

# LEGACY PREPARATORY CHARTER ACADEMY

Employee Handbook 2023 – 2024

*Nil sine magno labore*



[www.legacypreparatory.com](http://www.legacypreparatory.com)

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## **Welcome!**

This Employee Handbook contains information about Legacy Preparatory Charter Academy's ("LPCA") employment policies and practices. We have designed our employment policies and practices not only to comply with federal and state employment laws, but also to attract, develop, and reward talented educators, administrators, support staff, and leaders.

This handbook supersedes all previously issued handbooks and is a valuable reference for understanding your job at LPCA. Each employee is expected to read this handbook carefully and know and abide by the policies outlined herein as revised over time, throughout your employment. No oral statement or representations can change the provisions of this handbook. LPCA reserves the right to revise, delete, and add to the provisions of this handbook. Nothing in this handbook creates an employment contract, constitutes a legally binding agreement, or alters your "at will" status of employment in any way.

If you have any questions regarding the contents of this handbook or any other policy or procedure, please ask your Campus Director, Supervisor, or the Human Resources Department.

Please sign the acknowledgement form agreeing to read and abide by the policies and procedures outlined in this handbook and return it to the Human Resources Department. This acknowledgement also provides LPCA with a record that each employee has been provided access to an online version of this handbook and/or has received instructions on how to obtain a printed copy of the handbook.

Sincerely,

Staci Weaver  
Superintendent

## **SECTION 1: INTRODUCTORY INFORMATION**

### ***Board of Education***

| <b>School Board<br/>Chair/President</b> | <b>Secretary</b>      | <b>Board Members</b>                                      |
|-----------------------------------------|-----------------------|-----------------------------------------------------------|
| <b>Byron Ricks</b>                      | <b>Vince Vittatoe</b> | <b>Megan Bauer<br/>Ramil Paredes<br/>Jennifer Salazar</b> |

### ***Administrative Team***

| <b>Staci Weaver<br/>Superintendent/CEO</b>                                                                                                             |                                                                         |                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Maria Fernandez</b><br>Executive Director of<br>Curriculum                                                                                          | <b>Angela Willis</b><br>Assistant Superintendent -<br>of Finance        | <b>Dr. Mary Kahama</b><br>Federal Programs and Compliance<br>Officer, Title IX and Section 504<br>Coordinator |
| <b>Josie Eatman</b><br>Executive Director of School<br>Operation and CCMR Programs,<br>Secondary Education Electives,<br>and Administrative Operations | <b>Buddy Davis</b><br>Facilities and National Lunch<br>Program Director | <b>Athena Bivens</b><br>Director of Special Education                                                         |
| <b>Sandy Vroman</b><br>Sr. Director of LOTE, Bilingual<br>Education, and Grants                                                                        | <b>Daniel Wuest</b><br>Technology Director                              |                                                                                                               |
| <b>Angela Humphrey</b><br>Early Childhood Director                                                                                                     | <b>Keri Anderson</b><br>Director of Human Capital                       |                                                                                                               |
|                                                                                                                                                        | <b>Sammie Robertson</b><br>Director of School Safety &<br>Security      |                                                                                                               |

**Campus Leadership Team**

| Mesquite West                                                                                                                                                                                                                                                                                                                                                | Plano                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <p><b>Dr. Stephanie Edwards</b><br/>High School Principal</p> <p><b>Raushawn Reed</b><br/>High School Assistant Principal</p> <p><b>Jorge Flecha</b><br/>Pre-K-8<sup>th</sup> Principal</p> <p><b>Juan Amaya</b><br/>Pre-K – 5<sup>th</sup> Assistant Principal</p> <p><b>Tara Moore-Addison</b><br/>6<sup>th</sup> – 8<sup>th</sup> Assistant Principal</p> | <p><b>Janna Fisher</b><br/>Pre-K – 12<sup>th</sup> Principal</p> |

**Scholar Support Team**

|                                                                                                                                                                                                                |                                                             |                                                           |                                                          |                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------|
| <b>Brandi Braley</b><br>Specialist Secondary<br>Education CCMR,<br>TIA, TTESS                                                                                                                                  | <b>Ida Dominguez</b><br>LOTE/Bilingual<br>Coordinator       | <b>Lucretia Latson</b><br>District Testing<br>Coordinator | <b>Elizabeth Hunter</b><br>ELAR Elementary<br>Specialist | <b>Dareia Jacobs</b><br>Marketing<br>Coordinator           |
| <b>Kim Sample-Effiom</b><br>Coordinator                                                                                                                                                                        | <b>Quishema Jones</b><br>Afterschool Program<br>Coordinator | <b>Earl Esquejo</b><br>Math<br>Coordinator/Data<br>Fellow | <b>Nemia Vergara</b><br>Math Specialist                  | <b>Maria Jaramillo</b><br>District<br>Community<br>Liaison |
| <p><b>Rebecca Lara</b><br/>Elementary Coach</p> <p><b>Wildaliz Bermudez-Robles</b><br/>Bilingual Coach Mesquite</p> <p><b>Tamieka Porter</b><br/>Elem. Coach</p> <p><b>James Pacheco</b><br/>Science Coach</p> |                                                             |                                                           |                                                          |                                                            |

|                                                                                                                                                                                                            |                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <p><b>Cassandra Lopez</b><br/>College and Career Readiness Counselor</p> <p><b>Meco Robinson</b><br/>Middle School Counselor</p> <p><b>Erica Sheriff</b><br/>Elementary School Counselor Mesquite West</p> | <p><b>Amelia Zambrano</b><br/>College and Career Readiness Counselor Plano</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|

**Medical Team**

|                                                             |                                                             |                                                           |
|-------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------|
| <p><b>Linda Farris</b><br/>Nurse Aide<br/>Mesquite West</p> | <p><b>Chandra Mendez</b><br/>RN Nurse<br/>Mesquite West</p> | <p><b>Cynthia Ferguson</b><br/>School Medic<br/>Plano</p> |
|-------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------|

## **LEGACY PRINCIPLES**

- *Our scholars deserve the very best public education that we as an organization can provide. Our goal of rigorously preparing each scholar to enter and subsequently succeed in college must be the overriding objective in everything that we do.*
- *We select our facilitators and staff one by one, recognizing that we cannot provide a great education for our scholars without seeking and retaining the best possible facilitators and school leaders. The measure of our success as educators starts first and foremost with the quality of the facilitators in our classrooms.*
- *Our schools are demanding and place high expectations on everyone involved, from our scholars, our facilitators, our staff, and our board of directors. From great expectations come great results.*
- *The dedication of our people to closing the achievement gap, demonstrated through substantial amounts of real time in the classroom, is greater than that found in many other educational institutions. We think that our uncompromising dedication to making “every second count” when impacting the life of a child is important for our schools to be successful.*
- *We believe strongly in the power of scholar-faculty relationships and foster them through our small school sizes and reduced grade level teams. As a result, each facilitator has the power to make a real difference in their scholars’ lives.*
- *Our curriculum must be relevant to the lives of our scholars, teaching them to be world citizens, tolerant and understanding of how we are all different, yet also recognizing how our common values create a compelling need for us to work together for the greater good.*
- *We offer our professionals the opportunity to make a meaningful difference sooner than they might at other organizations. We sufficiently empower our school leaders with more control and input than that found at other schools in the belief that each leader, reporting to a dedicated local operating board, should have the ability to control their team and their environment.*
- *We are fully accountable to all of our stakeholders, especially the parents of our children and the taxpayers and philanthropic organizations who provide our funding. We will measure and report our results on an ongoing basis to each constituency who has given us their trust.*
- *We expect everyone within our community to maintain high ethical standards in everything that they do, both in their professional responsibilities and in their personal lives. Our integrity is not a grey area that can be negotiated nor compromised.*
- *While we take great pride in the quality of the education that we provide, we also seek to continually reflect and improve upon it by sharing our most successful approaches across each of our schools while also seeking to learn best practices developed at other institutions. We must recognize that we can always be better.*

## **LEGACY EDUCATION – VISION AND MISSION**

*The vision of Legacy Preparatory Charter Academy is to develop and inspire innovative, critical-thinking, scholars who influence our global society.*

*The mission of Legacy Preparatory Charter Academy is to facilitate educational experiences that focus on outcomes that matter through teaching that engages, culture that empowers, and technology that enables scholars to be college, career, and military ready.*

## **CORE VALUES – THE LEGACY PREPARATORY SCHOLAR PROFILE**

Our core values are aligned with the Legacy Preparatory Learner Profile.

Legacy scholars strive to be:

***Inquirers:*** They develop their natural curiosity. They acquire the skills necessary to conduct inquiry and research and show independence in learning. They actively enjoy learning and this love of learning will be sustained throughout their lives.

***Knowledgeable:*** They explore concepts, ideas and issues that have local and global significance. In doing so, they acquire in-depth knowledge and develop understanding across a broad and balanced range of disciplines.

***Critical Thinkers:*** They exercise initiative in applying thinking skills critically and creatively to recognize and approach complex problems and make reasoned, ethical decisions.

***Collaborators:*** They work well in groups, using norms and holding each other accountable to the required work.

***Communicators:*** They understand and express ideas and information confidently and creatively in more than one language and in a variety of modes of communication. They work effectively and willingly in collaboration with others.

***Principled:*** They act with integrity and honesty, with a strong sense of fairness, justice, and respect for the dignity of the individual, groups, and communities. They take responsibility for their own actions and consequences that accompany them.

***Open-minded:*** They understand and appreciate their own cultures and personal histories, and are open to the perspectives, values and traditions of other individuals and communities. They are accustomed to seeking and evaluating a range of points of view, and are willing to grow from the experience.

***Caring:*** They show empathy, compassion and respect towards the needs and feelings of others. They have a personal commitment to service, and act to make a positive difference to the lives of others and to the environment.

***Risk-takers:*** They approach unfamiliar situations and uncertainty with courage and forethought, and have the independence of spirit to explore new roles, ideas and strategies. They are brave and articulate in defending their beliefs.

***Balanced:*** They understand the importance of intellectual, physical, and emotional balance to achieve personal well-being for themselves and others.

***Reflective:*** They give thoughtful consideration to their own learning and experience. They are able to assess and understand their strengths and limitations in order to support their learning and personal development.

## **CULTURAL DIVERSITY PHILOSOPHY**

It is the philosophy of LPCA that every Educator and Scholar's culture (i.e. history, language, dialect, family values, music, food, customs) is important to achieving academic success. Scholars' self-image, motivation and academic achievement are all affected to the extent that Educators

include all Scholar's cultures in the education\* process. Educators are expected to be committed to multicultural pedagogy and perspectives that are not be practiced in isolated lessons or projects, but will be an important emphasis in all subjects at all grade levels and in the total District, school and community environment.

*\*The word education is derived from the Latin word "educere" which means to bring up or bring forth. Some theorists suggest that "educate" means to "extract" out" the best in scholars. This explanation presumes that all knowledge is inherent in scholars and the role of the educator is to find methods to tap their brains to let knowledge flow. Herein is the unique challenge of the multicultural educator to be able to "bring out the best" in scholars of all cultures.*

### **COMMITMENT TO EXCELLENCE COMPACT**

This Compact is made between LPCA, scholars, and parents in pursuit of a rigorous college preparatory education and leadership development for the academic year.

#### **Staff Commitment**

Each faculty member commits to the following:

- I will exhibit the self-discipline required to meet individual scholar needs and make decisions based on educational best practices.
- I will attend and participate in all staff meetings and professional development opportunities in an effort to continually improve my performance.
- I will "go the extra mile" by being available before and after school to collaborate with scholars and parents to address any concerns.
- I will respond to communications from scholars and parents within 24 hours, during the school week.
- I will remain focused on LPCA standards and implement the school's mission.
- I will utilize data to support and measure curricular and academic achievement.
- I will protect the safety, interests, and rights of all scholars.
- I will work with other LPCA staff members by enforcing all rules, codes, policies, procedures, and core values of the school.

### **SCHOOL IDENTITY**

- District Color: Royal Blue
- School Colors: Hunter or Forest Green (K-5), Red (6-8), Purple (9-12) Black (12)
- Mascot: Wolf

### **SCHOOL PLEDGE**

*I pledge to do my best this day  
To be safe and to help others stay safe  
To be trustworthy and respectful  
To accept responsibility for my own learning  
And help others in their learning  
To work towards being a positive leader  
While becoming a good listener and friend  
I understand that I must show effort every day  
So I can graduate career- and college-ready While using multiple languages  
And be the global, productive citizen  
Who will help change the World  
Excellence is my daily focus*

*Nil sine magno labore.*  
(Nothing without great effort.)

## **SCHOLAR SCHEDULES**

### **Grades PK-12**

**Before School Hours:** School doors open at 7 a.m.

#### **School Hours**

|                   |                        |
|-------------------|------------------------|
| Monday – Thursday | 7:45 a.m. – 4:10 p.m.  |
| Friday -Tutoring  | 7:45 a.m. – 11:45 p.m. |
| Enrichment        |                        |

**After School Hours:** Each campus is serviced by the Legacy After-school program. Other after-school programs pick up at the campuses as well. Please check with the school to see which daycare(s) have this service.

## **SECTION 2: EQUAL OPPORTUNITY EMPLOYMENT PRACTICES**

### **NONDISCRIMINATION STATEMENT/EQUAL OPPORTUNITY EMPLOYMENT**

Legacy Preparatory Charter Academy (“LPCA”) is an equal opportunity employer and 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 Title VI and Title 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, LPCA 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 LPCA administrator, or one of the compliance coordinators designated below.

As required by Title IX, LPCA 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 LPCA. Inquiries into issues related to Title IX may be referred to LPCA’s Title IX Coordinator (identified below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

LPCA 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: Dr. Mary Kahama, Title IX Coordinator, 375 Municipal DR. Suite 222, Richardson, TX 75080; 469-249-1099; [mkahama@legacypca.com](mailto:mkahama@legacypca.com).

LPCA has designated the following person as the ADA / Section 504 Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Dr. Mary Kahama, Title IX Coordinator, 375 Municipal DR. Suite 222, Richardson, TX 75080; 469-249-1099; [mkahama@legacypca.com](mailto:mkahama@legacypca.com).

LPCA has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis race, color, religion, gender, sex, national origin, or age: Dr. Mary Kahama, Title IX Coordinator, 375 Municipal DR. Suite 222, Richardson, TX 75080; 469-249-1099; [mkahama@legacypca.com](mailto:mkahama@legacypca.com).

All other complaints regarding equal employment opportunity may be directed to the Director of Human Capital, 375 Municipal DR. Suite 222, Richardson, TX 75080; 469-249-1099; [kanderson@legacypca.com](mailto:kanderson@legacypca.com).

### **PROHIBITION OF DISCRIMINATION, HARASSMENT, AND RETALIATION**

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

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

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

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

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

### ***Retaliation***

LPCA 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 LPCA investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including termination.

### ***Reporting Procedures***

An employee who believes that he or she has experienced prohibited discrimination or harassment, retaliation, or believes that another employee has experienced such prohibited conduct, should follow the “Employee Complaints and Grievances Regarding Harassment and Discrimination” section of the Employee Handbook. The process for making formal complaints regarding sexual harassment is discussed in the “Sexual Harassment Prohibited” section of the Employee Handbook. Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to promptly report may impair LPCA’s ability to investigate and address the prohibited conduct.

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

### **SEXUAL HARASSMENT PROHIBITED**

LPCA prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or student.

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

1. A school employee conditioning the provision of aid, benefit, or service of LPCA 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 LPCA’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

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

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

### ***General Definitions***

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

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

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that LPCA 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 LPCA's educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or LPCA's educational environment, or deter sexual harassment. Examples of supportive measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and other similar measures.

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

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

LPCA'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, LPCA must provide the following written notice to the parties who are known:

- Notice of LPCA'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 LPCA prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, LPCA decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, LPCA 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 LPCA.

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

- LPCA 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 LPCA as a Title IX Coordinator, investigator, decision-maker, or to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or responsible. LPCA 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 LPCA’s sexual harassment policy.
- LPCA 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.
- LPCA shall attempt to complete an investigation of reported sexual harassment within 60 calendar days of receiving a complaint. However, the investigation process may be delayed or extended for a limited time for good cause with written notice to the complainant and the respondent of the delay or extension. Good cause may include considerations such as absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- Students found to have engaged in sexual harassment are subject to disciplinary action as outlined in the School’s Student Code of Conduct. Employees found to have engaged in sexual harassment are subject to disciplinary action as outlined in the Employee Handbook.
- LPCA shall employ the preponderance of the evidence to determine responsibility when reviewing formal complaints.
- LPCA 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***

LPCA 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***

LPCA must investigate the allegations in a formal complaint.

LPCA 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 LPCA’s education program or activity; or
- Did not occur against a person in the United States.

LPCA 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 LPCA; or
- Specific circumstances prevent LPCA from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, LPCA 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 LPCA from taking appropriate action under the Student Code of Conduct, the Employee Handbook, and/or any other school policy that may apply to the alleged conduct.

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

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

- LPCA will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on LPCA and not on the parties.
- LPCA 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 LPCA receives that party's voluntary, written consent to do so.
- LPCA will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- LPCA will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- LPCA 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. LPCA 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.
- LPCA 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.
- LPCA 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, LPCA must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completing the investigative report.

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

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

The decision-maker(s) making a determination regarding responsibility cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The decision-maker(s) must review the investigation report and make a written determination, based on the preponderance of the evidence, 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 LPCA's Code of Conduct, Employee Handbook, or other non-discrimination policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to LPCA's education program or activities will be provided to the complainant; and
- LPCA's procedures and permissible bases for the complainant and respondent to appeal.

LPCA must provide the written determination to the parties simultaneously. The determination becomes final either on the date LPCA 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***

LPCA will offer both parties an appeal from a determination regarding responsibility, and from LPCA'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, LPCA 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. LPCA 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, 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 LPCA's grievance procedures.

