



TCSA Board Model Policy Series

*Module 600: Students
Charter Board Policy for
UT Permian Basin – STEM Academy*

- 600.020: Equal Opportunity Policy*
- 600.040: Drug Free Work Place Policy*
- 600.060: Hiring Practices and Criminal Officers Policy*
- 600.080: Compensation Policy*
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Module 600: Human Resources

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
Texas Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Texas Local Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

600.020. EQUAL OPPORTUNITY

The advisory board (“Board”) of the UT Permian Basin STEM 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

The UT Permian Basin STEM Academy employees shall not engage in discrimination or harassment motivated by race, color, ethnicity, national origin, religion, gender, gender expression, gender identity, sex, sexual orientation, disability, military service, or age directed toward other the UT Permian Basin STEM 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.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/equal-opportunity-affirmative-action>

SECTION 2. Investigation

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

SECTION 3. Coordinator

The UT Permian Basin STEM 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: Narita Holmes

Position: Title IX Coordinator

Address: 4901 E. University Blvd., Odessa, TX 79762

Telephone: 432-552-2697

SECTION 4. Complaints

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens.

UT Permian Basin’s STEM Academy staff, as designated by the Superintendent, are responsible for the investigation of any non-Title IX complaints regarding the ADA, Section 504, the Age Act, discrimination and bullying, filed by students or others. Complaints regarding any type of alleged discrimination shall be made in accordance with the UT Permian Basin STEM Academy’s complaint policy in Section 300.120.

600.040. DRUG-FREE WORKPLACE

The advisory board (“Board”) of the UT Permian Basin STEM 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

The UT Permian Basin STEM 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.

<https://www.utpb.edu/docs/default-source/utpb-docs/hop/part-iii-10-6-16.pdf?sfvrsn=8>

SECTION 2. Drug-Free Awareness Program

The Superintendent 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.

600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS

The advisory board (“Board”) of the UT Permian Basin STEM Academy 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 Superintendent or designee shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/index>

Section 1.2. Posting Job Vacancies

The Superintendent or designee, in corporation with the UT Permian Basin Human Resources office 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. Internal job postings will be made available in the STEM Academy District Office.

Section 1.3. Pre-employment Affidavits

The Superintendent or designee shall ensure all applicants for a position at the UT Permian Basin STEM Academy 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 the UT Permian Basin STEM Academy if the charges were determined to be false.

SECTION 2. Criminal Background Checks

The Superintendent of 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.

<https://www.utpb.edu/docs/default-source/utpb-docs/humanresources/policies-and-procedures/criminalbackground5eee.pdf?sfvrsn=2>

SECTION 3. SBEC Reporting Requirements

Section 3.1 Principal Reporting Requirements. The principal at the UT Permian Basin STEM Academy campus must notify the Superintendent of the UT Permian Basin STEM Academy 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. Superintendent Reporting Requirements. The Superintendent or designee shall ensure compliance with reporting laws and regulations regarding employee termination and

background checks.

- a. If the Superintendent, or designee, learns of criminal history outside of the clearinghouse background check, the Superintendent, 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 Superintendent, or designee, shall notify SBEC within 7 business days.
- c. If the Superintendent, or designee, receives a report from a principal of the UT Permian Basin STEM Academy campus, the Superintendent, 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 the UT Permian Basin STEM Academy 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 are subject to immediate disciplinary action, including termination.

Section 4.1. Electronic Communication. In order to prevent improper relationships with students, the UT Permian Basin STEM Academy adopts the following:

- a. Text messages and email communications are prohibited between employees and students unless the communication is for educational 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 the UT Permian Basin STEM Academy 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 the UT Permian Basin STEM Academy 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 Superintendent. Reports may be submitted directly to the Superintendent 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

The UT Permian Basin STEM Academy 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, the UT Permian Basin STEM Academy 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.

600.080. COMPENSATION

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/wage-and-salary-administration>

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 7:30am through Friday at 4:00pm. 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 classification of employees as “exempt” or “nonexempt” shall be determined in accordance with the Fair Labor Standards Act (FLSA).

