



Instructional Consultation Meeting

Wednesday, January 6, 2015

4:45 p.m.

2E02

AGENDA

Board Meeting Date: JANUARY 14, 2016

Items Requiring Consultation:		RESPONSE
K.1	<p>PROPOSED REVISIONS TO BOARD POLICY DH (LOCAL), EMPLOYEE STANDARDS OF CONDUCT – FIRST READING</p> <p>RESPONSE:</p>	Office of Legal Services, Elneita Hutchins-Taylor
K.2	<p>PROPOSED REVISIONS TO BOARD POLICY GKA (LOCAL), COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES – FIRST READING</p> <p>RESPONSE:</p>	Office of Legal Services, Elneita Hutchins-Taylor

CHT Item(s):		RESPONSE
1.	<p>ALCOTT ES – INSTRUCTIONAL DAY START TIME</p> <p>Alcott Elementary is now starting the instructional day for students at the same time that their teachers report to work. Does this comply with the 7 hour 45 minute language provided in the Compensation Manual?</p> <p>RESPONSE:</p>	Office of Human Resources, Gloria Cavazos

HFT Item(s):		RESPONSE
1.	<p>GRADE REPORTING</p> <p>In the past teachers have been given two full working days after the last day of a grading period to complete and submit grades. The only exception being the very last grading period in May. We have received many complaints about principals who required grades to be completed on December 18th which was the last day of the first semester. Grades should not have been due until the end of the day on Tuesday of this week. Has there been a change in the timelines for completing and turning in grades?</p> <p>RESPONSE:</p>	Chief School Officer and/or Directors
2.	<p>TEXAS OPEN CARRY LAW</p> <p>Employees received an e-mail yesterday explaining the new open carry law and how it affects their schools. Essentially it said that individuals may carry weapons up to the school door but not into the school. Does this mean that employees may have weapons in their automobiles parked on school property?</p> <p>RESPONSE:</p>	Office of Legal Services, Elneita Hutchins-Taylor

3.	<p>SUPERINTENDENT SEARCH What is the timeline for hiring a new superintendent and will consultation groups be given a formal opportunity to provide input?</p> <p>RESPONSE:</p>	<p>Office of Legal Services, Elneita Hutchins-Taylor</p>
<p>Meeting:</p>		
<p>Next Meeting: Date: Wednesday, February 3, 2016 Time: 4:45 p.m. Location: TBD</p>		

Upcoming Meeting Dates:

February 3, 2016	WED.	4:45 p.m. –	TBD
March 2, 2016	WED.	4:45 p.m. –	TBD
April 6, 2016	WED.	4:45 p.m. –	TBD
May 4, 2016	WED.	4:45 p.m. –	TBD
June 1, 2016	WED.	(2:00 p.m). –	TBD
August 3, 2016	WED.	(2:00 p.m). –	TBD

THE HOUSTON INDEPENDENT SCHOOL DISTRICT



AGENDA

**Board of Education
Meeting**

January 14, 2016

Office of the Superintendent of Schools
Board of Education Meeting of January 14, 2016

Office of Legal Services
Elneita Hutchins-Taylor, General Counsel

SUBJECT: PROPOSED REVISIONS TO BOARD POLICY DH(LOCAL), EMPLOYEE STANDARDS OF CONDUCT—FIRST READING

Changes in state law from House Bill 910, effective January 1, 2016, allow open carry of firearms by license holders in limited circumstances. Districts that wish to pursue criminal trespass charges against license holders for open carry in certain locations must post appropriate signage. Changes in state law from Senate Bill (SB) 273 prohibit a school district from posting signs that bar a handgun license holder from having a concealed handgun where the license holder is not otherwise prohibited by law from having a concealed handgun. A district may post signs at the entrances to its buildings prohibiting a license holder from carrying a firearm into district buildings.

