



Instructional Consultation Meeting

Wednesday, April 6, 2016

4:45 p.m.

3SE06

AGENDA

Board Meeting Date: APRIL 14, 2016

Items Requiring Consultation

CRE2 (REGULATION)	Insurance and Annuities Management Workers' Compensation	FINANCE Sherrie Robinson
RESPONSE:		Brad Bailey
DEC1 (REGULATION)	Compensation and Benefits Leave and Absences	FINANCE Sherrie Robinson
RESPONSE:		Brad Bailey
CKE (LOCAL)	Safety Program/ Risk Management: Security Personnel	CHIEF OF STAFF Jason G. Spencer
RESPONSE:		Chief Robert Mock

CHT Item(s):

RESPONSE

CHT 1.	DK (LEGAL) We have a question regarding the issuance of emergency permits. DK (LEGAL) requires the consent of a certified teacher to the activation of an emergency permit. How does the district document this consent, since the request from the principal submits does not include a line for the teacher's signature?	Office of Human Resources, Gloria Cavazos Jeff McCanna
------------------	--	---

WRITTEN RESPONSE:

After a principal submits a request for a teacher to be placed on an emergency permit, the certification team checks to see if the teacher is eligible for the assignment and then emails the Permit Employment form outlining the expectations, deadlines and it requires the teacher's signature. The teacher also has to complete the required TEA emergency permit form. Please note that an emergency permit is not activated without the completion and receipt of both forms.

CHT 2.	FO (LOCAL) When will K-2 teachers be given concrete information regarding the supports they have been promised in light of the recent revisions to FO (LOCAL)?	Office of Student Support, Mark Smith Annvi Utter
------------------	--	--

WRITTEN RESPONSE:

Preventative measures will allow students to learn how to behave appropriately—and a well-managed classroom is the most effective preventative way to reduce chronic misbehaviors, which is why Student Support Services is offering CHAMPS training. This training provides teachers with tools and structures that prevent misbehaviors. We will also continue to offer open enrollment sessions during the upcoming school year. Behavior management strategies should also include policies and proper supervision for the lunchroom, transition times, hallways, etc. Our department is offering an 18-month professional development series, Foundations, which supports schools in implementing problem solving strategies that address these school-wide systems. Please contact Ruth Yonamine-Bobba (RYONAMIN@houstonisd.org) if you are interested in participating in CHAMPS or Foundations.

Alternatives to suspending for Level III and Level IV offenses could include:

- A designated space, such as a “calming area” that serves as a behavior and academic intervention. It should support skill building related to the misbehavior and be carefully managed so that it reduces chronic misbehaviors.
- Extracurricular activity suspension (participation in a school event, field trip, etc.)
- Community service around the school
- Caregiver involvement in problem solving to develop alternatives
- Counseling support: school counselor or through partners such as Community in Schools

If you would like support in creating an alternative-to-suspension plan for your school, please contact Annvi Utter (autter@houstonisd.org). We are happy to meet with you to develop a school-specific targeted plan.

What will the consequences be for a PK-2 student that injures another student? Parents request immediate action.

Suspensions do not improve a child’s behavior or make schools safer. These sort of extreme misbehaviors are a sign of a deeper underlying issue that must be examined. School counselors, nurses, teachers, special education department, psychological services, and an additional district staff of behavioral interventionists should all be involved in creating a behavioral intervention plan for the student.

Will Psychological Services come immediately to a school to assist with extreme behaviors?

We will have a team of psychologists available to provide assistance; however, schools should exhaust all alternatives before contacting our department. Schools should be utilizing an Intervention Assistance Team that includes teachers, administrators, counselors, nurses, etc. before requiring assistance from Psychological Services. We will be more successful in providing additional supports in situations of escalating misbehaviors when schools have implemented an IAT process. An initial consultation with Psychological Services may involve a phone conversation. If your school requires immediate service, please consider contracting with Psychological Services. Some schools have chosen to have a designated psychologist on campus a number of days every week to provide direct behavioral and emotional services. The cost is approximately \$13,300 for one day per week of services per a school year. Please contact Lauren Goonan (LGOONAN@houstonisd.org) if interested.

Will the district offer behavior therapy, parenting classes, etc. for these extreme cases?

We will be offering trainings and sessions during the summer and school year. Our primary goal is to reduce infractions through classroom management strategies that will ultimately reduce chronic misbehaviors. As we continue to see a decline in infractions, we will have a better understanding of the additional supports needed to address the extreme misbehaviors. As mentioned above, a number of district departments along with school staff will be available to support schools with these extreme cases during this upcoming school year.

