central administrative office is open without regard to whether students are attending school. In calculating timelines under these procedures, the day a document is filed is “day zero”. All deadlines shall be determined by counting the following business day as “day one.”

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication (including e-mail and fax), or by U.S. Mail. Hand-delivered filing shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filing shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

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

Response

Pursuant to section 9.1 and 9.2 below a "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

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

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

Representative

"Representative" means a person designated to represent him or her in the complaint process. An employee may designate a representative through written notice to Midland Academy Charter School at any level of the grievance process. The representative may participate in person or by telephone / video conference. If the employee designates a representative with fewer than three days' notice to Midland Academy Charter School before a scheduled conference or hearing, Midland Academy Charter School may reschedule the conference or hearing to a later date, if desired, in order to include the school's counsel. Midland Academy Charter School may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, Midland Academy Charter School may consolidate the complaints.

Untimely Filings

All time limits for an employee to file a complaint shall be strictly followed unless modified

by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, upon written notice to the employee, at any point during the complaint process.

Costs Incurred

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

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by Midland Academy Charter School.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

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

Formal Process

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

The grievance process described below shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

9.1. Campus Dean of Students Review of Complaint

Where an employee has a complaint or concern regarding their terms or conditions of work, the individual shall first bring their complaint or concern in writing to the appropriate campus Dean of Students or to the employee’s direct supervisor if the employee does not work on a school campus. The complaint must be brought within 15 business days of the date that the complainant knew or should have known of the alleged harm. The complaint must be specific, and where possible suggest a resolution. The Dean of Students must consider the complaint, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The supervisor must respond to the complainant and issue a final decision in writing within 10 business days of the supervisor’s receipt of the complaint.

9.2. Superintendent Review of Complaint

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

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

The Superintendent, or the Superintendent's designee, shall respond to the complaint and issue a final decision in writing within 15 business days of receipt of the written appeal.

9.3. Board of Directors Review of Complaint

If the complainant is not satisfied with the Executive Director's final decision, then the individual may appeal their complaint in writing to the Board of Directors within 10 school days of receiving the Executive Director's final decision. The complaint shall be directed to the President of the Board, and shall include a copy of the written complaint to the Executive Director along with a copy of the Executive Director's final decision. A copy of this appeal shall also be delivered to the Executive Director.

The President of the Board, at the next regular meeting of the Board, shall provide a copy of the complaint record to all board members. The Board's decision shall be decided on a review of the record developed at the Executive Director's level. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Texas Open Meeting Act.

9.4 Whistleblower Complaints

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

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

Following receipt of a whistleblower complaint, the Superintendent or designee will conduct an investigation and issue a written response to the complaint. An employee who is dissatisfied with the outcome of the investigation may file an appeal to the Board of Directors through the General Employee Complaints and Grievances Process described in Section 9 of this Handbook, beginning at Level Three.

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

1. Exhaust the Midland Academy Charter School complaint procedure, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under the TWA; or

Terminate the school's complaint procedures and sue within the timelines established by the TWA.

10. SEPARATION FROM EMPLOYMENT

10.1. Termination or Resignation

Employees are employed at will and can be dismissed without notice or warning.

All school-owned property in the employee's possession must be returned to his or her supervisor upon separation from employment. Failure to return school-owned property constitutes theft of public property and will be reported to law enforcement.

In the event an employee has been terminated or resigns, it is the employee's responsibility to provide a forwarding address and telephone number. This information must be provided to Human Resources no later than December 31 of that year for W-2 purposes, and no later than the last day of work in the event of termination or resignation. In the event the W-2 or final paycheck is returned to the Midland Academy Charter School the school will hold the W-2 or the final check until claimed by the former employee or by an individual authorized in writing by the former employee to collect the check and/or the W-2.

Exit interviews will be scheduled for all employees leaving Midland Academy Charter School. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time.

Reports Concerning Court-Ordered Withholding

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

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

Termination Grievances (General Complaints)

A terminated employee may request a review of the dismissal decision. Termination grievances (other than whistleblower complaints) must be submitted in writing to Human Resources within five calendar days of notice of termination. A Human Resources representative will schedule and hold a conference within five business days of the request and shall issue a written decision within five business days after the conference. A former employee wishing to appeal this decision may appeal through the General Employee Complaints and Grievances process described in Section 9 of this Handbook. Termination decisions will not be deferred pending the outcome of an appeal.

