

Goodwater Montessori Public Charter School

Goodwater Montessori Board Meeting - Tuesday November 16, 2021 Agenda

DATE: Tue November 16th, 2021

TIME: 6:30pm - 8:00pm CST

LOCATION: 402 W 8th St, Georgetown, TX 78626, Georgetown Library - Hewlett Room

GROUPS: Board, Board Support Staff

Items will not necessarily be discussed or considered in the order they are printed on the agenda below. If, during the course of the meeting, discussion of any item on the agenda should be held in an executive or closed session, the Board will convene in such executive or closed session as permitted by and in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

1. **Call To Order**

Expected to be in attendance: Carl Illig, Mary Evelyn Bowling, Christopher Hinds, Jan MacWatters, and Suzanne Robinson. The following staff is expected to be in attendance: Dr. Bruce Tabor, Marcy Steward, Kim Hodges, Alma Lahmon, and Kristi Lee.

2. **Public Comments**

Speakers will be allocated 2 minutes for public comments on matters of public concern.

3. **Consent Agenda**

a. **Financial Report**

b. **Enrollment Report**

<https://docs.google.com/spreadsheets/d/1d3szutS2NNKeFGK-Vz7sIikaES0xOvQ1hvGUZ5rN28k/edit?usp=sharing>

c. **Special Programs Report**

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d. **Student Academic Update**

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e. **Facilities Report**

f. **Marketing Report**

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g. **Minutes from September 2021**

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h. **Student Handbook**

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uri=urn:aaid:scds:US:8f274f58-8650-4366-aa5c-a3606c7428dc](https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:8f274f58-8650-4366-aa5c-a3606c7428dc)

i. **Employee Handbook**

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4. **Discussion and Action Items**

a. **Superintendent/CEO Report**

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b. **Discussion: Board Governance**

- i. Training
- ii. Recruiting
- iii. Budget Workshop

c. **Discussion: COVID-19 Safety Procedures**

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d. **Consideration: Contracts**

e. **Resignation of Montique Chance, Board Member**

f. **Discussion: Budget**

5. **Closed Session**

Per Texas Government Code section §551.074 to discuss Personnel matters and/or
Per Texas Government Code section §551.071 for a consultation with the school
attorney and/or Per Texas Government Code section 551.072 to discuss Real
Property.

6. **Announce Decisions from Closed Session**

7. **Announce Date and Time of Next Board Meeting**

8. **Adjourn**



School Board Report

November 8, 2021

From: Kim Hodges, Student Admissions and Information Specialist

<https://docs.google.com/spreadsheets/d/1d3szutS2NNKeFGK-Vz7slikaES0xOvQ1hvGUZ5rN28k/edit?usp=sharing>



GOODWATER MONTESSORI

Public Charter School

School Board Report

Student Academic Update

Nov 8, 2021

From: Roberta Givens, School Improvement Coordinator

General House Bill (HB) 4545 became effective June 16, 2021, and it applies to Accelerated Instruction (AI) delivered during the 2021-2022 school year. TEA required Local Education Agencies (LEAs) to evaluate Spring 2021 STAAR scores to identify students in grades 3-8 who did not pass STAAR as requiring accelerated instruction (AI). Students who did not take STAAR in the Spring were administered a Beginning of Year (BOY) STAAR assessment to determine eligibility for AI.

AI, which consists of small-group, targeted instruction, is currently being implemented within the Communities according to TEA guidelines. A total of 55 students in grades 4-8 are receiving AI within each community (this can be described as a “push-in” program) for reading and/or math from a certified teacher. As of this writing (Nov 8), a cumulative total of 11,191 minutes (approximately 187 hours) of small group instruction have been provided for the students who qualify for this program. This amounts to approximately 3 hours of instruction for each student per subject so far. Accelerated Instruction will continue to be provided until the 30 hour requirement has been satisfied.



Board Meeting Report
Special Programs Report 11/8/21
From Aaron Ball, Director of Special Programs

38 Current Special Programs Students

Eligibility Criteria includes Autism, Intellectual Disability, Speech Impairment,
Other Health Impairment: ADHD, Specific Learning Disabilities, Tourette Syndrome

5 referrals that will mostly likely qualify for services

18 - 504 students. These students receive accommodations in the classroom and/or
dyslexia services

3 students receive 1:1 behavior support for 3 hours or more

2 Dedicated Full-time Special Programs Aides

1 Part time 1:1 Aide

26 ARD meetings have been completed as of 11/8/21

TEA

Folders have been submitted. TEA has asked for clarification on a few folders. This will be submitted in the following days.

Corrective Action Plans are coming in for procedures and processes.
Dyslexia submission was completed. Corrective action plans incoming.



Board Meeting Report
Marketing and recruiting Report
November 8, 2021
From Kristi Lee

Marketing and recruiting for new hires:

The top openings we are recruiting for include a Classroom Assistant, Lead Guide for Upper Elementary, and Guest Educators.

We are working with Teachers Now, out of Houston, for temporary guest educators.

Indeed.com

AMI through Erin Brooks

AMS through Sandy Worcester and Iana Phillips

Facebook and many Montessori groups

Have contacted Texas Teachers (alternative certification) candidates within 100 miles

NCMPS (National Center Montessori Public Sector) website

Southwestern University site

Region XII and their lists of certified teachers

Handshake, a site to communicate with regional colleges and universities

Marketing for new students:

We are researching a marketing campaign for the new apartment buildings near us, Alta Austin Avenue, opening later this winter.

Kim is giving tours and talking with families often.

We asked families for referrals this week in the family newsletter.



Board Meeting Minutes
Goodwater Montessori School
September 28, 2021 6:30 pm
Decisions are highlighted.

1. Call To Order 6:32 PM:

Carl Illig established a quorum.

Expected to be in attendance: Carl Illig, Mary Evelyn Bowling, Christopher Hinds, and Suzanne Robinson. The following staff is expected to attend: Dr. Bruce Tabor, Sandy Worcester, Kim Hodges, Alma Lahmon, and Kristi Lee.

In attendance: Carl Illig, Christopher Hinds, Mary Evelyn Bowling, and Suzanne Robinson.
Staff: Dr. Bruce Tabor, Sandy Worcester, Kim Hodges, Kristi Lee, Roberta Givens, and Aaron Ball.

2. Public Comments:

Speakers will be allocated 2 minutes for public comments on matters of public concern.

Rachel Wicker

Natalie Armenta

3. Consent Agenda

Board would like to remove these reports:

Student Academic Update Report

Enrollment and Attendance Report

Special Programs Report

Financial Report

Carl Illig moved to approve the consent agenda with these reports removed. Chris Hinds seconded the motion and it passed unanimously.

- A. Financial Report: Chris Hinds asked clarifying questions about the totals, and Kimber Fuccello answered them.

- B. Enrollment Report: Mary Evelyn Bowling asked clarifying questions about the waitlist and enrollment numbers. Dr. Bruce Tabor answered the questions, and they discussed marketing for new students.
- C. Special Programs Report: Suzanne Robinson asked questions about the number of special programs students, personnel, and the timing of the ARDS. Dr. Bruce Tabor and Aaron Ball answered the questions.
- D. Student Academic Update Report: Mary Evelyn Bowling acknowledged the professionalism and well-written report by Roberta Givens.

4. Discussion and action items

A. Superintendent Report:

Dr. Bruce praised the staff for their professionalism and commitment to the students. He discussed the school celebration of International Day of Peace and the adolescent community taking the micro-economy class. He thanked Iana Phillips, Sandy Worcester, and Katy Ford-Metzler for their work on these projects.

Our enrollment goal is 415; Kim is doing a great job on enrollment, discussions, and family tours.

We are upholding our Covid-19 precautions and looking at the possibility of remote conferencing for those affected by Covid.

Coffee with Dr. Bruce is on October 19 at 9:30 am. We will discuss our Nautilus Behavior Plan.

B. Discussion/Consideration: Waiver for, 7th Grade Reading Instrument TEC §28.006 (c-1)

Carl moved to approve the waiver as read at the meeting, Suzanne Robinson seconded the motion. The motion passed unanimously.

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C. Covid Precautions

Our precautions are in place, and we added a Dashboard to our website. Suzanne Robinson requested that we add a cumulative total to the dashboard.

