



**POR VIDA ACADEMY**  
**CHARTER DISTRICT**  
**FOR LIFE**

**Employee Handbook**  
**2024–2025**

## **Welcome to Por Vida Academy Charter District**

Dear Employees:

This handbook (“Handbook”) contains information about Por Vida Academy Charter District’s 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 Por Vida Academy Charter District. 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. Por Vida Academy Charter District 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 Principal, supervisor, or Human Resources.

Please sign the Acknowledgement of receipt of Handbook agreeing to read and abide by the policies and procedures outlined in this Handbook, and return it to Human Resources. This acknowledgement will also provide Por Vida Academy Charter District 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,

Loren Franckowiak  
Superintendent

**ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK**

Name: \_\_\_\_\_

Campus/Department: \_\_\_\_\_

The purpose of this Handbook is to provide information that will help with questions and pave the way for a successful year at Por Vida Academy Charter District. Not all school or Board policies and procedures are included, and the information, policies, and benefits described in this Handbook are subject to change at any time. Such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I understand that I may request a copy of this Handbook by email from my Principal or Human Resources and that a paper copy of the Handbook is located in the main office. Only the Board of Directors has the ability to adopt any revisions to the policies in this Handbook.

Furthermore, I understand that this Handbook is neither a contract of employment nor a legally binding agreement. I accept the terms of the Handbook, and understand that it is my responsibility to comply with the policies contained in this Handbook and any revisions made to it. I further agree that if I remain with Por Vida Academy Charter District following any modifications to the Handbook, I thereby accept and agree to such changes. Finally, in the event of any inconsistency between the information, policies, and benefits described in this Handbook and in my Employment Agreement, the information, policies, and benefits described in the Employment Agreement will control.

I have received my copy of the Por Vida Academy Charter District Employee Handbook on the date listed below. In signing the Acknowledgment of Receipt of Handbook below, I also acknowledge my understanding that I am responsible for reading the entire Handbook.

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

\_\_\_\_\_  
Date

NOTE: You must sign and date this form within three days of receipt, and return to Human Resources.

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## **PART 1: INTRODUCTORY INFORMATION**

### **1.1 Mission**

To prepare students for life beyond high school by providing a supportive environment, holistic learning approach and by being a respectful and committed organization.

### **1.2 Vision**

We support success through education by providing our students an innovative educational experience.

### **1.3 Core Values**

- Respect
- Commitment
- Supportive Environment
- Holistic Learning Approach

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

### **2.1 Non-Discrimination Statement/Equal Employment Opportunity**

Por Vida Academy Charter District does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis prohibited by law as required by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Title I and Title V of the Americans with Disabilities Act of 1990, as amended (“ADA”); the Age Discrimination in Employment Act of 1967, as amended (“ADEA”); Section 504 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008 (“GINA”); and any other legally-protected classification or status protected by federal, state, or local law. Additionally, Por Vida Academy Charter District 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 Por Vida Academy Charter District administrator, or the Title VII/Title IX, ADA, or ADEA Coordinator.

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

Por Vida Academy Charter District has designated the following people as the Title IX Coordinators, who are responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment:



- Matters involving employees: Angela Cruz-Garcia, Human Resources, 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816, [acruz-garcia@por-vida.org](mailto:acruz-garcia@por-vida.org).
- Matters involving students: Danette Salazar, Accountant, 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816, [dsalazar@por-vida.org](mailto:dsalazar@por-vida.org).

Por Vida Academy Charter District has designated the following person as the ADA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Human Resources, Angela Cruz-Garcia, [acruz-garcia@por-vida.org](mailto:acruz-garcia@por-vida.org), 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816.

Por Vida Academy Charter District has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of age: Human Resources, Angela Cruz-Garcia, [acruz-garcia@por-vida.org](mailto:acruz-garcia@por-vida.org), 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816.

All other complaints regarding equal employment opportunity may be directed to: Human Resources, Angela Cruz-Garcia, [acruz-garcia@por-vida.org](mailto:acruz-garcia@por-vida.org), 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816.

## **2.2 Federal and State Worksite Postings**

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

## **2.3 Immigration Law Compliance**

Por Vida Academy Charter District 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 Human Resources, Angela Cruz-Garcia, [acruz-garcia@por-vida.org](mailto:acruz-garcia@por-vida.org), 1135 Mission Road, San Antonio, Texas 78210, 210-532-8816. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **2.4 Nondiscrimination Based on Religion**

Por Vida Academy Charter District 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 Por Vida Academy Charter District's business.

## **2.5 Nondiscrimination Based on Military Service**

Por Vida Academy Charter District 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.

Por Vida Academy Charter District 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”).

## **2.6 Americans with Disabilities Act (ADA)**

Por Vida Academy Charter District is committed to complying fully with the ADA, as amended, and ensuring equal opportunity in employment for qualified persons with disabilities (which includes life-threatening illnesses and HIV and AIDS). All employment practices and activities are conducted on a non-discriminatory basis.

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

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

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

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

## **2.7 Nondiscrimination Based on Genetic Information (GINA)**

Por Vida Academy Charter District 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.

# **PART 3: EMPLOYMENT PRACTICES**

## **3.1 At-Will Employment**

Employment with Por Vida Academy Charter District shall be at-will unless a term of employment is expressly stated in a written contract. **At-will employment means 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 Por Vida Academy Charter District 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 Por Vida Academy Charter District 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 and/or the Superintendent has the authority on behalf of Por Vida Academy Charter District 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 and/or the Superintendent.

### **3.2 Verification of Employment Eligibility**

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

Former employees who are rehired must also complete the EEVF if they have not completed an EEVF with Por Vida Academy Charter District 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 EEVF is no longer retained or valid.

### **3.3 Fair Credit Reporting Act**

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

In the event Por Vida Academy Charter District 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 – Por Vida Academy Charter District will take the following action(s):

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

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

- The name, address, and telephone number of the Credit Reporting Agency (“CRA”) that supplied the report;
- A statement that the CRA supplying the report did not make the decision to take the adverse action, and cannot give specific reasons for it; and
- A notice of the individual’s right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

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

### **3.4 Pre- and Post-Offer Medical Testing**

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

### **3.5 New Hire Reporting**

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

### **3.6 New Hire Orientation**

Each new employee experiences an orientation period during the first 90 days of employment. During this time, the Principal or the employee’s immediate supervisor will provide training, guidance, feedback regarding performance, and an explanation of benefits, services, rules, safety training, and other information that is helpful to the new employee. At the end of the initial orientation period, the Principal or supervisor may conduct a performance valuation.

### **3.7 Assignment and Reassignment**

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

Any employee may request reassignment to another position for which he or she is qualified. All interested employees who meet a position’s minimum qualifications are encouraged to apply. Selection is based on the school’s needs and a candidate’s qualifications and performance. Decisions concerning job vacancies will be based on each individual’s job qualifications, experience, and abilities and in accordance with

applicable state and federal law. Por Vida Academy Charter District reserves the right to select candidates from outside the school.

### **3.8 Transfers**

An employee with the required qualifications for a position may request a transfer to another position, department or campus. A written request for transfer must be completed and signed by the employee and the employee's 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 supervisor is responsible for forwarding the transfer request to Human Resources by the designated deadline.

Requests for transfer during the school year will be considered only when the change will not adversely affect students, if applicable, and after a replacement has been found. All transfer requests will be coordinated by Human Resources and must be approved by the sending and receiving supervisor.

### **3.9 Professional Development**

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

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

### **3.10 Criminal History Records**

Por Vida Academy Charter District 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 students are regularly present) may be obtained at any time during employment or volunteer services.

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

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

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

### **3.11 Prohibition Against Employing Individuals Convicted of Certain Offenses**

Por Vida Academy Charter District 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, Por Vida Academy Charter District 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 Por Vida Academy Charter District 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 an employee’s employment by Por Vida Academy Charter District as of that date; or
  - b. The date the applicant’s employment will begin, in the case of a person applying for employment with Por Vida Academy Charter District after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

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

As allowed by Commissioner of Education rule, a person may not serve as a Por Vida Academy Charter District 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, Por Vida Academy Charter District 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 (“TEA”).

Por Vida Academy Charter District 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 Por Vida Academy Charter District or the State Board of Educator Certification (“SBEC”).

Except as required by state or federal law or as determined by Por Vida Academy Charter District to be in the best interest of student and employee safety (and in accordance with applicable law), Por Vida Academy Charter District 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. Por Vida

Academy Charter District 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, Por Vida Academy Charter District reviews these circumstances on a case-by-case basis.

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

### **3.12 Fingerprinting**

In accordance with state law, Por Vida Academy Charter District requires all employees and substitutes to complete the fingerprinting process implemented by the SBEC and the Texas Department of Public Safety (“TDPS”) prior to employment.

### **3.13 Arrest & Conviction Occurring after Employment Begins**

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

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

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

The requirement to report a criminal history after employment begins shall not apply to minor traffic offenses. However, a first offense of DWI or DUI must be reported if the employee drives or operates (or is authorized to do so) a Por Vida Academy Charter District vehicle or other mobile equipment. Failure to timely report may result in disciplinary action, up to and including termination.

Conviction may not be an automatic basis for termination, unless the conviction makes an employee ineligible for employment in a Texas public school. Por Vida Academy Charter District shall consider the following factors (or other appropriate considerations as deemed by Por Vida Academy Charter District) 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 Por Vida Academy Charter District and its students.