SECTION 3. 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.

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

SECTION 1: Documenting Compliance

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 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 advisory board (“Board”) of the UT Permian Basin STEM 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 the UT Permian Basin STEM 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 UT Permian Basin STEM 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: 4901 E. University Blvd., Odessa, TX 79762.

600.140. RETIREMENT AND HEALTH BENEFITS

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/employee-insurance-and-benefits>

SECTION 1. Compliance

The Superintendent, in corporation with the UT Permian Basin Human Resources office 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

The UT Permian Basin STEM Academy elects to provide health benefits through a self-funded system administered by Blue Cross Blue Shield at the discretion of the UT System. All health claims and coverage decisions are final as determined by the school’s selected carrier.

For more information, see the UT Permian Basin’s website at:

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/employee-insurance-and-benefits>

SECTION 3. COBRA Notification

The University of Texas of the Permian Basin Human Resources department 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: the UT Permian Basin STEM Academy offers the following additional employment benefits for its employees: All benefits information is available through the UT Permian Basin Human Resources Office. The UT Permian Basin STEM Academy employees are considered UT Permian Basin employees.

SECTION 5. Workers Compensation Benefits

Employees of The University of Texas System are provided Worker’s Compensation insurance coverage under a self-insured, self-managed program as authorized by the Texas Labor Code, Chapter 503.

SECTION 6. Teacher Retirement System

Section 6.1. TRS Eligibility. The UT Permian Basin STEM Academy 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 the UT Permian Basin STEM Academy 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 the UT Permian Basin STEM Academy 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 advisory board (“Board”) of the UT Permian Basin STEM 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 UT Permian Basin STEM 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.

SECTION 2. Local Requirements for Teaching Credentials and Qualifications

In addition to the federal and state requirements, the Board directs the Superintendent 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. Unless you hold an earned Master’s degree, you will be required to enroll in an accredited Master’s program within 18 months of hire and earn the degree within 5 years of being hired. Any exceptions must be approved in writing by the Superintendent’s office.

600.180. EMPLOYEE LEAVES AND ABSENCES

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/leave-administration>

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, in corporation with the UT Permian Basin Human Resources office 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 the UT Permian Basin STEM Academy for an employee’s paid leave, and/or workers’ compensation leave not to run concurrently with FMLA leave.

SECTION 4. Local Leaves and Absences

Section 4.1. Local Vacation Leave. Employees of the UT Permian Basin who are appointed twenty hours per week or more and for four and one-half months or more earn vacation leave beginning on the first day of eligible employment, regardless of whether they are paid on a monthly or hourly basis. Faculty members who have nine-month basis rather than twelve-month basis appointments and employees appointed to positions which require student status as a condition of employment do not earn vacation time.

<https://www.utpb.edu/services/business-affairs/human-resources/documents/policies-and-procedures/vacationleave5eee.pdf?sfvrsn=2>

Section 4.1.1. Limit on Vacation Leave Accrual and Use. Paid vacation leave shall be earned by the following classes of charter school employees on the accrual schedule set forth by the University of Texas of the Permian Basin Human Resources department.

<https://www.utpb.edu/services/business-affairs/human-resources/hr-policies-and-procedures/leave-administration>

Section 4.1.2. Pre-Approval Required. Use of earned vacation leave must be pre-approved by the employee’s supervisor.

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.

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 the UT Permian Basin STEM Academy. Reinstatement to an equivalent position will be determined on a case-by-case basis by the Superintendent in corporation with the UT Permian Basin Human Resources office 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 our without reasonable accommodation;
- f. the impact of reinstatement on the academic, fiscal, or other operations of the school.

600. 200. COMPLAINTS BY SCHOOL EMPLOYEES

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

The UT Permian Basin STEM Academy is a department within UT Permian Basin and is subject to UT Permian Basin’s employee grievance policies and procedures.

<https://www.utpb.edu/campus-life/dean-of-students/university-policies/non-discrimination>