5. Announcement of next meeting date: October 19, 2021

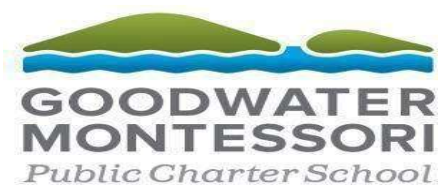
6. Adjournment

7:34 pm Carl Illig moved to adjourn the meeting; Mary Evelyn Bowling seconded the motion. The motion passed unanimously.

Resolution Text:

Resolution to Approve 2021-2022 Grade 7 Reading Instrument Pursuant to Texas Education Code (TEC) §28.006 (C-1); this waiver allows the charter school to request a waiver in order to use another instrument approved by Goodwater Montessori Board of Trustees in order to best

meet student needs in 2021-2022 school year only. Date: 09/28/2021 Approved by the Board of Directors and verified below by the Board Secretary.



Goodwater Montessori School ~~2020-~~

2021-2022

School Handbook & Student Code of Conduct

710 Stadium Drive
Georgetown, Texas 78626
512-931-3560

www.goodwatermontessori.org
goodwater@goodwatermontessori.org

Approved by the WilCo Montessori Partners Board of Directors - December 2019

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TABLE OF CONTENTS

Welcome to Goodwater Montessori Public Charter School Page 5

Goodwater Montessori School Board of Directors **7**
Meetings **7**

2020-Page 6

2021-2022 Board of Directors 7 and Meetings

Formatted: Font color: Auto

Mission, Vision, and Values **8**

The Montessori Method **9**

The Montessori Environment **11Page 10**

Charter Schools **12**

Geographic Boundaries 12

Funding 13

2020-2021 School Calendar **14Page 13**

2020-2021 Faculty and Staff **15**

Disclaimers **16**

Anti-Discrimination 16

Sexual Harassment 16

Enrollment and Admission **17Page 15**

Application 17

Geographic Restrictions 17

Lottery 17

PreKindergarten Admissions 18

Waitlist 18

Late Applications 19

Registration Information 19

Returning Students 20

Exclusion from Admission 20

Re-Enrollment 20

Transfers 20

Withdrawal 20

Formatted: Right

Formatted: Header

| | | |
|--|------------------|-----------------------|
| Attendance | <u>24</u> | <u>Page 19</u> |
| Compulsory Attendance Rules | 24 | |
| Excessive Absences | 24 | |
| Excused Absences | 22 | |
| Unexcused Absences | 22 | |
| Tardiness | 22 | |
| Excessive Tardiness | 23 | |
| Truancy | 23 | |
| Arrival and Dismissal | <u>24</u> | <u>Page 22</u> |
| Early Departure From School | 24 | |
| After-School Care | 24 | |
| Use of Facilities Before and After School | 24 | |
| Arrival and Dismissal Procedures | 24 | |
| Parent Escorts | 25 | |
| Parent and Guardian Involvement | <u>26</u> | <u>Page 23</u> |
| Communication | 26 | |
| Parent –Guide/Staff Communication | 26 | |
| Prohibited Forms of Communication | 26 | |
| Parent Lunch with Student | 26 | |
| Audio and Visual Recording and Photography | 27 | |
| Solicitation of Goods and Services | 27 | |
| Party Invitations | 27 | |
| Volunteer Opportunities | 27 | |
| School Safety and Security | <u>28</u> | <u>Page 25</u> |
| Visits & Tours | 28 | |
| Weather | 28 | |
| Fire and Emergency Drills | 28 | |
| Field Trips | 28 | |
| Dress Code | <u>29</u> | <u>Page 26</u> |
| Tops | 29 | |
| Bottoms | 29 | |
| Outdoor Footwear | 29 | |
| Indoor Footwear | 29 | |
| Outerwear & Hats | 30 | |
| Miscellaneous | 30 | |
| Technology in the Classroom: Responsible Use Policy | <u>34</u> | <u>Page 27</u> |
| Internet Use | 34 | |

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| | |
|-----------------------------------|----|
| Email /Google Drive/Internet Chat | 34 |
| Social Media | 32 |
| Personal Electronics | 32 |

Food Services and Nutrition **33Page 30**

| | |
|--------------------------------------|----|
| Lunch | 33 |
| Competitive Foods | 35 |
| Food Provided to Students by Parents | 35 |
| Birthday and Classroom Parties | 35 |
| School-Sponsored Classroom Parties | 36 |
| School-Wide Celebrations | 36 |

Health Guidelines **37Page 34**

| | |
|----------------------|----|
| Food Allergies | 37 |
| Water | 37 |
| Medication | 38 |
| Illness and Injuries | 39 |
| Allergies | 39 |
| Immunizations | 39 |
| Nuisance Diseases | 39 |

STUDENT CODE OF CONDUCT **44Page 37**

| | |
|---|----|
| Montessori Behavior Background | 41 |
| Standards of Behavior | 42 |
| Authority and Jurisdiction | 43 |
| General Conduct | 43 |
| Disregard for Authority | 44 |
| Mistreatment of Others | 44 |
| Disrespecting School Property | 44 |
| Biting | 44 |
| Bullying | 45 |
| Physical Safety | 45 |
| Student Refusal to Work | 46 |
| Breach of Code of Conduct | 46 |
| Discipline Protocol: Procedure For Re-directable Behaviors | 46 |
| Program For Students Who Can't Cannot Go Back To Class | 47 |
| Playground-specific Discipline Policies | 47 |
| Elementary Level Discipline Procedures | 47 |
| Spitting, Kicking, Hitting, Bullying, and Pushing | 48 |
| Inappropriate Language | 48 |

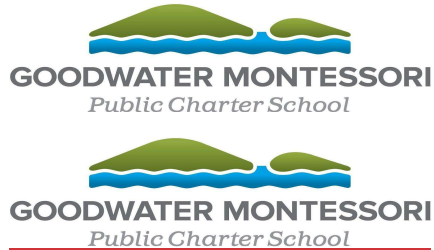
| | |
|---|-----------|
| Intentional Destruction of Materials or Possessions of Others | 49 |
| Leaving School or the Attempt to Leave | 49 |
| Primary Level Discipline Procedures | 49 |
| Spitting, Kicking, Hitting, Bullying, and Pushing | 49 |
| Biting | 49 |
| Misuse of Materials | 50 |
| Inappropriate Language | 50 |
| Behavior Management/Techniques | 50 |
| Process for Suspension | 54 |
| Process for Expulsion | 52 |
| Conflict Resolution | 54 |
| Informal Conflict Resolution | 56 |
| Formal Conflict Resolution | 56 |

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August ~~2020~~2021

Dear Goodwater Parents,

Welcome to Goodwater! We are honored that you have entrusted your children to us, and we pledge to create an authentic Montessori environment in which students will thrive as Maria Montessori intended.

This handbook is an information source for our school and a guide to Goodwater policies. I urge you to read it and refer to it during the school year whenever you have a question. As communities change and evolve, this document may be revised as needed as we progress through the school year. The most current version will always be posted on our website.

This handbook includes the Student Code of Conduct that is a document required by state law. Your signature acknowledging receipt of this code is required. Please follow the link found on the handbook page of our website.

~~Sincerely~~ kindest Regards,
Dr. Bruce Tabor

Goodwater Montessori School
710 Stadium Drive
Georgetown, Texas 78626
(512) 931-3560
www.goodwatermontessori.org
goodwater@goodwatermontessori.org

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Goodwater Montessori School Board of Directors

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Goodwater Montessori Charter School is operated under the auspices of WilCo Montessori Partners (WCMP), an IRS-authorized 501(c)(3) non-profit organization established in 2014. Board members serve three-year terms and employ the ~~head of school~~ Superintendent/ CEO, approve the budget, monitor expenditures, and establish policies for operating the school and ensuring its financial viability.

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Meetings

~~Board~~ Most board meetings are held at 6:30 p.m. on the third Tuesday of each month. Additional meetings may be scheduled as needed. Unless otherwise indicated, all meetings will be held at:

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Goodwater Montessori Public Charter School
710 Stadium Drive, Georgetown, Texas 78626

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Goodwater board meetings are open to the public. Within the limits of the Texas Open Meetings Act, as detailed in Chapter 551 of the Texas Government Code, some subject matter may be discussed in closed sessions. Those topics are consideration of real estate contract transactions, other contract negotiations, personnel matters, student hearings, and legal matters.