### ***Emergency Removals***

LPCA is able to remove a respondent from LPCA's education program on an emergency basis, provided that LPCA 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. LPCA'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, LPCA may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However, LPCA 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, LPCA 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, LPCA 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.

LPCA may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### ***Retaliation Prohibited***

Neither LPCA 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***

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

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

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

### **EMPLOYEE COMPLAINTS AND GRIEVANCES REGARDING HARASSMENT AND DISCRIMINATION**

**\*\*NOTE\*\*** The following procedures apply to allegations of discrimination or harassment other than allegations of sex discrimination or sexual 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 the “Sexual Harassment Prohibited” portion of this Handbook.

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

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

Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the school’s ability to investigate and address the alleged prohibited conduct. Any supervisor who receives a report of discrimination or harassment shall immediately notify the appropriate Compliance Coordinator, and take any other steps required by LPCA.

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

The school's investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by LPCA, 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, LPCA shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct and to end any harassment and to deter future harassment. LPCA 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, LPCA 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 LPCA must respond accordingly. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

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

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

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

### **FEDERAL AND STATE WORKSITE POSTINGS**

Required state and federal postings are found at each LPCA 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; Unemployment & Payday Law; Notice to Employees Concerning Workers' Compensation in Texas; and the Texas Hazard Communication Act Notice

to Employees. Postings are in both English and Spanish for all employees to read. Please ask your director or office manager for more information or location.

### **IMMIGRATION LAW COMPLIANCE**

LPCA 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.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources department: [hr@legacypca.com](mailto:hr@legacypca.com). Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

### **NONDISCRIMINATION BASED ON RELIGION**

LPCA 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 the school's business.

### **NONDISCRIMINATION BASED ON MILITARY SERVICE**

LPCA 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.

LPCA 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").

### **AMERICANS WITH DISABILITIES ACT (ADA)**

LPCA 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, 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. LPCA does not discriminate against qualified employees or applicants because they are related to or associated with a person with a disability.

## **NONDISCRIMINATION BASED ON GENETIC INFORMATION (GINA)**

LPCA will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of genetic information including information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members.

## **SECTION 3: EMPLOYMENT PRACTICES**

### **AT-WILL EMPLOYMENT**

Employment with LPCA shall be at-will unless a term of employment is expressly stated in a written contract. **At-will denotes that an employee may be terminated with or without cause, with or without prior notice, at any time, for any reason or for no reason. Similarly, employment with LPCA is voluntarily entered into, and employees are free to resign at any time, with or without cause or notice.**

Status as an at-will employee may not be changed except in writing signed and approved by the Board of Directors. Employment at-will is the sole and entire agreement between LPCA and you concerning the duration of your employment, and the circumstances under which your employment may be terminated.

Nothing in this handbook is to be construed as creating an employment contract or agreement. No one other than the Board of Directors has the authority on behalf of LPCA to alter an employee's at-will employment arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the Board of Directors. The Board may choose to delegate this authority to the Superintendent.

### **VERIFICATION OF EMPLOYMENT ELIGIBILITY**

Prior to the start of employment, LPCA shall confirm the employment eligibility of all new hires by examination of documents establishing identity and employment authorization and completion of the I-9 Form required by the Department of Homeland Security. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present appropriate documentation establishing identity and employment eligibility.

Former employees who are rehired must also complete the form if they have not completed an I-9 with LPCA within a timeframe established by Human Resources (generally three years after the date of hire or one year after employment is terminated, whichever is later), or if their previous I-9 is no longer retained or valid.

### **FAIR CREDIT REPORTING ACT**

LPCA may utilize consumer reports – e.g., credit, criminal, employment references and Department of Public Safety reports - to assist in making employment decisions. In addition, LPCA 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 Legacy Preparatory Charter Academy. Continued employment is also expressly conditioned on satisfactory results from legally authorized or required record and background checks.

In the event LPCA 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 – LPCA 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 LPCA’s decision as to what action is taken.

#### **PRE- AND POST-OFFER MEDICAL TESTING**

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with LPCA.

#### **NEW HIRE REPORTING**

By the 20th day after hiring a new employee, a report containing the name, address, and employer identification number of the school shall be made to the Texas Employer New Hire Reporting Operations Center.

#### **NEW HIRE ORIENTATION**

Orientation of new employees and their work assignments is arranged by LPCA and is mandatory. The purpose of the orientation is to acquaint the employees with their jobs and to give a complete explanation of benefits, services, rules, safety training, employee handbook, and other information that is helpful to the new employee.

#### **PROFESSIONAL LEARNING (PL) DAYS**

Professional learning activities are organized to meet the needs of employees and LPCA. Professional development for instructional personnel is predominantly district-based, due to the sameness of the program requirements for each campus. The campus, however, based on its own data, can request additional PL related to achieving campus performance objectives, making sure it’s addressed in the campus improvement plan, and approved by the campus-level Instructional Leadership Team (ILT) committee.

New facilitators to LPCA will have additional PL days one full week prior to the official return to work day each summer.

Individuals holding renewable State Board of Education certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

Professional learning days are mandatory and generally fall on a day prior to or following a district closure day. As such, in the absence of a medical excuse, any employee who is not in attendance on a professional learning day is automatically docked pay at their current daily rate as allowed by applicable law. Professional learning days for the 2022–2023 academic year are as follows:

- July 31<sup>st</sup> – August 4<sup>th</sup>
- September 8<sup>th</sup> & 22<sup>nd</sup>
- October 6<sup>th</sup> & 20<sup>th</sup>
- November 3<sup>rd</sup> & 10<sup>th</sup>
- January 8<sup>th</sup>, 12<sup>th</sup> & 26<sup>th</sup>
- February 9<sup>th</sup> & 23<sup>rd</sup>
- March 1<sup>st</sup> & 22<sup>nd</sup>
- May 17<sup>th</sup>

### ***Ongoing PL Days***

There are ongoing PL trainings for all employees during the school year. This training is also mandatory. Employees who choose to not attend will also be docked a day's pay, as allowed by applicable law. Any employee who cannot attend the training is responsible for seeking the information missed from the training. Employees' children are NOT allowed on campus during PL days or any other school functions during the school day.

### **INTRODUCTORY PERIOD**

New employees shall be subject to an introductory period during their first three months of employment. During this Introductory Period, an employee has an opportunity to get acquainted with his or her job, other employees and LPCA as an employer. Likewise, LPCA has an opportunity to evaluate the employee's job performance and to assist the employee in connecting performance and work standard deficiencies. During the Introductory Period, the following applies:

- Upon completion of the 90-day Introductory Period, the employee may be subject to a performance evaluation by his or her supervisor.
- Health Benefits shall begin on the 1st day of the month, **following 30 calendar days of employment**, subject to any introductory period required by particular benefit plan.

The Introductory Period for any employee may be extended at the discretion of the employee's supervisor and normally such an extension will be from one to three months. The employee will be notified in writing of any extension of the Introductory Period. In such cases, a performance evaluation will be completed at the end of the original Introductory Period and another will be completed at the end of the extension.

Employees promoted or transferred to a new position, given additional responsibilities, or transferred to a different location (but with the same job title) may also be subject to an Introductory Period similar to new employees, however all benefits shall accrue and be available for use by the employee.

New employees within their first 90 days of employment at LPCA who show they cannot meet LPCA job expectations may be terminated by the end of the probationary period, or before.

**The same disciplinary procedures and termination procedures apply to all employees, regardless of whether or not the employee is within the Introductory Period or not. Completion of an Introductory Period does not mean that employment with LPCA is guaranteed for any specific duration nor does it alter the at-will status of any employee.**

#### **ASSIGNMENTS, REASSIGNMENTS, AND TRANSFERS**

All personnel are subject to assignment and reassignment by the appropriate Campus Director or Central Office Supervisor. School personnel may be directed to perform additional or supplemental duties from time to time. Unless specifically approved by the Superintendent, no additional financial compensation is provided for such duties. The criteria for approval of campus appointments and reassignments will be consistent with school policy regarding equal opportunity employment. The Superintendent has the authority to reassign a staff member from one location to another based on budget and need.

An employee at one location may apply for an opening at another LPCA location by applying for it. A transfer from one location to another location is never guaranteed. Positions are filled with the individual LPCA deemed most qualified for the position, and LPCA may select candidates from outside the school to fill a vacant position. (Contact Human Resources for more information.)

Employees who are considering transferring to another campus or department must first notify their current supervisor. Employees must be in good standing for the transfer to be approved. Good standing is defined as not actively being on any type of professional growth plan and/or not receiving any formal disciplinary actions in the 90 days prior to the transfer request. The employee's current manager is responsible for request to the HR department by the designated deadline. Employees wishing to transfer to another position must first notify their current manager as a first step in this process.

Campus Directors or hiring managers may request an interview and/or sample teaching lesson before a transfer request is approved. Employees selected for a transfer will receive notification from the HR department.

Requests for transfer during the school year will be considered only when the change will not adversely affect scholars and after a replacement has been found. All transfer requests will be coordinated by the HR department and must be approved by the sending and receiving hiring manager.

Any employee may request reassignment to another position for which he or she is qualified within their same location. 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. LPCA fills all job vacancies with the individual it deems most qualified for the position and reserves the right to select candidates from outside Legacy Preparatory Charter Academy.

#### **CRIMINAL HISTORY RECORDS**

LPCA will obtain criminal history records from a law enforcement or criminal justice agency for all prospective volunteers and applicants for employment 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 scholars are regularly present) may be obtained at any time during employment or volunteer services.

Criminal history records must be obtained and reviewed prior to the employment of any driver for scholar transportation either directly or through a commercial service. Criminal history checks of a bus monitor or bus aide employed through a commercial service must be obtained and reviewed 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 included in this Handbook.

### **PROHIBITION AGAINST EMPLOYING INDIVIDUALS CONVICTED OF CERTAIN OFFENSES**

LPCA 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, LPCA shall discharge or refuse to hire an employee or applicant for employment if it obtains information through a criminal history review that:

1. 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
2. The employee or applicant has been convicted of:
  - a. 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
  - b. 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 LPCA 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:

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

LPCA may make employment decisions in accordance with its policy regarding employment of personnel with criminal histories (or arrested or charged with a criminal offense). LPCA'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 an LPCA officer or employee if the person has been convicted of:

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

Additionally, LPCA 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. LPCA 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 LPCA or the State Board of Educator Certification ("SBEC"). Except as required by state or federal law or as determined by LPCA to be in the best interest of scholar and employee safety (and in accordance with applicable law), LPCA 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. LPCA 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, LPCA reviews these circumstances on a case- by-case basis. LPCA reserves the right to annually (or more frequently) perform criminal history record checks on current employees.

### **FINGERPRINTING**

In accordance with state law, LPCA requires all employees and substitutes to complete the fingerprinting process implemented by the SBEC/Texas DPS Clearinghouse prior to employment.

### **ARREST & CONVICTION OCCURRING AFTER EMPLOYMENT BEGINS**

An employee must notify the Campus Director or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty pleas, or other adjudication of the employee 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 conviction or deferred adjudication 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) an LPCA vehicle or piece of mobile equipment. Failure to timely report an arrest, indictment, charge, plea, conviction or adjudication may result in disciplinary action, up to and including termination. Such report shall be made within three days of the arrest, conviction, or any other adjudicatory action.

Conviction of a crime shall not be an automatic basis for termination. LPCA shall consider the following factors 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 LPCA and its scholars.

### **EMPLOYEE RIGHT TO ACCESS PERSONNEL FILE**

LPCA 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 authorized 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 the school that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. The 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 Public Information Law. However, the school may assert, as grounds for denial of access, other provisions of the Texas public information laws or other laws that are not intended to protect the employee's privacy interests.

If LPCA 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. The school will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own file should contact the Human Resources department: [hr@legacypca.com](mailto:hr@legacypca.com). 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 Texas Public Information Act, employees may choose to have the following personal information withheld from disclosure:

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

Please provide written notice to the HR Department if you wish to opt-out and have the above-identified information "exempted" from disclosure under the Texas Public Information Act. A request to deny public access to personal information is effective only for public information requests made after the date the employee submits to LPCA the request to deny access. New or terminated employees have 14 days upon hire/termination to choose whether to have either closed or public records. If a choice is not submitted to the HR department, employee records will remain open, at which point most personal information will be released to the public upon request. With respect to certain medical information protected by state and federal law and evaluation documents exempted from disclosure under State law, LPCA will seek to exempt and protect such documentation from disclosure to the extent permitted by law.

### **PERSONNEL DATA CHANGES**

Employees are responsible for submitting any and all personnel data changes to the Benefits Coordinator to ensure accuracy at all times. Many changes can be completed through Skyward Employee Access, however, address changes must be submitted both in Skyward and with the Benefits Coordinator.

### **JOB VACANCY ANNOUNCEMENTS**

Announcements of job vacancies are distributed on a regular basis and posted in areas of the school designated by the Campus Director or designee. LPCA also posts openings on Region 10 website at [www.teacherjobnet.org](http://www.teacherjobnet.org) and Indeed.com.

### **EMPLOYMENT APPLICATIONS**

LPCA relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in this information or data may result in LPCA's exclusion of the individual from further consideration for employment or, if the person has been hired, termination from employment.

### **EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who join LPCA are well-qualified and have a strong potential to be productive and successful, it is our policy to check the employment references of all applicants.

### **EMPLOYEE REFERRALS**

LPCA does not provide information on former or present employees without the written approval of that individual. Supervisors do not provide letters of recommendation for former or present employees. Requests for referrals or requests/inquiries about former or present employees should be referred directly to the Campus Director.

### **MINIMUM QUALIFICATIONS FOR CAMPUS DIRECTORS AND TEACHERS, AND NOTIFICATION TO PARENTS REGARDING TEACHER QUALIFICATIONS**

LPCA employs Campus Directors, facilitators, and instructional staff members who are properly credentialed and qualified as required by state and federal law. Employment is contingent upon and subject to the employee submitting all required documentation in a timely and accurate manner and meeting all other employment requirements of LPCA.

State law requires that LPCA provide to the parent or guardian of each enrolled scholar written notice of the professional qualifications of the scholar's classroom facilitators. LPCA will also provide this information upon request from a parent.

### **CONFLICTS OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This section establishes only the framework within which LPCA wishes to operate. LPCA'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 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 the HR office for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of LPCA's

business dealings and operations.

No “presumption of guilt” is created by the mere existence of a relationship with an employee, contractor or vendor that may be a potential conflict of interest. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their immediate supervisor or Campus Director, as soon as possible, the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which LPCA does business, but also when an employee or relative receives any benefit, including but not limited to a kickback, bribe, substantial gift, or special consideration, as a result of any transaction or business dealings involving LPCA.

An employee with reason to believe that an actual or potential conflict of interest exists must bring that concern to the attention of that employee’s immediate supervisor or to the office of the Superintendent. Nothing in this policy is meant to interfere with LPCA’s desire to encourage staff members to take part in civic, church, and other public services where opportunities to exhibit good citizenship are present.

### **Outside Employment**

Employees should not be engaged in outside employment that provides a conflict of interest or directly interferes with the employee’s performance. For purposes of this prohibition, “employment” includes employment with another organization, consulting, or self-employment, whether on a voluntary basis or for pay.

Full-time and part-time employees who wish to engage in any form of outside employment are required to notify their immediate supervisor and, if a potential or actual conflict of interest is present, have written permission from their immediate supervisor to engage in the outside employment. At all times, employees are expected to maintain a satisfactory level of performance in their job at LPCA. LPCA prohibits the performance of non-school work while on the job or with LPCA equipment and/or supplies.

### **EMPLOYMENT OF RELATIVES AND FRATERNIZATION**

LPCA is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with LPCA’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, LPCA strongly discourages its employees from entering into intimate relationships with other employees for which they have professional supervisory responsibility.

While relatives may be employed by LPCA 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.

LPCA may refuse to hire or assign a relative in a position where the appearance of or potential for favoritism or conflict exists. 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 the 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. LPCA will, at its discretion, attempt to identify other vacant positions, and allow one or both of such employees to apply for reassignment, or LPCA may reassign the employees at its discretion. If no alternate position is available, LPCA may terminate either or both of the employees at its discretion.

In other cases, where a conflict or the potential for conflict arises between an employee and another employee, whether or not professional supervisory responsibility is involved, the parties may be separated by reassignment to another position or terminated from employment, at LPCA's discretion.

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.

| <b>Degree</b> |                   |                  |                |              |
|---------------|-------------------|------------------|----------------|--------------|
| First Degree  | Parent            | Child            |                |              |
| Second Degree | Grandparent       | Grandchild       | Sister/Brother |              |
| Third Degree  | 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 LPCA. Such confidential information includes, but is not limited to, the following:

- Curriculum systems;
- Instructional programs;
- Curriculum solutions;
- Scholar coursework;
- Scholar grades;
- Scholar demographic information;
- Staff member demographic information;
- Funding sources;
- Individual scholar data;
- 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 LPCA 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 Texas Public Information Act, Chapter 552 of the Texas Government Code, or other applicable federal or state law.

### **SPECIAL RULES FOR SOCIAL STUDIES COURSES**

For any social studies course offered by LPCA, 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.

### **TEXTBOOK AND MATERIALS ACQUISITION**

Any LPCA central office, campus leadership, facilitator or staff member who receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used by LPCA may commit a Class B misdemeanor offense.

Any LPCA officer, central office, campus leadership, Assistant, or facilitator who accepts a considerable gift, favor, or service given to the person, or to LPCA, 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.