### **3.14 Personnel Records**

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

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

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

If Por Vida Academy Charter District 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. Por Vida Academy Charter District will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own personnel file should contact Human Resources.

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

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

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



### **3.15 Name and Address Changes**

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

### **3.16 Employment Applications**

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

### **3.17 Minimum Qualifications for Principals and Teachers, and Notification to Parents Regarding Teacher Qualifications**

Por Vida Academy Charter District employs Principals, teachers 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 Por Vida Academy Charter District.

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

### **3.18 Health Safety Training**

Certain employees (i.e. physical education teachers and coaches) who are involved in physical activities for students must maintain and submit to Human Resources proof of current certification in first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to Human Resources at the start of each school year and each time the employee is re-certified.

### **3.19 Conflicts Of Interest**

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

District’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 Human Resources, 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 Por Vida Academy Charter District does business, but also when an employee or relative receives any benefit, including but not limited to a kick-back, bribe, substantial gift, or special consideration, as a result of any transaction or business dealings involving Por Vida Academy Charter District.

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 Human Resources.

Nothing in this policy is meant to interfere with Por Vida Academy Charter District’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 and Tutoring***

All employees must recognize that they owe a duty of loyalty to Por Vida Academy Charter District. At all times when on duty, without regard to time or place, employees should devote their full attention to Por Vida Academy Charter District’s business and their duties. Additionally, employees should not be engaged in outside employment that provides or could give rise to 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.

All employees are required to disclose in writing to their immediate supervisor any outside employment 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 Por Vida Academy Charter District. Por Vida Academy Charter District prohibits the performance of non-school work while on the job or with school equipment and/or supplies.

### ***Employment of Relatives and Fraternization***

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

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

Por Vida Academy Charter District may refuse to hire or assign a relative in a position where the appearance of or potential for favoritism or conflict exists or where otherwise prohibited by law. Employees shall also refrain from making hiring, firing or other decisions impacting the terms or conditions of employment of relatives. Where hardship exists, employees may appeal to the Superintendent in accordance with Por Vida Academy Charter District’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. Por Vida Academy Charter District will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for reassignment, or Por Vida Academy Charter District may reassign the employees at its discretion. If no alternate position is available, Por Vida Academy Charter District may terminate either of the employees at its discretion.

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

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

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

***Non-Disclosure***

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

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

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

federal or state law.

### **3.20 Textbook and Materials Acquisition**

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

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

### **3.21 Copyrighted Material**

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

Employees acknowledge and understand that the entire right, title and interest of any and all writings, works and other creations that they may prepare, create, write, initiate or otherwise develop as part of their efforts while employed by Por Vida Academy Charter District shall be considered the property of Por Vida Academy Charter District. 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 Por Vida Academy Charter District, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to Por Vida Academy Charter District 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 Por Vida Academy Charter District’s opinion may be necessary or desirable to secure the Por Vida Academy Charter District’s full enjoyment of all right, title interest and properties herein assigned. Employees agree not to charge the school for use of their copyrighted, trademarked and patented material.

### **3.22 Proprietary Information**

Proprietary information includes all information relating in any manner to the business of Por Vida Academy Charter District and its schools, students, parents, consultants, customers, clients, and business associates obtained by Por Vida Academy Charter District employees during the course of their work. Occasionally, in the service of Por Vida Academy Charter District’s mission, Por Vida Academy Charter District 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 Por Vida Academy Charter District documents, that employee should direct the request to Chief Financial Officer, 1135 Mission Road, San Antonio, TX, 210-532-8816.

### **3.23 Performance Management Program**

Por Vida Academy Charter District has instituted a Performance Management Program to evaluate employee performance. Employees will receive constructive coaching and counseling in conjunction with performance evaluations designed to address performance and develop skills. All employees will participate in the process with the Principal and/or their immediate supervisor at least annually. Principals and/or supervisors may also elect to complete additional period evaluations, as approved by the next level administrator.

### **3.24 Termination or Resignation**

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

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

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

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

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

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

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

#### ***Termination Grievances (General Complaints)***

A terminated employee may request a review of the dismissal decision. Termination grievances (other than whistleblower complaints) must be submitted in writing to Human Resources within five calendar days of notice of termination. A Human Resources representative will schedule and hold a conference within five business days of the request and shall issue a written decision within five business days after the conference. A former employee wishing to appeal this decision may appeal through the General Employee Complaints and Grievances process described in Section 3.25 of this Handbook, beginning at Level 3.

### **3.25 General Employee Complaints and Grievances Process**

#### ***Purpose***

The purpose of the employee complaint process is to provide employees an orderly process for the prompt and equitable resolution of grievances. Por Vida Academy Charter District 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***

Por Vida Academy Charter District 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 Por Vida Academy Charter District nor any Por Vida Academy Charter District 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**

Por Vida Academy Charter District will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, Por Vida Academy Charter District 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.

### **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 Por Vida Academy Charter District 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 Por Vida Academy Charter District before a scheduled conference or hearing, Por Vida Academy Charter District may reschedule the conference or hearing to a later date, if desired, in order to include the school’s counsel. Por Vida Academy Charter District 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, Por Vida Academy Charter District may consolidate the complaints.

### **Untimely Filings**

All time limits for an employee to file a complaint shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, upon written notice to the employee, at any point during the complaint process.

### **Costs Incurred**

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

### **Complaint and Appeal Forms**

Complaints and appeals under this policy shall be submitted in writing on a form provided by Por Vida Academy Charter District.

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 with an opportunity to be heard up to the highest level of administrative management. Once all administrative procedures are exhausted, employees can bring complaints to the Board of Directors, as outlined below.

#### *Level One*

Level One complaint forms must be filed:

1. Within ten 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 lowest-level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees assigned to work at a school campus shall file Level One complaints with the Principal. Other Por Vida Academy Charter District employees shall file Level One complaints with their immediate supervisor.

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 appropriate administrator, the receiving administrator will note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days of receipt of the Level One complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, or if there is a need to gather additional information, the administrator shall provide the employee with a written response within ten days following the conference. The written



response will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

### 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 Por Vida Academy Charter District, 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 Por Vida Academy Charter District, 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 within ten days after the appeal notice is filed. 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 the conference. 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 Por Vida Academy Charter District, 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 Por Vida Academy Charter District 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.

### **3.26 Process for Employee Complaints and Grievances Regarding Harassment and Discrimination**

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

Por Vida Academy Charter District takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. Por Vida Academy Charter District 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 Por Vida Academy Charter District employee who receives a report of suspected harassment or discrimination is expected to immediately contact the designated Compliance Coordinator.
- Complaints will be handled in a timely manner.

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

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

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

Por Vida Academy Charter District’s investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by Por Vida Academy Charter District, 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, Por Vida Academy Charter

District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. Por Vida Academy Charter District 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, Por Vida Academy Charter District 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 Por Vida Academy Charter District must respond accordingly. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

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

Por Vida Academy Charter District 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 Por Vida Academy Charter District’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>.

### **3.27 Whistleblower Complaints**

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

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

Following receipt of a whistleblower complaint, the Superintendent or designee will conduct an investigation and issue a written response to the complaint. An employee who is dissatisfied with the outcome of the investigation may file an appeal to the Board of Directors through the General Employee Complaints and Grievances Process described in Section 3.25 of this Handbook, beginning at Level Three.

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

1. Exhaust the Por Vida Academy Charter District complaint procedure, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under the TWA; or
2. Terminate the school’s complaint procedures and sue within the timelines established by the TWA.

### **3.28 Reporting an Educator's Misconduct**

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

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

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

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

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

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

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

### **3.29 Reporting Employee Misconduct (Non-Educators)**

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

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

This reporting requirement applies to any person who is employed by Por Vida Academy Charter District and who does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code.

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

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

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

### **4.1 Payroll**

Por Vida Academy Charter District follows all Texas Payday Laws. All employees are paid on the 15th and 30th of the month. Pay dates are posted in the main office and on the district website.

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

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

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

Por Vida Academy Charter District pays all exempt salaried employees an annualized salary over 12 months, regardless of the number of months worked during the school year. Exempt employees will be paid in equal monthly payments beginning with the first pay period of the school year. Pay earned during the first 15-day pay period is held in arrears. All salaries are paid-out in accordance with the Texas Payday Act.

## **4.2 Salaries, Wages, and Stipends**

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 the Human Resources for further information concerning their own salary.

## **4.3 Payroll Deductions**

Por Vida Academy Charter District is required to make the following automatic payroll deductions:

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

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

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

### ***Administrative Pay Corrections***

In the event of an error in payment, the employee should contact his/her supervisor as soon as possible. The supervisor will then contact the Human Resources and send the necessary paperwork to correct the matter. Any questions concerning how or when corrections will be made should be directed to the appropriate supervisor and/or the Human Resources.

### ***Overpayments***

Employees must inform the Human Resources of known overpayments on any paychecks received. Por Vida Academy Charter District will pursue all legal means necessary to recover overpayments.

## **4.4 Direct Deposit**

All faculty and 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. Every employee participating in the program must sign a Direct Deposit Authorization Agreement form. A notification period of one–two pay periods is necessary to activate this service. Terminated employees with Direct Deposit will receive a paper check for their final paycheck within six calendar days of termination in accordance with the Texas Payday Act.