Will parents be held accountable for any discipline concerns?

Our focus is to understand and provide support in what can we do differently within the school walls so that students understand behavioral expectations during school hours.

When will we learn more about how the new board policy will be implemented?

We will officially launch our supports in June during the Professional Learning Series event at NRG in June. We are developing interactive professional development sessions designed to provide administrators with tools and strategies that can be used as alternatives to suspensions.

HFT Item(s):		RESPONSE
HFT 1.	Open Transfer Period – Answered When does open transfer close?	HUMAN RESOURCES
RESPONSE: HISD’s Open Teacher Transfer Period begins Friday, April 1, 2016 and end at 5 p.m. Monday, May 2.		

HFT 2.	<p>Non-Renewals We are seeing an increase in the number of Conferences for the Record resulting in a principal recommendation to non-renew a teacher. Are principals, as a means of trimming their budgets, using these non-renewals in lieu of reduction-in-force notifications?</p>	CHIEF SCHOOL OFFICER
RESPONSE:		
HFT 3.	<p>Employment Intentions Form Attached is a form distributed to teachers at Roberts E.S. Is this form binding? We have seen similar forms at other schools.</p> <p>Increasingly, we have seen principals request that their staff become ESL certified. They are making this request of teachers who were not hired into ESL positions and threatening their jobs for failure to obtain the certification. The form from Roberts ES requires teachers to indicate that they would certify or lose their jobs. Again, is this form binding? We would like to get this ESL certification request clarified. There is no current state or district mandate. Where is this coming from?</p>	CHIEF SCHOOL OFFICER – Elementary School Office #2 - Sarabia
RESPONSE:		
HFT 4.	<p>Employee Access to Campus File In the past, employees have been allowed to view and copy their own campus files with an administrative representative present. This allowed employees the opportunity to be sure that they were seeing all documents that were in their files and that nothing was being placed in their file without their permission. Recently, an employee from Peterson was denied access to her file. Legal has decided to end this practice citing that there is no reason for the employee to handle or view their file and that a copy is sufficient.</p>	HUMAN RESOURCES Gloria Cavazos
RESPONSE:		
Meeting:		
Next Meeting: Wednesday, May 4, 2016, 4:45 p.m. in 3SE06		

SUBJECT: EMPLOYMENT INTENTIONS FOR 2016 – 2017

In an effort to maintain a quality staff, I am requesting your employment intentions for the next school year

Name: _____

Grade/Position: _____

Initial	
	I intend to continue working at Roberts ES for the upcoming school year. I understand that I must meet all requirements for my position in order to be considered for continued employment (including holding a valid ESL certificate).
	I intend to transfer to another school within HISD or apply for a different position at a location other than my current school site.
	I intend to retire at the end of this school year.
	I intend to resign at the end of the school year (attach resignation form).

I am assured that the information that I have supplied is for staffing purposes and will not be used ne against me. I therefore affirm that the above information is true and correct.

Signature of Employee: _____

Date: _____

Returning Teaching Staff Only

you are planning to return to Roberts, please complete the following:

	Please don't move me...I am happy where I am! I would like to remain in my current teaching assignment for the upcoming school year.
	I would be interested in changing my current teaching assignment to the following : First choice: _____ Second choice: _____

ditional Comments or Special Considerations

a returning teacher to Roberts Elementary, I am committed to report to work on time daily, ;
ies and procedures in HISD Board Policy, Roberts Handbook and all campus directives and
ddition, I am committed to working collaboratively with colleagues and administrators to s
uctional, attendance and behavioral goals for all students.

ature of Employee (returning teachers only)

Date

LIMITED DUTY

~~4.~~ The District may offer to accommodate a limited-duty position to a contract or noncontract employee receiving workers' compensation benefits with a temporary modified duty position following a job-related injury or illness. This position will be temporary in nature and will be used to assist transition an employee back to full regular duty status to become able to perform the essential functions of his or her regular job duties. The limited duties will be within the medical or physical restrictions established by the employee's physician. If applicable, the employee will be offered the opportunity to return to work in a temporary modified position through a Bona Fide Job Offer/Offer of Employment, not to exceed 180 work days. If an employee's restrictions can be accommodated by the supervisor or department, the modified duties will be within the medical or physical restrictions as established in accordance with the Division of Workers' Compensation 73 Work Status Report [DWC 73]. The obligation to provide modified duty work ends when an employee: (1) has been released to return to work full duty without restrictions; (2) has exhausted 180 work days in relation to the injury; (3) reaches Maximum Medical Improvement (MMI) status. [See Reference (b) and (c)]

