



TCSA Model Board Policy Series

Module 600: *Human Resources 2012*

Charter Board Policy for Cedars International Academy

INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open-enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module are suggested model policies designed to comply with current statutory and regulatory requirements described in the summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws and regulations. We encourage you to renew your subscription to the policy series after each update to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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Module 600: Human Resources 2012

The Human Resources Module 600, is the sixth and final module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules currently available include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

Module 500: Open Government

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

600.020 EQUAL OPPORTUNITY

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Anti-Discrimination Policy

CEDARS INTERNATIONAL ACADEMY employees shall not engage in discrimination or harassment motivated by race, color, religion, sex, disability, military service, or age directed toward other CEDARS INTERNATIONAL ACADEMY employees or students. A substantiated charge of discrimination and/or harassment shall result in disciplinary action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

SECTION 2. Investigation

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed.

SECTION 3. Coordinator

CEDARS INTERNATIONAL ACADEMY designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act of 1975, and this anti-discrimination policy:

Name: Mark Diaz

Position: Superintendent

Address: 8416 N IH 35, Austin, TX 78753

Telephone: 512-419-1551 Ext 332

SECTION 4. Complaints

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints regarding any type of alleged discrimination shall be made in accordance with CEDARS INTERNATIONAL ACADEMY 's complaint policy in Section 300.120.

600.040 DRUG-FREE WORKPLACE

The governing body ("Board") of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Drug-Free Policy

CEDARS INTERNATIONAL ACADEMY is committed to maintaining a drug-free workplace and shall make a good faith effort to maintain such an environment. The unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace is strictly prohibited. In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination.

SECTION 2. Drug-Free Awareness Program

The Superintendent, or designee, shall establish a drug-free awareness program in accordance with federal law.

SECTION 3. Notification.

Employees shall notify the Superintendent or designee of any conviction based on a drug statute violation that occurred in the workplace within five days of such a conviction. Within 10 days of such notification, or otherwise being notified, the Superintendent, or designee, shall notify applicable relevant federal granting agencies of the conviction. Within 30 days of such notification the Superintendent, or designee, shall take appropriate personnel action or require the employee participate in a drug abuse assistance or rehabilitation program.

SECTION 4. Alcohol & Drug Testing

Section 4.1. Establishment of Testing Program & Procedures. In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, the SUPERINTENDENT, or SUPERINTENDENT's designee, shall establish an alcohol and drug and controlled substance testing program and procedures for the following:

1. Employees who are drivers of charter school-owned or rented vehicles;
2. Employees who perform safety-sensitive functions;
3. Applicants for positions in the above-referenced categories; and
4. Any employee when there is reasonable suspicion of use of alcohol or controlled substances in the workplace.

The SUPERINTENDENT shall designate a charter school official who shall be responsible for ensuring that information is provided to all employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Section 4.2. Reasonable Suspicion Testing. Only supervisors trained in accordance with federal regulations may, based upon reasonable suspicion, remove an employee and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body

odors of the employee whose motor ability, emotional equilibrium, or mental acuity appears impaired. Such observations must take place just preceding, during, or just after the period of the workday that the employee is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

Section 4.3. Required Procedures. The procedures established under Section 4.1 shall require the termination of an employee's employment for refusal to submit to a required test for alcohol or controlled substances.

Section 4.4. Supervisor Training. The Superintendent, or the Superintendent's designee, shall ensure that supervisors are properly trained in accordance with the terms of the applicable law and this policy.

600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS (Adopted March 2016)

The governing body (“Board”) of CEDARS INTERNATIONAL SCHOOL adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. New HiresSection 1.1. Compliance.

The Superintendent, or designee, shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees.

Section 1.2. Posting Job Vacancies.

The Superintendent, or designee, shall ensure that job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available positions.

SECTION 2. Criminal Background Checks

The Superintendent, or designee, shall ensure compliance with applicable laws and regulations regarding criminal background checks. Upon notification that an employee or prospective employee has engaged in an offense which legally prohibits that individual from employment at an open-enrollment charter school, The Superintendent, or designee, shall terminate, or not hire as applicable, that individual.

SECTION 3. SBEC Reporting Requirements

The Superintendent, or designee, shall ensure compliance with reporting laws and regulations regarding employee termination and background checks. If the open-enrollment charter school learns of criminal history outside of the clearinghouse background check, The Superintendent, or designee, must notify SBEC. Additionally, if an educator is terminated for or resigned due to inappropriate behavior, including being involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor, The Superintendent, or designee, shall notify SBEC.

600.080 COMPENSATION

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Fair Labor Standards Act (FLSA) Compliance

Section 1.1. Designation of Work Week. For purposes of the FLSA, the board generally designates the 40 hour work-week for employees as Monday at 7:00 am through Friday at 4:00 pm. The Board authorizes the Superintendent to designate separate work weeks for specific school personnel such as, but not limited to, the school maintenance staff.