## **4.5 Lost/Stolen Paychecks**

Lost or stolen paychecks should be reported to the Human Resources immediately. Por Vida Academy Charter District will issue a stop payment on the lost or stolen check. Only after the financial institution has notified Por Vida Academy Charter District that payment of the check has been stopped can a new check

be issued.

#### **4.6 Unclaimed Payroll Checks**

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

#### **4.7 Authorized Check Pick Up**

Por Vida Academy Charter District will release a paycheck to a third party, including a spouse, who is authorized in writing by the employee to receive the paycheck. Written authorization must be provided to the Quality Assurance Coordinator prior to any paycheck being released.

#### **4.8 Expense and Travel Expense Reimbursement**

Before an employee incurs any travel expense, the employee’s supervisor and appropriate central office business official must give approval. For approved travel, employees will be reimbursed for mileage and travel expenditures according to the current rate schedule authorized by the Board of Directors. Employees must submit receipts to be reimbursed for travel expenses other than mileage. Employees will not be reimbursed for travel to and from the workplace.

#### **4.9 Wage and Tax Statements**

All employees will receive a Wage and Tax Statement (Form W-2) showing their annual earnings and the amounts deducted for Social Security, Medicare, and federal income taxes. Additional earnings and deductions that may be included, if applicable, are social security tips, allocated tips, advance earned income credit, and dependent care benefits. W-2 forms will be prepared by Por Vida Academy Charter District and distributed on or before January 31st of each year.

#### **4.10 Fair Labor Standards Act (FLSA)**

##### ***Employment Categories***

It is the intent of Por Vida Academy Charter District 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 Por Vida Academy Charter District.

Each employee 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 Por Vida Academy Charter District, 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 FLSA, and is not entitled to overtime compensation. Exempt employees are paid on a salaried basis, and their salary is not reduced for absences of less than one full day. 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 pro-rated daily rate.

Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require the school to pay the employee overtime (time and a half) for all hours worked in excess of 40 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 federal and state wage and hour laws.

Por Vida Academy Charter District's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by Human Resources. Employees may obtain this information from Human Resources upon request.

### ***Timekeeping***

Federal and state laws require Por Vida Academy Charter District to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not to estimate future hours and include them on their time card.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This work log should be recorded as it takes place – not several hours or days later. Overtime work must always be approved before it is performed.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their immediate supervisor and/or the Principal.

Exempt employees should use a timecard to document days worked. Sick or personal leave must be clearly marked, as should days off without pay.

Employees sign their time cards to certify the accuracy of all time recorded. Supervisors generally will review and then sign the time card before submitting it for payroll.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

### ***Minimum Wage and Overtime***

Por Vida Academy Charter District compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Depending on Por Vida Academy Charter District's work needs, employees may be requested to work overtime. Por Vida Academy Charter District compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Non-exempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. An employee who works overtime without prior written approval is be subject to disciplinary action, up to and including termination.



## **PART 5: EMPLOYEE BENEFITS**

The benefits information in this Handbook is only a summary of benefit plans offered by Por Vida Academy Charter District. 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. Por Vida Academy Charter District 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 Por Vida Academy Charter District, please contact Human Resources.

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 Por Vida Academy Charter District's benefit plans.

### **5.1 Benefit Offerings**

Por Vida Academy Charter District currently offers the following benefit programs to eligible employees in the manner prescribed by law:

Teacher retirement.  
Health coverage benefit.  
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 Por Vida Academy Charter District. Please visit the district website for employee benefit packet at: [2024-2025 Employee Benefit Packet](#).

### **5.2 Health Coverage Benefits**

Group health insurance coverage is available through TRS Active Care to eligible employees in accordance with TRS Active Care provisions. Employees may access the TRS website at: [http://www.trs.state.tx.us/active.jsp?submenu=trs\\_activecare&page\\_id=/TRS\\_activecare/introduction](http://www.trs.state.tx.us/active.jsp?submenu=trs_activecare&page_id=/TRS_activecare/introduction).

Por Vida Academy Charter District's medical coverage plan(s) and Por Vida Academy Charter District's annual contribution(s) to such plan(s) are reviewed annually and approved as needed by the Board of Directors. Detailed information and descriptions of coverage, premiums, and eligibility are available through Human Resources.

### **5.3 Teacher Retirement System**

Employment that makes one eligible for membership in the Teacher Retirement System ("TRS") is:

- Regular employment with Por Vida Academy Charter District that is expected to last for a period of four and one-half months or more;
- For one-half or more of the standard full-time workload; and
- With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

Por Vida Academy Charter District employees meet these requirements if their customary employment is for 20 hours or more each week and for four and one-half months or more in one school year.

Full-time service is employment that is usually 40 clock hours per week.

If Por Vida Academy Charter District has established a lesser requirement for full-time employment for certain positions, full-time service includes employment in those positions. In no event may full-time employment require less than 30 hours per week for TRS purposes.

All new TRS eligible employees are eligible for benefits on the first day of the month following the first day worked, or the date they become eligible for benefits. At no time will employees be eligible for coverage before the first day worked by the employee. If an employee does not enroll within 31 days of eligibility, that employee will be eligible to enroll during the next open enrollment opportunity.

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 currently held by another employee and paid at a rate of pay that does not exceed the rate for substitute work established by the employer.); and
- 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.

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

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

#### **5.4 Benefits Continuation – COBRA**

Por Vida Academy Charter District will notify employees of their potential rights under COBRA upon separation from employment with the school.

#### **5.5 Other Benefits**

From time to time, Por Vida Academy Charter District 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.

## **5.6 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.

## **5.7 Workers' Compensation**

Por Vida Academy Charter District provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Por Vida Academy Charter District's workers' compensation coverage is administered by Hanover Insurance.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits depend on coverage eligibility and requirements, and the circumstances of each case.

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

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits, depending on coverage eligibility and requirements, and the circumstances of each case.

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

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

Additional information about Por Vida Academy Charter District's workers' compensation benefit offerings may be obtained from Human Resources.

## **PART 6: EMPLOYEE ATTENDANCE AND LEAVE**

Por Vida Academy Charter District offers eligible employees paid and unpaid leaves of absences based upon qualifying events. This Handbook describes the basic types of leave available and related restrictions. Employees who expect to be absent for an extended period of more than five days should notify Human Resources for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the Por Vida Academy Charter District while absent from work.

### **6.1 Attendance**

Employees shall be available full-time during their regular work hours, as defined by their individual Employment Agreement. Any scheduling changes must be discussed with and approved by the employee's

immediate supervisor and/or the Principal.

### ***Absence***

Employees are responsible for notifying their immediate supervisor and/or the Principal of late arrivals, early departures, and absences. When the need for being absent from or late to work is known in advance, the employee must give notice as far in advance as possible.

### ***Excessive Absenteeism or Tardiness***

Excessive absenteeism, tardiness, and leaving work prior to the designated time constitute grounds for any of the following disciplinary action:

- Disciplinary probation.
- Denial of pending or future promotion.
- Production of medical certification of reason or reasons for absences and/or tardies.
- Any other appropriate disciplinary measure, including suspension or termination of employment.

### ***Notice of Unexpected Absence***

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

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

Failure to provide notification of an absence to a supervisor 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 law, and Por Vida Academy Charter District 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, uniforms, etc.) must be returned immediately to Por Vida Academy Charter District.

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

### ***Notice of Resignation***

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

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

## **6.2 Holiday Leave**

Each year, the Board of Directors will establish a school calendar indicating school holidays and closures. This calendar is distributed to each Por Vida Academy Charter District employee.

### 6.3 Local Leave Overview

Por Vida Academy Charter District provides local leave days to all full-time employees to provide them with the flexibility to attend to their personal and medical time-off needs. Please contact Human Resources for information regarding your eligible paid time off balances.

As an open-enrollment charter school, Por Vida Academy Charter District does not offer traditional “state leave” earned under Chapter 22 of the Texas Education Code. This leave is generally transferrable among school districts, and may be rolled over from year to year. Por Vida Academy Charter District employees **will not** earn state leave days that are transferrable among Texas public schools, as the state leave program does not apply to charter schools. **For this reason, any local leave earned during service with Por Vida Academy Charter District will not transfer to another charter school or school district if an employee leaves service with Por Vida Academy Charter District.**

Local Leave is to be used for the following reasons:

- Employee illness.
- Illness in the employee’s immediate family.
- Family emergency (i.e., natural disasters or life-threatening situations).
- Death in the immediate family, defined as an employee’s parent, stepparent, child, stepchild, sibling, grandparent, aunt, uncle, or cousin.
- Active military service, in conjunction with any applicable military leave of absence.
- Absence for other personal reasons.

Exempt (salaried) employees must take local leave in full-day increments. Non-exempt (hourly) employees must take local leave in hourly increments in agreement with the number of hours of the absence.

#### ***Approvals for Using Local Leave Days***

Local leave must be scheduled in advance and requires approval of the employee’s supervisor. In making determinations on local leave requests, the supervisor shall consider the effect of the employee’s absence on the educational program, the impact on school safety, and the availability of substitutes.

#### ***Duration of Leave/Schedule Limitations***

Local leave may not be taken for more than three consecutive days, except in extenuating circumstances as determined by the Principal or the employee’s immediate supervisor. Local leave shall not be allowed in the following circumstances:

- The first week of school;
- Days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments or for school achievement tests;
- Days scheduled for professional or staff development and/or in service training;
- Within three days of a scheduled holiday (before or after) unless a request is submitted at least 30 days in advance of the requested time off and such request is approved; and
- Local leave requested to be taken within 30 days of the last day of school must be requested 30 days in advance of the requested time off.