Based on the employment relationship, the Texas Association of School Boards Legal Services believes that a district can continue to prohibit employees from possessing firearms on district property. Therefore, the provisions from GKA(LOCAL) have been moved without revision to this local policy. These provisions prohibit employees from using, possessing, or displaying weapons, including firearms, on district property except at certain district-approved activities. A cross-reference to CKE(LOCAL) has been added to note the exception to this prohibition since the Houston Independent School District (HISD) has a commissioned school district police department. See WEAPONS PROHIBITED.

Revisions at TOBACCO AND E-CIGARETTES are based on SB 97, which requires a school district to prohibit employees from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.

SB 339 prohibits a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-tetrahydrocannabinol (THC) cannabis as authorized by Chapter 487 of the Health and Safety Code, which permits prescriptions for low-THC (non-intoxicating) cannabis in limited circumstances. In accordance with this bill, an EXCEPTION has been added to the district's prohibition against possession of controlled substances and drugs if an employee possesses low-THC cannabis or any other controlled substance or drug that a licensed physician has prescribed for the employee's child or another individual for whom the employee is a legal guardian. The district's existing exception for an employee's use of a drug prescribed by a licensed physician has been expanded to apply to use "or possession" of a "controlled substance" or drug. The text at ALCOHOL AND DRUGS has also been revised to align with the new statute.

At NOTICE, the text has been simplified to address the district's obligation to notify employees of this policy.

The proposed changes are noted in the attached revised policy.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports HISD Goal 4: Increase Management Effectiveness and Efficiency and HISD Goal 6: Create a Positive District Culture and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to Board Policy DH(LOCAL), *Employee Standards of Conduct*, on first reading.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

DEFINITIONS

For purposes of defining prohibited conduct, the following shall apply:

- “Immorality” is conduct that the Board determines is not in conformity with the accepted principles of right and wrong behavior or that the Board determines is contrary to the moral standards that are accepted within the District.
- “Moral turpitude” is an act of baseness, vileness, or depravity in the private or social duties that a person owes another member of society in general and that is contrary to the accepted rule of right and duty between persons. Examples include but shall not be limited to: theft, attempted theft, swindling, forgery, indecency with a minor, prostitution, and the like.
- “Workplace” is defined as the site for performance of work done in connection with all assignments or duties of one’s employment with the District, including any District building or premise; any District-owned or District-approved vehicle, including any vehicle used to transport students to and from school or school activities; or any off-school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event where students are under the jurisdiction of the District.
- “Electronic media” includes all forms of digital media, such as text messaging, instant messaging, electronic mail (e-mail), and Internet and social media. Electronic media also includes all forms of telecommunications, such as landlines, cell phones, and web-based applications.
- “Social media” covers web-based, interactive communication between individuals, organizations, or communities, which includes but is not limited to web logs (e.g., blogs, electronic forums such as chat rooms, video-sharing websites (e.g., YouTube, Vimeo), editorial comments posted on the Internet, and social networking sites including, but not limited to Facebook, Twitter, Google+, Instagram, LinkedIn, Wikispace, and Edmodo.
- “User” is defined as a District employee or District contractor using computers, Internet and social media, e-mail, chat rooms, text messaging, instant messaging, and other forms of electronic communications or equipment for which the District has administrative responsibility. It also applies to any equipment that uses the District’s network to access online resources.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

GENERAL GUIDELINES Employees shall be courteous to one another and the public, working together in a cooperative spirit to serve the best interests of the District. All District employees shall be expected to adhere to the standards of conduct set out in the *Educators' Code of Ethics*. [See DH(EXHIBIT)]

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA(LOCAL)]

E-RATE MATTERS In the case of E-Rate matters, refer to governance provided at CAA.

EMPLOYEE RESPONSIBILITIES Every employee shall be responsible for:

- Arriving at work on time every day and following attendance procedures;
- Satisfactorily completing the duties as specified by the job description and/or contract, if any;
- Relating to colleagues and supervisors with respect, courtesy, and in a professional manner;
- Spending the workday on work-related activities to the exclusion of personal business;
- Dressing in a manner that is appropriate for the job assignment, that reflects positively on the District, and that includes the use of all issued safety equipment;
- Recognizing that employment with the District is not guaranteed, but is dependent on employee performance, budget, and need;
- Following the established rules of behavior for the District and society in general as defined by local, state, and federal laws;
- Conducting their duties in a safe manner, following the District's general safety policies and department rules regarding proper use of approved safety equipment and apparel; and
- Following the directives of the supervisor.