### **GRADES AND GRADE SYSTEM**

Legacy Preparatory Charter Academy is committed to creating an environment where quality instruction, assessment, and evaluation occur to improve student achievement. The primary purpose of awarding grades is to communicate student achievement in relation to the state standards, the Texas Essential Knowledge and Skills (TEKS). Guidelines for grading shall be clearly communicated to students and parents. These guidelines shall ensure that:

- grading reflects a student's relative mastery of an assignment
- a sufficient number of grades are taken to support the grade average assigned
- equitable, purposeful assessment, and grading practices that inform teacher instruction and emphasize individual student growth.

#### **Equitable Grading: 50-Point Scale**

LPCA eliminates the use of zeros by implementing a 50-point grading scale. In the 50-point scale, students may only receive grades between 50 and 100.

#### **Formative Assessments - Formative grades represent 40% of the nine weeks grade.**

Formative assessment is assessment FOR learning. Formative assessment provides ongoing feedback and will be recorded a minimum of two times a week for each student. The formative assessments recorded must align to the standards of the summative they precede and are to provide guidance to the student and teacher on progress towards learning goals. Formative grades should reflect progress on standards only, not compliance, i.e. returning a progress report for a grade or bringing a box of tissues at the beginning of the school year. Grades will be entered for parents' view within 3 days of assignment being given.

Examples of formal formative assessments include, but are not limited to the following:

- Daily practice
- Checking for understanding, i.e. exit tickets, notebook entries
- Classroom assignments
- Quizzes

**Summative Assessments - Summative grades represent 60% of the nine weeks grade.**

Summative assessment is assessment OF learning that occurs at the end of a sequence of instruction. A minimum of two summative assessments is required each nine weeks. LPCA supports a balanced assessment approach and recommends using multiple assessment formats that require students to write, to create, and to perform to document learning. Grades should be based on mastery of the curriculum. Grades will be entered for parents' view within 3 days of assessment being given.

Examples of summative assessments include, but are not limited to the following:

- Tests
- PBL Projects
- Presentations
- Portfolios
- Performance assessments
- Papers
- Reports
- District assessments

**Reassessment Procedures for Summative Assessments**

1. Reassessment provides students the opportunity to demonstrate they have increased their knowledge, skills, and/or concepts from the first assessment. Therefore, students who have already demonstrated advanced learning or mastery will not be reassessed.

2. Students who fail a summative assessment shall be reassessed. Students who receive a grade below a 70 shall have the opportunity to be reassessed. Students who meet the reassessment criteria may be reassessed one time.

3. On a summative reassessment, the teacher shall record the higher of the two grades up to a grade of 70.

4. Reassessment occurs under the following conditions:

- The student completes formative assessments/assignments related to the summative (as determined by the teacher) prior to the reassessment opportunity.
- The student engages in additional learning opportunities/assignments. The teacher selects the time for reassessment, which may include before/after school.
- Time frame:
  - Normally within 10 school days of the student receiving the grade on the original assessment unless extenuating circumstances exist
  - No later than five calendar days into the next grading period if the summative was given the last week of the grading period

5. The same assessment shall not be given to determine mastery. However, the assessment format is subject to the teacher's discretion.

6. The semester exam is not subject for reassessment.

## Secondary Teachers Only - Grading in Echo

|     | Learning Outcome       | Percentage | Possible Points                                    |
|-----|------------------------|------------|----------------------------------------------------|
| All | Knowledge and Thinking | 50%        | 100<br>(Summative Assessments)                     |
|     | Agency                 | 35%        | 100<br>(Formative Assessments)                     |
|     | Written Communication  | 5%         | 20<br>(Daily Grades - All three learning outcomes) |
|     | Oral Communication     | 5%         |                                                    |
|     | Collaboration          | 5%         |                                                    |

Scholar grading must be equitable and fair. **A minimum of 2 (two) grades must be recorded in Skyward/Echo each week to indicate student work on materials.**

### **SPECIAL FAILING REPORT TO PARENT(S) FORM**

This form will be sent to parents of students who are in danger of failing or receiving a “low” grade after the beginning of the third week of the grading period, or anytime subsequently after the third week, if the students grade fall below 70 or subsequently lower then the grade received on the previous report period.

### **SUBSTITUTE FOLDER**

It is the responsibility of every teacher to ensure that lesson plans, schedules, and other classroom materials are available for use even if the teacher is absent. All teachers must develop a substitute packet containing any information necessary for a substitute to take over your class with a minimum amount of confusion. All substitute lesson plans must be updated bi-weekly. A substitute packet could also consist of regularly updated enrichment or review activities to be used in addition to the lesson plan. Be sure to include a schedule, the name of a “buddy” teacher and any other information that will make the day run smoothly. Keep this visible on or near your desk. Your team members should be made aware of the location of the materials. If you know in advance that you will be absent, remember to leave enough material for the substitute. Finally, make sure you explain what is expected of them in your absence: appropriate behavior, all materials returned to their proper place, etc. You must have lesson plans at all times. Lesson plans must be available for substitutes. All lesson plans & gradebook(s) must be submitted to administrators at the end of the year.

Items to be included in the Substitute Folder:

- O Lesson Plans with TEK's, and all materials and supplies needed for instruction.
- O Location of attendance sheet and instructions for taking attendance.
- O Class Schedule
- O Seating Chart
- O Class Rules and Consequences
- O Restroom/recess schedule (if applicable) O Lunch Procedures
- O Referral Slips and/or Incident Report
- O Referral Procedures
- O Fire Drill and Emergency Procedures

Teacher Editions and Reference Manual must be kept on campus at all times.

## **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. Duplication 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 LPCA shall be considered the property of LPCA. 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 LPCA, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to LPCA 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 the school’s opinion may be necessary or desirable to secure the school’s full enjoyment of all right, title interest and properties herein assigned. Employees agree to not charge the school for use of their copyrighted, trademarked, and patented material.

## **PROPRIETARY INFORMATION**

Proprietary information includes all information relating in any manner to the business of LPCA and its schools, scholars, parents, consultants, customers, clients, and business associates obtained by LPCA employees during the course of their work. Occasionally, in the service of LPCA’s mission, LPCA 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 LPCA documents, that employee should direct the request to Headquarters or seek approval from the Superintendent before disseminating documents.

## **PERFORMANCE EVALUATIONS**

The job performance of all employees will be reviewed by the employee’s supervisor on a regular basis. 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 according to a schedule developed by the Superintendent. These evaluations provide both the employee and his or her supervisor the opportunity to discuss job performance, identify and correct weaknesses, encourage, and recognize strengths, and discuss purposeful approaches for meeting goals.

Written evaluations will be completed on forms approved by the Superintendent annually. Reports, correspondence, walk through data and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor or coordinator, and be given an opportunity to respond to the evaluation. Evaluation documents are confidential, to the extent allowed by law.

Employees are strongly encouraged to discuss job performance with their supervisor or coordinator on an informal day-to-day basis. Additional formal performance evaluations are conducted to provide employees and their supervisor or coordinator the opportunity to discuss job tasks, identify and correct weaknesses, encourage, and recognize strengths, and discuss positive, purposeful

approaches for meeting goals.

### **Teacher Appraisals**

Classroom facilitators are subject to frequent walk-throughs and observations. The Superintendent may request additional documentation as needed and may require official appraisal instruments for personnel evaluation. Informal observations conducted by the facilitator's supervisor are considered valid information for the purpose of employment decisions.

### **TERMINATION OR RESIGNATION**

Employees are employed at-will and can be dismissed without notice or warning. An employee may be separated from employment either voluntarily or involuntarily by retirement, voluntary resignation, lack of work, job abandonment, or termination. Usually, before an employee is terminated, he or she may be told the reason(s) for termination where appropriate and may be counseled by his or her supervisor. All supervisors are mandated to document attempts to support the employee and the needed behavior change. However, the Board of Directors and the Superintendent have the authority to discharge the employee immediately and without 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 and the value of said property will be deducted from the employee's final pay as allowed by applicable law.

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 payroll 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 LPCA, 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.

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

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

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

### **Termination Grievances**

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. The Superintendent or designee 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 by the Superintendent or designee may appeal through the General Employee Complaints and Grievances process described on page 22 of this handbook, beginning at Level Three.

### **PROCESS FOR FILING GENERAL EMPLOYEE COMPLAINTS AND GRIEVANCES**

The purpose of the employee complaint process is to provide employees an orderly process for the prompt and equitable resolution of grievances. LPCA intends that, whenever feasible, grievances

be resolved at the lowest possible administrative level.

In using and applying the employee complaint process, all participants are expected to remain courteous and to adhere to the Code of Ethics and Standard Practices for Texas Educators.

### **Informal Process**

LPCA encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution is encouraged but will not extend any deadlines in this grievance process, except by mutual written consent.

### **Formal Process**

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

Even after initiating a formal complaint, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The 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.

### **Freedom from Retaliation**

Neither LPCA nor any school employee shall unlawfully retaliate against an employee for bringing a concern or complaint/grievance.

### **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.

The term “day” shall be defined as a school business day, unless stated otherwise in this complaint process. In calculating timelines under these procedures, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following school 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**

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

### **Response**

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

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. 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 LPCA 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 LPCA before a scheduled conference or hearing, LPCA may reschedule the conference or hearing to a later date, if desired, in order to include the school's counsel. LPCA 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, LPCA 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 LPCA. 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 Complaint Process**

The formal complaint process provides all employees an opportunity to be heard up to the highest level of management. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board of Directors, as outlined below.

### **Level One**

Level One complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; and
2. With the HR Department. If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the Level One complaint form.

If the complaint is not filed with the HR Department, the receiving administrator will note the date and time the complaint form was received and immediately forward the complaint form to the HR Department.

The HR Department shall investigate as necessary and schedule a conference with the employee. The HR Department may set reasonable time limits for the conference. Absent extenuating circumstances, or if there is a need to gather additional information, the HR Department shall provide the employee with a written response within ten days of receipt of the complaint. The written response will set forth the basis of the decision. In reaching a decision, the HR Department may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

*Note: Employees alleging adverse employment action in retaliation for reporting a violation of law by a LPCA employee, director, or officer may appeal directly from Level One to Level Three, bypassing Level Two.*

## **Level Two**

If the employee did not receive the relief requested at Level One or if the time for a response has expired, or if the employee is directed to do so by LPCA, the employee may request a conference with the Superintendent or designee to appeal. The appeal notice must be filed in writing, on a form provided by LPCA, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal the Level One administrator will prepare and forward a record of the Level One complaint to the Level Two administrator. The Superintendent or designee will schedule a conference after receiving the appeal notice. The conference shall be limited to the issues and documents considered at Level One. The Superintendent or designee may set reasonable time limits for the conference. The Superintendent or designee shall provide the employee a written response within ten days following receipt of the Level Two appeal. The written response will set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

## **Level Three**

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board of Directors. The appeal notice must be filed in writing, on a form provided by LPCA, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board. The Board of Directors will consider the grievance and may, at its discretion, require the appearance of the employee and administration.

The Board of Directors will determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. Generally, complaints involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint may be heard by the Board of Directors in a closed meeting. Complaints involving a complaint or grievance against another LPCA employee, director, or officer shall be heard in a closed meeting unless an open meeting is requested in writing by the employee, director, or officer against whom the complaint or grievance is brought.

After considering the appeal, the Board of Directors may subsequently take action or no action. If the Board of Directors takes action, it may make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board of Directors meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two. A decision by the Board of Directors, if any, is final and may not be appealed.

## **WHISTLEBLOWER COMPLAINTS**

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

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 on page 22 of this handbook, beginning at Level Three.

LPCA may shorten its general timelines for investigating employee complaints and concerns to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint.

If the Board does not render a final decision before the 61st day after a whistleblower complaint is filed, an employee may:

1. Exhaust the LPCA grievance 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 Texas Whistleblower Act; or
2. Terminate the School grievance procedures and sue within the timelines established by the Texas Whistleblower Act.

#### **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 Texas Education Agency 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 LPCA learned of the criminal record by means other than the criminal history clearinghouse established by the Texas Department of Public Safety;
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 scholar or minor;
  - b. was involved in a romantic relationship or solicited or engaged in sexual conduct with a scholar 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, Campus Directors 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 based on reasonable cause that the educator may be engaged in abuse or otherwise committing an unlawful act with a scholar or minor. An investigation of the educator's misconduct must be completed even if the educator resigns 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.

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 scholar or minor or participated in a romantic relationship with or solicited or engaged in sexual contact with a scholar 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.

LPCA shall provide notice to the parent or guardian of a scholar 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 Texas Education Agency, disclosing whether the applicant has been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

#### **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 an non-educator's termination or resignation if:

1. An employee's employment with LPCA was terminated and there is evidence that the employee:
  - a. Abused or otherwise committed an unlawful act with a scholar or minor; or
  - b. Participated in a romantic relationship with or solicited or engaged in sexual contact with a scholar 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 LPCA 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.

Campus Directors 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.

## **SECTION 4: COMPENSATION AND PAY SCHEDULES**

### **PAYROLL**

Each academic year a payroll calendar is released district-wide to each employee, posted in the main office of each campus, as well as posted online at [www.legacypreparatory.com](http://www.legacypreparatory.com). All full-time and part-time employees will be paid twice per month (semi-monthly) on the 15th and the 30th of each month. To ensure compliance and accuracy with TRS reporting substitutes, will be paid on a monthly basis on the 15th of each month for any time worked in the previous calendar month. Each paycheck will include earnings per timesheet submissions for all work performed within the posted payroll period. In the event that a regularly scheduled payday falls on a weekend or holiday, employees will be paid on the preceding active bank day.

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.

LPCA follows both state and federal laws as it pertains to wages & pays all full-time employees an annualized salary over 12 months, regardless of the number of months worked during the school year. Exempt employees whose employment ends after the last day of instruction (and who are not returning for the next school year) will automatically be paid-out in accordance with the Texas Payday law. Those employees who wish to have their pay span through the scheduled summer break must complete a Pay Continuation Request form located on the payroll & benefits resource page.

### **SALARIES AND WAGES**

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. Salaries and wages are reviewed periodically and adjusted according to the budgeted amounts approved by the Board of Directors. Employees should contact Human Resources for further information concerning their own salary.

### **PAYROLL DEDUCTIONS**

LPCA 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.

Additional payroll deductions may include those for an 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. All optional deductions from an employee's paycheck must be authorized by the employee in writing. See the Wage Deduction Authorization Agreement, attached.

If you have questions why deductions were made from your paycheck or how they were calculated, notify [payroll@legacypca.com](mailto:payroll@legacypca.com).

### **Pay Corrections**

Should an employee believe there has been an error in payment, the employee should first reference the posted payroll schedule to ensure submission was timely. If there is still an error, the employee should contact their campus manager for assistance. Errors found to have been made by the payroll office will be corrected immediately.

### **Overpayments**

Employees are responsible for notifying the payroll office of known overpayments on any paychecks received. Overpayments will be recouped in full upon discovery. One pay period of reprieve may be afforded to an employee if recoup may cause hardship. LPCA will pursue all legal means necessary to recover overpayments.

### **DIRECT DEPOSIT**

All staff are strongly encouraged to take advantage of direct deposit because of the many advantages it offers. In addition to being efficient and convenient, direct deposit is the most reliable method of receiving pay.

### **UNCLAIMED PAYROLL**

In the event an employee does not collect their pay within 90 days, LPCA will secure such pay and the wages will still be recorded. The employee will be required to present proper identification to LPCA 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.

### **EXPENSE AND TRAVEL REIMBURSEMENT**

The Superintendent shall designate to Campus Directors allowable expenses for expense reimbursement when employees incur expenses that are pre-approved and related to their work assignments.

Employees shall be required to submit accurate documentation of the expenses for which reimbursement is sought. For example, an itemized restaurant receipt will be reimbursed, but one not itemized will not be reimbursed. Receipts are to be submitted within one calendar week after travel is completed to Accounts Payable.

Employees, except for the Superintendent, who have a Legacy debit card, may only use the debit card for approved meals during pre-approved district travel trips. Receipts from coffee houses and other non-restaurant establishments will not be approved. Receipts for non-meal items may not be approved.

Prior written approval for travel, including prepaid expenses, shall be obtained before any such expenses are incurred. Before an employee incurs any travel expenses, the employee must receive written approval from the Superintendent.

LPCA employees shall be reimbursed for authorized mileage incurred while performing job-related duties only if such travel is at the request of the employee's supervisor and is approved in advance in accordance with written approval by the Campus Director and Superintendent. Travel

will not be reimbursed on certain occasions, such as from home to work or work to home. For example, travel to a nearby conference will be calculated from <50 miles from the office. If the conference is more than 50 miles from the office a hotel may be used by the employee for multi day conferences.

Upon prior approval, mileage is reimbursed while traveling between LPCA locations, or from a LPCA location to another work-related location for approved staff. The official Legacy mileage form can be requested from the central office.

When traveling to the airport for a work related out-of-town assignment, at-will employees will use either uber or remote (out of airport) parking, whichever is cheapest. Inside airport parking will not be reimbursed in most cases. Tolls paid on the way to the airport will not be reimbursed. We are the stewards of the taxpayers' money and we will work hard to show we are fiscally responsible employees.

The rental of cars can be done only with the approval of the Superintendent. The rental vehicle will be chosen by Central Office. Gas will only be reimbursed at local gas rate, not the rental company's rate.

The new Education Department General Administrative Regulations (EDGAR) system will contain changes to this and other expense procedures. Those regulations will always supersede content in this handbook.

### **WAGE AND TAX STATEMENTS**

All employees will receive a Wage and Tax Statement (Form W-2) from LPCA showing their annual earnings. W-2 forms will be prepared and distributed no later than January 31st of each year. If you do not receive your W-2 in the mail, it can be accessed and printed by logging into Skyward Employee Access. W-2's not received due to insufficient, incomplete, or incorrect addresses will need to be reprinted if it is not returned to the district. In such an event, an email must be sent to [payroll@legacypca.com](mailto:payroll@legacypca.com) to obtain instructions regarding a reprint & redistribution of the W-2. This process does carry administrative & reprint fees.