**Any leave taken for which leave balances are insufficient shall result in a deduction from the employee’s paycheck commensurate with the amount of leave taken, to the extent allowed by law.** Additionally, if an employee leaves Por Vida Academy Charter District before the end of the work year, the amount of wages, based on the employee’s daily rate, for any unearned leave days taken by the employee

shall be deducted from the employee's final paycheck in accordance with applicable law.

Personal leave by reason of illness, two or more days in duration, must be accompanied by a doctor's note upon return to work.

### ***Forfeiture of Accrued Leave***

Any unused paid accrued leave, regardless of what the leave is called (e.g., sick leave, local leave, vacation, discretionary leave, etc.), is forfeited at the end of each school year and upon separation from employment, whether voluntary or involuntary.

## **6.4 Limitations on Leaves of Absence (Unavailability for Work)**

With the exception of leaves of absence for military duty or approved leave under the FMLA, if an employee accumulates more than **three 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 Por Vida Academy Charter District 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.

## **6.5 Family and Medical Leave Act (FMLA)**

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

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

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

### ***Leave Entitlements***

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

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

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

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

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

### ***Benefits and Protections***

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

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

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

### ***Eligibility Requirements***

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

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

### ***Requesting Leave***

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

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

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

### ***Employer Responsibilities***

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

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

### ***Enforcement***

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

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

For additional information or to file a complaint:

1-866-4-USWAGE

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

[www.dol.gov/whd](http://www.dol.gov/whd)

### ***Local FMLA Guidelines***

#### *Calculating FMLA Leave Year*

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

- A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

#### *Use of Paid Leave*

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

#### *Combined Leave for Spouses*

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

#### *Intermittent Leave*

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

#### *Fitness for Duty*

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



### Reinstatement

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

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

### Failure to Return

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

### Contact

Employees that require FMLA leave or have questions should contact Human Resources, at 210-532-8816 for details on eligibility, requirements, and limitations.

## **6.6 Military Leave of Absence**

Por Vida Academy Charter District is committed to protecting the rights of employees absent on military leave. In accordance with federal and state law, it is Por Vida Academy Charter District'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 Human Resources.

### ***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 the employee will be entitled to the rights and benefits described in this Handbook and in accordance with Por Vida Academy Charter District's 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 Human Resources 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.

## **6.7 Jury Duty and Grand Jury Service**

Por Vida Academy Charter District 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 a grand juror. A leave of absence for jury or grand jury duty will be granted to any employee and will be compensated at his or her regular daily or hourly rate for each day of absence due to jury or grand jury duty, up to a total of three days of paid absence per school year. Employees must present documentation of the service and may keep any compensation they receive. A summons to appear is not proper documentation of the service. If an employee is released early, he or she must return to work. Consideration will be given on a case-by-case basis for travel time.

## **6.8 Other Court Appearances**

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

## **6.9 Voting Leave**

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

# **PART 7: EMPLOYEE CONDUCT**

## **7.1 General**

The successful operation and reputation of Por Vida Academy Charter District 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.

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

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

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

## **7.2 Standards of Conduct**

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

- Engage in professional communications and behavior toward students, fellow employees, service providers, and other Por Vida Academy Charter District stakeholders.
- Express concerns, complaints, or criticism through appropriate channels and the chain of command.
- Know and comply with department and school policies and procedures.
- Maintain confidentiality in all matters relating to students 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 students, parents, other employees, and members of the community.
- Report to work according to the assigned schedule.
- Use Por Vida Academy Charter District time, funds, and property for authorized Por Vida Academy Charter District business and activities only.

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

## **7.3 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*

Por Vida Academy Charter District employees shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. Employees, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. In exemplifying ethical relations with colleagues, employees shall extend just and equitable treatment to all members of the profession. In accepting a position of public trust, employees shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. Por Vida Academy Charter District 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 Por Vida Academy Charter District, 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 Students*

- 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.

## **7.4 Financial Ethics**

Por Vida Academy Charter District 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 Por Vida Academy Charter District.

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 Por Vida Academy Charter District, except as otherwise permitted by law or Por Vida Academy Charter District policy;
- Failure to disclose conflicts of interest as required by law or Por Vida Academy Charter District policy;
- Failure to provide financial records required by state or local entities;

- 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 Por Vida Academy Charter District;
- Impropriety in the handling of money or reporting of Por Vida Academy Charter District's financial transactions;
- Inappropriately destroying, removing, or using 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 Por Vida Academy Charter District; or
- Any other dishonest act regarding the finances of Por Vida Academy Charter District.

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

Por Vida Academy Charter District will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosure may be necessary to complete a thorough investigation or to comply with applicable law. All employees involved in an investigation shall be advised to keep information about the investigation confidential to the extent necessary as to not interfere with the investigation process.

Neither the Board of Directors nor any Por Vida Academy Charter District 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, the Superintendent or designee or the Board of Directors shall take or recommend appropriate disciplinary action, which may include termination of employment and, when circumstances warrant, referral to appropriate law enforcement or regulatory authorities.

## **7.5 Dress and Grooming**

Por Vida Academy Charter District's goal in establishing a dress code is to create a professional appearance that fosters a safe and positive work environment for our staff and students. The general philosophy is that Por Vida Academy Charter District employees are professionals and should dress the part (i.e., no shorts, baseball caps, multiple earrings, or flip-flops). Faded jeans and t-shirts are not appropriate. Tattoos should be covered, and earrings should be limited to one earring in the earlobe.

All employees are role models and should dress accordingly. Occasionally, there may be situations that warrant an exception, such as a unique medical condition. Sound professional judgment should be used in these instances.

The following specific rules are to be followed by all employees:

1. Hair must be neat and clean. Shaggy, unkempt hair is not permissible. Sideburns, moustaches, and beards must be neatly trimmed.
2. Halter tops, exposed midriffs, strapless and/or low cut tops, exposed backs, spaghetti straps, see-through clothing, and tanks with oversized armholes are not permitted. Undergarments shall not be visible or exposed.

3. Clothing or conspicuously displayed jewelry or accessories with inappropriate advertising or statements that are offensive or inflammatory are prohibited. This prohibition includes, but not limited to, alcoholic beverages, profanity, sex, tobacco, drugs, gangs, guns, and other weapons, excessively violent or gory imagery, and the promotion of violence.
4. Lanyards other than those with the Por Vida Academy Charter District logo must be plain or a solid color.
5. Appropriate footwear is required. Flip-flops or other beach-type sandals are not permitted.
6. Pants shall be worn securely at the waist. Excessively worn, torn, frayed, over-sized or long clothing is not permitted. Undergarments shall not be visible or exposed.
7. Dresses and skirts will be permitted provided that they are neatly hemmed, conservative, and modest in appearance. Campus administration will determine appropriate length. Excessively high slits in skirts and tight spandex will not be permitted.
8. Visible tattoos and similar body painting(s) that promote violence or reflect gang activity are prohibited. Visible tattoos and similar body painting(s) that are considered offensive, inflammatory or disruptive to the learning environment are prohibited.
9. Hats, caps, or other head apparel are not permitted.

At Por Vida Academy Charter District's discretion, employees may occasionally be allowed to dress in a more casual manner. On these occasions, employees are expected to present a neat appearance, and are not permitted to wear ripped or disheveled clothing, athletic wear, or other inappropriate clothing. Jeans should not be torn, faded, worn out, or frayed.

Por Vida Academy Charter District will review its dress and grooming policies on a regular basis, and make changes as needed.

While it is inevitable that there will be differences of opinion as to the appropriateness of dress and grooming, the final determination will be in the judgment of the Principal. An employee who does not comply with this dress code is subject to disciplinary action, up to and including termination.

## **7.6 Unacceptable Employee Conduct**

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of Por Vida Academy Charter District. Por Vida Academy Charter District 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 Por Vida Academy Charter District.

1. Abuse, including but not limited to sexual abuse, of a student.
2. Behaviors that interfere with a student's safety or cause an unsafe environment.
3. 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 students, or the use of profanity or other language that is intended to belittle or degrade a student.
4. Dishonest, immoral, or illegal conduct while on duty and/or on school property that would tend to bring discredit to Por Vida Academy Charter District.
5. Dishonesty, falsification or misrepresentation on an application for employment or other work records; falsifying reasons for leave of absence or other data requested by Por Vida Academy Charter District and/or alteration of Por Vida Academy Charter District's records or documents.
6. Disrupting the work environment.
7. Engaging in or soliciting a romantic, sexual, or otherwise inappropriate relationship with a student, regardless of whether the relationship is consensual.