10.2. COBRA Notice

In accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), Midland Academy Charter School will provide notice to each employee who is separated from employment of the employee's right to choose to continue group health benefits provided by the charter school's group health plan. COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage in certain instances.

11. Miscellaneous Provisions

11.1. Emergencies

All employees should be familiar with the evacuation diagrams posted throughout the school. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all school buildings. Employees should know the location of these devices and how to use them.

11.2. External Inquiries

Employees should contact Superintendent Kent Coker regarding all employee related legal matters and external inquiries. This includes all inquiries, notices or other communication from attorneys, prospective employers or others regarding employees or former

employees, whether verbal or written. It also includes, but is not limited to:

- Any charges of discrimination that may come from the EEOC, Texas Human Rights Commission, or other agencies;
- Any notice or indication of an audit by the DOL or notification from the TWC; and
- Any OSHA complaints or site visits by OSHA staff members.

No response should be given to external inquiries or notifications except how to contact the Superintendent Kent Coker. The Superintendent Kent Coker should be notified as soon as possible. No employee other than the Superintendent Kent Coker may be served with legal papers. Employees who become aware of the attempt to serve legal papers should advise the server of the appropriate agent of record for service of process and notify his or her supervisor and/or the Superintendent Kent Coker as soon as possible.

11.3 Family Educational Rights and Privacy Act

Student records are confidential and protected from unauthorized inspection or use. Employees with access to student information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with the Family Educational Rights and Privacy Act (“FERPA”).

11.4. HIPAA

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) established rules for protecting individual Personal Health Information (“PHI”). HIPAA provides individuals certain rights regarding their PHI, and requires employers and other individuals to adhere to restrictions on how PHI is disclosed. Every employee should respect the rights of others and only disclose PHI about themselves and others to those with a need to know. Disclosure of PHI without the written approval of the individual is a violation of federal law.

11.5 HIV-AIDS and Other Life Threatening Illnesses

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

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

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

Employees who desire assistance concerning a disability or a life-threatening illness should contact Human Resources.

11.6 Limitations on Employee Training

Midland Academy Charter School employees covered under Education Code § 28.002 may not be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex. not: shall not require any employee covered under Education Code § 28.002.

11.7 Records Retention

Current and former employees are considered temporary custodians of Midland Academy Charter School records. Records include any document, including emails and text messages, created, sent, or received by a current or former employee. Employees do not have a personal or property right to public information created or received while acting in their official work capacity or in the transaction of official school business. This means any public information, even if located on a personal device, must be retained and preserved in accordance with the mandatory retention laws of the State of Texas.

Employees are reminded that the destruction of school records is the sole responsibility of Midland Academy Charter School. If a request for records is received, the employee with possession, custody, or control of public information is required to surrender the information to the school's designated representative no later than the 10th business day after the information is requested. The failure to surrender or return requested documents is grounds for disciplinary action or any other applicable penalties provided by the Texas Public Information Act or other law.

Employees who maintain public information on their personal devices are required to (1) forward the information to their school-issued email account or the school District's server; or (2) preserve and retain the information, in its original form, on the personal device for the legally mandated retention period.

11.8 School Closures

Midland Academy Charter School may be closed because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of school facilities. When it becomes necessary to open late or to

release students early, local media will be informed and every effort will be made to contact all staff and students through Midland Academy Charter School's emergency broadcast system.

11.9 School Property

All employees are responsible for taking proper care of school-owned property, including vehicles, buildings, furnishings, equipment, tools and supplies. School-owned property must remain on the premises at all times unless approved in advance by the Principal or other appropriate administrator. Proper care and maintenance of school-owned vehicles is also required.

The following applies to the usage of any school-owned vehicle: (1) all doors must be locked when the vehicle is unattended, (2) no unauthorized passengers or merchandise are allowed to be transported, (3) no unauthorized merchandise, and (4) no unauthorized stops may be made.

Employees must return all school-owned property that is in their possession or control in the event of termination of employment, resignation or layoff immediately upon request.

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

- Result in any direct cost paid with state funds, or the charter holder is reimbursed by the employee within five (5) business days for any direct cost incurred; or
- Impede charter school functions as determined by the school administration.