### **FAIR LABOR STANDARDS ACT (FLSA)**

#### **Employment Categories**

It is the intent of LPCA to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and LPCA.

Each employment position is designated as either EXEMPT or NON-EXEMPT under federal and state wage and hour laws in accordance with applicable federal law. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal law. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by LPCA, and in accordance with applicable federal law.

Exempt status applies to the position and not the employee. Exempt simply means the position the employee fills is exempt from the Fair Labor Standards Act (FLSA), and is not entitled to overtime compensation. However, any full days of absence taken in excess of the employee's allotment/service record accumulation of sick or personal leave will result in an employee payroll deduction calculated on a prorated daily rate.

Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require LPCA to pay the employee overtime (time and a half) for all hours worked in excess of 40 during a workweek. The key phrase here 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 time card or record, and will be eligible for overtime pay in accordance with the appropriate Wage and Hour laws.

LPCA’s positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by the Human Resources department. Employees may obtain this information by sending an email request to [hr@legacypca.com](mailto:hr@legacypca.com).

### **Timekeeping**

Federal and state laws require LPCA 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.

Non-exempt employees should accurately record the time they begin and end their work, including the beginning and ending time of each unpaid meal time, via True Time electronic clock system. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Clocking in and out should happen as it takes place. If an error is made on a timesheet a True Time Timesheet Adjustment form should be completed and routed to your campus manager for approval.

Employees electronically sign their timesheet to certify the accuracy of all time recorded. Time sheet accuracy is imperative as it directly affects pay. Once a time sheet has been updated to history, edits are not possible. Once submitted, the campus manager & campus director will review and approve the timesheet via an electronic signature before submitting it for payroll for final processing.

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**

Employees not exempt under the FLSA shall be paid minimum wage and receive compensation for overtime under the conditions specified in the Act. Under no circumstances should an employee work “off the clock” or outside of the employee’s approved work schedule. Overtime work must always be approved by the Superintendent before it is performed. The Superintendent is the only one who can give Campus Directors permission to offer their non-exempt employees overtime. Employees who work overtime without prior written approval may be subject to disciplinary action, up to and including termination.

### **Comp Time vs. Overtime**

LPCA does not offer compensatory time in lieu of overtime pay.

## **SECTION 5: BENEFITS**

The benefits information in this handbook is only a summary of benefit plans offered by LPCA. This

general explanation is not intended to and does not provide employees with all the details of these benefits. This handbook does not change or otherwise interpret the terms of the official plan documents. If there is any conflict or difference between the information in this handbook and the plan documents, the plan documents will govern. LPCA reserves the right to change or end these benefits at any time and for any reason, consistent with all laws. Additionally, benefit eligibility is dependent upon a variety of factors, including employee classification. If employees would like additional information related to any benefits offered by LPCA, please send an email to [benefits@legacypca.com](mailto:benefits@legacypca.com) with your requests & inquiries.

Substitute teachers and temporary employees may be eligible for the benefits described in this section in accordance with the Patient Protection and Affordable Care Act and other applicable rules and regulations governing LPCA's benefit plans.

### **BENEFIT OFFERINGS**

LPCA offers the following benefit programs to eligible employees in the manner prescribed by law:

- Teacher Retirement
- 403(b)
- Health Coverage
- Dental & Vision
- Voluntary & \*Basic Life Insurance
- Short & \*Long-Term Disability
- \*Employee Assistance Program
- Critical Illness
- Accident
- COBRA

Benefits eligibility is dependent upon a variety of factors, including employee classification. Human Resources can identify the programs for which you are eligible. Some benefit programs require contributions from the employee; \*some are fully paid by LPCA.

### **TEACHER RETIREMENT SYSTEM ("TRS")-COVERED EMPLOYMENT**

Employment eligible for membership in TRS must meet the three requirements listed below.  
Membership Eligibility in retirement system is established through a single employer:

- Employment must be on a regular basis for either an indefinite period of time e.g., at-will employment, or a definite period of 4 ½ months or more.
- Employment must be for one-half or more of the time required of the standard workload for the same or similar full-time position.
- Salary must be comparable to the rate of pay earned by other employees in the same or similar position types. The rate of pay is comparable if it is in the range of pay set by the board of trustees or is the customary rate of pay for that position. (Rate of pay should not usually exclude an employee from membership)

An employee meets these requirements if the member's customary employment is for 20 hours or more each week and a cumulative 4 ½ months or more in one school year.

If LPCA has established a lesser requirement for full-time employment for certain positions, full-time service includes employment in those positions. Full-time service is employment that is usually 40 clock hours per week. In no event may full-time employment require less than 30 hours per week.

All regular employees of the public education system in Texas (employed for four and one-half months or more, for one-half time or more of the standard full-time workload and paid at a rate comparable to other persons employed by that employer in similar positions) must participate in TRS, unless an exception to TRS membership applies.

The exceptions to TRS membership include but are not limited to:

- A substitute, as defined by TRS Rules (To be considered a substitute, the individual must be serving in a position that has an employee on record and paid at a rate of pay that does not exceed the rate for substitute work established by the employer.);
- A person employed on a temporary (less than four and one-half months), part-time (less than one-half time), seasonal, or on an irregular basis.

Substitutes not receiving TRS service retirement benefits that work at least 90 days a year may also be eligible for TRS membership and to purchase one year of creditable service. TRS provides members with an annual statement of their accounts showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits. LPCA will make all required contributions for employees eligible for TRS benefits on a timely basis.

Employees can contact TRS by calling 800-223-8778 or 5120542-6400. TRS information is also available online at [www.trs.state.tx.us](http://www.trs.state.tx.us).

#### **HEALTH COVERAGE BENEFITS**

LPCA offers medical coverage through Blue Cross Blue Shields of Texas, to all eligible employees. The school's medical coverage plan(s) is/are approved annually by the Board of Directors. The school's annual contribution to the plan(s) is also approved on an annual basis by the Board of Directors. Details regarding the current LPCA health coverage benefits offerings may be obtained from the Benefits Department.

#### **CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT – COBRA**

LPCA's plan administrator will notify employees via USPS mail of their rights under COBRA upon separation from employment with the school.

#### **OTHER BENEFITS**

From time to time, LPCA may offer its employees the option to additionally purchase and/or participate in various other benefits and insurance programs, subject to the terms and conditions of the various programs. These benefits may include, but are not limited to Dental, Vision, Flexible Spending (FSA) & Health Savings (HSA).

#### **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 Human Resources: [hr@legacypca.com](mailto:hr@legacypca.com).

#### **WORKERS COMP INSURANCE BENEFIT**

LPCA may provide workers' compensation benefits to employees who suffer a work-related illness or personal injury due to accidents arising out of their employment with the school. Such benefits are paid for entirely by LPCA and help pay for medical treatment and make up for part of the income lost while recovering.

An employee receiving workers' compensation wage benefits may elect to receive accrued paid leave benefits, whether or not such employee is on family and medical leave. If such an election is made by the employee, LPCA shall pay the difference between the weekly income benefit received under workers' compensation, and the employee's regular weekly compensation, and shall charge leave proportionately.

An employee whose accumulated leave is exhausted prior to or during an absence for a work-related injury or illness shall be placed on an unpaid leave of absence. Except while on family and medical leave, the employee shall be responsible for full payment, in advance, of all premiums for insurance benefits during such leave of absence.

Upon release from workers' compensation for regular or accommodated duty, the employee must submit a written request for reinstatement of employment. The request must be accompanied by a physician's statement certifying the employee's fitness to return to work. If the release is for an accommodated-duty position, the return to work shall be coordinated by the Campus Director.

Except as required under the temporary disability law, an employee released from workers' compensation shall be considered for a position for which the employee is qualified, provided such a position is available. If no position for which the employee is qualified is available at the time the employee requests reinstatement, the employee shall be considered for a subsequent vacancy. Failure of an employee to report to the school upon release from workers' compensation leave within three days, or refusal to accept an offered position, shall constitute resignation.

### **Mandatory Requirements**

Workers' Compensation Insurance covers all employees during the time they are on the job. Covered injuries and illnesses may be physical or mental and specific or cumulative. An injury is considered job-related when it arises out of and in the course and scope of employment. The activity that caused the injury must also be an activity that is in the course and scope of employment.

### **Denial of Workers' Compensation Insurance Benefits**

Except as otherwise required by state law, injuries not covered by Workers' Compensation Insurance include those where the employee:

- Was intoxicated on alcohol or drugs.
- Was in the process of committing a felony (and has been convicted).
- Was participating in a social or recreational activity off-duty that was not directly related to his or her work.
- Was commuting to or from work unless doing so under the direct control or orders of LPCA on school-related business.
- Caused the injury intentionally or committed suicide.
- Was "horsing around"
- fighting on the job
- Violated a school safety policy or procedure including not wearing appropriate and required clothing/shoes or gear.

If LPCA denies a Workers' Compensation Insurance claim:

- The employee may contest the decision in accordance with the provisions of the Workers' Compensation laws of the State of Texas.

- All costs incurred by the employee in contesting a denial of the claim shall be the sole responsibility of the employee. LPCA is not obligated to make any commitments or statements pertaining to its liability concerning an employee's injury or illness.

### **Reporting Requirements**

Any employee suffering an injury or illness that is work related is responsible for immediately reporting that illness or injury—no matter how minor—to his or her supervisor. The supervisor will assist the individual immediately to obtain all the details of the incident and the identities and contact information of any witnesses, if necessary.

All appropriate incident forms must be completed and submitted to the school's insurance carrier within 24 hours of the incident. Additionally, the employee will be required to participate in a post-accident drug and alcohol test within 24 hours of the accident.

Employees desiring information about the school's position on the Workers' Compensation Insurance claim will be informed only that the school and/or its insurance carrier is conducting an investigation.

All questions and claims regarding workers' compensation should be referred to the Human Resources department. An employee receiving workers' compensation wage benefits shall be assigned to FMLA leave, if applicable.

### **Request for Workers' Compensation Leave**

Any employee whose job-related injury or illness will prevent him or her from reporting to work within one week following the initial incident should contact their Campus Director during the first week of the absence. Workers' Compensation Insurance leave may be granted for situations in which there is a physician's written statement indicating that a leave of absence is required.

The physician's statement must provide adequate details, acceptable to the school, regarding the nature of the disability and the anticipated length of absence from work. LPCA may, at its discretion and expense, require another medical opinion by a physician. LPCA reserves the right to select the physician to examine and treat the injury or illness, to seek additional medical opinions, and to deny benefits where there is insufficient evidence that the illness or injury arose out of or occurred in the course of employment.

If a leave of absence is needed in the case of a legitimate Workers' Compensation Insurance injury or illness, the employee shall be paid according to the state schedule and shall remain on leave until he or she is released by a physician's statement.

An employee is not eligible for leave until the employee has been employed for a full calendar year, or as otherwise required under state law.

### **Fraudulent Claims for Workers' Compensation**

Filing a false or fraudulent claim is a violation of law and school policy, and can result in disciplinary employment actions, including termination of employment.

### **Return to Work Policy**

Upon expiration of a Workers' Compensation absence, and prior to returning to work, the employee must obtain and submit a physician's release to the Office Manager.

Potential employment following such Workers' Compensation absence shall be determined based on the type of leave for which the employee qualifies. All employees qualifying for leave under

the Family Medical Leave Act (“FMLA”) or Uniformed Services Employment and Reemployment Rights Act (“USERRA”) shall be placed in a like or comparable position upon their release to return to work or as otherwise required by law. Employees returning within the Extended Leave period, defined later in this handbook, may return to a previously-vacated position, at the school’s discretion subject to availability, upon release to return to work. If the position is unavailable, the employee may be assigned to a substantially similar position or another suitable position for which the employee is qualified, subject to availability. If no position is available, the employee’s name may be placed on the substitute roster, if any, and the employee may be considered for a subsequent vacancy along with other applicants. Employees exceeding the 30-day Extended Leave period will have been considered to have resigned and/or separated from employment due to unavailability to work, but will be able to re-apply for any vacancies, subject to qualifications and availability of job openings.

### **Early Return-to-Work (RTW) Qualifying Terms and Conditions**

The employee must have a temporary disability due to an “Employment Related Injury,” which is defined as an injury or occupational disease that arises out of the course and scope of employment and is a compensable injury or illness, as defined under the Texas Workers’ Compensation Act (the “TWCA”).

“Physician” means a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the Texas Workers’ Compensation Rules (Texas Labor Code, Title 5, Subtitle A).

“RTW” is a temporary Modified Duty position to which an employee is assigned when he or she is unable to return to his or her regular position following an Employment Related Injury. The RTW position temporarily addresses the restrictions placed on an individual by the employee’s treating Physician. The employee will receive their regular pay during the Early Return to Work period.

RTW Eligibility: To be eligible for participation in the RTW Program, an employee must provide a written statement (Form TWCC-73) from his or her treating physician that the employee is: (1) temporarily unable to perform his or her essential duties, following an employment related injury or illness; and (2) capable of carrying out work of a lighter or modified nature from his or her regular duties and is expected to return to his or her regular duties within 90 calendar days.

### **Early RTW Procedure**

- Once notified of an on-the-job injury or illness, the Office Manager or designee must complete an Employer’s First Report of Injury or Illness (Form DWC001) for submission to the workers’ compensation carrier and inform the employee in writing of the Return to Work Program.
- The employee must be seen and evaluated by his or her physician to determine if the employee is able to return to work, and if so, with or without restrictions. At the time of the evaluation, the employee must inform the physician of the Return to Work Program and provide a copy of the employee’s regular job description that identifies the essential functions of the job and its requirements.
- When the employee is able to return to work with restrictions, the employee’s physician must complete the Work Status Report (Form DWC073), indicating the specific restrictions, and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.
- Taking into consideration the information provided by the physician, the Campus Directoror

designee will determine if a temporary RTW assignment can be offered. LPCA may not be able to offer an RTW assignment in all circumstances.

- A decision on RTW placement will be based on the following criteria:
  - Employees with no restrictions and a valid medical release/ Work Status Report (Form DWC073) will be returned to regular duty status.
  - Employees with a valid medical release/ Work Status Report (Form DWC073), which indicates physical limitations, may be placed on regular duty status if those limitations do not impede the employee's ability to perform their regular work.
  - Employees with a valid medical release/ Work Status Report (Form DWC073), which indicates physical limitations that would prevent the employee from performing their regular duties, may be placed in other work assignments, if accommodations can be made.
- Once the Campus Director has approved participation in the RTW Program, the Campus Director will present the employee with a RTW (Modified Duty) job offer letter. This letter shall include:
  - The position offered.
  - The location and duties of the position offered.
  - The schedule of the position offered.
  - The duration of the temporary work assignment.
  - A statement that the school will only assign a position or duties consistent with the employee's knowledge and skills, and will provide training if necessary.
  - A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.

### **Refusal of RTW Offer**

An employee may choose to accept or refuse the RTW (Modified Duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

### **Duration of Early RTW Assignment**

RTW assignments are temporary in nature. All job accommodations will cease when an employee receives a valid release for regular duties from his or her physician. A RTW with Modified Duty offer will be extended for an initial period not to exceed 90 calendar days. The duration of approved time will be based upon the information provided by the employee's physician. If the employee is unable to return to work at full duty after the initial approved time, he or she may request a continuation of RTW Modified Duty not to exceed a total of 90 calendar days in a Modified Duty capacity.

An employee requesting an extension of Modified Duty, beyond the originally approved amount of time in the RTW with Modified Duty offer letter, must submit documentation to the Director from his or her Physician. This document should include what limitations continue to exist, and the probable duration of those limitations. A copy of the letter must be submitted to Human Resources within 3 days.

If an employee is unable to return to work at full duty after 90 calendar days, he or she may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a Modified Duty capacity. Approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond 90 calendar days must submit updated information from his or her physician. An employee who is unable to return to his or her regularly assigned duties at the end of the RTW Modified Duty agreement may elect to terminate his or her employment with LPCA. Provided that the employee

has exhausted any entitlements under the FMLA, an employee who is unable to return to work at the end of the RTW Modified Duty agreement may be terminated in accordance with the “Limitations on Leaves of Absence” section of this Handbook.

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, he or she may request and pursue accommodations under the ADA.

## **SECTION 6: EMPLOYEE ATTENDANCE AND TIME OFF**

### **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Legacy Preparatory Charter Academy expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness places a burden on other employees of Legacy Preparatory Charter Academy and hurts the culture of the school overall. *Scholar learning is impacted every time a facilitator is absent.*

Work hours for most employees are 7:30 a.m. to 4:40 p.m., however there may be exceptions to this requirement based on the employee’s role at LPCA. Parent Orientation night, PTO meetings, and other night and weekend events may require facilitator/staff participation. Educators have a special job that requires special attention to do it well. Being at school every day on time is needed to make sure the “expert in the room” is available to our scholars each day. Substitutes do not offer the same quality of instruction that facilitators bring to the classroom.

Facilitators are expected to be in their classrooms or duty stations by 7:30 A.M. However, on many occasions, it will be necessary to meet with colleagues and campus leadership before or after regular school hours and possibly during evenings and weekends. Your campus leadership will provide you with your actual work schedule if it varies from the above; also, it may vary by campus.

### **ABSENCE**

When the need for being absent from or late to work is known in advance, the employee must notify their Campus Director as far in advance as possible. **It is not acceptable to text your supervisor at 7 a.m. for that day.** The chances of finding a sub at that hour are slim. Every time a facilitator is out, it impacts scholar achievement.

It is expected that an employee who must be out for a doctor’s appointment or other issues do so at the least inconvenient time. For example, scheduling wellness/dentist appointments should be done during Fridays, the summer and other holidays if possible. LPCA has four weeks or more, including long holidays during the school year, where these can be scheduled.