8. Engaging in an act of sabotage; willful or with negligence causing the destruction or damage of Por Vida Academy Charter District 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 students, as described in Section 7.13 of this Handbook.
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 rudeness, disrespectful, or unprofessional behavior toward parents and school contractors or vendors.
13. Excessive absenteeism or tardiness.
14. Failure to report child abuse or neglect as required by Chapter 261 of the Texas Family Code.
15. Fighting or threatening violence toward anyone on Por Vida Academy Charter District property or when representing Por Vida Academy Charter District, including “horseplay” or provoking a fight between others.
16. Giving to other schools, organizations, or persons information made confidential by law and/or proprietary Por Vida Academy Charter District information that is obtained from Por Vida Academy Charter District’s files or records in the course of employment.
17. Giving to other schools, organizations, or persons information relating to Por Vida Academy Charter District employees and/or students that is obtained from Por Vida Academy Charter District’s files or records in the course of employment.
18. Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Superintendent).
19. Negligence or any careless action that endangers the life or safety of another person, or damages or destroys property of Por Vida Academy Charter District.
20. Possession of firearms, weapons or explosives on Por Vida Academy Charter District property, while on duty or while representing Por Vida Academy Charter District.
21. Smoking in prohibited areas, including the use of vaping devices.
22. Theft of school-owned property or the property of fellow employees, students, contractors or visitors.
23. Threatening, intimidating or coercing fellow employees on or off Por Vida Academy Charter District property, at any time, for any reason.
24. Unauthorized possession or removal of any Por Vida Academy Charter District property, including documents, from the premises without prior permission from a supervisor;
25. Unauthorized use of Por Vida Academy Charter District equipment or property, including using such equipment for personal use or profit.
26. Unsatisfactory performance or conduct.
27. Use, possession, sale of, or being under the influence of a controlled substance, alcohol, or tobacco as further described in Sections 8.2 and 8.9 of this Handbook, or abusing a prescription drug, while at work or otherwise representing Por Vida Academy Charter District.
28. Violations of Por Vida Academy Charter District’s expectations for employee conduct, including but not limited to those set out in Section 7 of this Handbook, or as otherwise distributed to employees by Por Vida Academy Charter District. Additionally, employees must adhere to the Professional Code of Ethics and Standard Practices for Texas Educators as set forth at 19 Tex. Admin. Code § 247.2.
29. Violation of the rules affecting the health and safety of students and the efforts of Por Vida Academy Charter District to operate efficiently and effectively.



## **7.7 Prohibition of Discrimination, Harassment, and Retaliation**

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

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

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

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

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

### ***Retaliation***

Por Vida Academy Charter District 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 Por Vida Academy Charter District 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" process outlined in Section 3.26 of his Handbook. The process for making formal complaints regarding sexual harassment is discussed in "Sexual Harassment Prohibited," Section 7.8 of this 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 Por Vida Academy Charter District'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 school policy.

## **7.8 Sexual Harassment Prohibited**

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

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

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

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

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

### ***General Definitions***

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

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

A "formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Por Vida Academy Charter District 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 Por Vida Academy Charter District's educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or Por Vida Academy Charter District'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 Section 2.1 of this 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.

Por Vida Academy Charter District'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, Por Vida Academy Charter District must provide the following written notice to the parties who are known:

- Notice of Por Vida Academy Charter District'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 Por Vida Academy Charter District prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, Por Vida Academy Charter District decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, Por Vida Academy Charter District 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 Por Vida Academy Charter District.

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

- Por Vida Academy Charter District 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 Por Vida Academy Charter District 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. Por Vida Academy Charter District 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 Por Vida Academy Charter District’s sexual harassment policy.
- Por Vida Academy Charter District 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.
- Por Vida Academy Charter District 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 Student Code of Conduct.
- Por Vida Academy Charter District shall employ the preponderance of the evidence standard to determine responsibility when reviewing formal complaints.
- Por Vida Academy Charter District 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***

Por Vida Academy Charter District 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***

Por Vida Academy Charter District must investigate the allegations in a formal complaint.

Por Vida Academy Charter District 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 Por Vida Academy Charter District’s education program or activity; or
- Did not occur against a person in the United States.

Por Vida Academy Charter District 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 Por Vida Academy Charter District; or
- Specific circumstances prevent Por Vida Academy Charter District from gathering evidence

sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, Por Vida Academy Charter District 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 Por Vida Academy Charter District from taking appropriate action under the Student Code of Conduct or any other school policy that may apply to the alleged conduct.

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

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

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

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

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

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

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

Por Vida Academy Charter District must provide the written determination to the parties simultaneously. The determination becomes final either on the date Por Vida Academy Charter District 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***

Por Vida Academy Charter District will offer both parties an appeal from a determination regarding responsibility, and from Por Vida Academy Charter District'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, Por Vida Academy Charter District 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. Por Vida Academy Charter District 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 standard, describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

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

### ***Emergency Removals***

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

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

### ***Retaliation Prohibited***

Neither Por Vida Academy Charter District 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***

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

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

The formal complaint investigation and resolution process outlined above in this Section 7.8 applies only to formal complaints alleging sexual harassment as defined by Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of non-sexual harassment sex discrimination may be filed with the Title IX Coordinator and will be handled under the process described in Section 7.7 of this Handbook.

## **7.9 Student Discrimination/Harassment**

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

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

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

### ***Sexual Harassment of Students***

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



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

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

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

### **7.10 Fraud, Dishonesty and False Statements**

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

### **7.11 Insubordination**

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

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

### **7.12 Growth Plan/Disciplinary Action**

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

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

1. Verbal warning.
2. Conference with a supervisor and/or the Principal.
3. Written warning.
4. Imposition of an employee growth plan / performance improvement plan.
5. Suspension with or without pay.
6. Termination of employment.

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

### **7.13 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 student confidentiality or the professionalism and ethical conduct of Por Vida Academy Charter District 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 student photographs without appropriate authority.
2. Do not “friend” students on your personal social media page unless you have an appropriate out-of-school relationship with the student such as relatives, church, scouts, or other activity that would be appropriate for such informal communication.
3. Do not create a link from your blog, website, or other social networking site to a Por Vida Academy Charter District website without identifying yourself as a school employee.
4. Do not infringe on Por Vida Academy Charter District’s logos, taglines, slogans, trademarks, or other symbols.
5. Harassing, obscene, defamatory, threatening, or other offensive content must be avoided.
6. Maintain the confidentiality of Por Vida Academy Charter District trade secrets and private or confidential information concerning school employees, students, and/or agents that is obtained from Por Vida Academy Charter District’s files or records in the course of employment. Do not post internal reports or other business-related confidential communications.
7. Respect all copyright and other intellectual property laws. For Por Vida Academy Charter District’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 Por Vida Academy Charter District’s own copyrights, trademarks, and brands.
8. The employee may not set up or update the employee’s personal social network page(s) using Por Vida Academy Charter District computers, network, or equipment.
9. 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 Por Vida Academy Charter District policy, or interferes with the employee’s ability to effectively perform his or her job duties or adversely impacts Por Vida Academy Charter District and its service to students and parents (as solely determined by Por Vida Academy Charter District), the employee is subject to disciplinary action, up to and including termination of employment.

#### ***Electronic Communications with Students***

“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 students. Employees should not “friend” students on their personal social media pages unless they have an appropriate out-of-school relationship with the student such as relatives, church, scouts, or other activity that would be appropriate for such informal communication. Employees may elect to not disclose to a student the employee’s personal telephone number or e-mail address.

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

#### **7.14 Sales and Solicitations**

In the interest of maintaining an efficient, safe, orderly and productive work environment, Por Vida Academy Charter District'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.

#### **7.15 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 Por Vida Academy Charter District to the media are to be handled through the Superintendent or designee only.

#### **7.16 Employee Involvement**

All staff members are encouraged to attend Por Vida Academy Charter District functions. Additionally, appropriate staff members must attend student related meetings and functions including, but not limited to: parent meetings and conferences, open houses, scheduled faculty/staff meetings, and Admission, Review and Dismissal meetings. As part of the school's planning and decision-making process, employees may either be asked or elected to serve on advisory committees.

#### **7.17 Faculty/Staff Meetings**

Employees are expected to attend regularly scheduled meetings whenever deemed necessary. Any absence from a meeting must have prior approval. An absent employee is expected to contact his/her supervisor for meeting details.

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

#### **8.1 Accident Reporting**

Employees shall report any on-the-job injury or accident immediately to their Supervisor. Supervisors must notify the Human Resources within 24 hours of notification of an on-the-job injury or accident. If an employee fails to report the on-the-job injury or accident within 30 days, 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 that observed the on-the-job 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.

#### **8.2 Alcohol and Drug-Abuse Prevention**

Por Vida Academy Charter District is committed to maintaining an alcohol-and drug-free environment and will not tolerate the use of alcohol or illegal drugs in the workplace or at school-related or school-sanctioned activities on or off school property. Employees who possess, distribute, use, or are under the influence of

alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours or while representing Por Vida Academy Charter District may be dismissed. Por Vida Academy Charter District's policy regarding employee alcohol and/or drug use is as follows:

### **DRUG-FREE WORKPLACE NOTICE**

Por Vida Academy Charter District explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medications without a prescription on Por Vida Academy Charter District premises or while attending a school-sponsored or school-related activity.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from school property, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk Por Vida Academy Charter District's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from Por Vida Academy Charter District property, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk Por Vida Academy Charter District's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, on Por Vida Academy Charter District 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.

Employees who violate this policy shall be subject to disciplinary sanctions, which may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment; and/or
- Referral to appropriate law enforcement officials for prosecution.

As a condition of employment with Por Vida Academy Charter District, each employee shall abide by the terms of the requirements and prohibitions set out in this statement and shall notify Por Vida Academy Charter District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within 30 days of receiving such notice, Por Vida Academy Charter District shall either (1) take appropriate personnel action against the employee, up to and including termination; or (2) require the employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

In addition, Por Vida Academy Charter District will conduct drug and/or alcohol testing under any of the following circumstances:

- *For-Cause Testing:* Por Vida Academy Charter District may ask an employee to submit to a drug and/or alcohol test at any time it has reason to suspect 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 conduct on the employee's part that suggests impairment or influence of drugs or alcohol; negative performance patterns; 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:* Por Vida Academy Charter District may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

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

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

*Employees with Commercial Driver's License:* Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

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

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact Human Resources.