VIOLATIONS OF STANDARDS OF CONDUCT Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

DISCRIMINATION, HARASSMENT, OR ABUSE District employees shall work, supervise others, or be supervised in a work environment free of discrimination, harassment, and abuse. Accordingly, the use of discriminatory remarks and/or epi-

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

acts regarding an employee's race, sex, age, color, religion, ancestry, handicap or disability, marital status, veteran status, political affiliation, sexual orientation, gender identity, and/or gender expression, or national origin shall not be permitted. Employees shall not engage in prohibited harassment, including sexual harassment, of:

Other employees, as defined at DIA.

Students, as defined at FFH. [See FFG regarding child abuse and neglect].

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

WORKPLACE
BULLYING

The District considers workplace bullying to be unacceptable and will not tolerate it under any circumstances.

Workplace bullying is defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs in the workplace that:

Has the effect or will have the effect of physically harming another employee, damaging the employee's property, or placing the employee in reasonable fear of harm to the employee's person or of damage to the employee's property;

Is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive work environment for the employee;

Exploits an imbalance of power between the employee perpetrator and the employee victim through written or verbal expression or physical conduct; or

Interferes with the victim's employment or substantially disrupts the operation of the work location.

Workplace bullying does not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.

Allegations of workplace bullying shall be handled in accordance with DIA3(REGULATION).

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

RELATIONSHIPS WITH STUDENTS	Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DIA and FFH]
FREEDOM OF SPEECH	The First Amendment of the United States Constitution prohibits the government from creating law that abridges the freedom of speech. Under Article 1, Section 8 of the Texas Constitution, every person shall be at liberty to speak, write, or publish his or her opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever pass curtailing the liberty of speech. This policy is not intended to abrogate any individual's state and federal constitutional right to free speech on matters of public concern or to inhibit an employee's right to participate in political affairs in the employee's community, state, or nation as provided under Education Code 21.407(b). These rights must be exercised responsibly and within the context of the District's right to maintain and secure an effective and efficient workplace and school operations free from disruptions that detract from the District's objective of educating children.
SOCIAL MEDIA	The District recognizes the powerful impact that social media can have on education. The user participation and sharing of information inherent in these media can be beneficial to students and teachers; and when used responsibly and safely, they may be effectively integrated into the educational environment to support traditional instruction.
SOCIAL MEDIA USE WITH STUDENTS	<p>In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or designee, may use social media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using social media to communicate directly with students who are currently enrolled in the District. For specific procedures on the following, see the administrative regulation [see DH5(REGULATION)]:</p> <p>Exceptions for family and social relationships; and</p> <p>Procedures for establishing professional media sites, limitations to communicating with students, content restrictions, administrative monitoring and review, privacy issues, adherence to applicable laws and policies, and site accessibility to parents and administrators.</p> <p>Each employee shall continue to comply with the applicable state and federal laws, local policies, administrative regula-</p>

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

tions, and the Code of Ethics and Standards for Texas Educa-
tors including:

- Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records; [See CPC and FL]
- Copyright law; and [See CY]
- Technology resources. [See CQ]

PERSONAL USE OF
SOCIAL MEDIA

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

SAFETY
REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

WEAPONS
PROHIBITION/PROHIBI
TED

~~The District employees are prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited from possessing or using any of the weapons/weapon, as defined in Section 46.05 of the Penal Code [see at FNCG(LEGAL)] while, on District property, while working in the scope of assigned duties, or while attending District-sponsored activities. Any exceptions to at all times.~~