Section 1.2. Classification of Employees. The Superintendent shall determine the classification of employees as “exempt” or “nonexempt” for purposes of FLSA compliance.

Section 1.3. Permission Required to Work Overtime. Nonexempt employees may only work over 40 hours per week if they have received prior written approval from their supervisor.

SECTION 2. COMPENSATION PLANS FOR SCHOOL EMPLOYEES

The Superintendent shall recommend for Board approval compensation plans for all categories of charter school employees including salary schedules, stipends, benefits, incentives or other components determined appropriate by the Superintendent. The Superintendent shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board.

SECTION 3. Wage Overpayment / Underpayment

CEDARS INTERNATIONAL ACADEMY strives to take 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 shall promptly bring the discrepancy to the attention of his or her supervisor so that corrections can be made as quickly as possible. If the employee has been paid in excess of what he or she has earned, the employee shall return the overpayment to CEDARS INTERNATIONAL ACADEMY as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agree-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 either soon after employed with CEDARS INTERNATIONAL ACADEMY or as soon as practicable. Such authorization agreement is valid for the duration of the employment relationship.

SECTION 4. Expense Reimbursement

The Superintendent shall designate allowable expenses for expense reimbursement when employees incur expenses that are pre-approved and related to their work assignments. Employees shall be required to submit accurate documentation of the expenses for which reimbursement is sought.

SECTION 5. Bonus Payments

CEDARS INTERNATIONAL ACADEMY provides every employee with base compensation. However, there are circumstances when additional payment, bonus pay, may be appropriate to provide a reward for exceptional performance. An employee may earn a bonus only if he or she is employed on the bonus payment day and has not indicated his or her intent to resign.

A bonus is defined as an after-the-fact discretionary, lump sum, non-cumulative cash award that may be granted to an employee in recognition of an extraordinary contribution which substantially benefits the students at CEDARS INTERNATIONAL ACADEMY and/or CEDARS INTERNATIONAL ACADEMY. Because bonuses are for extraordinary contributions, it is not expected that bonuses will be awarded annually or on any other regular basis. No property interest exists in the possibility of an award of a bonus.

CEDARS INTERNATIONAL ACADEMY may award a bonus to an employee in its sole discretion. General factors that CEDARS INTERNATIONAL ACADEMY might consider in exercising its discretion to award a bonus include, but are not limited to:

1. Accomplishment of goals.
2. Retention.
3. Special Recognition.

By February, the SUPERINTENDENT shall notify the Board whether funds exist to award employee bonus payments. The Board will determine whether or not to allocate these funds for use as employee bonuses. If the Board determines to use these funds as employee bonuses, the SUPERINTENDENT, along with a Board designee, shall comprise a committee which shall determine which employees receive a bonus and the amount.

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS
(Adopted March 2016)

Section 1: Documenting Compliance

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Each campus administrative officer and business manager shall comply with and keep accurate records concerning his or her compliance with the commissioner of education rules governing training requirements.

Section 2: Staff Development

The Superintendent, or designee will adopt a policy to provide annual training on suicide prevention for all new staff and a schedule for returning staff to renew their training in line with rules adopted by TEA.

600.120 IMMUNITIES

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Exhaustion of Administrative Claims

Prior to filing a lawsuit against a professional employee hired by CEDARS INTERNATIONAL ACADEMY, potential claimants shall exhaust administrative remedies in accordance with state law. Administrative remedies must be pursued through the Board’s grievance process set forth in Board Policy 300.120.

Section 2. Written Notice of Legal Claims

Written notice of a potential legal claim against a professional employee of the CEDARS INTERNATIONAL ACADEMY shall be provided in accordance with state law and shall be mailed or hand-delivered to the employee’s attention at the charter school’s administrative office at the following address:

8416 N IH 35

Austin, TX

78753

600.140 RETIREMENT AND HEALTH BENEFITS

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

The Superintendent shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s retirement and health benefits are current and accurate.

SECTION 2. Health Benefits

CEDARS INTERNATIONAL ACADEMY elects to provide health benefits through TRS – Active Care. All health claims and coverage decisions are final as determined by the school’s selected carrier.

SECTION 3. COBRA Notification

The Superintendent, or designee, shall notify employees of their potential rights under COBRA upon separation from employment with the school, whether for voluntary or involuntary reasons.

SECTION 4. Local Benefits

Local Benefits – CEDARS INTERNATIONAL ACADEMY offers the following additional employment benefits for its employees:

- Medical insurance (Contributes towards medical insurance)
- Medicare tax (Contributes towards Medicare tax)
- TRS (Contributes towards TRS)
- Personal Leave 5 days
- Bereavement Leave up to 3 days (for immediate family)

SECTION 5. Workers Compensation Benefits

It is the policy of CEDARS INTERNATIONAL ACADEMY to provide workers’ compensation insurance. The Superintendent shall notify employees of its coverage decisions in accordance with state law.