### **8.3 Asbestos Management Plan**

Por Vida Academy Charter District is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for school facilities. A copy of Por Vida Academy Charter District's management plan is available for inspection during normal business hours by contacting Human Resources.

### **8.4 Communicable Diseases**

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

The term "bodily fluids" includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions and saliva. Contact with bodily 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 bodily fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always carried out.

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

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

## **8.5 Hazard Communication Act**

Por Vida Academy Charter District is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the THCA:

- 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 Superintendent 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.

## **8.6 Occupational Safety and Health Administration Statement**

Por Vida Academy Charter District strives 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”), Por Vida Academy Charter District maintains a log of all occupational injuries and illnesses, and asks that employees report such injuries and illnesses within 48 hours so that Por Vida Academy Charter District may report these occurrences within a lawful period of time to the nearest OSHA office.

As employees of Por Vida Academy Charter District:

- You have the right to notify Por Vida Academy Charter District 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 unhealthy 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 Por Vida Academy Charter District 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 Por Vida Academy Charter District. Por Vida Academy Charter District must post the citations at or near the place of the alleged violation.
- Por Vida Academy Charter District 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.
- Por Vida Academy Charter District 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:

- Por Vida Academy Charter District must furnish all employees a place of employment free from recognized hazards.
- Por Vida Academy Charter District 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.

## **8.7 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, Por Vida Academy Charter District will orally report the fatality/multiple hospitalization by telephone or in person to the area office of OSHA and the DOL, that is nearest to the site of the incident. If the area office is not reachable, the school may call the OSHA toll-free central telephone number, 1-800-321-6742.

### ***Reporting Procedures***

Por Vida Academy Charter District 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.

## **8.8 Searches**

Por Vida Academy Charter District 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, Por Vida Academy Charter District 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, Por Vida Academy Charter District 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 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, Por Vida Academy Charter District 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 the school 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 Por Vida Academy Charter District 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. Por Vida Academy Charter District will respond severely to any unauthorized release of information concerning individual employees.

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

## **8.9 Tobacco Products and E-Cigarettes**

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



For purposes of this policy, “e-cigarette” means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. This also includes any and all vapors, inhalants, electronic cigarette devices or other devices or paraphernalia used with vapors, other inhalants or chemicals.

All personnel shall enforce this policy on Por Vida Academy Charter District property.

### **8.10 Weapon & Firearms Possession**

Texas Penal Code section 46.03, prohibits firearms, location-restricted knives, clubs or any prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by a Por Vida Academy Charter District employee may result in immediate termination. To ensure the safety of all persons, employees who observe or suspect a violation of this prohibition should report it immediately to their supervisor.

### **8.11 Workplace Safety and OSHA Compliance**

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

Por Vida Academy Charter District 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 their immediate supervisor. 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.

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

### **8.12 Workplace Violence Prevention**

Por Vida Academy Charter District is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Por Vida Academy Charter District 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, student, 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, students, 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.

Por Vida Academy Charter District 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, Por Vida Academy Charter District 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.

### **8.13 Video Surveillance**

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

## **PART 9: MISCELLANEOUS PROVISIONS**

### **9.1 Emergencies**

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

### **9.2 External Inquiries**

Employees should contact the Superintendent regarding all employee related legal matters and external inquiries. This includes all inquiries, notices or other communication from attorneys, prospective employers or others regarding employees or former employees, whether verbal or written. It also includes, but is not limited to:

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

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

### **9.3 Family Educational Rights and Privacy Act**

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

### **9.4 HIPAA**

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

### **9.5 HIV-AIDS and Other Life-Threatening Illnesses**

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

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

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

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

## **9.6 Key/Access Device Security**

Key and 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. Keys or access devices may not be loaned or duplicated without approval from the Superintendent. Employees are required to take all reasonable precautions with the keys issued, and all keys must be accounted for at all times.

## **9.7 Personal Property**

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

- Safety comes first. No object can interfere with job safety as determined by the Principal.
- Nothing can be displayed that is derogatory (in the opinion of the Principal) 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 Principal) or that hinder work efforts will not be allowed and must be removed upon request.

## **9.8 School Closures**

Por Vida Academy Charter District may be closed because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of school facilities. When it becomes necessary to open late or to release students early, local media will be informed and every effort will be made to contact all staff and students through Por Vida Academy Charter District's emergency broadcast system.

## **9.9 School Property**

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

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

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

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

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

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

## **9.10 Student Issues**

### ***Non-Discrimination Statement***

Por Vida Academy Charter District 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, school employees and volunteers are prohibited from administering medications to students, including vitamins and food supplements. Medication should be administered outside of school hours, if possible. If necessary, medication can be administered at school under the following circumstances:

- Nonprescription medication brought to school must be submitted by a parent along with a written request. The medication must also be in the original and properly labeled container.
- Prescription medications administered during school hours must be prescribed by a physician or advanced nurse practitioner (“ANP”) and filled by a pharmacist licensed in the State of Texas. Prescriptions ordered or filled in Mexico will not be accepted.
- Prescription medications must be submitted in a labeled container showing the student’s name, name of the medication, reason the medication is being given, proper dosage amounts, the time the medication must be taken, and the method used to administer the medication. Medications sent in plastic bags or unlabeled containers will NOT be administered.
- If the substance is herbal or a dietary supplement, it must be provided by the parent and will be administered only if required by the student’s Individualized Education Program (“IEP”) or Section 504 plan for a student with disabilities.
- Only the amount of medication needed should be delivered to the school, i.e., enough medication to last one day, one week, etc. In cases of prolonged need, send in the amount for a clearly specified period. Extra medication will not be sent home with the student.
- In certain emergency situations, Por Vida Academy Charter District may administer a nonprescription medication to a student, but only in accordance with the guidelines developed by the school’s medical advisor and when the parent has previously provided written consent for emergency treatment.

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

No employee may:

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

evaluation or examination of a student.

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

### ***Parent and Student Complaints***

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

### ***Student Conduct and Discipline***

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

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

Any Por Vida Academy Charter District officer, employee, agent or volunteer who has cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect or other maltreatment by any person shall immediately make a report as required by law.

If a professional (*i.e.*, teachers, nurses, doctors, day-care employees, 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.

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 TEA (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 Principal 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. Por Vida Academy Charter District will fully cooperate with all official investigations of abuse or neglect.

Por Vida Academy Charter District 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, or
  - 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.

### ***Employee Training***

Por Vida Academy Charter District 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.

### ***Bullying***

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

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

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

Por Vida Academy Charter District’s anti-bullying policy applies to:

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

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

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

The Principal 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 Principal 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 Por Vida Academy Charter District’s anti-discrimination and harassment policy instead. The Principal or designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of an investigation, if appropriate.

The Principal or designee shall prepare a written report of the investigation, including a determination of whether prohibited bullying occurred. If the results of an investigation indicated that bullying occurred, the school shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. Por Vida Academy Charter District 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 student who receives special education services for conduct meeting the definition of bullying or cyberbullying must comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.). Por Vida Academy Charter District may not impose discipline on a student who, after an investigation, is found to be a victim of bullying, based on that student’s use of reasonable self-defense in response to the bullying.

### ***Student Attendance***

Teachers and staff should be familiar with Por Vida Academy Charter District’s policies and procedures for attendance accounting. Contact the Principal for additional information.

### ***Student Transportation***

Except in limited emergency situations, Por Vida Academy Charter District employees are not authorized to transport students in the employee’s personal automobile.



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

Any computer technician employed by Por Vida Academy Charter District who, in the course and scope of employment or business with Por Vida Academy Charter District, 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.

### **9.11 Use of Personal Vehicles**

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

### **9.12 Visitors In The Workplace**

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

Por Vida Academy Charter District 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. Por Vida Academy Charter District 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 Por Vida Academy Charter District.

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

### **Technology Resources**

Por Vida Academy Charter District'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 Por Vida Academy Charter District;
- Does not unduly burden Por Vida Academy Charter District's technology resources; and
- Has no adverse effect on job performance or on a student's academic performance.

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

Por Vida Academy Charter District 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 Por

Vida Academy Charter District computers or accessing the Por Vida Academy Charter District 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 Por Vida Academy Charter District's technology and information resources are required to abide by the provisions of Por Vida Academy Charter District'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 Principal.

### **Network Acceptable Use**

Por Vida Academy Charter District provides students, staff, volunteers, and Board members access to Por Vida Academy Charter District'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 Por Vida Academy Charter District's electronic network. Where the term "user" appears, the policy applies to any network user.

- Por Vida Academy Charter District'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. Por Vida Academy Charter District 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. Por Vida Academy Charter District is not responsible for the actions of users who violate this policy.
- Por Vida Academy Charter District reserves the right to monitor all activity on its electronic network. Users will indemnify the school 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 Por Vida Academy Charter District's electronic network.