EXCEPTIONS

~~No violation of this provision shall be specifically policy occurs when:~~

- ~~1. Use or possession of a firearm by a specific employee is authorized by the Superintendent or designee. Board action. [See CKE]~~
- ~~2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]~~

TOBACCO USE/
ELECTRONIC-AND
E-CIGARETTES

~~Employees~~An employee shall not smoke or use tobacco products, electronic or e-cigarettes, or electronic vaporizing devices in on District buildings/property, in District vehicles, nor in the presence of students at school or or at school-related activities. [See DH and also GKA(LEGAL)]

ALCOHOL AND DRUGS

~~A copy of this policy, the purpose of which is to eliminate alcohol and drug abuse from the workplace, shall be provided each employee at the beginning of each year or upon employment.~~

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

~~Employees shall not unlawfully~~ An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours ~~while at school on District property~~ or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering ~~drugs~~ drug.

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

EXCEPTIONS

~~It shall not be considered a violation of this policy if the employee who uses a:~~

1. ~~Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;~~
2. ~~Uses or possesses a controlled substance or drug authorized by a licensed physician through a prescription specifically prescribed for the employee's personal use; or~~
- 4-3. ~~Possesses a controlled substance or drug that employee's use shall not be considered to have violated this policy a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.~~

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]

~~A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.~~

DRUG TESTING

All employees are subject to reasonable suspicion testing for alcohol and/or drug use. [See DHE(LOCAL)]

NOTICE

An employee who tests positive for prohibited drugs and/or alcohol shall be subject to termination, except when an employee voluntarily admits to alcohol or illegal drug use and commences counseling or rehabilitation prior to an event that leads to the initiation of any

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

alcohol or drug testing. Such an employee must thereafter refrain from using alcohol and/or illegal drugs.

[See also DI(EXHIBIT) for Drug-Free Workplace Requirements and DHE(LOCAL) for alcohol and drug testing]

UNAUTHORIZED
PERSONS ON
DISTRICT PREMISES

A District employee shall not bring his or her own relative, personal aide, or hired helper to assist the employee in the performance of duties on District premises or at school-sponsored activities without prior approval from the principal/work location supervisor and/or Human Resources Department. [See also DC(LOCAL) and GKG(LOCAL)]

DRESS AND
GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

MONEY LENDING

The District prohibits loans made by one employee to another with the intent of collecting interest.

ANNUAL CRIMINAL
HISTORY RECORD
CHECK

An annual criminal background check shall be conducted on all active personnel who do not have electronic fingerprints on file with the Texas Department of Public Safety.

REVIEW COMMITTEE

A review committee will assess the records of employees found to have criminal records that may bar them from continued employment in the District. The committee shall use the standards for reviewing employees and applicants as set out in DC16(REGULATION).

CRIMINAL HISTORY
RECORD CHECK
PRIOR TO
PROMOTION OR
TRANSFER

A criminal background check shall be conducted on all employees prior to any promotion or transfer to an administrator position, on a campus or within the central office, or as determined by the Superintendent's direct report.

Employees shall disclose a prior record when requested to do so at the time of employment. Failure to do so shall result in termination of employment.

RESPONSIBILITY TO
REPORT CHARGES

Employees are required to notify the District within ten days should they be charged with, convicted of, granted deferred adjudication for, or entered a plea of nolo contendere to any felony or any misdemeanor involving moral turpitude. This notification must be made in writing to the custodian of records in the Human Resources Department. Failure to do so could result in termination of employment.

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(LOCAL)

REASSIGNMENT
PENDING FINAL
DISPOSITION

An employee shall be subject to being temporarily reassigned when the District becomes aware of any pending charge, previous conviction, or deferred adjudication. The decision to reassign an employee shall be made by the appropriate direct report to the Superintendent or designee.

DETERMINATION
UPON FINAL
DISPOSITION

A determination regarding what action, if any, to take will be made after the final disposition of the pending charge(s) or, in the case of a conviction or deferred adjudication, after a recommendation is made to the senior manager, Human Resources (HR) Operations, by the criminal history review committee. In the case of an employee, final disposition of pending charges means a conviction, deferred adjudication, or dismissal of the charges. An employee's completion of probation or other sentencing is not required for a final disposition by the District.