Only incidental amounts of employee time, comparable to a five-to-seven-minute coffee break during each day, may be used for personal matters. This does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and the school administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

12. Electronic Media, Communications Systems, and Technology Resources Acceptable Use Guidelines

Midland Academy Charter School makes a variety of communications and information

technologies available to students and employees. These technologies, when properly used, promote educational excellence in Midland Academy Charter School by facilitating resource sharing, innovation, and communication. Illegal, unethical, or inappropriate use of these technologies can have dramatic consequences, harming Midland Academy Charter School, its students, and its employees.

These acceptable use guidelines are intended to minimize the likelihood of such harm by educating students and employees and setting standards which will serve to protect students and staff. Any attempt to violate the provisions of these guidelines may result in revocation of the user's access to the Network/Internet, regardless of the success or failure of the attempt. In addition, disciplinary action consistent with Midland Academy Charter School's employment policy and/or appropriate legal action, which may include restitution, may be taken. School administrators will make the final determination as to what constitutes inappropriate use. The System Administrator or other administrator may deny, revoke, or suspend Network/Internet/resource access as necessary, pending the outcome of an investigation. The expectations of Midland Academy Charter School are that all network and technology resource users will comply with all policies, procedures, and guidelines outlined below.

Technology Resources

Midland Academy Charter School's technology and information resources, including its networks, computer systems, email accounts, devices connected to its networks, and all school-owned devices used on or off school property, are primarily for administrative and instructional purposes.

Limited personal use is permitted if the use:

- Imposes no tangible cost to Midland Academy Charter School;
- Does not unduly burden Midland Academy Charter School's technology resources;
- Has no adverse effect on job performance or on a student's academic performance; and
- Is not used for commercial or political reasons.

Email transmissions and other use of Midland Academy Charter School's technology resources are not confidential and can be monitored at any time to ensure appropriate use.

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

apply to remote access.

Employees who are authorized to use Midland Academy Charter School's technology and information resources are required to abide by the provisions of Midland Academy Charter School's acceptable use policy and administrative procedures. Failure to do so can result in suspension of access or termination of privileges, and may lead to disciplinary and legal action. Employees with questions about technology and information resources can contact the Technology Department.

Internet Filter

Midland Academy Charter School uses a web filter to manage access to various inappropriate locations. However, even with a filter, there may still be sites accessible via the Internet that contain material that is illegal, defamatory, inaccurate, or controversial. Although Midland Academy Charter School will attempt to limit access to objectionable material by using software, controlling all materials on the Internet is impossible. Employees are expected to monitor student Internet use and to report inappropriate Internet sites not filtered to administration.

Email

Email is a service provided by public funds. Email is for instructional and administrative use. Sending jokes, chain letters, etc. via email is considered an inappropriate use of Midland Academy Charter School equipment. Electronic mail transmissions and other use of the electronic communications system by employees shall not be considered private. Email may be monitored at any time by designated school staff to ensure appropriate use. This monitoring may include activity logging, virus scanning, and content scanning.

Any memo or correspondence sent via email must follow the same Midland Academy Charter School guidelines as is used for other correspondence distribution.

Records retention guidelines apply to email correspondence and must be followed. Email is viewed as a public document. Care should be given to the tone of the email. Also, grammar and spelling should be checked before an email is sent. Be mindful of the unique forwarding properties associated with email.

Electronic Storage

Midland Academy Charter School has provided technology users with access to network storage locations for files. The storage area provides a place where school-related items can be stored from year to year.

To enforce acceptable use guidelines and to maintain the integrity of Midland Academy Charter School's technology resources, shared network space and any Midland Academy Charter School storage space will be monitored by school staff. Inappropriate files such as

games, music, inappropriate images, movies, videos, and files that consume storage space will be deleted. External electronic storage devices are subject to monitoring if used or purchased with Midland Academy Charter School resources.

Network Behavior

Network/Internet users are responsible for their actions in accessing available resources. The following standards will apply to all users of the Network/Internet:

- The user in whose name a system account is issued will be responsible at all times for its proper use. Users may not use another person's account.
- The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by Midland Academy Charter School policy.
- Users may not redistribute copyrighted programs or data without the written permission of the copyright holder or designee. Such permission must be specified in the document or must be obtained directly from the copyright holder or designee in accordance with applicable copyright laws, Midland Academy Charter School policy, and administrative regulations.
- Computers are joined to either a student or employee domain for management and inventory. Computers should not be removed from these domains.