MODIFIED DUTY PROGRAM

~~2.1.~~ Workers' and Unemployment Compensation will work in conjunction with an employee's supervisor and/or Human Resources to identify those modified duties that can be performed by the employee. If no modified duty positions can be identified within the employee's regular work location, an alternative work site in the District may be offered. The employee's home department will be responsible for paying the employee's regular wages during the reassignment. [See Reference (a)]

DURATION

~~3.2.~~ Limited Modified duty assignments may be available for up to 30 90 work days with a possible extension of an additional 30 90 work day assignments not to exceed 180 work days in totals dependent upon the employee's rate of recuperation. All extension decisions will be approved or denied using the criteria of evidence based guidelines. After the first 90 work days of a temporary modified duty assignment have ended, or earlier if warranted, an employee's work status will be reviewed by HISD Workers' Compensation department to determine whether they will be able to extend the modified duty assignment. The duration of the limited-modified duty assignment will be determined by the Workers' and Unemployment Compensation Department and the employee's treating physician based on supporting medical documentation

from the Workers' Compensation Panel Physician or state-appointed Designated Doctor. If an employee has more than one workers' compensation claim in a given fiscal year, the employee will have the ability to work a maximum of 180 work days total. [See Reference (d)]

REJECTION OF
LIMITED DUTY
ASSIGNMENT

3. An employee who rejects a Bbona Ffide job-Offer of Eem-employment for a modified duty position may be subject to loss of temporary income benefits under workers' compensation, and termination of employment. [See References (a)-and-(e)]

SUPERVISOR
RESPONSIBILITY

4. Supervisors are responsible for notifying the Workers' Compensation department immediately upon receipt of modified duty requests submitted by an employee with a work-related injury or illness.

EMPLOYEE
RESPONSIBILITY

5. Employees shall communicate with the Workers' Compensation Panel Physician and the Workers' Compensation Department to ensure that current work status forms have been received by the Department.s are responsible for obtaining and providing their required work status forms. Restrictions must be followed outside of work as well as at work. Employees who are released for and given a modified duty assignment must have at least monthly evaluations by a Workers' Compensation Panel Physician. Failure to attend scheduled appointments with a Workers' Compensation Panel Physician provide at least monthly work status reports from a Workers' Compensation Panel Physician will result in the employee being sent home until a current work status report is provided to received by the Workers' Compensation Ddepartment. If an employee's Bona fide Offer of EmploymentJob Offer expires and there is no current medical documentation on file, the employee may also be sent home during this time in order to provide will not be able to return to modified duty until a current work status from a Workers' Compensation Panel Physician is provided and current restrictions can be accommodated and are appropriate for continued use of modified duty. If an employee's modified duty assignment is fails to provide a current work status report and their modified duty is discontinuedis sent home during this time due to lack of a current work status report, the employee may not be eligible for temporary income benefits under from the workers' compensation insurance. Employees, whether on or off duty, may not perform work duties in violation outside the scope of their modified duty restrictionswork status report. An employee may not return to work in a limited duty capacity until the Bbona Ffide Offer of Employment job offer has been signed and returned

to the Workers' Compensation department or a full duty release from a Workers' Compensation Panel Physician has been provided.

4. Employees must comply with all District policies, and when applicable the Texas Workers' Compensation Act and rules.

AVAILABILITY OF
MODIFIED DUTY

6. Modified duty assignments will not be granted without an evaluation by a Workers' Compensation Panel Physician or a state-appointed doctor and receipt of the Division of Workers' Compensation Work Status Report outlining clear instructions regarding the employee's restriction(s) and limitation(s).

Factors considered in offering modified duty assignments include, but are not limited to:

- The nature of the employee's injury or illness;
- The content of the medical release provided by the employee;
- The feasibility and reasonableness of the work restrictions prescribed by the Workers' Compensation Panel Physician;
- The risk that a modified duty assignment may result in aggravation of the employee's injury or illness;
- Type of modified duty work assignments available; and
- The employee's ability to perform the essential functions of the available modified duty work assignment.

CONSULTATION

5.7. This regulation has been through requires consultation (Administrative: ~~June 7, 2014~~; Instructional: ~~June 2, 2014~~).

MAINTENANCE
RESPONSIBILITY

The chief financial officer, Finance, is responsible for maintenance of this regulation.

REFERENCES:

- (a) Board Policy DK(LOCAL)
 - (b) Texas Workers' Compensation Act
 - (c) Workers' Compensation Rule 129.6
 - (d) Texas Labor Code §408.0041 (e)Workers' Compensation Program Manual
-

DEFINITIONS

1. For the purposes of this regulation, the following definitions shall apply to assault leave.

ASSAULT

4.a. For the purpose of this regulation and as described in Chapter 6 (~~Culpability~~Capability Generally) of Reference (f), an assault is an intentional, knowing, or reckless action causing bodily injury to another person.