REPORTS OF
MISCONDUCT

In its Declaration of Beliefs and Visions, the Board expressed its strong confidence in and appreciation for District personnel. The Board desires to provide a uniform system that adequately addresses the needs and concerns of all District employees. The Board therefore encourages employees and others connected with the District to bring forward reports in the form of complaints, comments, and suggestions in order to maintain effective and efficient operations, free from disruptions that detract from the District's main objective of educating children.

This policy applies not only to District employees but is also available to parents, students, patrons of the District, and the general public.

The Board recognizes that there are existing resources through which reports can be made and resolved. These resources include the Employee Hotline, the Employee Assistance Program, the Equal Employment Opportunity, Professional Standards, District Police, and Internal Affairs Departments, as well as other appropriate law enforcement authorities. The Board has designated the senior manager, HR Employee Relations, as the clearinghouse for all reports of wrongdoing and for the coordination of resolutions.

EFFECTIVE DATE

This policy shall be effective as of the adoption date, ~~November 14, 2014.~~

Office of the Superintendent of Schools
Board of Education Meeting of January 14, 2016

Office of Legal Services
Elneita Hutchins-Taylor, General Counsel

**SUBJECT: PROPOSED REVISIONS TO BOARD POLICY GKA(LOCAL),
COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES—
FIRST READING**

Changes in state law from House Bill 910, effective January 1, 2016, allow open carry of firearms by license holders in limited circumstances. Districts that wish to pursue criminal trespass charges against license holders for open carry in certain locations must post appropriate signage. Changes in state law from Senate Bill (SB) 273 prohibit a school district from posting signs that bar a handgun license holder from having a concealed handgun where the license holder is not otherwise prohibited by law from having a concealed handgun. A district may post signs at the entrances to its buildings prohibiting a license holder from carrying a firearm into district buildings.

The recommended revision at WEAPONS is to conform to these changes in law and prohibits the "unlawful" use, possession, or display of weapons, including firearms. The provisions at this local policy apply to community members.

Revisions at TOBACCO AND E-CIGARETTES is based on SB 97, which requires a school district to prohibit anyone from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.

A new section at OFF-CAMPUS ACTIVITIES outlines employee responsibilities regarding appropriate conduct of participants and others at school-related activities at non- and out-of-district facilities.

The proposed changes are noted in the attached revised policy.

COST/FUNDING SOURCE(S): None

STAFFING IMPLICATIONS: None

ORGANIZATIONAL GOALS/IMPACT: This agenda item supports HISD Goal 4: Increase Management Effectiveness and Efficiency and HISD Goal 6: Create a Positive District Culture and is aligned to Core Initiative 5: Culture of Trust through Action.

THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES MODIFY BOARD POLICY.

RECOMMENDED: That the Board of Education accepts the proposed revisions to Board Policy GKA(LOCAL), *Community Relations: Conduct On School Premises*, on first reading.

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LOCAL)

PRINCIPAL'S
AUTHORITY

Principals are authorized to refuse entry onto school grounds to persons who do not have legitimate business at the school and to request any unauthorized person or persons engaging in unacceptable conduct to leave the school grounds.

LAW ENFORCEMENT

The Superintendent or designee is authorized to request assistance of law enforcement officers in cases of emergency and to seek prosecution to the full extent of the law when persons violate the provisions of this policy and GKA(LEGAL) regarding trespassing on school grounds, damage to school property, loitering, and disruptive activity.

OFF-CAMPUS
ACTIVITIES

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

PROHIBITIONS
TOBACCO AND
ELECTRONIC E-
CIGARETTES

The District prohibits smoking and the use of tobacco products and e-electronic-cigarettes or any other electronic vaporizing device on District property, in District vehicles, or at school-related activities at all times.

WEAPONS

The District prohibits the unlawful use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

EXCEPTION

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]