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Board Agendas are posted at the school and on the ~~school's~~ school website at least 72 hours prior to the meeting.

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- Members of the community are invited to address the Goodwater Board for up to two minutes during the public comment period of scheduled board meetings.
- In such a case, the board of directors is required to listen and may ask clarifying questions, but may not act on any subject matter that is not included in the board agenda.
- Community members are welcome to remain for the rest of a board meeting, but may not participate in deliberations.

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~~2020-2021-2022~~ Board of Directors

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President - Carl Illig

cillig@goodwatermontessori.org

Secretary - Mary Evelyn Bowling

mbowling@goodwatermontessori.org

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Treasurer - Kimber Fucello kfucello@goodwatermontessori.org

Treasurer - Suzanne Robinson suzanne.robinson@goodwatermontessori.org

Member - Chris Hinds chinds@goodwatermontessori.org

Member- Montique Chance mchance@goodwatermontessori.org

Member- Jan MacWatters jmacwatters@goodwatermontessori.org

Member- Suzanne Robinson suzanne.robinson@goodwatermontessori.org

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Mission, Vision, and Values

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Mission

To provide an exceptional Montessori education to all children and their families, encouraging a life-long love of learning and active participation in their communities and the world.

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Vision

To develop conscientious citizens who approach their world with confidence, creativity, and collaboration.

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Values

Diversity, Independence, Joy, Passion, and Respect.

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The Montessori Method

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Montessori education was founded in 1907 by Italian physician Maria Montessori M.D. who based her educational methods on scientific observation of children's learning processes. Dr. Montessori believed that "We should not fill children with facts but rather cultivate their own natural desire to learn." Guided by this discovery that children teach themselves, Dr. Montessori designed a "prepared environment" in which children freely choose from a number of developmentally appropriate activities.

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Montessori education is:
Child-Centered

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- Mixed-age classrooms allow students to have repeated exposure to lessons, ~~as well as~~ **and** become leaders to the younger children in the class.
- Child-centered education is facilitated by a Montessori guide who is consistently aware of the child's academic progress and emotional development.

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Collaborative

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- A collaborative approach to education emphasizing long work periods and group project work that reflects the workplace, preparing children to be creative contributors to their communities.
- Integrated lessons with high-quality, hands-on materials that help the child to understand the interconnected nature of all subject areas.

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Impactful

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- Montessori education is based on scientific observations of human development. Dr. Maria Montessori, a scientist, and a medical doctor, based her approach on thousands of hours of observation of children and a lifetime of experimentation and refinement, developing a scientific model of human development and an educational approach that supports fully realized human potential. (National Center for Montessori in the Public Sector.)

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Goodwater Montessori School believes that the Montessori Method of educating the child is a highly effective and innovative approach. Well-researched, and in place at more than 22,000 private and public schools worldwide, Montessori is increasingly recognized as utilizing practices — such as mixed-age grouping, differentiated instruction, and social-emotional learning — that best conform to students' natural learning instincts. The American Montessori Society (www.amshq.org) explains that students need adults to expose them to possibilities in their lives, but the children must determine their response to all the possibilities.

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Montessori schools teach the same basic skills as traditional schools and offer a rigorous academic program. Most of the subject areas are familiar — such as math, science, history, geography, and language — but they are presented through an integrated approach that brings separate strands of the curriculum together. While studying a map of Africa, for example, students may explore the art, history, and inventions of several African nations. This may lead them to examine ancient Egypt, including hieroglyphs, and their place in the history of writing. The study of the pyramids, of course, is a natural bridge to geometry. This approach to curriculum shows the interrelatedness of all things. It also allows students to become thoroughly immersed in a topic—and to give their curiosity full rein.

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Goodwater has a rich and rigorous Montessori curriculum aligned with the State learning standards, the Texas Essential Knowledge and Skills (TEKS), which span the years of academic and social/emotional development. The trained guide teaches the concepts aligned with the TEKS with precisely made, hands-on didactic materials to aid the students' knowledge base and develop critical thinking skills. In doing so, we are able to accommodate students' learning needs through content, process, product, and specialized learning environments. The guide records the students' progress daily in the recordkeeping system.

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Research by pediatric neuropsychologist Steve Hughes, Ph.D., about Montessori education, as explained on his website (www.GoodatDoingThings.com), presents interesting conclusions. Dr. Hughes states that "Montessori education is a brain-based, developmental method, which allows children to make creative choices in discovering people, places, and knowledge in the world. It is hands-on learning, self-expression, and collaborative play in a beautifully crafted environment of respect, peace, and joy. It is also about brain development. A skillful Montessori guide knows what stage a child is in their brain development and they are meeting it, and they are feeding it. The Montessori Method is like education designed by a pediatric developmental neuropsychologist."

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Montessori graduates do well in the world beyond the classroom. Increasingly, the modern world favors creative thinkers who combine personal initiative with strong collaborative skills — **exactlyprecisely** the characteristics that Montessori education nurtures. Adults who attended Montessori schools have spoken of their childhood experiences with the Montessori method saying it gave them not only the ability to work cooperatively in existing settings, but also the skills of confidence, creativity, and communication needed to make innovative and groundbreaking changes.

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For more information about Montessori, we recommend:

- Association Montessori Internationale — www.amiusa.org
- National Center for Montessori in the Public Sector — www.public-montessori.org
- North American Montessori Teachers Association — www.montessori-namta.org

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"The formation of children's capacities is hugely important during the first years of life – not just academic learning, but the ability to concentrate, persevere, and think for themselves, as well as the ability to interact well with others. Children who have been given the right kind of support

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during these years grow into adults who are self-motivated, love learning, who can think flexibly and creatively, and who are not only conscious of the needs of others but actively foster harmony as they go through life.”

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Association Montessori Internationale (www.amiusa.org)

The Montessori Environment

Goodwater Montessori School offers a true Montessori environment, mixed-age classrooms, Montessori materials, and curriculum, individualized instruction, and Montessori-certified guides. Our mission is lived out vibrantly, every day on our campus, and done so with grace and courtesy consistent with Montessori guiding principles.

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Goodwater Montessori classrooms have beautiful hands-on learning materials suitable for individual and small group learning. Our school days include long blocks of work time for the introduction, guided practice, and mastery of concepts in the curriculum. The multi-age classrooms help facilitate peer tutoring and community building.

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A multi-age grouping typically spans three years, forming a community:

- Primary - Ages 3 to 6 (Pre-K through Kindergarten).
- Lower Elementary - Ages 6 to 9 (Grades 1, 2, and 3).
- Upper Elementary - Ages 9 to 12 (Grades 4, 5, and 6).
- Adolescent - Ages 13 to 14 (Grades 7 and 8)

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The multi-age class groupings allow the children to be in a class with various ages. Modeling, communication, and collaboration are natural outcomes from working together.

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The classroom guide uses strategies, including our three-hour, uninterrupted work cycle, to deliver the lesson to the students. Direct instruction with didactic materials is used to introduce a concept. The guide follows the child through guided practice to eventual mastery of a concept. The three-year intervals in Montessori allow the child time to further explore and develop deeper understandings of academic content, as well as develop deeper concentration by carrying out long-term projects and work. Subject matters and concepts are interwoven and interconnected in the Montessori curriculum. This promotes deeper understanding and broader discovery.

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Charter Schools

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Charter schools are public schools that extend the privilege of school choice to all families. Funded by the State of Texas, they provide options for parents and students in pursuing their ideal educational experience. Children attending charter schools benefit from high academic standards and innovative approaches to teaching and learning. Charter schools are open to all children who are eligible to attend traditional public schools. They are governed by a local board using adopted bylaws and are required to meet all Texas school accountability standards.

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Charter schools are organized by a founding group that is passionate about the basic tenets of the curriculum. In Goodwater's case, that's WilCo Montessori Partners. Board members, staff members, parents, students, and community members are attracted to the charter school because their interests coincide with the charter school's educational program and special themes. Charter schools are responsive to parents' concerns because they operate in a free market. Parents make the choice to send their children to the charter school, and parent involvement in school activities is welcome and encouraged.

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Charter schools were authorized by the Texas Legislature in 1995 as an alternative to traditional public schools. Goodwater Montessori School, under the auspices of WilCo Montessori Partners, was awarded a charter by the Texas State Board of Education in July 2016 and opened in 2017.