600. 160 TEACHER CREDENTIALS & QUALIFICATIONS

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance.

The Superintendent shall ensure that each teacher employed by the CEDARS INTERNATIONAL ACADEMY is properly credentialed and qualified as required by state and federal law. Further, the Superintendent shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student’s teachers.

600. 180 EMPLOYEE LEAVES AND ABSENCES

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Definition

For purposes of this policy, “instructional staff” includes full time employees who work as campus principals, classroom teachers, teacher aides, counselors, and providers of special education services.

Section 2. Administration and Compliance

The Superintendent shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s leaves and absences are current and accurate.

Section 3. Family Medical Leave

Section 3.1. 12-Month Period. For purposes of FMLA leave, the 12-month period for leave is determined as the calendar year/the fiscal year/ the 12-month period following the employee’s employment anniversary date/the 12-month period measured forward from the date an employee’s first FMLA period begins/a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Section 3.2. Concurrent Use of Leave. It is the policy of CEDARS INTERNATIONAL ACADEMY for an employee’s paid leave, and/or workers’ compensation leave to run concurrently with FMLA leave.

Section 4. Local Leaves and Absences

Section 4.1. State Personal Leave. Each employee is entitled to 5 days of paid personal leave per year. Personal leave may be used for illness, illness of an employee’s family member, personal and family medical appointments, and other personal reasons as determined by the employee. State personal leave does accumulate and is transferable among districts.

An employee who has exhausted all earned state and donated days, if any, from the sick leave bank shall be docked at the highest substitute rate for the current year for each absence up to 5 days. Afterward they will be docked at the employees’ daily rate for each absent day.

Available leave shall be used in the following order, as applicable:

1. State personal leave.
2. Reduced daily rate docked days for 5 days.
3. Donated sick leave bank days, if any amount determined by the guidelines.
4. Reduced full daily rate docked days for the remainder of time.

Employees shall be charged leave as used even if a substitute is not employed.

Paid leave for the current year shall be available for use at the beginning of the school year. Paid leave shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year.

Section 4.2. Other Leave. The charter school offers the following additional types of leave for its employees: Each employee is entitled up to 3 days of paid bereavement leave that does not accumulate. Bereavement leave may be used in case of a death of an immediate family member. Immediate family is defined as

The term “immediate family” shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
3. Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
4. Sibling, stepsibling, sibling-in-law.
5. Grandparent and grandchild.
6. Any person who may be residing in the employee’s household at the time of illness or death.

Section 5. Extended Absences from Duty

Section 5.1. Abandoning Work. An employee who misses three days of work without directly notifying the employee's supervisor is considered to have abandoned the employee's position and will be terminated from employment unless extenuating circumstances exist as determined by the Superintendent or designee. **An employee shall submit medical certification of the need for leave if:**

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA.

Section 5.2. Returning to Work from Extended Leave.

Section 5.2.1. Reinstatement. The reinstatement of an employee returning from extended leave such as family medical leave, military leave, or workers' compensation leave is a high priority for CEDARS INTERNATIONAL ACADEMY. Reinstatement to an equivalent position will be determined on a case-by-case basis by the Superintendent, or designee, based on the following factors relating to the best interests of the school and its students:

- a. the applicable laws, policies, and practices governing the employee's absence from duty;
- b. for instructional positions, the time of year, the students' academic and behavior progress, the proximity of school and/or student holidays, the proximity of student testing, and additional similar factors relating to the academic and behavioral success of the students;
- c. whether the employee is a key employee;
- d. the school's legal obligations to other employees;
- e. the employee's ability to perform the essential functions of the job with or without reasonable accommodation;
- f. the impact of reinstatement on the academic, fiscal, or other operations of the school.

Section 5.3. Pay Increases. Employees returning to their prior employment positions from extended leave such as family medical leave or workers' compensation leave are entitled to any cost of living increases that were awarded during the employee's absence from duty. Unless legally required otherwise, returning employees will be entitled to any pay increases that were awarded based on seniority, length of service or work performance.

600. 200 COMPLAINTS BY SCHOOL EMPLOYEES

The governing body (“Board”) of CEDARS INTERNATIONAL ACADEMY adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Process for Employee Complaints

Employees of CEDARS INTERNATIONAL ACADEMY who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in Board Policy Section 300.120.

SECTION 2. Exception for Sexual Harassment Complaints

All formal complaints by charter employees must be pursued in accordance with the process set forth in Board Policy 300.120 unless the complaint is a sexual harassment complaint filed by an employee against the employee’s supervisor. Under these circumstances, the employee shall present his or her Level 1 complaint to the school’s ED/Superintendent/CEO who will designate another supervisory level employee to hear and respond to the Level 1 grievance. If the ED/Superintendent/CEO’s designee does not reach a decision that is satisfactory to the employee, then the employee may appeal the decision to Levels 2 and 3 as delineated in Board Policy Section 300.120.