ASSUALT LEAVE

2.b. Any ~~eligible~~eligible active employee who is physically injured during the performance of his or her the employ- ee's regular duties, as a result of what he or she be- lieves is an assault, may request a leave of absence to recover from the physical injuries resulting from the al- leged assault. ~~[See Reference (b) for information on eli- gibility]~~ The leave of absence can only be for the dura- tion of recovery from the physical injury and cannot extend past two years from the date of the assault inci- dent. [See References (b) and (e)] ~~The initial assign- ment to assault leave is temporary while awaiting the in- vestigation and confirmation that a physical injury occurred while in the course and scope of employment and due to the direct actions of another or others. [See Reference (g)]~~

GUIDELINESREPORT ASSAULT

3.2. The guidelines for ~~processing~~reporting physical assault leave requests are as follows:

NOTIFICATION

a. ~~Eligible~~An eligible employees who believe they have been assaulted ~~must~~may report the incident a physical assault sustained during the performance of regular du- ties to the supervisor, principal, or ~~to the~~site administra- tor immediately. The supervisor or administrator, or de- signee, with the assistance of the employee, if possible, must complete the Employee Injury and Treatment (EIT) Form upon receiving report of an assaultinjury. [See Reference (i)] ~~The supervisor or administrator must im- mediately forward a copy of the EIT Form to Workers' and Unemployment Compensation and report the al- leged assault to the District Police Department, if appro- priate. Supervisors or administrators, upon receiving no- tice that an employee has been assaulted, must report it to the District Police Department and Workers' and Un- employment Compensation immediately.~~

INJURY FORM

b. ~~The supervisor or administrator of the injured em- ployee must complete or have completed the Employee Injury and Treatment (EIT) Form immediately upon re- ceiving report of an injury. The form is used for all acci- dents and incidences of assault. [See Reference (i)]~~ A

~~copy of the EIT Form is faxed to Workers' and Unemployment Compensation, serving as a notification of the report of injury.~~

MEDICAL
ATTENTION

- b. ~~In the event of injury, the supervisor shall instruct the employee shall to seek medical treatment attention with a Workers' Compensation Panel Physician and/or other licensed medical provider.~~

ASSAULT LEAVE

3. An employee may request assault leave upon initial completion of the EIT Form. See paragraph 3.f 2.a. If an employee does not request assault leave at this time, the employee may submit an amended EIT Form to file for assault leave. The amended form must be completed and sent to Workers' Compensation within 30 calendar days from the date of the alleged assault.

TEMPORARY
ASSAULT
LEAVE

- a. The initial assignment to assault leave is temporary while awaiting the investigation and confirmation that a physical injury occurred while in the course and scope of employment and due to the direct actions of another or others, an assault [See Reference (c)]

INITIAL RECORD
OF LEAVE

- b. Beginning with the injured employee's first day of absence, the employee's time must be coded to reflect ASALT (assault leave). The time keeper must code time as assault leave until advised otherwise by Workers' Compensation.

MEDICAL
TREATMENT

- c. The injured employee takes the original EIT Form card to the attending Workers' Compensation Panel Physician authorizing medical treatment. [See Reference (i)] Following medical treatment, the attending Workers' Compensation Panel Physician provides and completes DWC Form 73-Work Status Report to the employee and faxes Form 73 to Workers' and Unemployment Compensation. The hard copy of the form is to be hand delivered by the injured employee to his or her supervisor upon the injured employee's return to the work site. The employee is also responsible for forwarding any and all DWC 73-Work Status Reports to Workers' and Unemployment Compensation.

FILING THE
REQUEST

~~On the back of the EIT Form, there are instructions to the injured employee regarding assault leave and the process for application. The Report of Assault Incidence form will be completed by the injured employee and his or her supervisor, signed by both, and faxed to~~

~~Workers' and Unemployment Compensation. [See
Reference (j)]~~

INVESTIGATION

~~d.4. Upon receipt of the assault leave request and the DWC 73-
Work Status Report, Workers' and Unemployment Compensa-
tion sends an investigation request notice to the principal,
supervisor, or site administrator along with the Assault Leave
Investigation form.~~