Emergencies happen from time to time, but if possible, scheduling appointments the earliest time in the day is strongly encouraged. Also, do not schedule doctor appointments during the plan times, especially the long afternoon plan time. These times are valuable and should be considered off-limits to absence. After being absent for two consecutive days, documentation is required to be received by your Supervisor explaining the nature and reason for absences.

LPCA rewards most employees for not missing school each semester. If submitted timely, a \$250 perfect attendance stipend will be paid on January 15th each year for most employees who were not

absent between the first day of the academic year & the last day prior to Winter break. A second \$250 perfect attendance stipend, if submitted timely, will be paid on June 15<sup>th</sup> each year for most employees who were not absent between the first day back in January through the last work day of the school year. The perfect attendance stipend request must be submitted by the first payroll cutoff after the end of the first and second semester. This offers up to an additional \$500 each year.

### **Excessive Absenteeism or Tardiness**

Excessive absenteeism (defined as more than one absence every other month), tardiness (defined more than three times in one month), and leaving work prior to the designated time, using more than the allotted 10 days within a school year, constitutes grounds for any of the following disciplinary actions:

- Denial of pending or future promotion.
- Disciplinary probation.
- Disqualification from receiving the perfect attendance stipends.
- Required production of medical certification of reason or reasons for absences and/or tardiness.
- Any other appropriate disciplinary measure, including suspension or termination of employment.
- Denial of TIA Benefits

High employee absenteeism is not acceptable at LPCA. Employees with three or more absences will be put on warning (unless the circumstances merit otherwise) if garnered within a two-month period of time. Employees with excessive unexcused absences may be terminated. PTO time allotted each year is not to be thought of as vacation. Those days are to be saved and used for personal and family illness/emergencies.

### **Notice of Unexpected Absence**

When employees who have not given advance notice find that they cannot report for work, they are required to notify campus leadership no later than 6:30 a.m. by a telephone call. Notification via text message or via another employee is not acceptable. Substitute notification is necessary so an early call is imperative. Your absence must be entered into Frontline or Skyward, depending on your position as soon as you know you will be absent.

### **Failure to Give Notice – Job Abandonment and Voluntary Resignation**

Failure to provide notification of absence to campus leadership for two consecutive workdays, unless prevented by circumstances beyond the employee's control, may be considered job abandonment and/or voluntary resignation on the last day worked, in accordance with applicable federal and state laws, and LPCA will 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, laptops, etc.) must be returned immediately upon termination of employment. If not returned, it will be deducted from your final payment as allowed by applicable law.

No payment shall be made for sick leave or any other type of leave upon voluntary resignation or job abandonment, regardless of whether the employee provided advance notice of resignation.

### **Notice of Resignation**

An employee voluntarily resigning his or her position is requested to provide notice of resignation to his or her campus leadership as follows:

- One (1) Month Advance Notice of Termination by facilitators and Other Exempt Employees
- Two (2) Weeks Advance Notice of Termination by Non-Exempt Employees.

An exit interview may be conducted with each employee that voluntarily resigns from employment with LPCA and the employee may be asked to complete an Exit Questionnaire Form.

### **HOLIDAY LEAVE**

Each year, the Board of Directors will establish a school calendar indicating school holidays and closures. This calendar is posted on LPCA's website for all employees to view. It is expected that LPCA employees consult the calendar before booking Fall, Winter, Spring and Summer vacations so they are booked on non-instructional days. Booking trips on instructional days is not acceptable and may lead to possible disciplinary action or dismissal. As stated in other sections, an employee will be docked if s/he is absent the day before or after a holiday, STAAR testing or PL day.

| <b><u>2023-2024 Holidays</u></b>                    |                                           |
|-----------------------------------------------------|-------------------------------------------|
| September 4 <sup>th</sup>                           | March 11 <sup>th</sup> – 15 <sup>th</sup> |
| October 9 <sup>th</sup>                             | March 29 <sup>th</sup>                    |
| November 20 <sup>th</sup> – 24 <sup>th</sup>        | May 27 <sup>th</sup>                      |
| December 22 <sup>nd</sup> – January 5 <sup>th</sup> | June 19 <sup>th</sup>                     |
| January 15 <sup>th</sup>                            | July 4 <sup>th</sup>                      |

**\*See school calendar for scholar/staff early release dates.**

### **LEAVES AND ABSENCES**

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

Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by LPCA as they were when they were working. Otherwise, LPCA does not make benefit contributions for employees who are on unpaid leave unless required by law.

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

### **Paid/Unpaid Time Off**

LPCA offers its full & part-time employees options for paid and unpaid personal days. All paid personal days must be taken in full-day (1.00) or half-day (0.50) increments. Unpaid time off can be taken as needed with no restriction on the increment of time used. All time off requests are subject to approval based on the needs of the campus. Types of paid and unpaid leave are as follows:

1. **Local days:** Local days are paid days that are allocated each year up to a maximum of five local PTO days per year based on the number of days employees are expected to work. These days may roll over from year-to-year up to a maximum accumulation of 25 days. While local days are available for use immediately, local days are accrued based on the number of days an employee works.
2. **State days:** State days are paid days that are allocated each year up to a maximum of five days per year, based on the number of days employees are expected to work, by the state of Texas. These days roll over from year to year and can be transferred from district-to-district subject to local policies. Service records are required and must be provided to Human Resource to request a transfer of state days from another school district. Please note that LPCA is an open-enrollment charter school, and as such is not directly covered by the state leave program under Chapter 22 of the Texas Education Code. While LPCA will credit eligible staff with up to five days of state leave per year, LPCA cannot guarantee that state leave days credited by LPCA will transfer to another charter school or school district if an employee leaves service with LPCA.
3. **Dock days:** Dock days are unpaid days that an employee may request when no more paid days are available. Ten (10) unpaid absences per year, outside of FMLA/Military Leave may result in an employee termination (refer Use of paid/unpaid leave pg.55)

If an employee exhausts all paid days and takes additional days off, it will be considered an unpaid day and the employee's pay will be docked as allowed by applicable law. If an employee leaves LPCA or is otherwise released from employment, state and local days are prorated to coincide with the leave accrual versus number of days worked. Any absences taken in excess of actual accrued leave will be docked from the employee's final pay.

An employee cannot accrue PTO while he or she is on unpaid leave.

### **Limits on Personal Days Off**

Personal leave may be taken at the employee's discretion under certain circumstances. Employees shall not be permitted to use personal leave on the day before or the day after a holiday. The exception for this will be granted at the discretion of the employees' direct supervisor as follows and will not be docked for the approved absence before or after a holiday: An employee may be granted approval for extenuating circumstances when the request is made no later than one week prior to the holiday. Emergencies will be considered on a case-by-case basis. Campus principals must notify their supervisor before granting discretionary approval to their employees. The employee must complete a Supervisor's Discretionary Leave Document, and it must be approved prior to submitting the request in Skyward.

Personal leave may be taken at the employee's discretion under certain circumstances. Employees shall not be permitted to use personal leave on STAAR/EOC scheduled assessment dates. The exception for this will be granted at the discretion of the Superintendent as follows and will not be docked for the approved absence: An employee may be granted approval for extenuating circumstances when the request is made no later than one week prior to the assessment date. Emergencies will be considered on a case-by-case basis. Campus principals must notify their supervisor before granting discretionary approval to their employees. The employee must complete a Supervisor's Discretionary Leave Document, and it must be approved prior to submitting the request in Skyward.

### **Forfeiture of Accrued Leave**

Any unused accrued leave is forfeited upon separation from employment. Exceptions to this policy are State days, which may be transferred to another entity.

### **Extended Leave**

Extended leave will be considered on an individual basis and approved by the Superintendent.

### **Use and Recording**

Employees shall be charged leave as used even if a substitute is not employed. Days and/or time that is taken in which the balances are insufficient shall result in the reduction of the employee's following paycheck at their current daily rate of pay as allowed by applicable law.

### **BEREAVEMENT LEAVE**

Full-time regular employees may be absent up to three days, without loss of pay, in the event of the death of an immediate family member. Upon the request of bereavement leave, the employee must indicate the relationship of the family member. The term immediate family shall include:

1. Spouse.
2. Child, including a biological, adopted, or foster child, a son or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
3. Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
4. Sibling, stepsibling, sibling-in-law.
5. Grandparent and grandchild.

Such leave may begin with the day of the death of the deceased person, but no such paid leave shall exceed three days unless approved by the Superintendent, upon recommendation of the employee's direct/immediate supervisor.

Part-time regular employees who average 20 hours or more each week are also eligible to be absent up to three working days at the time of the death of the relative, as indicated previously. The time off is paid in the equivalent number of hours that the employee would ordinarily work or be scheduled.

Approval of bereavement leave may be requested by telephone, if necessary. Employees may, with the employee's direct/immediate supervisor approval, use any available paid leave for additional time off as necessary. Documentation from the funeral service, or an obituary, should be provided to the campus office manager for proper coding of bereavement absences, if such documentation is not submitted, then personal days will be used to cover the absences. If personal leave balance is insufficient to cover the absence, it shall result in the reduction of the employee's following paycheck at their current daily rate of pay as allowed by applicable law.

### **JURY DUTY AND GRAND JURY SERVICE**

LPCA may not discharge, threaten to discharge, intimidate, coerce, reduce the salary, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror or grand juror. For each regularly scheduled workday on which an employee serves in any phase of jury service, LPCA shall pay the employee his or her normal daily compensation. If an employee does not return with an official Bailiff's letter the absence will be coded as a personal leave day and processed accordingly. If personal leave balance is insufficient to cover the absence, it shall result in the reduction of the employee's following paycheck at their current daily rate of pay as allowed by applicable law.

Any employee selected for jury or grand jury service must notify his/her direct/immediate supervisor within 48 hours of the court's notice. Employees will be paid for their entire time on Jury Duty with submission of the Bailiff's letter.

#### **OTHER COURT APPEARANCES**

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

#### **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 campus leadership no later than one week prior to Election Day if time off is needed, so that the timing of the employee's absence can be pre-arranged as to not affect scholar success.

#### **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Family and Medical Leave Act (FMLA) provides employees who meet certain eligibility criteria with unpaid leave for certain family and medical reasons during a 12-month period. During this 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.***

#### **Eligibility Requirements**

To be eligible for FMLA leave, an employee must have been employed by LPCA:

- For at least 12 months (which need not be consecutive) and for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
- At a worksite with 50 or more employees located within 75 miles of the employee's worksite.

Please note that for purposes of an employee's entitlement to FMLA leave, the 12-month period within which employees shall be eligible is defined as a rolling 12-month period measured backward from the last date an employee uses FMLA leave.

#### **Events that may Entitle Employees to FMLA Leave**

An eligible employee shall be entitled to a total of up to 12 weeks of unpaid, job-protected leave for one or more of 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 (as described below) related to the deployment or military service of a family member who is the employee's spouse, child, or parent.

The maximum amount of leave available to spouses who are both employed by LPCA is limited to a 12-week period total between the spouses when leave is taken for the birth, adoption, or foster placement of a child with the employee. Military caregiver leave for spouses is extended to a combined total of 26 weeks.

Upon eligibility for family and medical leave, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability. The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

#### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. The FMLA does not apply to routine medical examinations, such as a physical, or to common medical conditions, such as an upset stomach, unless complications develop.

For all conditions, "incapacity" means inability to work, including being unable to perform any one of the essential functions of the employee's position, or inability to perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition. The term "treatment" includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition.

#### Service Member Family Leave

An employee may be eligible for up to 26 weeks of "Service Member Family Leave" if the employee's spouse, child, parent (not parents-in-law), or next of kin, is a current member of the active duty Armed Forces (including National Guard or Reserves), or a member of the Armed Forces (including National Guard or Reserves) on the Temporary Disability Retired List, who is recovering from a serious injury or illness incurred in the line of duty, while on active duty for which he or she is undergoing medical treatment, recuperation, therapy, in outpatient status, or otherwise on the Temporary Disability Retired List. (This does not include former members of the Armed Forces, former members of the National Guard and Reserves and members on the Permanent Disability Retirement List).

With respect to both Qualified Exigency and Service Member Family leave, employees may take the leave intermittently or on a reduced leave schedule. However, if an employee has accrued paid leave (vacation, sick, or personal leave), he or she must substitute any qualifying paid leave for unpaid leave first. "Qualifying paid leave" is leave that would otherwise be available to eligible employees for the purpose for which FMLA leave is taken. The remainder of the 26 workweeks of leave, if any, will be unpaid leave. Any paid leave used for an FMLA-qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 26-workweek leave period.

#### Qualifying Exigency FMLA Leave

An employee may be entitled to Qualifying Exigency FMLA leave if the employee's spouse, child, or parent is in the National Guard, is a Reservist, or is retired military and is called to active duty, or has been notified of an impending call or order to active duty in support of a contingency

operation as defined by federal law. The time spent in several specific activities, defined by law as “Qualifying Exigencies,” may also be considered FMLA time. (This does not include those on the Permanent Disabled Retired List or Active Duty Military).

Certification of Leave: The first time an employee requests Qualifying Exigency leave, LPCA will require the employee to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty, or call to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service.

In addition, each time an employee first requests leave for one of the Qualifying Exigencies, LPCA may require certification of the exigency necessitating leave. Certification supporting leave for a Qualifying Exigency includes: appropriate facts supporting the need for leave, including any available written documentation supporting the request; the date on which the Qualifying Exigency commenced or will commence, and the end date; where leave will be needed on an intermittent basis, the frequency and duration of the Qualifying Exigency; and appropriate contact information if the exigency involves meeting with a third-party.

Post-Deployment Activities: An employee may be entitled to take Qualifying Exigency leave for certain qualifying post-deployment exigencies, including reintegration activities, for a period of 90 days following the termination of the covered military member’s active duty status.

State calls to active duty are not covered unless under order of the President of the United States.

#### Maximum Amount of FMLA Leave Within a 12-Month Period

Except as provided above, an employee is entitled up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying reason(s). The 12-month period is a rolling period measured backward from the last date the employee used any FMLA leave. An eligible employee who is eligible for Service Member Family Leave may take a maximum of only 26 weeks during a rolling 12-month period, even if the employee also qualifies for FMLA leave for a reason other than Service Member Family leave.

#### Limitations on FMLA Leave

Leave to care for a newborn or for a newly placed adopted or foster child, must conclude within 12 months after the birth or placement of the child. When both spouses are employed by LPCA, they are entitled to a combined total of twelve 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA-qualifying reasons, but not more than a total of 12 workweeks per person. For example, if each spouse took six weeks of leave to care for a newborn child, each could later use an additional six weeks due to his or her own serious health condition or to care for a parent or child with a serious health condition.

#### Intermittent or Reduced Work Schedule Leave

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee’s own serious health condition, to care for a parent, son,

or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave, and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a Qualifying Exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an eligible employee may take leave intermittently, or on a reduced leave schedule, only if LPCA agrees.

Transfer to an Alternative Position: If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, LPCA may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, and which better accommodates recurring periods of leave than does the employee's regular position.

Calculating Leave Use: When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. LPCA must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that it uses to account for use of other forms of leave, provided the increment is not greater than one hour.

#### *Request for FMLA Leave*

Employees should request FMLA leave by notifying their appropriate supervisor, completing appropriate forms, and submitting them to the Human Resources department.

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When such notice is not possible, the employee must provide notice as soon as practicable, and generally must comply with LPCA's call-in procedures.

Employees must provide sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider; or circumstances supporting the need for military family leave. Employees also must inform the Campus Director if the requested leave is for a reason for which FMLA leave was previously taken or certified.

#### *Required Documentation for Birth, Adoption, or Health-Related FMLA Leave*

When leave is taken to care for a family member, LPCA will require employees to provide documentation or a statement of a family relationship (birth certificate or court document). The employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for his or her or a family member's serious health condition. Medical certification forms are available from the main office.

If LPCA deems the medical certification to be incomplete or insufficient, LPCA will specify, in writing, what information is lacking, and the employee will have seven calendar days to cure the deficiency. It is the employee's responsibility to provide a complete and sufficient certification. Such failure to provide complete and sufficient certification, despite the opportunity to cure any deficiency, may lead to denial of FMLA leave. LPCA may (a) have a designated health care provider (but in no case the employee's direct supervisor) contact the employee's health care provider in an effort to clarify or authenticate the initial certification if LPCA has reason to doubt

an employee's initial certification; and/or (b) require the employee to obtain a second opinion by an independent provider at LPCA's designation and expense. If the initial and second certifications differ, LPCA may, at its expense, require the employee to obtain a third, final and binding certification from a jointly-selected health care provider.

During FMLA leave, LPCA may request that the employee provide recertification of a serious health condition, at intervals, in accordance with the FMLA. In addition, during FMLA leave, the employee must provide LPCA with periodic reports regarding his or her status and intent to return to work. If the employee's anticipated return to work date changes, and it becomes necessary for the employee to take more or less leave than originally anticipated, he or she must provide LPCA with reasonable notice (within two business days) of such changed circumstances and new return to work date. If the employee gives notice of such intent not to return to work, he or she will be considered to have voluntarily resigned.

Before an employee returns to work from FMLA leave for his or her own serious health condition, the employee will be required to submit a fitness-for-duty certification from his or her healthcare provider with respect to the condition for which the leave was taken, stating that the employee is able to perform the essential functions of his or her job. Where a reasonable job safety concern exists, LPCA may require a fitness-for-duty certification before an employee's return to work from intermittent leave.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

#### *Use of Paid and Unpaid Leave*

FMLA provides eligible employees with up to 12 workweeks of unpaid leave, except as described above. However, if an employee has accrued paid leave (vacation, sick, or personal leave), he or she must substitute any qualifying paid leave for unpaid FMLA leave first. Substituted paid leave will run concurrently with the unpaid FMLA leave. "Qualifying paid leave" is leave that would otherwise be available to an employee for the purpose for which FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid leave. Any paid leave used for an FMLA-qualifying reason will be charged against the employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12 work week period. There is a limitation of 10 days of unpaid leave. During the period that an employee takes a leave of absence, including FMLA, he or she is not eligible to accrue paid time off benefits. Accruals will resume upon the employee's return to work.