General Unacceptable Behavior

While utilizing any portion of Midland Academy Charter School's Network/Internet access, unacceptable behaviors include, but are not limited to:

- Abusing network resources, such as sending chain letters or "spamming." Emails sent to "all staff" are reserved for the Technology Department and administration. The use of the "all staff" group for other purposes must be approved by the Technology Department prior to sending.
- Attempting to access non-instructional systems, such as student information systems or business systems, without authorization.
- Attempting to circumvent web filtering through proxies or other means.
- Connecting any networkable device (either wired or wireless) to Midland Academy Charter School's network without authorization. The use of a computer or device brought from home accessing the network in any way not designated as "guest access."
- Displaying, accessing, or sending offensive messages or pictures.

- Engaging in activity that may be considered “cyberbullying,” including but not limited to threats of violence, extortion, obscene or harassing messages, harassment, stalking, child pornography, and sexual exploitation.
- Engaging in personal attacks, including prejudicial or discriminatory attacks.
- Gaining unlawful access to information or computer and communication resources.
- Generation, storage, transmission or other use of data or other matter, which is abusive, profane, pornographic, or offensive to a reasonable person.
- Illegal, fraudulent, or malicious activity or activity on behalf of organizations or individuals having no affiliation with Midland Academy Charter School.
- Installation of any programs or software not approved by Midland Academy Charter School.
- Intentional introduction of or experimentation with malicious code including but not limited to computer worms or viruses.
- Knowingly or recklessly posting false information about a person or organization.
- Personal use not related to the conduct of work on behalf of Midland Academy Charter School.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages that is likely to harm the recipient’s work or system and any other types of use which could cause congestion of Midland Academy Charter School’s network or otherwise interfere with the work of others. Prohibited uses include, but are not limited to, peer-to-peer applications such as LimeWire, Bit Torrent, or any other file sharing applications, as well as large (>5MB) file transfers from Internet sites without prior permission.
- Transmission of material in violation of applicable copyright laws.
- Unauthorized disclosure, use, or dissemination of personal information regarding minors.
- Using criminal speech or speech in the course of committing a crime such as threats against others, instructions on breaking into computer networks, child pornography, drug dealing, purchase of alcohol, gang activities, etc.
- Using obscene, profane, lewd, inflammatory, threatening, or disrespectful language in emails distributed through Midland Academy Charter School email.

- Using Midland Academy Charter School equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using Midland Academy Charter School equipment, network, or credentials to send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Using Midland Academy Charter School's electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using Midland Academy Charter School's electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates Midland Academy Charter School's standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of Midland Academy Charter School's electronic network or who receive any email containing inappropriate content should report the matter immediately to the Technology Department or designee.

No Expectation of Privacy

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

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

Midland Academy Charter School owns any communication sent via email or that is stored on Midland Academy Charter School equipment or its cloud accounts. Employees shall have no expectation of privacy in anything they store, send, or receive on Midland Academy Charter School's email system or computer equipment or cloud accounts. All communications sent via email or stored on school equipment may also be subject to the TPIA. Midland Academy Charter School reserves the right to access and/or monitor any material in an employee's email account at any time, without prior notice, as well as any computer equipment used to create, view, or access email. Violations of this policy may

lead to disciplinary action, up to and including termination, and could also lead to referrals to appropriate law enforcement authorities.

No employee may access another employee's computer, computer files, or email messages without prior authorization from the Technology Department or designee to allow access to email accounts.

System Security

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

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

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

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

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

Software and Files

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

Files stored on the network are treated in the same manner as other school storage areas.

Routine maintenance and monitoring of Midland Academy Charter School's electronic network may lead to discovery that a user has violated this policy. Users should not expect that files stored on school servers are private.

When sharing or storing sensitive information, users must utilize approved network storage devices and applications.