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Open enrollment charter schools are public schools that have the flexibility to choose curriculum, set school calendars, maintain flexibility in hiring, and adapt to the educational needs of individual students. Charter schools ~~do~~ have increased accountability, and must also meet the academic achievement and financial management standards required by the Texas Education Agency. Among other things, Texas charter schools are tasked with:

- a) Improving student learning,
- b) Increasing the choice of learning opportunities within the public school system,
- c) Establishing a new form of accountability for public schools, and
- d) Encouraging different and innovative learning methods.

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Geographic Boundaries

As a charter school, Goodwater enrolls students from a much larger boundary than a traditional public school. All students (except those adjudicated of a crime) living within Williamson County are eligible for enrollment in Goodwater on a space-available basis. Any family residing within Williamson County may apply for enrollment to Goodwater Montessori School.

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Funding

Charter schools receive state funds based on the average daily attendance (ADA) of students (as do traditional public schools); however, they do not receive funds from local tax revenue. Texas Education Agency (TEA) data indicates that charter schools receive approximately \$1,000 less in total revenue per pupil than traditional public schools. In the State of Texas, the funding for students follows the student; therefore, a school is funded based upon the children that attend that school, as well as fundraising.

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2020-

Board Approved 5/25/2021

Goodwater Montessori School

2021-2022 School Calendar

| August 2021 | | | | | | | September 2021 | | | | | | | October 2021 | | | | | | |
|-------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
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| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 26 | 27 | 28 | 29 | 30 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 29 | 30 | 31 | | | | | | | | | | | | 31 | | | | | | |
| | | | | 11 | | 21 | | | | | 20 | 21 | | | | | 15 | | 16 | |

| November 2021 | | | | | | | December 2021 | | | | | | | January 2022 | | | | | | |
|---------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 26 | 27 | 28 | 29 | 30 | 31 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 28 | 29 | 30 | | | | | | | | | | | | 30 | 31 | | | | | |
| | | | | 16 | | 16 | | | | | 13 | 13 | | | | | 19 | | 20 | |

| February 2022 | | | | | | | March 2022 | | | | | | | April 2022 | | | | | | | | |
|---------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|---|---|
| Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa | | |
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| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | | |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | | |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | | |
| 27 | 28 | | | | | | 27 | 28 | 29 | 30 | 31 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | |
| | | | | 18 | | 19 | | | | | 17 | 18 | | | | | 19 | | 19 | | | |

| May 2022 | | | | | | | June 2022 | | | | | | | July 2022 | | | | | | |
|----------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa | Su | M | Tu | W | Th | F | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 26 | 27 | 28 | 29 | 30 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 29 | 30 | 31 | | | | | | | | | | | | 31 | | | | | | |
| | | | | 19 | | 20 | | | | | | | | | | | | | | |

- School Closed
- Weather Day/School Closed
- Parent Teacher Conferences
- 6 Weeks
- EP Employee Planning (no school for students)
- STAAR testing dates
- First and Last Day of School
- 9 Weeks
- 167 Number of Student Days
- 183 Number of Staff Days
- 450 Minutes per day 7:50 am - 3:20 pm
- 77250 Total Minutes including 2100 PD waiver

| | |
|---|---|
| <ul style="list-style-type: none"> Aug 3-16 Planning/Development Days Aug 17 First Day of School for students Sep 6 Labor Day - Closed Sep 20 Planning/Development Day Oct 8 Teacher Conferences - no school Oct 11-15 Fall Break - no school Nov 1 Holiday - No School Nov 22-26 Thanksgiving Break - No School Dec 20-Jan 2 Winter Break - no school Jan 3 Planning/Development Day | <ul style="list-style-type: none"> Jan 17 Holiday - No School Feb 18 Planning/Development Day Feb 21 Holiday - No School Mar 11 Teacher Conferences - no school Mar 14-18 Spring Break - no school April 15 & 18 Bad weather makeup days May 26 Last Day of School for students May 30 Memorial Day 6 weeks end 9/24, 11/12, 1/14, 2/25, 4/14, 5/26 9 weeks end 10/22, 1/14, 3/25, 5/26 |
|---|---|

Calendar Templates by Vertex42.com

<https://www.vertex42.com/calendars/school-calendar.html>

2021 School Calendar

| August 2020 | | | | | | | September 2020 | | | | | October 2020 | | | | | November 2020 | | | | | | | | | | | | | | |
|---------------|---|---|---|---|----|---|----------------|---|---|---|---|---------------|---|---|---|---|---------------|---|----|---|---|---|---|---|---|----|-----------|-------------|----------------------------|--|--|
| S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | | Holiday | | |
| u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | | No School | | |
| | | | | | | 1 | | | 1 | 2 | 3 | 4 | 5 | | | | | 1 | 2 | 3 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | | Staff Work-Day | | |
| | | | | | | | | | | | 1 | 1 | 1 | | | | | | 1 | | | 1 | 1 | 1 | 1 | 1 | | No School | | | |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 0 | 1 | 2 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | 8 | 9 | 0 | 1 | 2 | 3 | 4 | | No School | | |
| 9 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | | Conferen ce-Day | | |
| 1 | 1 | 1 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | | No School | | |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | | | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 2 | 3 | | | | | | | Weather Day | | | |
| 3 | 3 | 0 | 1 | | | | | | | | | | | | | | | | | | | | | | | | No School | | | | |
| December 2020 | | | | | | | January 2021 | | | | | February 2021 | | | | | March 2021 | | | | | | | | | | | | | | |
| S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | | STAAR Testing | | |
| u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | | 6-Weeks | | |
| | | | 1 | 2 | 3 | 4 | 5 | | | | | 1 | 2 | | | 1 | 2 | 3 | 4 | 5 | 6 | | | 1 | 2 | 3 | 4 | 5 | 6 | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 7 | 8 | 9 | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 7 | 8 | 9 | 0 | 1 | 2 | 3 | 7 | 8 | 9 | 0 | 1 | 2 | 3 | | 9-Weeks | | |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | | | | |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | | | | |
| 3 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 3 | 3 | 3 | 3 | 2 | | | | | | 2 | | | | | | | | | | | |
| | | | | | | | 3 | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | 4 | | | | | | | | | | | | | | | | | | | | | | | | |
| April 2021 | | | | | | | May 2021 | | | | | June 2021 | | | | | July 2021 | | | | | | | | | | | | | | |
| S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | S | M | T | W | T | Fr | S | | 440 Minutes Per-Day | | |
| u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | u | o | u | e | h | Fr | a | | 76.4 Instructional Minutes | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

2020-2021-2022 Faculty and Staff

Superintendent/ CEO Dr. Bruce Tabor

| | |
|--|----------------------------|
| Director, Business Operations | Marcy Steward |
| Director of Special Programs | Aaron Ball |
| Director of Montessori Instruction and Curriculum | Sandy Worcester |
| Montessori Coach | Iana Phillips |
| Student Admissions and Information Specialist | Kim Hodges |
| Executive Assistant/ Communications Coordinator | Krist Lee |
| School Programs Coordinator | Alma Lahmon |
| Student Admissions and Information Specialist | Kim Hodges |
| Administrative Assistant | Ali Lemus |
| School Programs Coordinator | Alma Lahmon |
| District Coordinator /School Improvement | Roberta Givens |
| ASEP Supervisor | Jordan Young |
| District Coordinator /School Improvement | Jenny Wilson |
| School Operations Specialist | Heather Pencil |
| RTI Interventionalist | Kaci Builta |

| | |
|-------------------------------|-------------------------|
| Remote | |
| PRIMARY | Guide |
| Desert Willow | <i>Kristina Russell</i> |
| | <i>Namra Khanlodhi</i> |
| Maple | <i>Yasmin Siddiqi</i> |
| Cypress | Caroline Clark |
| Sassafras | Liliana Pinzon |
| Mulberry | Sharon Garcia |
| LOWER ELEMENTARY | Guide |
| Golden-Cheeked Warbler | Sandy Worcester |
| Redwing Songbird | <i>Kristi Falty</i> |
| Cardinals-Remote | <i>Jackie Templeton</i> |
| Cardinals -In-Person | Crystal Hughes |
| Hummingbird | Deirdre O'Regan |
| Roadrunner | Danushi Fernando |

