



A.W. BROWN
LEADERSHIP ACADEMY

Board Policy Series

600 Series: HR Policies

Module 600: *Human Resources*

The Human Resources Module 600, is the sixth and final module of the 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

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600.020. EQUAL OPPORTUNITY

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Anti-Discrimination Policy

AWBLA employees shall not engage in discrimination or harassment motivated by race, color, religion, gender, sexual orientation, national origin, age, disability, military status, genetic information, or any other category protected by law directed toward other AWBLA 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

AWBLA 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:

Kalandra Scott
Benefits Coordinator
3810 W. Red Bird Lane, Dallas, Texas 75237
(972) 709-4700

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 AWBLA’s grievance policy as found in the Employee Handbook.

600.040. DRUG-FREE WORKPLACE

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Drug-Free Policy

AWBLA 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 Chief Executive Officer/Superintendent “CEO”, or designee, shall establish a drug-free awareness program in accordance with federal law.

SECTION 3. Notification.

Employees shall notify the CEO, 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 CEO, or designee, shall notify applicable relevant federal granting agencies of the conviction. Within 30 days of such notification the CEO, 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 CEO, or 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 CEO 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

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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 CEO, or 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

The governing body ("Board") of A.W. Brown Leadership Academy ("AWBLA") adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. New Hires

Section 1.1. Compliance.

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

Section 1.2. Posting Job Vacancies.

The CEO, 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 1.3. Pre-employment Affidavits.

The CEO, or designee, shall ensure all applicants for an educator position at AWBLA must submit a pre-employment affidavit. An applicant that answers affirmatively as to having an improper relationship with a minor must disclose all relevant facts regarding the charge, adjudication, or conviction, and whether the charge was determined to be false. An applicant is not precluded from being employed with AWBLA if the charges were determined to be false.

SECTION 2. Criminal Background Checks

The CEO, 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 CEO, or designee, shall terminate, or not hire as applicable, that individual.

SECTION 3. SBEC Reporting Requirements

Section 3.1 Principal Reporting Requirements. The principal at an AWBLA campus must notify the CEO of AWBLA no later than 7 business days of:

- a. Learning an educator's termination of employment or resignation following an alleged incident of misconduct, including an improper relationship with a student; or
- b. Learning about an educator's criminal record by means other than the criminal history clearinghouse.

Section 3.2. CEO Reporting Requirements. The CEO, or designee, shall ensure compliance with reporting laws and regulations regarding employee termination and background checks.

- a. If the CEO, or designee, learns of criminal history outside of the clearinghouse background check, the CEO, or designee, must notify SBEC within 7 business days.
- b. 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 CEO shall notify SBEC within 7 business days.
- c. If the CEO receives a report from a principal of the AWBLA campus, the CEO, or designee, must report to SBEC within 7 business days.

Section 3.3. Written Report. A report to SBEC must be in writing and should include the following:

- a. Name of employee
- b. State certification status
- c. Description of incident or description of criminal history
- d. Disciplinary steps taken

Section 4. Improper Relationships with Students

It is the policy of AWBLA that all employees maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Employees shall not form personally intimate or romantic relationships with students, regardless of whether the student is 18 years old. Employees found to have engaged in an improper or inappropriate relationship with a student is subject to immediate disciplinary action, including termination.

Section 4.1. Electronic Communication. In order to prevent improper relationships with students, AWBLA adopts the following:

- a. Text messages, phone calls, and email communications are prohibited between employees and students, unless provided to them by AWBLA through the Google Education Platform, including Google Voice, Google Text Messaging, and Google Hangout, as well as Living Tree, Remind, Edmodo, GroupMe, or other school-authorized social media platforms allowed for educational or extracurricular purposes.
- b. Employees may not be friends or connect with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. Also, employees are prohibited from engaging in electronic dating applications with students such as Tinder.