### **General Unacceptable Behavior**

While utilizing any portion of Por Vida Academy Charter District'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 Principal and administration. The use of the "all staff" group for other purposes must be approved by the Principal prior to sending.
- Attempting to access non-instructional systems, such as student information systems or business systems, without authorization.
- Attempting to circumvent web filtering through proxies or other means.
- Connecting any networkable device (either wired or wireless) to Por Vida Academy Charter District's network without authorization. The use of a computer or device brought from home accessing the network in any way not designated as "guest access."
- Displaying, accessing, or sending offensive messages or pictures.
- Engaging in activity that may be considered "cyberbullying," including but not limited to threats of violence, extortion, obscene or harassing messages, harassment, stalking, child pornography, and sexual exploitation.
- Engaging in personal attacks, including prejudicial or discriminatory attacks.

- Gaining unlawful access to information or computer and communication resources.
- Generation, storage, transmission or other use of data or other matter, which is abusive, profane, pornographic, or offensive to a reasonable person.
- Illegal, fraudulent, or malicious activity or activity on behalf of organizations or individuals having no affiliation with Por Vida Academy Charter District.
- Installation of any programs or software not approved by Por Vida Academy Charter District.
- 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 Por Vida Academy Charter District.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages that is likely to harm the recipient's work or system and any other types of use which could cause congestion of Por Vida Academy Charter District's network or otherwise interfere with the work of others. Prohibited uses include, but are not limited to, peer-to-peer applications such as LimeWire, Bit Torrent, or any other file sharing applications, as well as large (>5MB) file transfers from Internet sites without prior permission.
- Transmission of material in violation of applicable copyright laws.
- Unauthorized disclosure, use, or dissemination of personal information regarding minors.
- Using a website or software program implemented by Por Vida Academy Charter District in a manner that disrupts virtual instruction or remote learning of students, or that otherwise interferes with an employee's work.
- 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 Por Vida Academy Charter District equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using Por Vida Academy Charter District 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 Por Vida Academy Charter District's electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using Por Vida Academy Charter District's electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates Por Vida Academy Charter District's standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of Por Vida Academy Charter District's electronic network or who receive any email containing inappropriate content should report the matter immediately to the Principal or designee.

### **No Expectation of Privacy**

Por Vida Academy Charter District email accounts should be used primarily for school-related purposes. Personal use of Por Vida Academy Charter District 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).

Por Vida Academy Charter District 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 Por Vida Academy Charter District system, including email, to the extent that such rights are not superseded by applicable laws relating to intellectual property.

Por Vida Academy Charter District owns any communication sent via email or that is stored on Por Vida Academy Charter District equipment or its cloud accounts. Employees shall have no expectation of privacy in anything they store, send, or receive on Por Vida Academy Charter District’s email system or computer equipment or cloud accounts. All communications sent via email or stored on school equipment may also be subject to the TPIA. Por Vida Academy Charter District reserves the right to access and/or monitor any material in an employee’s email account at any time, without prior notice, as well as any computer equipment used to create, view, or access email. Violations of this policy may lead to disciplinary action, up to and including termination, and could also lead to referrals to appropriate law enforcement authorities.

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

### **System Security**

On occasion, Por Vida Academy Charter District 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 Por Vida Academy Charter District’s electronic network, including personal information or messages. Por Vida Academy Charter District 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 Por Vida Academy Charter District’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 Por Vida Academy Charter District’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 Por Vida Academy Charter District 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 Principal 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 Por Vida Academy Charter District’s electronic network may lead to discovery that a user has violated this policy. Users should not expect that files stored on school servers are private.

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

### **Technology Hardware**

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

Por Vida Academy Charter District may permit the use of personally-owned computing devices on its network, at the discretion of Por Vida Academy Charter District. All “guest” users must comply with administrative regulations governing the use of Por Vida Academy Charter District’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 Por Vida Academy Charter District 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 Por Vida Academy Charter District 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 Por Vida Academy Charter District’s students, employees are responsible for their public conduct even when they are not acting as school employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee’s use of electronic media interferes with the employee’s ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee’s page. The employee is also responsible for maintaining privacy settings appropriate to the content.

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

- The employee may not set up or update the employee’s personal social network page(s) using Por Vida Academy Charter District’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 Por Vida Academy Charter District’s logo or other copyrighted material of Por Vida Academy Charter District 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 student information, including photos.
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law.

- Confidentiality of Por Vida Academy Charter District 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 Students**

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

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

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

- *Electronic media* includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee’s personal social network page or a blog) is not a communication; however, the employee may be subject to regulations on personal electronic communications. Unsolicited contact from a student through electronic means is not a communication.

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

- Employees should avoid sending text messages to students. Exceptions may apply for a teacher or other employee who has an extracurricular duty, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging should attempt to include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message. Additionally, for each text message addressed to one or more students, the employee must send a copy of the text message to the employee’s Por Vida Academy Charter District 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 students through personal social network pages.
- Employees shall not communicate directly with any student between the hours of 10:00pm and 6:00am, except when necessary to notify students 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 students 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 student records;
  - Copyright law; and
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student.
- Upon request from Por Vida Academy Charter District’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 student.
- Upon written request from a parent or student, an employee shall discontinue communicating with a student through email, text messaging, instant messaging, or any other form of one-to-one electronic communication.
- **Employees shall refrain from inappropriate communications with students. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:**
  - 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.

### **Consequences**

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

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

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

**APPENDIX – FORMS**

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**Authorization for Criminal History Background Check**

Texas Education Code section 22.083 authorizes an open-enrollment charter school to obtain the criminal history record of every applicant for employment or volunteer services with the school. Therefore, as part of your application process, please read and sign this form in the space provided below. Your signature is necessary for completion of the application process.

I, \_\_\_\_\_, hereby authorize Por Vida Academy Charter District to investigate my background and qualifications for purposes of evaluating whether I am qualified for the position for which I am applying. I understand that Por Vida Academy Charter District will utilize an outside firm or firms to assist it in checking such information, and I specifically authorize such an investigation by information services and outside entities of its choice. I also understand that I may withhold my permission and that in such a case, no investigation will be done, and my application for employment will not be processed further.

I understand that Por Vida Academy Charter District is authorized to use any source including, but not limited to, consumer reporting agencies, private investigators, and law enforcement agencies. Furthermore, I authorize any of these agencies to release information to me or to Por Vida Academy Charter District or its agent(s).

I also hereby acknowledge that I have received a notice that a report may be obtained for employment purposes if applicable. I understand that the information I am providing about age, sex, and ethnicity will not be used to determine my eligibility for employment or volunteer services, but will be used solely for the purpose of obtaining consumer information, including criminal history information. I further understand that information from my consumer report will not be used in violation of applicable Federal or State equal employment opportunity laws.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Employee's Printed Name

*Complete Criminal History Background Check Form on Next Page*

## 2024–2025 Criminal History Background Check Form

Last Name:	
Maiden and/or Other Name:	
First Name:	
Middle Name:	
Driver’s License Number:	
State Issuing Driver’s License:	
Date of Birth (example 01/23/45):	
Social Security Number:	
Sex:	
Race:	
Current Street Address:	
City:	
State:	
Zip:	

### List Where You Have Lived or Worked in the Last Five Years

City/Town	County	State	From	To

## **Disclosure and Authorization for Consumer Reporting Agency Reports**

Por Vida Academy Charter District may obtain a consumer report and/or investigative consumer report (commonly known as a background report) from a consumer reporting agency for employment purposes. The consumer report may include information concerning your employment history, education, qualifications, character, general reputation, personal characteristics, criminal record, motor vehicle record, mode of living and/or credit standing, and indebtedness. This information may be obtained from public and/or private sources.

A consumer report and/or an investigative consumer report may be obtained in processing your application for employment, or at any time during your employment period with Por Vida Academy Charter District, as authorized by state law and/or the Fair Credit Reporting Act (“FCRA”). Should an investigative consumer report (a consumer report in which the above types of information are obtained through personal interviews) be requested, you will have the right to obtain a complete and accurate disclosure of the nature and scope of the investigation requested and a written summary of your rights under the FCRA.

In the event that information from a consumer report obtained about you from a consumer reporting agency is used in whole or in part in making an adverse decision with regard to employment, you will be provided with a copy of the consumer report and a description in writing of your rights under the law.

A summary of your rights under the FCRA is also included with this notice. Individuals may request more information about the nature and scope of any investigative consumer reports by contacting: Human Resources.