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|------------------|------------------------|
| Mockingbird | Melissa LeGrand |
| UPPER-ELEMENTARY | Guide |
| Brazos | Papiya-Dasgupta |
| San-Gabriel | John Hooper |
| San-Antonio | Lizette DeLuna |
| Guadalupe | Kathryn Ingram |
| ADOLESCENTS | Guide |
| BLUEBONNET | Madison Smith |
| | Shelly Keele |
| AFTER-SCHOOL | Jordan Young |
| 612-931-3564 | Kelly Blood |
| | Lanelle Walden |
| | Kelsey Lawrence |
| | Megan Ellis |
| | Rebeca Rivera de Jerez |
| SPED | |
| | |
| SPED | Erin Brooks |
| | Jessica Kago |
| | Franz Pacquing |
| MUSIC | David Pencil |
| PE | Andra Carter |
| Floater | Skylah Hughes |
| Floater | Crystal Taylor |

| |
|----------------|
| Assistants |
| Jenny Ochoa |
| Maria Nelson |
| Marla Urdiales |
| Fatima Quinde |

| |
|-----------------------|
| Marcia Connolly |
| America Mendoza |
| Cristal Ramos |
| Elizabeth Glab |
| Priscilla Osterga |
| Camelia Teliz |
| Holly Hand-Medina |
| April Johnson |
| Sue Landry--SPED-AIDE |

[Current Employee Staff Contact Link](#)

Disclaimers

Anti-Discrimination

Goodwater Montessori School does not discriminate on the basis of gender, race, skin color, age, sexual orientation, national origin, ethnicity, religion, disability, academic, athletic, or artistic ability, or the district the child would otherwise attend without regard to disability or handicapping condition, in administration or educational policies, admission and hiring policies, and other school-administered programs.

Educators are responsible for any unlawful discrimination by students under their supervision. Employees should immediately address and report any conduct by students that could be considered as discrimination. Employees may be terminated for failure to report and prevent discrimination.

Sexual Harassment

Sexual harassment is any unwelcome sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment. All reports of sexual harassment will be investigated. Any employee found to be responsible for sexual harassment will be terminated.

Educators are responsible for any intimidating, hostile, or offensive environment created by students under their supervision. Employees should immediately address and report any conduct by students that could be construed as sexual harassment. Employees may be terminated for failure to report and prevent sexual harassment.

Goodwater has designated the Director of Business Operations to coordinate its efforts to prevent sexual harassment and to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973.

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Enrollment and Admission

Goodwater Montessori School complies with all admissions requirements as stated in Texas Education Code Sec. 12.117 and prohibits discrimination in student admission based on sex, national origin, ethnicity, religion, disability, academic, artistic or athletic ability, or the district the child would otherwise attend in accordance with Texas Education Code Sec. 12.111(a)(5).

Application

During the designated application period, which begins in late January or early February, parents may submit an online application for their child(ren) ~~who are~~ at least three years old for grades ~~Pre-K3K 3 through the eldest grade – seventh grade (2018-2019), and eighth grade.~~

(2019-2020).

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Geographic Restrictions

Students must reside within the geographic boundaries designated by the school's charter as of the first day of that child's attendance and fulfill all registration requirements. Williamson County is the geographic boundary for Goodwater Montessori.

All students must be at least as old as the following appropriate age for their grade by September 1 of each school year:

| Grade | Age |
|-------|-----|
| PK3 | 3 |
| PK 4 | 4 |
| KG | 5 |
| 1st | 6 |
| 2nd | 7 |
| 3rd | 8 |
| 4th | 9 |
| 5th | 10 |
| 6th | 11 |
| 7th | 12 |
| 8th | 13 |

Lottery

When any grade is over-subscribed (when there are more applicants than spaces) at the end of the application period, Goodwater Montessori School will conduct an electronic lottery per State

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of Texas guidelines until all openings are filled. The following are exempt from the lottery if applications are submitted during the designated application period:

1. ~~Children of Goodwater Montessori School staff members~~ **and**
2. Siblings of Goodwater Montessori School students already admitted or attending the school.

Children not selected for immediate placement will be placed on a waitlist according to their number in the lottery process.

Families are notified by email of their admission to Goodwater Montessori School.

Registration packets are due on the date specified in the registration notification and must include all required information and documentation. Goodwater Montessori School will work with families to encourage timely submission of registration packets. Parents who fail to submit documents by the stated deadline may forfeit their child's spot in the admissions lottery for the school year.

~~Prekindergarten~~ **Pre Kindergarten** Admissions

Prekindergarten applicants who have applied by the end of the application period who are eligible for the State Prekindergarten Program will have priority in admission. If there are additional Pre-kindergarten spaces, they will be filled by non-eligible students. See the Registration section below for information about eligibility qualifiers.

If there are more pre-kindergarten eligible students than spaces, all qualified applicants will be placed in a lottery and randomly selected per State of Texas guidelines. If there are then more non-eligible applicants than available spaces, all non-eligible applicants will be placed in a lottery and randomly selected per State of Texas guidelines. These students will be placed at the end of the waitlist behind the list of State Prekindergarten eligible students.

Any Pre-kindergarten applications received after the application period will be placed on the waitlist in the order in which they were received, with eligible PreK students receiving priority.

Prekindergarten siblings of current students will be given priority on their respective lists - eligible or non-eligible. All eligible Pre-kindergarten children will receive priority over any non-eligible PreK sibling.

Waitlist

Goodwater Montessori School strives to maintain full and vital classrooms at all times. In the case of grade oversubscription, an electronic waitlist will be maintained by the school registrar in partnership with the school's software provider. As positions become available throughout the year (in the event of a student withdrawal), children occupying the next position in their grade's waitlist will be notified and instructed to submit a registration packet.

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Late Applications

A child who applies after the application deadline will be considered for registration should a position in his/her grade become available after the lottery is completed. Each application will be time-stamped and will be added to the end of the appropriate grade's waitlist. The school will continue to accept applications throughout the school year. Applicants will be added to their grade's waitlist if the grade is oversubscribed.

Registration Information

Step 1:

Families are notified by email of their admission to Goodwater Montessori School, and online registration information will follow with a registration packet with instructions and documents required for admission. Registration packets are due on the date specified in the admission notification and must include all required information and documentation. Goodwater Montessori School will work with families to encourage timely submission of registration packets. Parents who fail to submit documents by the stated deadline will forfeit their child's spot for the school year.

Step 2:

Additionally, parents/guardians must submit the following documents to the school registrar: Please have copies already made, if possible, in order to expedite the process.

- Copy of Parent/guardian photo ID.
- Copy of Child's birth certificate.
- Copy of Child's Social Security card.
- Immunizations records or notarized Exemption Affidavit
- Proof of residency within the geographic boundary of Williamson County, Texas, in the form of a utility bill, property tax statement, lease agreement. (If you do not have any of these documents and **are living live** with someone or on a property without that documentation, please complete the Residency Affidavit below.)

For PreK Students: Please bring documentation of your PK Eligibility Qualifier:

- Income-based PK Admission: If your family qualifies for the National School Lunch Program based on their income guidelines, please provide proof of income (current pay stub, current tax return if self-employed).
- If you qualify for SNAP/TANF, please provide your SNAP/TANF documentation.
- Active Duty Military, or Child of Military MIA, KIA, or Injured (pertinent documentation required)
- If the student does not speak or understand English, testing will be administered at a later date, so no documentation is needed upon registration.
- Family is Homeless (Survey will be given.).
- The child has ever been in the custody of DFPS (DFPS letter required).
- The parent has earned the Star of Texas Award (Certificate required).

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This process does not qualify your students for the Free/Reduced Lunch Program at Goodwater. That application will be distributed in late July and confirmed once the Lunch Application is received by the school.

Returning Students

Students returning to Goodwater Montessori School must complete a recommitment form in early spring to ensure continued enrollment. The form will be distributed to families early in the Spring semester.

Exclusion from Admission

Goodwater Montessori School reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Texas Education Code Sec. 12.111(a)(5) Subchapter A, Chapter 37. The ~~Head of School~~ Superintendent/ CEO, Board President, Lead Guide, and/or Special Needs Teacher (where applicable) and ESL Specialist (where applicable) will review documented cases of violations under TEC Sec. 12.111(a)(5) Subchapter Chapter 37 to determine an applicant's eligibility for admission.

Re-Enrollment

Former Goodwater Montessori School students may re-enroll at any time provided a position in the appropriate grade/age is available. If a position is not available, the student will be placed on the waitlist for the current year, and/or the former student may participate in the following year's application and registration process.