WORK LOCATION
INVESTIGATION

~~e.a. The pay location principal, supervisor, or site administra-
tor is responsible for conducting the investigation of the
incident utilizing the Assault Leave Investigation form.
[See Reference (h)] The HISD Police Department will
also be responsible for conducting a thorough investiga-
tion on any alleged assault that may occur involving a
District employee. The pay location principal, supervisor,
or site administrator will seek to will obtain statements
from the injured employee, the alleged assailant, the su-
pervisor, and witnesses. The pay location principal, su-
pervisor or site administrator and the HISD Police De-
partment will send the investigation reports to Workers'
and Unemployment Compensation within five business
days of the request for assault leave.~~

POLICE REPORT

~~b. The HISD Police Department will also be responsible for
conducting a thorough investigation on any alleged as-
sault that may occur involving a District employee.
Where appropriate and applicable, Aa police report will
be completed regardless of whether or not the employee
wishes to file charges and forwarded to Workers' and
Unemployment Compensation within five days of the re-
quest for assault leave. The principal, supervisor or site
administrator is responsible for providing Workers' and
Unemployment Compensation with the incident number
when the District Police Department is involved.~~

FALSE
REPORT

~~f.c. NoAn employee will shall not knowingly file a false police
report. A false report to a peace officer or law enforce-
ment employee is considered a Class B misdemeanor
as described in Article 59.01 of Reference (e). A person
commits an offense if, with intent to deceive, he or she
knowingly makes a false statement that is material to a
criminal investigation and makes this statement to:~~

- ~~• A peace officer conducting the investigation; or~~
- ~~• Any employee of a law enforcement agency that is
authorized by the agency to conduct the investiga-~~

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC1
(REGULATION)

tion, and that the employee knows is conducting the investigation. [See Reference (fg)]

MEDICAL
EVALUATION
WORKERS'
COMPENSATION
REVIEW

d. ~~Workers' and Unemployment Compensation will contact the claimant's attending physician and will review DWC Form 73 and any other pertinent medical reports. The manager, Workers' and Unemployment Compensation, will review the findings with the pay location supervisor within five days of receipt of the completed Assault Leave Investigation form and the medical information documentation from the attending Workers' Compensation Panel Physician and present the information to the District's Assault Leave Committee for a decision regarding assault leave.~~

ASSAULT LEAVE
COMMITTEE

g.e. ~~The Assault Leave Committee will include the following members: a Human Resources business partner; the general manager, Benefits; an HISD EEOC representative; an HISD Legal Services representative; the manager or senior manager, Workers' Compensation; and the Assault Leave Administrator or assigned designee.~~

APPROVAL OR
DISAPPROVAL
DECISION OF
ASSAULT LEAVE
COMMITTEE

h.f. ~~Based upon the findings of the investigation, police report, medical treatment information, other information regarding the incident, and discussion with the pay location principal, supervisor, or site administrator concerning his or her personal knowledge of the events of the incident, the Americans with Disabilities Act (ADA) Accommodation Request Review Assault Leave Committee will approve or disapprove the assault leave request. [See References (c) and (d)] The process of completing the Report of Assault Incidence form, investigating, retrieving medical treatment information, having a discussion with the pay location supervisor, and deciding to approve or disapprove assault leave must be completed within 30 days of receipt of the Report of Assault Incidence form. All pertinent forms and reports will be copied and sent to the employee, the pay location supervisor, and Payroll Operations.~~

NOTIFICATION
OF DECISION

g. ~~Upon the decision of the Assault Leave Committee, the Workers' Compensation Department, will send a memorandum along with any pertinent forms and reports to the employee, the principal, supervisor, or site administrator, and Payroll Operations notifying them of the approval or denial of the assault leave request.~~

PAYROLL
REPORTING

5. ~~If the results of the investigation do not support approval of the assault leave, the payroll transmittal must be adjusted to~~

reflect workers' compensation or the employee's personal leave retroactive to the first date of absence in accordance with ~~section 3-e5.b.~~ of this regulation.

ADJUST
EMPLOYEE
ABSENCE

a. Beginning with the injured employee's first day of absence, the payroll transmittal must reflect code ASALT (assault leave). If the results of the investigation do not support approval of the assault leave, the payroll transmittal must be adjusted to reflect workers' compensation or the employee's personal leave retroactive to the first date of absence. Workers' Compensation Department will notify Payroll Operations within 24 hours of the decision of approval or disapproval of assault leave. In the event that the assault leave has been disapproved, Payroll Operations will charge the employee's personal leave with those days allocated for assault leave. In no event will an employee have more than 20 work days deducted from their accrued leave bank as the result or due to the time it takes to make a decision to disapprove a request for assault leave. Any adjustments to assault leave due to a decision to disapprove an assault leave request will not be retroactive more than 30 days from the date assault leave is requested by the employee.