Section 4.2. Personal Phone Numbers and Emails. Employees at AWBLA are not required to provide personal emails or personal phone numbers with students, parents, or families of students. Employees may elect not to disclose their personal telephone number or e-mail address to students.

Section 4.3. Reporting Inappropriate Behavior.

- a. Employee Reporting.
Employees at AWBLA must report any behavior that is observed at school or at any school-related or school-sponsored activity that might violate this policy. Additionally, if employees receive any inappropriate communication from a student, the employee must immediately report the incident to the designated campus administrator. Reports may be submitted directly to the campus administrator via email or verbally in person. A report should include:
 - i. Name of the employee involved;
 - ii. Name of the student involved;
 - iii. Location of incident; and
 - iv. Description of incident.
 - v. If possible, a report should include any copies of communication between the employee and the student.
- b. Parent Notification

AWBLA will notify a parent or guardian of a student when an alleged incident of educator misconduct involving an inappropriate relationship with a student as soon as feasibly possible after learning of the alleged incident, but no later than 24 hours.

Following an investigation into an incident of alleged misconduct involving an inappropriate relationship with a student, AWBLA will notify the parent or guardian of the student involved as to whether:

- i. The educator was terminated following the investigation or if the educator resigned before the completion of the investigation; and
- ii. A report was submitted to the SBEC for the alleged misconduct.

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS

Section 1: Documenting Compliance

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) 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 CEO 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 A.W. Brown Leadership Academy (“AWBLA”) 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 AWBLA 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 in the Employee Handbook.

Section 2. Written Notice of Legal Claims

Written notice of a potential legal claim against a professional employee of AWBLA 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:

AW Brown Leadership Academy

Board Approved on 04/16/20

3810 W. Red Bird Lane
Dallas, Texas 75237

600.140. RETIREMENT AND HEALTH BENEFITS

The governing body (“Board”) of A. W. Brown Leadership Academy (“AWBLA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

The CEO 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

AWBLA 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.

For more information, see AWBLA’s Personnel Handbook/Employee Handbook.

SECTION 3. COBRA Notification

The CEO, 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 – AWBLA offers the following additional employment benefits for its employees:

- (TBD)

SECTION 5. Workers Compensation Benefits

It is the policy of AWBLA to provide workers’ compensation insurance. The CEO or designee shall notify employees of its coverage decisions in accordance with state law.

SECTION 6. Teacher Retirement System

Section 6.1. TRS Eligibility. AWBLA participates in the Teacher Retirement System (TRS). An employee is eligible for membership in TRS when the employee has:

- a. Regular employment with a single public, state-supported education institution in Texas that is expected to last for a period of 4 ½ months or more;
- b. For one-half or more of the full-time workload; and
- c. With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

An employee at AWBLA is considered to meet these requirements if the employee’s customary employment is for 20 hours or more each week at a single employer and for 4 ½ months or more in one school year.

Section 6.2 Loss of TRS Eligibility. An employee at AWBLA is no longer eligible to receive retirement annuity from TRS if the person is convicted of a qualifying felony against a student. A qualifying felony includes the continuous sexual abuse of a young child or children, an improper relationship between an educator and student, sexual assault, or aggravated sexual assault.

600.160. TEACHER CREDENTIALS & QUALIFICATIONS

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance.

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

SECTION 2. Local Requirements for Teaching Credentials and Qualifications

AWBLA will meet federal and state requirements. The Board directs the CEO to hire/make a good faith effort to hire teachers with the following credentials and qualifications:

- a. State certification appropriate for the subject areas being taught by the teacher.
- b. Any ongoing professional development standards that the board requires of its teaching staff will be communicated in the Employee Handbook.

600.200. COMPLAINTS BY SCHOOL EMPLOYEES

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) 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 AWBLA 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 the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in the Employee Handbook

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 CEO who will designate another supervisory

level employee to hear and respond to the Level 1 grievance. If the CEO 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 the Employee Handbook