Transfers

Goodwater Montessori School will not accept transfers from outside its geographic area.

Withdrawal

The parent/guardian is required to complete school withdrawal paperwork prior to the day of withdrawal of their child from Goodwater Montessori School and also clear any library book fees prior to withdrawal.

Attendance

The School Day starts at 8:07:50 a.m. daily. The School Day ends at 3:4520 p.m. daily.

Parents are expected to ensure the on-time arrival and departure of their students. A late fee will be charged when students are left at school after 3:3045 pm. Fee information: \$1 for every minute after 3:3045 pm.

Compulsory Attendance Rules

Mandatory attendance for students who are at least six years old as of September 1 of the applicable school year is required by state law Texas Education Code 25.085. The law requires a student to attend public school until the student's 18th birthday unless the student is exempt under 25.086 of the Texas Education Code. This requirement is enforced through Texas Education Code 25.093 and 25.094. According to the Texas Education Code, students must be present at least 90 percent of the school days unless otherwise exempted by the administrators.

Please note: The school is funded based on the daily attendance of each student. Charter schools receive less funding per student than traditional public schools; therefore, the financial stability of Goodwater Montessori School is directly affected by your child's regular attendance.

Attendance will be taken daily at 10 a.m.

Excessive Absences

In the event of 5 or more absences in a single semester, a notification will be sent to the parents/guardians with a warning given.

In the event of 10 or more absences in the school year, an attendance committee meeting will be held. The student may be considered for dismissal from Goodwater Montessori School to his/her/their home campus. This policy applies to all students ages PreK to 8th grade.

To support the strength of the educational environment and to ensure the best attendance, parents are encouraged to schedule routine medical and dental appointments after school hours or after 10 a.m. when attendance is taken.

Please notify the school of absence by emailing attendance@goodwatermontessori.org and the student's guide.

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Excused Absences

An absence may be considered excused for the following reasons:

- **Illness.** A child who is ill should not be sent to school since this may cause the child's condition to worsen and may expose other children to the child's illness. A student who has a temperature of 100° F or greater, or who has been vomiting within the past 24 hours, should stay home. The child should have a normal temperature for 24 hours before returning to school.
- **Medical or Dental Appointment.** Parents are encouraged to schedule non-illness medical or dental appointments during after-school hours. Appointments made during school hours will require a note from the medical provider for students to be considered excused. The note must be turned in within one school day of the return of the student to school.
- **Religious Observance.** Prior to the day of observance, the family must submit a written request to the administration for the absence to be considered excused. The guide and family will make a plan to complete all missed work, if applicable.
- **Death in the Family.** In the event of a death in the family, students will be granted an excused absence, the length of which will be determined in consultation with the school administration.
- **Other necessary or justifiable reasons** as excused by the school administration

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Unexcused Absences

Unexcused absences are any absences that have not been excused as defined above and outlined by the Texas Education Agency. To maintain their educational progress, students will need to participate in any missed lessons or other classroom work as necessary.

Tardiness

Tardiness is disruptive to the learning environment and can have a negative impact on all of the students. Parents and students are together responsible for arriving at school on time.

Though Montessori enables students to work independently, lessons and work are planned to begin at 8:50 a.m. Students who arrive late miss critical information and often disrupt the work of others.

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- Primary students who arrive after 8:50 a.m. are tardy, and the parent/guardian must walk with the student to the office. Primary doors close at 8:00 a.m.
- All students who arrive ~~between 8-8:05~~ after 7:50 a.m. ~~should proceed directly to class. After 8:05 a.m., students should~~ parents must check their student in at the office. The student will be counted as tardy and be allowed to proceed to class.

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- ~~After 8:05, any student who enters the school will be given a tardy ticket from the office that they will then present to their guide when they enter class.~~

Excessive Tardiness

- Unexcused tardies are cumulative for the semester.
- Failure to be in class on time as outlined above will result in a recorded tardy.
- Three tardies result in one unexcused absence and a notice to the parent/guardian.
- Six tardies result in two unexcused absences and a parent/guardian conference.
- NineTen tardies result in three unexcused absences and the development of an arrival plan between the administration and parent/guardian.

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Truancy

Any student who leaves school before dismissal time must be checked out by their parentparents in the school office. Students whose parent failsparents fail to check out will be considered truant. Students will not receive credit for days in which they are truant. Parents will be notified of their child's truancy, pick-up, and a meeting will be requested by the administration with the goal of preventing further truancy.

Three such offenses may result in the student being removed from Goodwater Montessori School.

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Arrival and Dismissal

Arrival: Children may be dropped off beginning at 7:30 a.m. The school is not staffed to care for children any earlier than this time.

Dismissal: Dismissal time is at 3:45~~20~~ p.m. daily. Children must be picked up by 3:30 p.m. unless they are enrolled in the After-School program. Children who are picked up more than 15 minutes after dismissal will be assessed a fee. Fee information: \$1 for every minute after 3:30 PM

Early Departure From School

All students are required to remain at school until the end of the day. Early departure should be utilized only for illness and necessary medical appointments. Early pick-up of students ~~during~~ ~~the~~ 30 minutes prior to dismissal is not permitted, except in the case of a family emergency. In this case, the parent/guardian shall contact the office prior to arrival on campus.

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After-School CareEnrichment Program

Goodwater offers an After-School CareEnrichment Program from dismissal until 6 p.m. for a fee. Registration will occur online at www.goodwatermontessori.org. Parents/Caregivers of students who are not picked up by 6:00 pm will be accessed at a \$1.00 per minute fee.

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Use of Facilities Before and After School

Certain areas of the school will be accessible before and after school for a variety of school-approved activities. Students are required to remain in designated areas and with the guide or activity sponsor at all times. Students will not be permitted to go to any other parts of the building unless otherwise given permission by the guide or sponsor.

Arrival and Dismissal Procedures

The Montessori Curriculum teaches Grace and Courtesy. Please serve as models of Grace of Courtesy to your children during arrival and dismissal. Thank you.

Our procedures were determined based on the following:

1. Safety for our ~~Students~~students and ~~Staff~~staff
2. Consideration for our school neighbors and fellow drivers
3. Ease of understanding for parents.

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- At dismissal, all students must be picked up by 3:30 PM (unless the dismissal line is not finished until after that time.)
- Please do not use your cell phones while dropping off your children. Do not use cell phones after the students have been dismissed.

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- Please follow the direction of all staff and volunteers directing traffic and assisting students.
- Please leave the crosswalks clear. Do not stop on them. Please make a note of all crosswalks on the school grounds. Staff will help the students stay safe, but the drivers must as well.
- Please pull close to the car in front of you, so fewer cars will be potentially blocking Stadium Drive.
- Please stay in your car. Staff and volunteers will help to load and unload assist students who may need help getting out of the vehicle.
- Please make sure students get out of the vehicle on the driver side.
- Please observe speed limit signs. The speed limit is 10 MPH on school grounds.
- Please follow all traffic signs on school grounds.
- You must have a pickup card on display to pick up your students
- Please do not park and walk up to pick up your students from the dismissal area.

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Goodwater will provide detailed instructions and maps for all families for arrival and dismissal procedures before the school year begins. Families are expected to learn, understand, and follow the procedures each school day.

Parent Escorts

~~Parents/guardians may walk student(s) to their classroom during the first week of school. After the first week of school, because Goodwater has limited parking, parents should drop off their children at the designated location. Parents may not accompany their students into the school except for their first few designated days.~~

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Parent and Guardian Involvement

Communication

Goodwater Montessori School will communicate with parents in person and via telephone and email, and through mass methods, including its website, e-newsletter, social media, and events and texts (for which parents/guardians have opted-in.).

Parent –Guide/Staff Communication

All Goodwater staff have school email addresses for official school communication. ~~These are listed on pages 11-12 of the handbook. Guides/staff shall and will~~ respond to ~~electronic communications questions~~ within ~~one school day; 24 hours M-F.~~

Topics relating to student behavior, academic performance, teaching methods, subject content, policy or administrative decisions, and confidential matters (such as special education needs, learning disabilities, and discipline) shall occur via face-to-face meetings, Zoom, email, or ~~telephonephone~~ conversations. The meetings will occur in a timely fashion.