COMBINED
BENEFITS

b. Under no circumstances should the combined benefits of workers' compensation and assault leave exceed 100 percent of the employee's regular pay. The employee will reimburse the District for any overpayments.

APPEALS
PROCESS

6. If the request for assault leave is initially denied, the employee will have 30 calendar days from the date of decision to dispute the denial. Disputes or appeals to a decision of the Assault Leave Committee should be made in writing and submitted to the Workers' Compensation Department. Should the appeal for assault leave be approved, notification of the approval including all pertinent forms and reports will be copied and sent to the employee; the principal, supervisor, or site administrator; and Payroll Operations. In the event that an employee is not satisfied with the decision made on appeal, the employee may appeal the dispute to Level Two of HISD's Formal Dispute Resolution Process. [See Reference (f)]

EMPLOYEE
ASSISTANCE
PROGRAM SERVICES

i.7. If the assault leave is approved, Workers' and Unemployment Compensation will advise the Employee Assistance Program (EAP) provider of the assault and request that a representative of the EAP contact the injured employee to offer EAP services. The EAP contact and services offered will be held in the strictest of confidence.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC1
(REGULATION)

NOTIFICATION OF
PAYROLL

~~j. Workers' and Unemployment Compensation will notify Payroll Operations within 24 hours of the decision of approval or disapproval of assault leave. In the event that the assault leave has been disapproved, Payroll Operations will be responsible for charging the employee's personal leave with those days allocated for assault leave.~~

RECORDING THE
EMPLOYEE'S
ABSENCE

~~k.a. Beginning with the injured employee's first day of absence, the payroll transmittal must reflect code ASALT (assault leave). If the results of the investigation do not support approval of the assault leave, the payroll transmittal must be adjusted to reflect workers' compensation or the employee's personal leave retroactive to the first date of absence.~~

COORDINATION OF
BENEFITS

8. Assault leave benefits will be coordinated with ~~W~~workers' and ~~U~~Unemployment ~~C~~ompensation ~~b~~enefits. HISD will supplement workers' compensation benefits to ensure that the injured employee receives 100 percent of his or her regular pay. Assault leave benefits may continue for a maximum of up to two years from the date of the ~~assault~~incident on the condition that the employee provides a Medical Status Report every 30 days from his or her ~~attending~~Workers' Compensation Panel ~~p~~Physician substantiating that the injured **employee's physical** medical condition prohibits his or her return to duty.

RETURN TO WORK

9. The guidelines for returning to work are as follows:

TEXAS
DEPARTMENT
OF INSURANCE

l.a. If the Texas Department of Insurance Division of Workers' Compensation (TDI-DWC) orders a medical examination by a state appointed Designated Doctor and the Designated Doctor is instructed to address return to work status, the Designated Doctor's report has presumptive weight and supersedes any and all other Workers' Compensation Panel Physicians. The employee's work status will be based on the date of receipt of the work status report if the work status report is retroactive. Should the Designated Doctor's decision be overturned by TDI-DWC, the injured employee's benefits will be reinstated retroactively.

COMPENSATION
CHANGE IN
ELIGIBILITY

m.b. Under no circumstances should the combined benefits of workers' compensation and assault leave exceed 100 percent of the employee's regular pay. The employee will reimburse any overpayments to the District. A change in eligibility for assault leave benefits may occur as a result of one of the following conditions:

- If at any point during the two-year maximum allowed recovery period from the date of assault, the employee is released to return to work, by either a Workers' Compensation Panel Physician or state-appointed Designated Doctor, with restrictions that are able to be accommodated by HISD, the employee will no longer be eligible for assault leave benefits.
- If the employee is no longer being treated for any physical injuries due to the assault, the employee is no longer eligible for assault leave benefits.
- If the employee's position has been terminated or the employee resigns, he or she will no longer be eligible for assault leave benefits. {This is not an accurate statement under the current law. We need to discuss}

ADA
REFERRAL RETURN TO WORK

n.c. If After the two-year maximum allowed recovery period from the date of physical injury from the assault the employee has not been released to returns to work, within two years of the injury, he or she the employee will not longer be eligible for assault leave benefits. However, unless the employee's attending Workers' Compensation Panel Physician or state-appointed Designated Doctor, whichever is applicable, can may provide evidence to substantiate that his or her the employee's current medical condition has degenerated as a result of the injury and that he or she the employee cannot perform assigned duties his or her essential job functions. The matter would then be referred to the ADA Accommodation Request Review Committee to determine if reasonable accommodations can be made for the employee.

CONSULTATION

4.10. This regulation has been through requires consultation (Administrative: May 10, 2011; Instructional: May 5, 2011; Non-instructional: May 10, 2011).