#### *Designation of Leave*

HR will notify an employee that his or her leave has been designated as FMLA leave within five business days, absent extenuating circumstances, of LPCA's determination that leave is for an FMLA qualifying reason. If an employee has not notified LPCA of the reason for the leave, and desires that leave be counted as FMLA leave, he or she must notify the campus leadership within two business days of returning to work that the leave was for an FMLA reason.

#### *Special Rules for Instructional Employees*

Special rules may apply to certain LPCA employees. These special rules affect leave taken intermittently or on a reduced schedule or taken near the end of an academic term (semester) by instructional employees.

“Instructional employees” are those whose function is to teach and instruct scholars in a class, a small group, or an individual setting. This term includes not only facilitators, but also athletic coaches, and special education assistants such as signers for the hearing impaired. It does not include facilitator assistants or aides who do not have as their job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

Failure to Provide Notice of Foreseeable Leave: If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, LPCA may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, LPCA may require the employee to delay the taking of leave until the notice provision is met.

Twenty Percent (20%) Rule: If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee’s own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, LPCA may require the employee to choose:

- To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee’s regular position.

“Periods of a particular duration” means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for “periods of a particular duration” in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

Leave at the End of a Semester: As a general rule, LPCA may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, LPCA may, in certain cases, require the employee to take leave until the end of the semester.

The school semester, or “academic term,” typically ends near the end of the calendar year and the end of spring each school year. In no case may LPCA have more than two academic terms or semesters each year for purposes of the FMLA.

If LPCA requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against his or her FMLA leave entitlement. Any additional leave required by LPCA to the end of the semester is not counted as FMLA leave; however, LPCA shall maintain the employee’s group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

More Than Five Weeks before the End of the Semester: LPCA may require an instructional employee to continue taking leave until the end of the semester if:

- The employee begins leave more than five weeks before the end of the semester;

- The leave will last at least three weeks; and
- The employee would return to work during the three-week period before the end of the semester.

During Last Five Weeks of the Semester: LPCA may require an instructional employee to continue taking leave until the end of the semester if:

- The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a Qualifying Exigency;
- The leave will last more than two weeks; and
- The employee would return to work during the two-week period before the end of the semester.

During Last Three Weeks of the Semester: LPCA may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a Qualifying Exigency.

#### Maintenance of Health Benefits

During FMLA leave, employees are entitled to continue group health plan coverage under the same conditions as if they had continued to work. To the extent that FMLA leave is paid (while the employee has leave days available), the employee's portion of health insurance premiums will be deducted from their salary. For the portion of FMLA leave that is unpaid (once employee is out of leave days), an employee's portion of health insurance premiums must be paid in accordance with LPCA's rules for leave without pay. If payment of health insurance premiums is more than 30 days late, LPCA may discontinue health insurance coverage upon notice to the employee.

#### Salary Action

The length of the leave will delay any planned, but not implemented, salary increase for a period equal to an employee's leave of absence, including FMLA.

#### Performance Evaluation

The length of the leave will extend an employee's normal performance evaluation date by the length of the leave of absence, including FMLA.

#### Return from FMLA Leave

Upon return from FMLA leave, the employee will be placed in the same position he or she held before the leave, or an equivalent position with equivalent pay, benefits, and other employment terms. A release to work letter may be required upon your return.

#### Limitations on Reinstatement

An employee is entitled to reinstatement only if he or she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, he or she would not be employed at the time job restoration is sought.

LPCA reserves the right to deny reinstatement to salaried, FMLA eligible employees who are among the highest paid 10% of school employees employed within 75 miles of the school's main office, if such denial or reinstatement is necessary to prevent substantial and grievous economic injury to LPCA's operations.

### *Failure to Return to Work Following FMLA Leave*

If an employee does not return to work following the conclusion of FMLA leave, he or she will be considered to have voluntarily resigned. LPCA may recover from the employee such portion of health insurance premiums that were paid on the employee's behalf during any unpaid FMLA leave. Recovery may be made through deductions from any outstanding sums due to the employee, except when prohibited by federal or state law, or through legal action against the employee.

For further information or clarification about FMLA leave, please contact the Human Resources department: [hr@legacypca.com](mailto:hr@legacypca.com).

For information or to file a complaint with the U. S. Department of Labor (DOL), contact 1-866-487-9243 or visit [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

### **LEAVE DURING PREGNANCY (NON-FMLA LEAVE)**

If an employee is temporarily unable to perform her job due to pregnancy, LPCA will treat the pregnancy complications (whether pre- or post-birth) the same as any other temporary disability and provide reasonable accommodations as required by and in accordance with the Americans with Disabilities Act. Employees should notify Human Resources immediately if they have been placed on bed rest by their health care provider during pregnancy.

**Pregnant employees will be permitted to work as long as they are able to perform their jobs.** LPCA has no designated temporary or transitional "light duty" assignments. Medical certification is therefore required to release an employee to return to duties that are part of the employee's essential job functions.

### **MILITARY LEAVE OF ABSENCE**

LPCA is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is LPCA's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in, or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights hereunder. If any employee believes that he or she has been subjected to discrimination in violation of this provision, the employee should immediately contact the supervisor responsible for the employee, or the Human Resource Department.

### **Temporary (Two-Week) Military Leave**

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this Handbook), eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days unpaid military leave. All benefits will continue during an employee's temporary military leave.

### **All Other (Extended )Military Leave**

Employees directed to participate in extended military duties in the U. S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years, except as otherwise required by USERRA, and will be entitled to the rights and benefits described below and in accordance with LPCA policies and procedures.

To request a temporary or extended military leave of absence the employee should, unless

prevented from doing so by military necessity, notify the Business Office and complete and submit the appropriate form. An employee on temporary or extended military leave may elect, at his or her option, to use paid leave (vacation, sick or personal) available; the remainder of military leave will be unpaid.

#### **WORKERS' COMPENSATION BENEFITS**

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

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

#### **LIMITATIONS ON LEAVES OF ABSENCE**

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 LPCA 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.

### **SECTION 7: EMPLOYEE CONDUCT**

#### **GENERAL**

The successful operation and reputation of LPCA 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.

LPCA 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 nor any LPCA 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 direct/immediate supervisor and, if it involves the campus leadership, Staci Weaver, Superintendent.

Every employee is responsible for complying with the school's policy of proper business ethics and personal conduct. Disregarding or failing to comply with these standards will lead to disciplinary action, up to and including termination of employment. Professional behavior is expected from all of its staff at all times.

## **STANDARDS OF CONDUCT**

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

- Engage in professional communications and behavior toward scholars, fellow employees, service providers, and other LPCA stakeholders.
- Express concerns, complaints, or criticism through appropriate channels and the chain of command.
- Facilitators are expected to make 5 positive parent contacts weekly (to congratulate or commend a student for academic performance, excellent behavior, leadership, or participation, etc.) in the event a communication is made to redirect a scholar's behavior a weekly follow up is required until the behavior is modified or corrected (lack of attendance, poor behavior, or academic concerns) Facilitators must maintain a contact log which is to be made available to the school director and district officials upon request. Logs will be audited monthly
- Facilitators are required to communicate with the parents of those students not attending after school tutoring when they have been required to do so as soon as the student sets a pattern of failing to attend after school tutoring and before it becomes a culture of non-compliance.
- Facilitators must determine when a student needs additional help based on progress data monitored by the facilitator and provide support to those students who need it and those who request the extra help. This will be implemented in the form of after school tutoring on Tuesdays and Thursdays beginning promptly at 3:45 P.M. -4:30P.M.
- Know and comply with department and school policies and procedures.
- Maintain confidentiality in all matters relating to scholars and coworkers, as required by applicable law.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Recognize and respect the rights of scholars, parents, other employees, and members of the community.
- Record attendance for the school day daily at 10am.
- Report to work according to the assigned schedule.
- Return all requested paperwork to the ARD/504 facilitator within 48 hours.
- Staff meetings, PLCs, PMPL Trainings, and other required meetings are part of the workday and part of TTESS. Consequences could be assigned to those not in attendance without prior approval from the supervisor.
- Use LPCA time, funds, and property for authorized school business and activities only.

All LPCA employees should perform their duties in accordance with state and federal law, LPCA policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Additionally, LPCA will report educator and employee misconduct as required by applicable law.

## **CODE OF ETHICS**

All employees must comply with the following Code of Ethics, which has been adapted from the Professional Code of Ethics and Standard Practices for Texas Educators:

### **Ethical Conduct in General**

LPCA employees shall comply with standard practices and ethical conduct toward scholars, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. LPCA employees, in maintaining the dignity of the profession, shall

respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. LPCA employees, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. LPCA employees, in accepting a position of public trust, shall measure success by the progress of each scholar toward realization of his or her potential as an effective citizen. LPCA employees, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

*Professional Ethical Conduct, Practices and Performance:*

- Standard 1.1: An employee shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of LPCA, an educator preparation program, the TEA, or the SBEC and its certification process.
- Standard 1.2: An employee shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3: An employee shall not submit fraudulent requests for reimbursement, expenses, or pay.
- Standard 1.4: An employee shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5: An employee shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
- Standard 1.6: An employee shall not falsify records, or direct or coerce others to do so.
- Standard 1.7: An employee shall comply with state regulations, written local school board policies, and other state and federal laws.
- Standard 1.8: An employee shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- Standard 1.9: An employee shall not make threats of violence against school employees, members of the Board of Directors, students, or parents of students.
- Standard 1.10: An employee shall be of good moral character and be worthy to instruct or supervise the youth of this state, as applicable.
- Standard 1.11: An employee shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- Standard 1.12: An employee shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
- Standard 1.13: An employee shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

*Ethical Conduct Toward Professional Colleagues*

- Standard 2.1: An employee shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Standard 2.2: An employee shall not harm others by knowingly making false statements about a colleague or the school system.
- Standard 2.3: An employee shall adhere to written local school board policies and state and

federal laws regarding the hiring, evaluation, and dismissal of personnel.

- Standard 2.4: An employee shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5: An employee shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
- Standard 2.6: An employee shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- Standard 2.7: An employee shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation in accordance with applicable laws or regulations.
- Standard 2.8: An employee shall not intentionally or knowingly subject a colleague to sexual harassment.

### Ethical Conduct Toward Scholars

- Standard 3.1: An employee shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2: An employee shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
- Standard 3.3: An employee shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- Standard 3.4: An employee shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
- Standard 3.5: An employee shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- Standard 3.6: An employee shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- Standard 3.7: An employee shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the employee is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the employee is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- Standard 3.8: An employee shall maintain appropriate professional employee-student relationships and boundaries based on a reasonably prudent employee standard.
  - Standard 3.9: An employee shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to: The nature, purpose, timing, and amount of the communication;
  - The subject matter of the communication;
  - Whether the communication was made openly or the employee attempted to conceal the communication;
  - Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
  - Whether the communication was sexually explicit; and
  - Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the

employee or the student.

### **FINANCIAL ETHICS**

LPCA prohibits fraud and financial impropriety in the actions of its directors, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the school. Fraud and financial impropriety shall include but not be limited to:

- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to LPCA, except as otherwise permitted by law or school policy;
- Failure to disclose conflicts of interest as required by law or school policy;
- Failure to provide financial records required by state or local entities;
- Failure to report and submit all financial transactions to the Office Manager at the end of each school day;
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document;
- Forgery or unauthorized alteration of any document or account belonging to LPCA;
- Impropriety in the handling of money or reporting of LPCA's financial transactions;
- Inappropriately destroying, removing, or using LPCA records, furniture, fixtures, or equipment;
- Misappropriation of funds, securities, supplies, or other school assets, including employee time;
- Profiteering as a result of insider knowledge of school information or activities;
- Unauthorized disclosure of confidential or proprietary information to outside parties;
- Unauthorized disclosure of investment activities engaged in or contemplated by LPCA; or
- Any other dishonest act regarding LPCA finances.

Any person who suspects fraud or financial impropriety shall report the suspicions immediately to any Campus Director, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety will be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Neither the Board of Directors nor any LPCA employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety.

If an employee is found to have committed fraud or financial impropriety, LPCA will take appropriate disciplinary action, up to and including termination and referral to appropriate law enforcement or regulatory authorities.

### **EMPLOYEE APPEARANCE**

Dress, grooming, and personal appearance standards contribute to the morale of all employees and affect the professional image presented to scholars, parents, and visitors. All LPCA employees will be neatly and professionally attired and groomed at all times. Final judgment regarding any professional dress will rest with the direct/immediate supervisor and Superintendent. LPCA has established the following guidelines for employees in direct care positions:

1. All employees should be dressed in uniform attire except on Jean Pass Day and professional dress day. Shorts, sweats, skinny jeans, logo t-shirts with wording on them, team t-shirts and torn t-shirts/jeans are not allowed. PE facilitators must wear khaki or black golf

shorts/long athletic pants with a school-colored polo shirt during class time, and then switch to athletic clothing for any after school coaching or practice. Custodians/foodservice staff are to wear clean clothes each day and no hats/caps.

2. No flip flops, light sandals, or high heels may be worn by any employee. Walking sandals with sturdy straps and thick soles will be allowed. Shoes/athletic footwear should be well fitting with no-slip soles to provide safe and secure footing and protection against hazard. Footwear conducive to being on one's feet most of the day is necessary for all personnel.
3. Inappropriate jewelry is not allowed or a personal appearance that is distracting to the work of the school will not be allowed. An example might be bracelets which make distracting noise.
4. Clothing must not have any holes in them. Jeans and slacks must be clean and neat in appearance. No jeans with holes are allowed, even if they are considered "dress jeans" due to their purchase price.
5. Low cut blouses, tank tops, and halter tops are not allowed.
6. Clothes worn on professional dress and PL days are expected to follow these same guidelines.

**The uniform policy is as follows:**

1. Employee IDs will be provided by the District and worn on campus at all times (employees will be charged \$5 for replacement IDs).
2. Polo shirt with school logo – first one provided by District
3. Khaki or black colored slacks (for both men and women), or khaki or black colored skirts (skirts must be at least knee length – no leggings or skinny pants. No shorts are to be worn except for PE facilitators. Capris which are calf-length are acceptable.
4. Neat and clean rubber-soled footwear (walking shoes). See above for more information on footwear.

**INSUBORDINATION**

All employees have duties to perform. It is against 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 Superintendent or designee.

**REPORTING UNLAWFUL ACTS OR ACTS IN VIOLATION OF SCHOOL POLICY**

All LPCA 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.

**FRAUD, DISHONESTY, AND FALSE STATEMENTS**

No employee or applicant may ever falsify any application, medical history record, scholar paperwork, employee paperwork, timesheet, 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.

**UNACCEPTABLE EMPLOYEE CONDUCT**

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of LPCA. LPCA expects its employees to act in a mature, professional, and responsible manner. The following is a non-exclusive list of prohibited employee conduct. Employees who engage in any conduct listed below are subject to disciplinary action up to and including termination. This is not intended to be a complete list, and it does not alter the contractual or at-will employment relationship between employees and LPCA.

1. Abuse, including but not limited to sexual abuse, of a scholar.
2. Candles may not be used for any reason or in any Legacy building. This is a fire hazard and is prohibited.
3. Behaviors that interfere with a student's safety or cause an unsafe environment.
4. Corporal punishment (meaning the infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline) or verbal abuse of scholars, or the use of profanity or other language that is intended to belittle or degrade a scholar.
5. Dishonest, immoral, or illegal conduct while on duty and/or on school property that would tend to bring discredit to LPCA.
6. Dishonesty, falsification, or misrepresentation on an application for employment or other work records; falsifying reasons for leave of absence or other data requested by LPCA and/or alteration of LPCA records or documents.
7. Disrupting the work environment.
8. Engaging in an act of sabotage; willful or with negligence causing the destruction or damage of LPCA property, or the property of fellow employees, volunteers, contractors, or visitors, in any manner.
9. Engaging in discrimination, harassment, or retaliation in any form.
10. Engaging in inappropriate electronic communications with scholars.
11. Engaging in malicious gossip, spreading rumors, or otherwise engaging in behavior designed to create discord and lack of harmony or otherwise interfere with the job performance of fellow employees or service providers.
12. Engaging in or soliciting a romantic, sexual, or otherwise inappropriate relationship with a scholar, regardless of whether the relationship is consensual.
13. Engaging in rudeness, disrespectful, or unprofessional behavior toward other employees, parents and school contractors or vendors.
14. Excessive absenteeism or tardiness.
15. Failure to report child abuse or neglect as required by Chapter 261 of the Texas Family Code.
16. Fighting or threatening violence toward anyone on LPCA property or when representing LPCA, including "horseplay" or provoking a fight between others.
17. Giving to other schools, organizations, or persons information made confidential by law and/or proprietary LPCA information that is obtained from LPCA's files or records in the course of employment.
18. Giving to other schools, organizations, or persons information relating to LPCA employees and/or scholars that is obtained from LPCA's files or records in the course of employment.
19. Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Superintendent).
20. Negligence or any careless action that endangers the life or safety of another person, or damages or destroys LPCA property.
21. Possession of firearms, weapons, or explosives on LPCA property, while on duty or while representing LPCA.
22. Smoking in prohibited areas, including the use of vaping devices/vapor products.
23. The use, possession, or sale of a controlled substance.