### **AUTHORIZATION**

*I have carefully read and understand this Disclosure and Authorization Form and the attached Summary of Rights under the FCRA. I hereby authorize Por Vida Academy Charter District and/or its agent(s) to obtain and furnish to Por Vida Academy Charter District information related to my background to be used for employment purposes. I hereby authorize any law enforcement agency, institution (including learning institution), information service bureau, credit bureau, record/data repository, court, motor vehicle record agency, employer, military, and other individuals and sources contacted by Por Vida Academy Charter District and/or its agent(s) to furnish the information requested by the consumer reporting agency for employment purposes.*

*I understand and agree that a facsimile or photographic copy of this authorization will be as valid as the original.*

*I hereby release Por Vida Academy Charter District, all its agents and employees, and all other persons, agencies, and entities furnishing information or reports about me from all liability arising out of the request for or release of any of the above-mentioned information or reports.*

Applicant/Employee                      Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

*Summary of Your Rights under the Fair Credit Reporting Act on Next Page*

Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

### **A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **Consumers Have the Right To Obtain a Security Freeze**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>

5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357

**Authorization for Prior Employer to Release Information**

(Please read the following statements, sign below and return to Human Resources)

I, \_\_\_\_\_, hereby authorize my prior employer, \_\_\_\_\_, to release any and all information relating to my employment with them to Por Vida Academy Charter District. I further release and hold harmless both Por Vida Academy Charter District and my prior employer, \_\_\_\_\_ from any and all liability that may potentially result from the release and/or use of such information. I understand that any information released by my prior employer will be held in strictest confidence, that it will be viewed only by those involved in the hiring decision, and that neither I nor anyone else not so involved will have the right to see the information.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Employee's Printed Name



**Drug and/or Alcohol Testing Consent Form and Policy Acknowledgment Form**

I hereby agree, upon a request made under the drug/alcohol testing policy of Por Vida Academy Charter District, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under any Por Vida Academy Charter District policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have Por Vida Academy Charter District and/or its physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to Por Vida Academy Charter District and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize Por Vida Academy Charter District to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized Por Vida Academy Charter District officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I will hold harmless Por Vida Academy Charter District, its physician, and any testing laboratory that it might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a Por Vida Academy Charter District or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless Por Vida Academy Charter District, its company physician, and any testing laboratory that it might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

I have had an opportunity to read the Drug-Free Workplace Policy included in the Employee Handbook, and I understand that I may ask my supervisor or Human Resource Department any questions I might have concerning the policy. I accept the terms of the Drug-Free Workplace Policy. I also understand that it is my responsibility to comply with the Drug-Free Workplace Policy, and any revisions made to it. I further agree that if I remain with Por Vida Academy Charter District following any modifications to the Drug-Free Workplace Policy, I thereby accept and agree to such changes.

The Drug-Free Workplace Policy and this consent have been explained to me in a language I understand, and I have been told that if I have any questions about the drug/alcohol test or the Drug-Free Workplace Policy, they will be answered.

I UNDERSTAND THAT Por Vida Academy Charter District WILL REQUIRE A DRUG SCREEN TEST UNDER THIS POLICY WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL.

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

\_\_\_\_\_  
Date

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

## Searches

Por Vida Academy Charter District 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 Por Vida Academy Charter District’s premises, Por Vida Academy Charter District may search employees, their work areas, lockers, and personal vehicles if driven or parked on company property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, Por Vida Academy Charter District 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 Por Vida Academy Charter District’s workplace, either on school premises, or 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, Por Vida Academy Charter District 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 Por Vida Academy Charter District 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/she would not be prepared to show and possibly turn over to Por Vida Academy Charter District officials and/or law enforcement authorities.

All employees of Por Vida Academy Charter District 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. Por Vida Academy Charter District 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 Por Vida Academy Charter District will face disciplinary action, up to and possibly including immediate termination.

**IN ACCORDANCE WITH POR VIDA ACADEMY CHARTER DISTRICT POLICY REGARDING SEARCHES, I UNDERSTAND THAT ALL DESKS, STORAGE AREAS, LOCKERS, AND ALL VEHICLES OWNED, FINANCED, OR LEASED BY POR VIDA ACADEMY CHARTER DISTRICT, OR USED BY IT TO TRANSPORT EMPLOYEES, GOODS, AND/OR PRODUCTS ARE SUBJECT TO SEARCH AT ANY TIME WITHOUT MY KNOWLEDGE, PRESENCE, OR PERMISSION. WITH THE EXCEPTION OF MY PERSONAL VEHICLE, I UNDERSTAND I AM PROHIBITED FROM LOCKING OR OTHERWISE SECURING ANY SUCH DESK, STORAGE AREA, LOCKER, OR VEHICLE WITH ANY LOCK OR LOCKING DEVICE NOT SUPPLIED OR APPROVED BY POR VIDA ACADEMY CHARTER DISTRICT. IF I USE MY OWN LOCK ON ANY SUCH ITEM, I AGREE TO GIVE MY SUPERVISOR A COPY OF THE KEY OR COMBINATION TO THE LOCK SO THAT POR VIDA ACADEMY CHARTER DISTRICT MAY OPEN THE LOCK AT ANY TIME THAT IT MAY DEEM SUCH ACTION NECESSARY. IN THE EVENT THAT A SEARCH OF MY PERSONAL VEHICLE BECOMES NECESSARY, I AGREE TO ALLOW PERSONNEL DESIGNATED BY POR VIDA ACADEMY CHARTER DISTRICT TO CONDUCT SUCH A SEARCH AT ANY TIME POR VIDA ACADEMY CHARTER DISTRICT MAY DIRECT DURING MY DUTY SHIFT.**

**I FURTHER UNDERSTAND THAT IN ORDER TO PROMOTE THE SAFETY OF EMPLOYEES AND VISITORS OF POR VIDA ACADEMY CHARTER DISTRICT, AS WELL AS THE SECURITY OF THE FACILITIES AND RESIDENTS OF THE FACILITIES WHERE POR VIDA ACADEMY CHARTER DISTRICT IS LOCATED, POR VIDA ACADEMY CHARTER DISTRICT MAY CONDUCT VIDEO SURVEILLANCE OF ANY PORTION OF ITS PREMISES AND OPERATIONS AT ANY TIME, THE ONLY EXCEPTION BEING PRIVATE AREAS OF RESTROOMS, SHOWERS, AND DRESSING ROOMS, AND THAT VIDEO CAMERAS WILL BE POSITIONED IN APPROPRIATE PLACES WITHIN AND AROUND THE FACILITIES AND USED IN ORDER TO HELP PROMOTE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY. I HEREBY GIVE MY CONSENT TO SUCH VIDEO SURVEILLANCE AT ANY TIME POR VIDA ACADEMY CHARTER DISTRICT MAY CHOOSE.**

**I HEREBY RELEASE POR VIDA ACADEMY CHARTER DISTRICT FROM ALL LIABILITY, INCLUDING LIABILITY FOR NEGLIGENCE, ASSOCIATED WITH THE ENFORCEMENT OF THESE POLICIES AND/OR ANY SEARCHES OR SURVEILLANCE UNDERTAKEN PURSUANT TO THESE POLICIES.**

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Por Vida Academy Charter District Representative

\_\_\_\_\_  
Date

### **Wage Deduction Authorization Agreement**

I understand and agree that my employer, Por Vida Academy Charter District, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. My share of the premiums for Por Vida Academy Charter District's group medical/dental plan;
2. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by Por Vida Academy Charter District;
3. Installment payments on loans or wage advances given to me by Por Vida Academy Charter District, and if there is a balance remaining when I leave Por Vida Academy Charter District, the balance of such loans or advances;
4. Installment payments on loans based upon store credit that I use for my own personal purchases, including the value of merchandise or services that I purchase or have purchased for personal, non-business reasons using my employee charge account or credit card, an account or credit card assigned to another employee, or a general company account or credit card, regardless of whether such purchase was authorized, and if there is a balance remaining when I leave Por Vida Academy Charter District, the balance of such store credit or charges;
5. If I receive an overpayment of wages for any reason, repayment to Por Vida Academy Charter District of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless Por Vida Academy Charter District and I agree in writing to a series of smaller deductions in specified amounts);
6. The cost of personal long-distance calls I may make on Por Vida Academy Charter District-owned phones or on its accounts, of personal faxes sent by me using Por Vida Academy Charter District-owned equipment or its accounts, or of non-work related access to the Internet or other computer networks by me using Por Vida Academy Charter District-owned equipment or its accounts;
7. The cost of repairing or replacing any of Por Vida Academy Charter District's supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from Por Vida Academy Charter District during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or if I am a salaried exempt employee, reduce my salary below the federal FLSA minimum salary-basis amount);
8. The cost of any uniforms required in my employment with Por Vida Academy Charter District, and of cleaning such uniforms;
9. The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by Por Vida Academy Charter District in connection with my employment;
10. Administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
11. If I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from Por Vida Academy Charter District before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;

12. The value of any time off for absences to which paid leave is not applied (non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and
13. If Por Vida Academy Charter District pays any insurance premiums or retirement system contributions (“payments”) on my behalf that I would normally make under any applicable benefit plan offered by Por Vida Academy Charter District during my employment, the amount of such payments made by Por Vida Academy Charter District, such payments being an advance of future wages payable to me.
14. Any cafeteria meals or plates charged on campus account, and if there is a balance remaining when I leave Por Vida Academy Charter District, the balance of such charges, as allowed under the Fair Labor Standards Act.

I agree that Por Vida Academy Charter District may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that Por Vida Academy Charter District has stated its intention to abide by all applicable federal and Texas wage and hour laws, and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee’s Printed

\_\_\_\_\_  
Por Vida Academy Charter District Representative

\_\_\_\_\_  
Date

**Wage Overpayment/Underpayment Policy**

Por Vida Academy Charter District takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid promptly on the scheduled paydays.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Director so that corrections can be made as quickly as possible. If the employee has been underpaid, Por Vida Academy Charter District will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he/she has earned, the employee will need to return the overpayment to Por Vida Academy Charter District as soon as possible. No employee is entitled to retain any pay in excess of the amount he/she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

I understand this policy and agree to its terms.

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

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

**Texas Government Code § 552.024:**  
**Public Access Option Form**

The Public Information Act allows employees, public officials and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information.

	PUBLIC ACCESS?	
	NO	YES
Home Address		
Home Telephone Number		
Social Security Number		
Emergency Contact Information		
Information that reveals whether you have family members		

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name – Printed