MAINTENANCE
RESPONSIBILITY

5.11. The chief financial officer, Finance, is responsible for the maintenance of this regulation.

REFERENCES:

- (a) DEC(LEGAL)
 - (b) DEC(LOCAL)
 - (c) DGBA(LOCAL)
-

-
- (d) Board Policy DI(LOCAL)
 - ~~(b) DEG(REGULATION)~~
 - ~~(c) DAA1(REGULATION)~~
 - ~~(d) Assault Leave Procedures Letters to Employee and Supervisor for Approval/Disapproval of Assault Leave Request~~
 - ~~(e) Texas Code of Criminal Procedure Article 59.01~~
 - (e) Texas Education Code 22.003(b)
 - (f) ~~Texas Criminal Laws~~ Penal Code, Title 2: General Principles of Criminal Responsibility
 - (g) Texas Penal Code, Chapter 37~~Texas Education Code 22.004(b)~~
 - (h) Form – Assault Leave Investigation
 - (i) Form – Houston Independent School District Employee Injury and Treatment Form
 - ~~(j) Form – Houston Independent School District Report of Assault Incidence~~
-

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(LOCAL)

PEACE OFFICERS

DISTRICT POLICE
DEPARTMENT

The Board has chosen to employ commissioned peace officers to carry out the provisions of Texas Education Code, Chapter 37, Subchapter C, relating to law and order. The mission of the District ~~Police Department~~police department is to provide a safe learning environment by protecting the rights and property of the District, staff, and students through the establishment and maintenance of an innovative, knowledgeable, dedicated, and highly trained police department capable of adapting to a changing educational community environment.

SUPERVISORY
AUTHORITY

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

JURISDICTION

The jurisdiction of ~~the District's police department~~police officers ~~shall include~~includes all territory ~~in the within~~in the District boundaries ~~of the District and~~of the District and, as well as all property, real and personal, property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

District police officers shall exercise police authority and powers in accordance with the provisions of the Texas Code of Criminal Procedure. Police Department officers are required to limit their actions to incidents that are clearly District-related, except in cases where, as Texas police officers, they have a statutory duty to involve themselves in non-District incidents that are life-threatening, considered felony offenses, or are listed in Chapter 14 of the Texas Code of Criminal Procedure (arrest without warrant).

SCOPE OF POWERS
AND DUTIES

POLICE AUTHORITY

~~District police officers are employees of the District and shall comply with all District policies, procedures, and regulations. They shall have the following~~Police officers employed by the District shall have all the powers, privileges, and immunities of peace police officers under on or off duty within the jurisdiction provided by these procedures of the District and as defined in the Texas Code of Criminal procedure. District police officers shall have the authority to:;

- ~~1. Enforce provisions of Education Code 37.101 through 37.107;~~
1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
- ~~2. Enforce all laws, including municipal ordinances, county ordinances, and state laws;~~
- ~~3. Prevent and investigate violations of law, ordinances, or District policy that;~~

- a. ~~Occur within the jurisdiction of the District or at District functions;~~
 - b. ~~Involve District vehicles or buses; or~~
 - c. ~~Involve offenses against the District, District employees, or Board members in their capacity as District employees or Board members.~~
- 4.2. ~~Participate in serving~~ Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants and arrest warrants in connection with District-related investigations; in compliance with the Texas Code of Criminal Procedure.
5. ~~Take a juvenile into custody in accordance with Chapter 52 of the Family Code if there is probable cause to believe that the child has engaged in conduct that violates a penal law of this state or a penal ordinance of a subdivision of this state, delinquent conduct, or conduct indicating a need for supervision;~~
6. ~~Patrol areas within the jurisdiction of the District in connection with the performance of duties provided by this policy;~~
7. ~~Engage in activities and programs approved by the Superintendent or designee, designed to prevent or deter crimes against District property or District employees, students, or visitors;~~
8. ~~Carry weapons as authorized by the Superintendent or designee;~~
9. ~~Assist in providing traffic and parking control at athletic events, at school closings or openings, or at any time deemed necessary by the Superintendent or designee to ensure the safety and welfare of students, staff, and District patrons;~~
10. ~~Enforce regulations for and on District school buses;~~
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
- 11.4. ~~Where appropriate, e~~ Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of these procedures; this policy as necessary.