The Goodwater ~~2018-2019~~2021-2022 school calendar includes two Parent Conference Days. Parents are encouraged to schedule appointments on these days to discuss their child's progress with their child's guide.

Prohibited Forms of Communication

Guides and staff are prohibited from using personal email accounts, personal social media accounts, or third-party websites to communicate with parents about school-related matters.

Additionally, guides and staff are prohibited from using personal email accounts, personal social media accounts, or third-party websites to communicate with students on any topic.

Official school social media sites may be used by authorized personnel to communicate general school news and information.

We urge parents and guardians to please contact the school with their specific questions or concerns about school policy or procedures before asking them through social media.

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Parent Lunch with Student

Parents should not plan on having lunch with their children, except on designated special events announced in advance.

Audio and Visual Recording and Photography

Recording or photographing meetings with guides or staff is prohibited without the prior consent of all parties. If all parties consent, recordings must include an opening statement that consent has been given and approved by each party. No person is allowed to video or audio record in any learning environment without permission from the guide and/or Head of Schoolssuperintendent.

Parents/guardians and students may not photograph other students in the school without written permission from the guide and/or Head of SchoolSuperintendent/CEO.

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Solicitation of Goods and Services

Solicitation of goods and services is prohibited on school property except during school-sanctioned events or for the benefit of the school or other charitable efforts. No printed solicitation material may be distributed by staff, guides, or parents through the school unless cleared by the schoolAdministration office: (Kristi Lee). All business relationships with the school must be made through the schoolAdministration office. Delivery of goods and services purchased privately outside of the school must be made outside of school property and not through students.

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Party Invitations

Guides are not permitted to distribute student party invitations. Please do not send your students to school with party invitations. ~~They will be returned. Parents and Guardians may use the directory to communicate with other families.~~

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Volunteer Opportunities

Volunteers contribute to the vitality of Goodwater, and parents are encouraged to contribute to the school in a variety of ways. Examples are classroom enrichment, field trip chaperones, fundraising, library, gardening, lunch assistance, and staff appreciation. ~~The Dean of Student Affairs coordinates volunteer efforts. The school recommends that each Goodwater Family give 10 hours of service per school year to support the education and development of the students.~~

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School Safety and Security

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Goodwater Montessori School takes the safety of students and staff very seriously. The administration is continually in touch with law enforcement agencies and other organizations to create and update its best practices in all areas of school and student safety.

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Visits & Tours

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Due to COVID-19, school visits and tours are limited to approval by the Administration office. Please contact the Administration office for additional details.

All visitors, including parents/guardians, **must check-in with the school office prior to visiting any school area of the school.** Visitors must present a photo ID and be checked-in through the Raptor Security System that scans driver's licenses or state-issued IDs and performs criminal background checks. All visitors must complete a successful check-in to be allowed entry to the school beyond the foyer. Volunteers who work with children will be required to undergo an additional background check.

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For purposes of safety, confidentiality, and minimal disruption, parents/guardians and visitors are permitted in the classrooms only with prior coordination and approval through the administrative office and guide. Parents should schedule a time to meet with guides outside of the instructional day.

Goodwater will designate dates on which prospective parents may make an appointment to tour the school. Interested parents should contact the office at registrar@goodwatermontessori.org for the schedule of school tour dates.

Weather

In the event of threatening weather conditions, Goodwater Montessori School will take all necessary emergency precautions. Delayed openings or school closings will be posted on the school's website and Facebook page. Students will not go outside when temperatures are below 32 degrees or above 102.

FireEvacuation, Weather, and Emergency Drills

FireEvacuation, Weather, and Emergency drills (including intruder drills), under the supervision of the Georgetown Fire Department and the Georgetown Police Department, are conducted throughout the school year. Students, staff, and visitors are expected to:

1. Follow guide/staff instructions.
2. Walk quietly and quickly to the designated area(s).
3. Be familiar with directions posted near each exit.

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Field Trips

Children may be required to wear the Goodwater logo shirt to help identify our students when they are away from school. These trips will be announced in time for parents to purchase a school t-shirt from the office.

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Dress Code

The intent of Goodwater's dress code is to provide a safe and secure learning environment where students can concentrate on their work without ~~focus~~focusing on external appearances. A dress code helps to reduce distractions, reflect standards and expectations, instill a sense of community, ensure comfort and free movement, and level economic distinctions.

When a student comes to school wearing clothing in violation of the Dress Code, parents will be notified of the issue, not the student.

Students are expected to wear clothing that is clean, well-fitting, weather-appropriate, worn correctly, and free of rips and/or holes. ~~The child's name should be written on the inside of all clothing items.~~ Commercial cartoon characters are prohibited on any clothing item and lunch box/bag. Wearing the Goodwater t-shirt is encouraged. These shirts will be sold in the school office at a reasonable price.

Tops

Tops can be t-shirts or a collared style with long or short sleeves and in any solid color, plaid, or print. Tank tops must have three finger-width (fingers of the wearer) shoulder straps and not have an extra-wide arm opening. Shirts and outerwear may not display:

- ~~Commercial cartoon characters (comic book superheroes, Disney, Nickelodeon, etc.)~~
- Political, offensive, or religious messaging
- ~~Hoodies can be worn at school, but the Hood portion cannot be on the head except outdoors~~

Bottoms

Students may wear pants, shorts, skirts, skorts, dresses, jumpers, or capris. Tights, leggings, or shorts should be worn underneath skirts, dresses, and jumpers. Pants and shorts can be denim, khaki, cotton print or plaid, or sweatpants. The bottom edge of bottom pieces must not be higher than the wearer's fingertips, and undergarments must not be visible.

Outdoor Footwear

Footwear must be closed-toe shoes that children can put on/take off independently and are designed for active play. Shoes must be tied or fastened, cover the foot, and be worn with socks or tights. The following types of outdoor footwear are prohibited:

- ~~Cowboy boots, sandals~~Sandals, and flip-flops, "Crocs," or other backless styles.
- Shoes that light up or make sounds or that have dressy heels, wedges, or wheels.

Indoor Footwear

~~Students often work on the floor and wear soft shoes in the classroom to promote comfort,~~

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cleanliness, and a quiet classroom environment. Please provide indoor shoes that cover the feet

~~and that do not have cartoon characters. The slippers will stay at school. Please label all indoor shoes with sharpies or stickers.~~

We are not using two sets of footwear at school this year.

Outerwear & Hats

Outerwear should be consistent with the weather. Students will go outside with their communities for recess daily, so please be sure they have dressed appropriately. Appropriate rainwear is a raincoat or poncho with a hood, and students should not bring umbrellas to school. Children should have warm hats on cold days and brimmed hats for sun protection on hot days. Please label all outerwear and hats with sharpies or stickers.

Miscellaneous

- o Students may not bring toys from home to school, including stuffed animals or electronic games.
- o Backpacks are unnecessary ~~as students will not have textbooks or workbooks to transport between home and school;~~ however, if a student wants to bring a backpack it must be clear
- o ~~Costume-type items such as capes, masks, tiaras, and tutus are prohibited.~~
- o ~~Please limit hair accessories to only what is needed.~~

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Technology in the Classroom: Responsible Use Policy

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Goodwater Montessori Public Charter School provides information technology resources for both educational and administrative purposes. The aim of this Responsible Use Policy is to ensure that students will benefit from learning opportunities offered by the school's Internet resources in a safe and effective manner. Internet use and access are considered a school resource and privilege. The school employs a number of strategies to maximize learning opportunities and reduce risks associated with Internet access. These strategies are as follows:

- Internet sessions will always be approved beforehand and supervised by a guide or classroom assistant.
- The school will regularly monitor pupils' internet use. Students and staff will be provided with training in the area of internet safety.
- Uploading and downloading of non-approved software will not be permitted.
- Virus protection software will be used and updated on a regular basis.
- The use of digital storage media (CDs, flash drives, etc.) in school requires the permission of a guide or classroom assistant.
- Students will treat others with respect in all online use.

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Internet Use

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- Students will use the internet for educational purposes only during class time, and all websites will be vetted by the class guide or classroom assistant.
- Students will not intentionally visit Internet sites that contain obscene, illegal, hateful, racist, or otherwise objectionable materials.
- Students will report accidental accessing of inappropriate materials.
- Students will not copy information into assignments and fail to acknowledge the source (plagiarism and copyright infringement).
- Students will never disclose or publicize personal information in online use.
- Students may not download materials or images not relevant to classwork.
- Students will be aware that any usage, including distributing or receiving information, school-related or personal, may be monitored for unusual activity, security, and/or network management reasons.