Technology Hardware

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

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

Vandalism

- Vandalism and mischief are prohibited. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Network/Internet, or any networks that are connected to the Network/Internet. This includes, but is not limited to, the creation or propagation of computer viruses, spyware, and malware. Any interference with the work of other users, with or without malicious intent, is construed as mischief and is strictly prohibited.
- Deleting, examining, copying, or modifying files and/or data belonging to other users, without their permission, is prohibited.
- Forgery of electronic mail messages is prohibited. Reading, deleting, copying, or modifying the electronic mail of other users without their permission is prohibited, unless permitted by Midland Academy Charter School policy or authorized by the Superintendent or designee.
- Deliberate attempts to exceed, evade, or change resource quotas are prohibited. The deliberate causing of network congestion through mass consumption of system resources is prohibited.
- Unauthorized disclosure, use, and dissemination of personal information regarding students and employees are prohibited.

Transmitting/Storing/Accessing Confidential Information

Teachers, staff, and students may not redistribute or forward confidential information (i.e., educational records, directory information, personnel records, etc.) without proper authorization. Confidential information should never be accessed, transmitted, redistributed, or forwarded to outside individuals who are not expressly authorized to receive the information. Revealing such personal information as home addresses or phone numbers of users or others is prohibited. In order to reduce the loss of confidential information due to theft or misplacement, student/staff confidential information should not be stored on portable devices such as memory sticks or on hard drives or home machines. This information should be stored on the District's drive. Extreme caution should be used if data is stored on cloud storage (Google docs, drop box, etc.). Cloud based storage should not be used for any data that is considered confidential. This storage is not provided by the District and is subject to the acceptable use guidelines of the particular site being used.

Personal Use of Electronic Communications

Employees in a public school system are responsible for modeling and teaching high standards of decency and civic values. Employees must model the character they are expected to teach, both on and off the worksite. This applies to electronic communications.

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

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

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

- The employee may not set up or update the employee's personal social network page(s) using Midland Academy Charter School's computers, network, or equipment.

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

Use of Electronic Media and Electronic Communications with Students

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

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

- Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
- Communicate means to convey information and includes a one-way

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

An employee uses electronic media to communicate with students must comply with the following provisions:

- Designated employees may use electronic communication with enrolled students only about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic communication directly with students.
- All communication via electronic media by staff with parents and students will be professional and of the appropriate nature, purpose, timing, and amount.
- An employee shall have no expectation of privacy in electronic communications with students.
- An employee shall not use a personal electronic communication platform, application, or account to communicate with enrolled students.
- Employees are prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student.
- Personal online social media may not be associated with professional online social media.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative guidelines, and the Code of Ethics and Standard Practices for Texas Educators, including compliance with Family Educational Rights and Privacy Act, copyright laws, open records requests, etc.
- The employee does not have a right to privacy with respect to communication with students and parents.
- Employees should avoid sending text messages to students. Exceptions may apply for a teacher or other employee who has an extracurricular duty, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a

student using text messaging should attempt to include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message. Additionally, for each text message addressed to one or more students, the employee must send a copy of the text message to the employee's Midland Academy Charter School email address.

- Employees shall not communicate directly with any student between the hours of 10:00 pm and 6:00 am, except when necessary to notify students about urgent scheduling or transportation issues. Employees may, however, make public posts to a school-related social network site, blog, or similar application at any time.
- Employees shall refrain from inappropriate communications with students. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
 - o The nature, purpose, timing, and amount of the communication;
 - o The subject matter of the communication;
 - o Whether the communication was made openly or the employee attempted to conceal the communication;
 - o Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
 - o Whether the communication was sexually explicit; and
 - o Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the student.

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

Upon written request from a parent or student, an employee shall discontinue communicating with a student by email, text messaging, instant messaging, or any other form of one-to-one electronic communication.

Upon request from Midland Academy Charter School's administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more current-enrolled students.

Employees are not required to disclose their personal email address or personal phone number to students or parents.

Consequences

The guidelines for appropriate use are applicable to all use of school computers and refer to all information resources, whether individually controlled, shared, stand alone, or networked. Disciplinary action for students, staff, and other users shall be consistent with Midland Academy Charter School policy and administrative regulation. Violations may result in:

- Suspension of access to school computers and network resources;
- Revocation of access privileges or user accounts; or
- Other school disciplinary or legal action, up to and including termination, in accordance with school policies and applicable laws.

Specific disciplinary measures will be determined on a case-by-case basis.

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, emergency contact information, 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;
- emergency contact information;
- information that reveals whether I have family members; or
- none of the items listed above.

Signature

Printed Name

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