24. Theft of LPCA-owned property or the property of fellow employees, scholars, contractors or visitors.
25. Threatening, intimidating, or coercing fellow employees on or off LPCA property, at anytime, for any reason.
26. Unauthorized possession or removal of any LPCA property, including documents, from the premises without prior permission from a supervisor;
27. Unauthorized use of LPCA equipment or property, including using such equipment for personal use or profit.
28. Unsatisfactory performance or conduct.
29. Use, possession, sale of, or being under the influence of a controlled substance, alcohol, or tobacco, or abusing a prescription drug, while at work or otherwise representing LPCA.
30. Violation of the rules affecting the health and safety of scholars and the efforts of LPCA to operate efficiently and effectively.
31. Violations of LPCA's expectations for employee conduct. Additionally, educators must adhere to the Professional Code of Ethics and Standard Practices for Texas Educators as set forth at 19 Tex. Admin. Code § 247.2.

### **EMPLOYEE DISCIPLINE**

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

Disciplinary actions may include, but are not limited to any of the following:

1. Verbal written warning which includes a conference with supervisor.
2. Written Reprimand which includes Imposition of an employee growth plan / performance improvement plan, if applicable.
3. Suspension with or without pay.
4. 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.

### **CELL PHONE USAGE**

Cell phones should not be used when supervising scholars.

### **SCHOLAR DISCRIMINATION/HARASSMENT**

LPCA prohibits discrimination, including harassment, against any scholar on the basis of race, color, religion, gender, national origin, disability, age, sexual orientation, military service or any other basis prohibited by law. Discrimination against a scholar is defined as conduct directed at a scholar on the previous bases that adversely affects the scholar.

LPCA employees shall not engage in discrimination or harassment of scholars, nor shall they tolerate scholar-to-scholar discrimination or harassment. Suspected discrimination or harassment of scholars shall be reported in a timely manner.

LPCA shall investigate all allegations of discrimination or harassment against scholars and shall take appropriate disciplinary action against employees or scholars who have engaged in such acts, up to and including termination of employment.

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

### **Sexual Harassment of Scholars**

Sexual harassment of scholars includes any unwelcome verbal or physical sexual advances, including but not limited to engaging in sexually oriented conversations, telephoning or texting scholars at home or elsewhere to solicit unwelcome social relationships, physical contact that would reasonably be construed as sexual in nature, threatening or enticing scholars to engage in sexual behavior in exchange for grades or other school-related benefit, request for sexual favors, sexually motivated physical, verbal, or nonverbal conduct when the conduct affects the scholar's ability to participate in or benefit from a program or activity, or creates an intimidating, threatening, hostile or offensive educational environment.

Sexual harassment of scholars 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.

LPCA 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.

**Romantic or inappropriate social relationships between scholars and LPCA employees are prohibited. Any sexual or romantic relationship between a scholar and a LPCA employee is always prohibited, even if consensual.**

### **EMPLOYEE USE OF SOCIAL MEDIA**

Employees have a right to participate in social networking sites, blogs, forums, etc. as individuals in the community. However, employees should not post anything that would violate scholar confidentiality or the professionalism and ethical conduct of LPCA employees. Employees are encouraged to adhere to the following guidelines when engaging in activity on social media:

1. Be respectful of the privacy and dignity of your co-workers, and do not post scholar photographs without appropriate authority.
2. Do not "friend" scholars on your personal social media page unless you have an appropriate out-of-school relationship with the scholar such as relatives, church, scouts, or other activity that would be appropriate for such informal communication.
3. Do not EVER video a scholar or scholars at school and post it to social media if it is not intended to showcase positively the scholar(s) and LPCA. Also, do not post images or recordings of students in a manner that would violate FERPA.
4. Do not create a link from your blog, website, or other social networking site to a LPCA website without identifying yourself as a school employee.
5. Do not infringe on LPCA's logos, taglines, slogans, trademarks, or other symbols.
6. Harassing, obscene, defamatory, threatening, or other offensive content must be avoided.
7. Maintain the confidentiality of LPCA's trade secrets and private or confidential information concerning employees, scholars, and/or agents that is obtained from LPCA's files or records in the course of employment. Do not post internal reports or other business-related confidential communications.
8. Respect all copyright and other intellectual property laws. For LPCA'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 LPCA's own copyrights, trademarks, and brands.
9. The employee may not set up or update the employee's personal social network page(s)

using LPCA computers, network, or equipment.

10. 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.

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

### **Electronic Communications with Scholars**

"Electronic Communication" includes any communication facilitated by the use of any electronic device, including a cellular telephone, computer, computer network, personal data assistant, or pager, and includes e-mail, text message, instant message, and any communication made through an internet website, including a social media website or social networking website.

Employees shall not engage in inappropriate electronic communications with scholars. Employees should not "friend" scholars on their personal social media pages unless they have an appropriate out-of-school relationship with the scholar such as relatives, church, scouts, or other activity that would be appropriate for such informal communication. Employees may elect to not disclose to a scholar the employee's personal telephone number or e-mail address.

Employees shall immediately notify the Campus Director or designee concerning an incident in which a scholar engages in improper communications with an employee. A report should include a summary of the scholar's communication, as well as the time, date, and method of communication.

### **SALES AND SOLICITATIONS**

In the interest of maintaining an efficient, safe, orderly, and productive work environment, LPCA's general policy is to prohibit solicitations of products or services by anyone on the premises. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to other employees during working time. Non-employees are absolutely prohibited anywhere on the premises for the purpose of selling products or services, soliciting employees, or distributing literature, except as approved by the Superintendent. No one may sell investment products under any voluntary retirement plan on LPCA property during hours of operation, including staff meetings. These may only take place during one's lunch or after 4:30 p.m. This may not take place during planning period since it is still considered work time. Commercial advertisements or sales for personal profit or non-school related activities are prohibited. Any attempts to conduct such selling or solicitation should be reported immediately to a supervisor. Coaches may not sell vitamins or other health/sports products to parents, scholars, or other employees. Any person who attempts to do so may be put on warning or possibly terminated.

### **PUBLIC RELATIONS / MEDIA**

The Board of Directors has designated the Superintendent as the official spokesperson for media questions and public relations. Any official statements from LPCA to the media are to be managed through the Superintendent or designee only.

### **EMPLOYEE INVOLVEMENT**

Staff members are encouraged to attend LPCA functions. Additionally, appropriate facilitators must attend scholar related meetings and functions including, but not limited to: parent meetings

and conferences, open houses, scheduled faculty/staff meetings, ARD meetings and district yearly events such as the Fall Festival and the Health Fair. As part of the school's planning and decision-making process, employees may either be asked or elected to serve on advisory committees. All facilitators are expected to take on an additional role in helping mentor scholars. This could be done through sponsoring clubs, a school team, sports team, etc.

### **FACULTY/STAFF MEETINGS**

Employees are expected to attend regularly scheduled meetings each Monday afternoon after dismissal. These are mandatory and non-negotiable. Arriving late may cause the meeting to run late for everyone.

Any absence from a meeting must have prior approval. An absent employee is expected to contact their supervisor for meeting details. Meetings scheduled on other days may occur on occasion due to unforeseen circumstances but will be on a limited basis.

## **SECTION 8: EMPLOYEE HEALTH AND SAFETY**

### **WORKPLACE SAFETY AND OSHA COMPLIANCE**

To assist in providing a safe and healthy work environment for employees, scholars, parents, and visitors, LPCA has established a workplace safety program. This program is a top priority of LPCA, and its success depends on the alertness and personal commitment of all.

LPCA provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the Campus Leadership. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Campus Leadership. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

### **ACCIDENT REPORTING**

Employees shall report any on-the-job injury or accident immediately to their Campus Leadership. Campus Leadership must notify the Human Resources department within two hours of notification of an occurrence. If an employee fails to report the accident within 30 days of the incident, the claim may be denied by the Texas Department of Insurance – Division of Workers' Compensation. The employee's supervisor and/or the appropriate management personnel shall conduct a thorough investigation, involving the employee and any witnesses who observed the injury or accident. The employee's supervisor and/or appropriate management personnel will ensure corrective action is taken to avoid a recurrence of the accident.

### **ALCOHOL- AND DRUG-FREE WORKPLACE REQUIREMENTS**

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

## DRUG-FREE WORKPLACE NOTICE

LPCA explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of any of the following substances during working hours while on school property or at school-related activities during or outside of usual working hours:
  - Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
  - Alcohol or any alcoholic beverage;
  - Any abusable glue, aerosol paint, or any other chemical substance for inhalation;
  - Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.
- 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 LPCA's reputation at risk.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from school property, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts LPCA's reputation at risk.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, on 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 the employee.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Employees who violate this policy shall be subject to disciplinary sanctions, including:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment with LPCA; and
- Referral to appropriate law enforcement authorities.

Additionally, an employee must notify LPCA of any criminal drug statute conviction for a violation occurring in the workplace, or while conducting LPCA business, no later than five days after such conviction. A report of a conviction must be made to the Human Resources Department. Violation of this policy may lead to disciplinary action, up to and including discharge.

Nothing in this policy prohibits, or in any way limits, the lawful use of prescription or nonprescription drugs. However, an employee must inform his or her immediate supervisor if he or 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.

LPCA may also conduct drug and/or alcohol testing under any of the following circumstances:

- *For-Cause Testing*: LPCA may ask an employee to submit to a drug and/or alcohol test at any time LPCA feels that the employee may be under the influence of drugs or alcohol, 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; an on-the-job accident that suggests the possible use or influence of drugs or alcohol in the injury; or excessive and unexplained absenteeism or tardiness.
- *Post-Accident Testing*: Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. 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.
- *Pre-Employment Testing*: LPCA may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.
- *Testing at Random*: Employees may also be selected for drug and alcohol testing at random.

All reports by LPCA 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 who, prior to any consideration of testing, voluntarily seek help in dealing with the problems related to alcohol dependency will be assisted in obtaining counseling and rehabilitation. We will attempt to make reasonable accommodation for those seeking such assistance.

### **ASBESTOS MANAGEMENT PLAN**

The Asbestos Hazardous Emergency Response Act created by the Environmental Protection Agency requires LPCA to develop and maintain an Asbestos Management Plan. A copy of the complete management plan is located at the Superintendent's office and is available for inspection during normal business hours. If you have any questions regarding the school's Asbestos Management Plan, please contact Buddy Davis, Director of Facilities.

### **COMMUNICABLE DISEASES**

The following information will provide simple and effective precautions against the transmission of a communicable disease for all scholars and school personnel who are potentially exposed to the body fluids of any person. No distinction is made between body fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The term “body fluids” includes: semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

Transmission of communicable disease is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always conducted.

To avoid contact with body fluids, the following precautions should be observed:

- Avoid direct skin contact with body fluids. This also includes the mucous membranes (e.g. eyes, nose, and mouth);
- Wear disposable gloves when contact with body fluids is anticipated (e.g. when treating bloody noses; open cuts, abrasions and other lesions; handling contaminated clothing; and cleaning up body fluid spills) (see below);
- Always practice good personal hygiene through proper hand washing techniques (see below);
- Request assistance from a custodian for proper cleaning of all body fluid spills.

#### **HAZARD COMMUNICATION ACT**

LPCA is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the Texas Hazard Communication Act:

- Post and maintain the notice promulgated by the Texas Department of State Health Services (TDSHS) in the workplace.
- Provide an education and training program for employees using or handling hazardous chemicals under normal operating conditions or foreseeable emergencies.
- Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records will be maintained for at least five years.
- Compile and maintain a workplace chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the TDSHS for certain highly toxic or dangerous hazardous chemicals. The list will be readily available to employees and their representatives.
- Update the list as necessary, but at least by December 31 each year, and maintain the list as required by law. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
- As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled.
- Maintain a legible copy of the most current manufacturer’s material safety data sheets (“MSDS”) for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request.

- Provide employees with appropriate personal protective equipment.

The Campus Leadership shall notify employees of any planned pest control treatment by both of the following methods:

- Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
- Providing the official Structural Pest Control Service Consumer Information Sheet to any individual working in the building, on request.

### **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STATEMENT**

LPCA wants to reduce dangers to health and safety by creating and maintaining improved working conditions, free from recognized hazards that might cause serious physical injury.

In accordance with the Occupational Safety and Health Act (“OSHA”), LPCA maintains a log of all occupational injuries and illnesses, and asks that employees report such injuries and illnesses within 48 hours so that the school may report these occurrences within a lawful period of time to the nearest OSHA office.

As Employees of LPCA:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by LPCA for making safety and health complaints, or for exercising your rights under the OSHA Act.
- You have a right to see OSHA citations issued to LPCA. LPCA must post the citations at or near the place of the alleged violation. LPCA must correct workplace hazards by the date indicated on the citation, and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- LPCA must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSHA Act that apply to your own actions and conduct on the job.

As Your Employer:

- LPCA must furnish all employees a place of employment free from recognized hazards.
- LPCA must comply with the occupational safety and health standards issued under OSHA.

If you would like more information regarding your OSHA rights or additional information, visit [www.osha.gov](http://www.osha.gov) or call 1-800-321-OSHA.

### **Reporting Serious Injuries**

Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related accident, LPCA will orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the

Occupational Safety and Health Administration (“OSHA”), Department of Labor, that is nearest to the site of the incident. If the Area Office is not reachable, LPCA may use the OSHA toll-free central telephone number, 1-800-321-6742.

LPCA will utilize the required OSHA forms to document and log each recordable injury or illness. This information will be kept current, maintained accurately, and retained for a period of five years.

#### **PROHIBITION OF WEAPONS (INCLUDING HANDGUNS)**

Texas Penal Code section 46.03, prohibits firearms, illegal 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 LPCA employee may result in immediate termination. To ensure the safety of all, employees who observe or suspect a violation of this prohibition should report it immediately to their supervisor.

#### **SAFETY COMMITTEES**

Each LPCA location will have a safety committee. The chairperson of each committee will be appointed by the Director. The Safety Director will oversee and work with the committee to help improve safety awareness. The safety committee will meet on a monthly basis to evaluate safety procedures and to recommend changes, if necessary.

The responsibilities of the Safety Committee will include but are not limited to:

1. Promotion and maintenance of safety interest and awareness.
2. Identifying and evaluating unsafe hazards and work practices.
3. Discussion and analysis of all Accident Reports filed since the last meeting.
4. Discussion and analysis of Accident Investigation Reports.
5. Conduct monthly walkthrough inspections of the facility.
6. Make recommendations on all safety related issues to the Education Director (with a copy to the Safety Director) on a monthly basis.

#### **SEARCHES**

LPCA 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 an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. “Control” means knowing where a particular item is, having placed an item where it is currently located, or having any influence over its continued placement. In addition to the school’s premises LPCA may search employees, their work areas, 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. In requesting a search, LPCA is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

There is no general or specific expectation of privacy in the school workplace, either on school property or elsewhere while on duty. In general, employees should assume that what they do while on duty or on school premises is not private. All employees and all of the areas listed above are subject to search at any time; if an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, LPCA will either furnish the lock and keep a copy of the key or combination, or else allow the employee to furnish a personal lock, but the employee must

give LPCA a copy of the key or combination. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to school officials and/or law enforcement authorities.

All 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. LPCA 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 LPCA will face disciplinary action, up to and possibly including immediate termination of employment.

### **TOBACCO USE AND POSSESSION**

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, electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other similar device. The term also includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe; a dab pen; a vapor product; or any other similar device under another product name or description. Also included is any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. All personnel shall enforce this policy on LPCA property.

### **VIDEO SURVEILLANCE**

LPCA has the responsibility of caring for scholars. Maintaining safe and efficient schools is critical to fulfilling this responsibility. LPCA reserves the right to conduct surveillance in its facilities and offices when such surveillance is in the best interest of the school, its scholars, or its employees, such as for potential problems with scholar 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 LPCA.

No employee shall initiate surveillance of any kind without expressed 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.

### **WORKPLACE VIOLENCE PREVENTION**

LPCA is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, LPCA has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on school property.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are, at all times, prohibited without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, scholar, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, scholars, vendors, solicitors, or other members of the public. When reporting a threat of violence, please be specific and as detailed as possible.

All suspicious individuals or activities should be reported as soon as possible to a supervisor. Do not attempt to interfere in a disturbance unless it is reasonably safe to do so. All teachers are required to follow the LPCA Safety and Security guidelines set and implemented in the 2023-2024 Security training, specifically;

- Following the SRP (Standard Response Protocol)
- Downloading the Raptor Panic Button on cellphone or school issued computer!

LPCA will promptly and thoroughly investigate all reports or threats of violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, LPCA may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## **SECTION 9: MISCELLANEOUS PROVISIONS**

### **DEPENDENT CHILDREN IN THE WORKPLACE**

Extended visits in the workplace by dependent children of employees are prohibited. Short visits are acceptable such as when a spouse picks up an employee at the end of the day and the child accompanies the spouse.

Child(ren) of a school employee who goes to school at LPCA where the parent is working, may not have special privileges. They may not roam hallways unsupervised, they may not stay in the classroom of their parent unless it is before 7:30 a.m. and after 4:40 p.m. Facilitators with children who attend the same school have the responsibility to keep staff and scholar information confidential at all times, including grades, personal information, special program information, etc. Staff children may not attend faculty meetings, PL days or other work days before and after the school year.

### **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 scholars with evacuation procedures. Fire extinguishers are located throughout all school buildings. Employees should know the location of these devices and how to use them.

### **EXTERNAL INQUIRIES**

Employees should contact their supervisor 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 Equal Employment Opportunity Commission, Texas Human Rights Commission, the Austin Human Rights Commission or other agencies;
- Any notice or indication of an audit by the U.S. Department of Labor or notification from the Texas Workforce Commission; or
- Any OSHA complaints or site visits by OSHA staff members.

No response should be given to external inquiries or notifications except how to contact one's supervisor. The Superintendent should be notified as soon as possible. No employee other than the Superintendent may be served with legal papers for issues having to do with LPCA. 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 as soon as possible.