~~5. Investigate and enforce violations of District policies on District property, in school zones, at bus stops, or at District functions.~~

~~42-6. Investigate violations of District policy, rules, and regulations as requested by the District administration Superintendent and participate in administrative hearings concerning the alleged violations, including suspension, expulsion, and employee disciplinary hearings; .~~

~~13. Participate in judicial proceedings;~~

~~7. Participate in functions Carry weapons as directed by the chief of police and approved by the Superintendent or designee; and.~~

~~14-8. Carry out all other duties as directed by the chief of police.~~

~~15. Provide assistance to other law enforcement agencies. Routine assistance may be provided on an as-needed basis. In an effort to develop and maintain mutual working relationships, the District Police Department may respond to requests for assistance from other agencies that fall outside the normal scope of operations. All requests of this type shall be approved by the Superintendent or designee.~~

TEMPORARY
ASSIGNMENT

District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.

OUTSIDE
EMPLOYMENT

Officers shall adhere to regulations of the HISD Police Department Policies and Procedures Manual and applicable directives governing police-related and non-police-related extra employment.

MEMORANDUM OF
UNDERSTANDING

The District ~~Police Department~~ police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the departments and agencies. Approval to enter into or maintain relationships established by memoranda of understanding shall be approved by the Superintendent or designee.

VIDEO MONITORING

If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.

ACCESS TO RECORD-
INGS

Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(LOCAL)

	<p><u>as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]</u></p>
<u>BODY-WORN CAMERAS</u>	<p><u>District officers shall use body-worn cameras only when performing official law enforcement duties and in accordance with the provisions of the District police department's body-worn camera program. The cameras shall be used to record incidents that are of a criminal nature, or that will bring scrutiny to the department or the district, or to document actions and reactions regarding a request for police service. Officers shall receive training on the program, including proper use and operation of cameras. Any District employee who has access to data from body-worn cameras shall receive training on storage, retention, and release of recordings.</u></p>
<u>TRAINING</u>	<p><u>All District officers and police dispatchers shall receive at least the minimum amount of education and training required by law.</u></p>
<u>DEPARTMENT REGULATIONS MANUAL</u>	<p><u>To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.</u></p>
<u>RACIAL PROFILING</u>	<p><u>The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.</u></p>
<u>USE OF FORCE</u>	<p><u>The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual. The use of excessive force is expressly prohibited by these provisions.</u></p>
<u>VEHICULAR PURSUIT</u>	<p><u>Officers shall adhere to regulations in the <i>HISD Police Department Policies and Procedures Manual</i> and applicable directives governing vehicular pursuits.</u></p> <p><u>Vehicular pursuits shall be initiated only if there are reasonable grounds to believe that the suspect being pursued has committed a violent felony within the jurisdiction of the District Police Department police department and there is a substantial risk to the public if the suspect is allowed to remain at large.</u></p> <p><u>District police officers shall not initiate vehicle pursuits for traffic violations.</u></p>

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(LOCAL)

Once involved in a pursuit, the District police officer(s) involved shall weigh the risks of the pursuit against the danger to the public, ~~self(ves)themselves,~~ and fellow officers on a continual basis. If the risk of danger outweighs the benefit of capturing the fleeing suspect, the pursuit shall be terminated immediately. If a pursuit is for a crime that is not District-related, the officer(s) involved shall continue the pursuit only until units of the agency having primary jurisdiction become involved in the pursuit. At this time, the District officer(s) shall discontinue direct involvement in the pursuit.

~~OFFICER TRAINING~~

~~All District police officers shall receive at least the minimum hours mandated by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and other approved continuing education and firearms training each year considered necessary to maintain their certification as peace officers in the state of Texas.~~

DUTY DURING
INCLEMENT
WEATHER OR
OTHER
EMERGENCIES

District police officers and police department communications personnel are not included in the plan for dismissal of employees because of inclement weather and/or other conditions that may cause the schools or offices to close, except as provided in the administrative regulations. All police officers shall notify the District's police department office as soon as possible after arrival at their designated assignments.

~~OUTSIDE
EMPLOYMENT~~

~~Officers shall adhere to regulations of the HISD Police Department Policies and Procedures Manual and applicable directives governing police-related and nonpolice-related extra employment.~~

COMPLAINTS AGAINST
POLICE OFFICERS

Complaints against District police officers shall be handled in accordance with procedures established by law. [See CKE(LEGAL)]

NOTICE OF
EXPOSURE TO
COMMUNICABLE
DISEASE

Notice of Health and Safety Code requirements regarding a work-related exposure to a reportable communicable disease that may affect eligibility for workers' compensation benefits shall be available to District police officers as specified by law. [See CKE(LEGAL)]

COMPLAINTS

Complaints against a District police officer shall be in writing on a form provided by the District police department and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. [See COMPLAINTS AGAINST PEACE OFFICERS at CKE(LEGAL)]

Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.