### **FERPA**

Scholar records are confidential and protected from unauthorized inspection or use. Employees with access to scholar information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with the Federal Educational Rights and Privacy Act ("FERPA"). These files include, but are not limited to:

-CUM files, 504 files, RtI files, SPED files, LPCA files.

Employees may not take scholar files home under any circumstances. **Employees who violate this rule may be subjected to disciplinary action.** Employees who take scholar files home and do not return them will be terminated and possibly lose their educator certification through TEA.

### **MEDICAL INFORMATION**

LPCA complies with legal requirements concerning the confidentiality of employee medical information. Medical information provided by employees will be maintained separate from the employee's personnel file and in a manner that is accessible only to authorized personnel. Limited disclosures may be allowable under applicable law.

### **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. Employees are encouraged to share this information with the campus medic in case of a medical emergency. All medical

information that an HIV-infected (or other disease) employee provides to medical or management personnel is confidential and private. Employers may not reveal this information without the employee's knowledge and written consent, except as provided by law. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employees' personnel records. Individuals who fail to protect these rights 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 scholar infected with HIV or a life-threatening illness should contact the District Nurse/Medic 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 collaborate with co-workers or scholars 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 the District/Campus Nurse or School Medic.

#### **KEY/ACCESS DEVICE SECURITY**

Key/Access Device security is important because of the nature and value of property on campus. Each employee is responsible for keys issued and losses **must be reported immediately to campus administration**. Keys or Access Devices may not be loaned or duplicated without approval from the Campus Leadership. Employees are required to take all reasonable precautions with the keys issued, and all keys must be accounted for at all times. The sharing of keys and/or access codes into any LPCA location will result in disciplinary action including termination.

#### **LIMITATIONS ON EMPLOYEE TRAINING**

LPCA 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.

#### **PERSONAL PROPERTY**

LPCA recognizes that employees may desire to display mementos pertaining to their families or bring other personal items to work. LPCA takes no responsibility for the safekeeping of these items. However, should any such personal property be stolen, employees should report the incident to their immediate supervisors. The following guidelines should be observed:

- Safety comes first. No object can interfere with job safety as determined by the Superintendent.
- Nothing can be displayed that is derogatory (in the opinion of the supervisor) to any person or system of beliefs, or that is considered sexually offensive under the reasonable person standard.
- Objects that are inappropriate (in the opinion of the supervisor) or that hinder work efforts will not be allowed and must be removed upon request.

#### **SCHOOL PROPERTY**

All employees are responsible for taking proper care of school-owned property, including buildings, furnishings, equipment, tools, and supplies. School property must remain on the premises at all times unless approved in advance by the Campus Director. Proper care and maintenance of school-owned equipment is also required. It is expected that campus based employees help monitor the security of the building, especially before and after school and during passing periods. Carpets are to be kept clean and fluids that have stained a carpet should be reported ASAP for clean-up. All employees must refrain from propping open any door at any given time.

If a staff member is caught with a door propped open, immediate termination is the consequence.

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.

School employees shall not use public property for any purpose not described in LPCA'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 LPCA is reimbursed by the employee within five business days for any direct cost incurred; or
- Impede LPCA 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 (children may never be left unsupervised due to "needing a break"). 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's administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees. Please do not use district copiers to print your private or personal documents.

Please note: A facilitator's planning period is not personal time. It is not to do personal things such as balancing your checkbook, making vacation plans or doctor visits, etc. It is for school-related business only.

#### **USE OF PERSONAL VEHICLES**

Employees conducting LPCA-related business in their personal vehicles are expected to abide by the following rules and regulations:

1. Follow all federal, state, local and company safety rules, procedures and common safety practices.
2. Obey traffic laws in your jurisdiction and be courteous toward other drivers.
3. Do not operate vehicle while intoxicated, fatigued, or on medication that affects your driving ability.
4. Must be in compliance with all state laws related to vehicle insurance coverage requirements.
5. Do not engage in any practice that will divert your attention while operating vehicle.

Violations of any of these rules may be caused for immediate disciplinary action, up to and including termination of employment. If involved in an accident while on LPCA-related business, personal vehicle insurance takes precedence.

#### **VISITORS IN THE WORKPLACE**

LPCA requires all persons who enter upon its premises to display his or her driver's license or another form of identification containing a photograph of the person issued by a governmental entity. This applies to family members of employees, friends, parents, social service workers, volunteers, Board members, guest speakers and other guests, maintenance and repair persons not employed by LPCA, vendors, and representatives of news media, former scholars, and any other visitors.

LPCA may establish an electronic database for the purpose of storing information concerning

school visitors. Such database may only be used for purposes of school security and may not be sold or otherwise disseminated to a third party for any purpose. LPCA 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 LPCA.

Visits to individual classrooms during instructional time shall be permitted only with the Campus Leadership's approval, and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

## **SCHOLAR ISSUES**

### **Non-Discrimination Statement**

LPCA does not discriminate on the basis of race, religion, color, national origin, sex, disability academic, artistic, or athletic ability, sexual orientation, pregnancy, marital status or the district the child would otherwise attend under state law or in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

### **Administration of Medication**

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

- Non-prescription medication brought to school must be submitted to the school 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. Prescription ordered or filled outside of the United States will not be accepted.
- Prescription medications must be submitted in a labeled container showing the scholar'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 scholar's Individualized Education Program ("IEP") or Section 504 plan for a scholar 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 scholar. It must be picked up by the parent.
- In certain emergency situations, LPCA may administer a nonprescription medication to a scholar, 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.

### **Bullying**

LPCA prohibits bullying of scholars, 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 scholars directed at another scholar that exploits an imbalance of power and involves engaging inwritten or verbal

expression, expression through electronic means, or physical conduct that:

- (1) has the effect or will have the effect of physically harming a scholar, damaging a scholar's property, or placing a scholar in reasonable fear of harm to the scholar's person or of damage to the scholar'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 scholar,
- (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school, or
- (4) infringes on the rights of the victim at school.

The definition of bullying includes "cyberbullying," 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.

LPCA'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 scholars 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 scholar's educational opportunities; or
  - b. substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Any employee or scholar who believes that he or she may have experienced or witnessed bullying must immediately report the alleged acts to the Campus Director or designee. It is the responsibility of the adults at school to take bullying very seriously. When an adult ignores bullying or first time inappropriate behavior of one child over another, the bullying child will continue that behavior. Restorative practice must be used when inappropriate behavior is heard about or seen between children.

The Campus Director or designee will notify the victim, the scholar alleged to have engaged in bullying, and any scholar witnesses of available counseling options. The Campus Director 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 Campus Director 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 LPCA's anti-discrimination and harassment policy instead. The Campus Director 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 Campus Director or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred. If the results of an investigation indicated that bullying occurred, LPCA shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Scholar Code of Conduct. LPCA may take action 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 scholar 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.). LPCA may not impose discipline on a scholar who, after an investigation, is found to be a victim of bullying, based on that scholar's use of reasonable self-defense in response to the bullying.

### **Hazing**

Scholars must have prior approval from the Campus Director or designee for any type of "initiation rites" of a school club or organization. While many initiation rites are permissible, engaging in or permitting "hazing" is a criminal offense. Any facilitator, Campus Leadership, or employee who observes a scholar engaged in any form of hazing, which has reason to know or suspect that a scholar intends to engage in hazing or has engaged in hazing must report that fact or suspicion to the designated campus discipline person. A facilitator who does not report a known case of hazing could be subject to disciplinary action, including termination.

### **Psychotropic Drugs and Psychiatric Evaluations or Examinations**

No school employee may:

- Recommend that a scholar use a psychotropic drug;
- Suggest any particular diagnosis (suggest the child needs counseling); or
- Preclude a scholar 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 scholar or to a psychiatric evaluation or examination of a scholar.

"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.

### **Parent and Scholar Complaints**

In an effort to hear and resolve parent and scholar complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling parent and scholar complaints. Parents or scholars may obtain information on this process from the Scholar Handbook found online. If the parent cannot achieve this easily at home s/he may ask the Office Manager for a copy of the needed section.

### **Scholar Attendance**

Facilitators and staff should be familiar with LPCA's policies and procedures for attendance accounting. When a child misses school the child loses instruction. LPCA's procedures require minor scholars to have parental consent before they are allowed to leave campus during the school day. When absent from school, the scholar, upon returning to school, must bring a note signed by the parent that describes the reason for the absence. If/when a child hands a note from a parent or doctor excusing an absence, that note must be sent to the PEIMS person **that day**. It would be a good idea to have a folder or some other organizing item on the desk so notes can be placed in them. These notes become legal documents and must be managed with care. These requirements

are addressed in campus training and in the scholar handbook. Contact the appropriate Campus Director for additional information.

### **Scholar Conduct and Discipline**

Scholars are expected to follow all classroom and campus rules, and the rules listed in the Scholar Code of Conduct. Facilitators and scholars will be trained in using safety, trust, respect, and responsibility (STRR) as the threads through which all of the discipline will be worded.

Facilitators are expected to follow disciplinary actions based on a range of discipline management strategies that have been adopted by the LPCA. Campus Directors are available to support facilitators in this effort. Research clearly shows that the most effective facilitators manage their scholars without administrative help. Once a facilitator “surrenders” a scholar to campus leadership for disciplinary action, the facilitator may not complain about the disciplinary action the administrator chose to use.

Non-instructional employees with concerns about a particular scholar’s conduct should contact the scholar’s classroom facilitator or the appropriate Campus Director. **Non-instructional personnel are not allowed to discipline scholars but may seek administrative help when needed.**

### **Scholar Transportation**

Except in limited emergency situations, LPCA employees are not authorized to transport scholars in the employee’s personal automobile.

### **Scholar Welfare: Child Abuse and Neglect Reporting**

Any LPCA officer, employee, facilitator assistant or volunteer who has reasonable cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law.

If a professional (i.e., facilitators, nurses, school medic, doctors, facilitator assistants, or other mandatory reporters) has cause to believe that a child has been or may be abused, maltreated, or neglected, that person shall make a report within 48 hours after the person first suspects the abuse or neglect. The person may not delegate to or rely on another individual to make the report. An employee cannot ask the campus leadership to “Do the report for me.” If the suspected abuse or neglect involves a person responsible for the custody, care or welfare of the child, the report must generally be made to the Texas Department of Family and Protective Services (DFPS). All other reports should be made to any local or state law enforcement agency, the DFPS, the Texas Education Agency (if the abuse or neglect occurred at school), another state agency near where the abuse occurred, or any agency designated by a court as responsible for the protection of children.

A report should reflect the reporter’s belief that a child has been or may be abused or neglected or has died of abuse or neglect. The reporter shall identify the following information, if known:

- The name and address of the child;
- The name and address of the person responsible for the care, custody, or welfare of the child; and
- Any other pertinent information concerning the alleged or suspected abuse or neglect.

All reports of abuse shall be reported to the Campus Director or designee contemporaneous to the report mandated by law.

Any person who makes such a report, or assists in the investigation of a report of child abuse or

neglect in good faith, is immune from any criminal or civil liability that might otherwise be incurred or imposed. Authorized officials from the above agencies shall be permitted to conduct the required interview with the child at the school with or without the consent of the parent or guardian. The school will fully cooperate with all official investigations of abuse or neglect. **LPCA employees may not investigate the incident; they may only report it to the correct authorities.**

LPCA or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who, in good faith:

- Reports child abuse or neglect to:
  - The employee's Supervisor,
  - An administrator of the facility where the employee works,
  - A state regulatory agency,
  - A law enforcement agency; or
- Initiates or cooperates with a governmental investigation or proceeding relating to an allegation of child abuse or neglect.

A person who reports his or her own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect may be subject to criminal prosecution. The toll free number for the Texas Child Abuse Hotline is **1-800-252-5400**.

In addition to the duty to report described above, a person or professional shall make a report if he or she has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child. Such a report must be made within 48 hours, and the duty to make a report cannot be delegated.

LPCA 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.

#### **Scholar Welfare: Computer Technician Reports of Child Pornography**

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

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

## **SECTION 10: EMPLOYEE ACCEPTABLE USE POLICY**

### **Technology Resources**

LPCA'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 LPCA;
- Does not unduly burden LPCA's technology resources; and
- Has no adverse effect on job performance or on a scholar's academic performance.

Email transmissions and other use of LPCA's technology resources are not confidential and can be monitored at any time to ensure appropriate use. LPCA 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 LPCA computers or accessing the LPCA 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 LPCA's technology and information resources are required to abide by the provisions of LPCA'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 or submit a help ticket in Eduphoria.

### **Network Acceptable Use**

LPCA provides scholars, staff, volunteers, and Board members access to the school's electronic network. This network includes Internet access, email accounts, computer services, videoconferencing, computer equipment, and related equipment for educational and school-related purposes. This policy contains the rules and procedures for acceptable use of LPCA's electronic network. Where the term "user" appears, the policy applies to any network user.

- The school's electronic network has been established for a limited educational purpose and to allow the transaction of school-related business and has not been established as a public access service or a public forum. LPCA has the right to place reasonable restrictions on material that is accessed or posted throughout the network.
- Access is a privilege – not a right.
- It is presumed that users will honor this policy. LPCA is not responsible for the actions of users who violate this policy.
- LPCA reserves the right to monitor all activity on its electronic network. Users will indemnify LPCA for damage caused by users' inappropriate use of the network.
- Users are expected to follow the same rules, good manners, and common-sense guidelines that are used with other daily school activities, as well as applicable law, in the use of LPCA's electronic network.

### **General Unacceptable Behavior**

While utilizing any portion of the school's electronic network, 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 scholar 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 the school 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 LPCA.
- Installation of any programs or software not approved by LPCA.
- 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 LPCA.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages that are likely to harm the recipient’s work or system and any other types of use which could cause congestion of the LPCA 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 LPCA equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using LPCA 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 the school’s electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using the school’s electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates LPCA’s standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of the 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**

LPCA email accounts should be used primarily for school-related purposes. Personal use of LPCA 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).

LPCA 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 LPCA system, including email, to the extent that such rights are not superseded by applicable laws relating to intellectual property.

LPCA owns any communication sent via email or that is stored on school equipment or its cloud accounts. LPCA employees shall have no expectation of privacy in anything they store, send, or receive on LPCA's email system or computer equipment or cloud accounts. All communications sent via email or stored on LPCA equipment may also be subject to the Texas Public Information Act. LPCA 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 LPCA 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, LPCA 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 LPCA's electronic network, including personal information or messages. LPCA 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 LPCA'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 LPCA'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 LPCA 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 LPCA's electronic network may lead to discovery that a user has

violated this policy. Users should not expect that files stored on LPCA 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.

LPCA may permit the use of personally-owned computing devices on its network, at the discretion of LPCA. All “guest” users must comply with administrative regulations governing the use of LPCA’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 school policy.

### **Vandalism**

Any malicious attempt to harm or destroy data, the network, other network components connected to the network, hardware, or software will result in cancellation of network privileges. Disciplinary measures in compliance with school policy will be enforced.

### **Personal Use of Electronic Media**

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 LPCA’s scholars, 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 LPCA’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 LPCA’s logo or other copyrighted material of LPCA 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:

- Confidentiality of scholar information, including photos.
- Confidentiality of health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Confidentiality of LPCA records, including educator evaluations and private e-mail addresses.
- Copyright law.
- Prohibition against harming others by knowingly making false statements about a colleague or the school system.

### **Use of Electronic Media and Electronic Communications with Scholars**

Employees given approval by LPCA may communicate through electronic media with scholars who are currently enrolled in LPCA **for educational purposes only**. All other employees are prohibited from communicating with scholars who are enrolled in LPCA through electronic media.

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

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

- 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 scholars (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 scholar through electronic means is not a communication.

An employee uses electronic media to communicate with scholars shall observe the following:

- Employees should avoid sending text messages to scholars. Exceptions may apply for a teacher or other employee who has an extracurricular duty, and then only to communicate with scholars who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a scholar using text messaging should attempt to include at least one of the scholar's parents or guardians as a recipient on each text message to the scholar so that the scholar and parent receive the same message. Additionally, for each text message addressed to one or more scholars, the employee must send a copy of the text message to the employee's LPCA email address.
- Employees shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with extracurricular duties, matters relating to the extracurricular activity).
- Employees are prohibited from knowingly communicating with scholars through personal social network pages.

- Employees shall not communicate directly with any scholar between the hours of 10:00pm and 6:00am, except when necessary to notify scholars about urgent scheduling or transportation issues. Employees may, however, make public posts to a social network site, blog, or similar application at any time.
- Employees do not have an absolute right to privacy with respect to communications with scholars and parents.
- Employees continue to be subject to applicable state and federal laws, local policies, administrative regulations, and the Professional Code of Ethics and Standard Practices for Professional Educators including:
  - Compliance with FERPA, including retention and confidentiality of scholar records; and
  - Copyright law.
- Employees shall not solicit or engage in sexual conduct or a romantic relationship with a scholar.
- Upon request from LPCA'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 scholar.
- Upon written request from a parent or scholar, an employee shall discontinue communicating with a scholar through email, text messaging, instant messaging, or any other form of one-to-one electronic communication.

**Employees shall refrain from inappropriate communications with scholars. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:**

- The nature, purpose, timing, and amount of the communication;
- The subject matter of the communication;
- Whether the communication was made openly or the employee attempted to conceal the communication;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- Whether the communication was sexually explicit; and
- Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the scholar.

### **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 scholars, staff, and other users shall be consistent with LPCA policy and administrative regulation. Violations may result in:

- Suspension of access to LPCA's Technology Resources;
- Revocation of LPCA's Technology Resources account(s);
- Employee discipline, up to and including termination of employment; and/or
- Other legal action in accordance with applicable laws.

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