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Email /Google Drive/Internet Chat

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- Students may use classroom email accounts only, under supervision by or with permission from the class guide or classroom assistant.
- Students with personal email accounts may not access these accounts at school.

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- The classroom email address is to be used for educational purposes only.
- The classroom email address is the property of Goodwater Montessori School. All content will be monitored by school staff.
- If a child receives an inappropriate email, he/she should inform the class guide, or classroom assistant, and a parent/guardian.
- Students will not send any material that is illegal, obscene, defamatory, or that is intended to annoy, embarrass, or intimidate another person.
- Students will not reveal their own or other people's personal details, such as addresses or telephone numbers, photos, or passwords.
- Students will never arrange a face-to-face meeting with someone they only know through emails or the internet.

Social Media

- Students with personal social media accounts may not access these accounts at school.
- Guides and staff are prohibited from using personal email accounts, personal social media accounts, or third-party websites to communicate with students.
- The internet has become a two-way communication system for the school and the wider community. Social media may be used by the school administration to communicate with parents and also for parents to communicate with the school.

Personal Electronics

- Primary students may not bring personal electronic devices to school for any reason.
- Goodwater Montessori discourages Elementary and Adolescent students from bringing personal electronics to school. Students who bring personal electronics to school must keep them stored away. If they need to use them, they must ask an adult in the community or in the office.
- Any misuse of personal electronics as determined by school staff will result in the confiscation of the device by staff until the end of the school day, and parents must come to the office to collect the device.
- Parents who need to contact their child during the school day should call the school office, 512-966-5484 [931-3560](tel:931-3560).

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Food Services and Nutrition

Goodwater promotes healthy food and nutrition to all school faculty and, staff, parents, and students.

Breakfast

Lunch

Parents may purchase a hot lunch for their child or send a lunch from home. To view menus and order meals, go to our website, www.goodwatermontessori.org under Lunch Information, Hot Lunch Service.

Some families can qualify for free or reduced-price meals. Parents should contact the school registrar for the information. Eligibility is based upon several factors:

- Income — Children can get free or reduced-price meals if a household's gross income is within the limits described in the Federal Income Eligibility Guidelines.
- Special Assistance Program Participants — Children in households receiving benefits from Supplemental Nutrition.
- Foster Care — Foster children who are under the legal responsibility of a foster care agency or court are eligible for free meals.
- Homeless, Runaway, and Migrant — Children who meet the definition of homeless, runaway, or migrant qualify for free meals. If you haven't been told about a child's status as homeless, runaway, or migrant, or you feel a child may qualify for one of these programs, please contact the school registrar for the information.

Goodwater follows the guidelines set forth by the U. S. Department of Agriculture and Texas Department of Agriculture's Child Nutrition Program, actively ensuring that meals served on campus meet or exceed health guidelines for all students.

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| FMNV | FMNV is Foods of Minimal Nutritional Value as defined by the U. S. Department of Agriculture and the Texas Department of Agriculture. These types of foods will not be served to students on campus. Food items served and sold on campus shall to the extent possible, be prepared from fresh ingredients. |
| FRIED FOOD | Foods that have been deep fat fried, pre-fried, flash-fried, or par-fried will not be served to students. |
| FRUIT/VEGETABLES | Must be offered daily on all points of service and be fresh whenever possible. Frozen or canned fruits will be packaged in natural juice or water whenever possible. |
| BEVERAGES | Only unflavored white milk, unflavored water, or 100% juice will be served. Although 100% juices may be a source of vitamins, current research recommends limiting juice consumption due to its high sugar content. Electrolyte |

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| | replacement beverages (sports drinks) or carbonated sugary beverages will not be served or sold to students. |
| NON-FOOD INGREDIENTS | Students will not be served foods containing any non-food ingredients. These ingredients include but are not limited to artificial food colorings, artificial flavors, and artificial fats (trans-fats). |
| FOODS USED FOR INSTRUCTIONAL PURPOSES | Lesson plans for instructional use of foods shall be submitted to the campus administrator for permission in advance of all food preparation. In the event that a learning opportunity in the classroom involves food or the preparation of food, school staff will appropriately accommodate the needs of students with specific allergies so that all may participate. |

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The following guidelines apply to food brought from home.

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|---------------------------|--|
| LUNCHES BROUGHT FROM HOME | <p>To protect children with serious nut allergies, Goodwater is aClassrooms that have students with nut allergies will be designated as Nut-free school. Not allowed are nuts of any kind or food products that include nuts or nut oils, including nut butter, are prohibitedclassrooms.</p> <p>It is strongly recommended that lunches brought from home not contain "junk foods" or high sugar, "dessert" itemsdesserts. If these items must be sent in a student's lunch, these types of items should be limited to very small portions so as not to detract from the child eating the healthier portions of the meal. Students shouldshall not bring carbonated beverages to school. Goodwater does not offer access to microwave ovens to heat lunches brought from home.</p> |
| SNACKS BROUGHT FROM HOME | <p>To protect children with serious nut allergies, Goodwater is aClassrooms that have students with nut allergies will be designated as Nut-free school. Nuts of any kind or food products that include nuts or nut oils, including nut butter, are prohibitedclassrooms.</p> <p>It is strongly recommended that snacks be healthy. They should be in single-size servings and not include items with high sugar content. Also, because students often continue working on classroom assignments while having their daily snack, it is requested that "messy" snacks, messy snacks should be avoided.</p> |
| FAST FOOD | <p>Parents/guardians are strongly discouraged from bringing "fast food" products in for students during school hours, especially those that contain foods of minimal nutritional value, except under extenuating circumstances. In these cases, fast food brought to school will be removed from the original packaging and placed into a lunch sack at the school office before being delivered to the student.</p> <p>Parents/guardians may notNOT bring carbonated beverages (sodas) with the meals.</p> |

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Competitive Foods

Competitive foods are defined as any food ~~and/or~~ beverage sold or made available to students that are not defined in the chart above. They are called competitive foods because they compete with these foods. Parents and children may not think of them as competitive foods; they may think of these foods as “snacks and drinks” consumed outside of the regular meals provided by the school. These foods will not be allowed for sale on the campus or as part of the after-school program.

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Foods and beverages provided during field trips, school events, or as part of fundraisers should follow these guidelines; however, it may be reasonable to deviate from these standards on limited and specific occasions with the prior approval of the school administration.

~~This also includes food provided by parents from home for student lunches and snacks. School fundraisers include food sold by school administration or staff, students or student groups, parents or parent groups, or any other person, company, or organization.~~

Goodwater Montessori School may allow alternative meals to be sold to students in conjunction with meals made available by the school food service department; i.e.: food sold for fundraising purposes, up to three times per year, as allowed by the state.

Food Provided to Students by Parents

No food of any kind should be sent to school to be handed out to students in the classroom except for when food has been requested for a class or school activity by the classroom guide or school administration (such as a cultural lunch). Unsolicited food sent from home will not be distributed and will be returned to the parent/guardian.

Birthday and Classroom Parties

Traditional birthday parties are not held during the school day. Guides will recognize/celebrate student birthdays as appropriate for their individual classrooms. No food, sweet treats, candy, or beverage items of any kind are allowed into the school as part of a student's birthday celebration. Foods sent from home for this purpose will not be distributed and will be returned to the parent/guardian. This is done in consideration of all children, including those that have food allergies and sensitivities.

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Understanding that children enjoy having birthday recognition, parents/guardians are encouraged to consider alternatives such as:

- a) Allowing your child to choose a book to donate to the school library or to his/her classroom.
- b) Hand out non-food and non-candy treats such as pencils and erasers.
- c) Donate needed “wish list” items to your classroom (based on the needs of the guide).
- d) Donate playground/recess equipment, such as a soccer ball.

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- e) Make a financial donation to the school.

School-Sponsored Classroom Parties

Parents are encouraged to participate in parties for students on pre-designated school holidays or specific events in pre-arrangement with the guides and school staff.

Classroom parties should primarily focus on activities and camaraderie, rather than food. With this philosophy in mind, parents are asked to only bring food items that are specifically requested by the guide. Foods will be coordinated through the guides in advance of the party, and all "extra" food will be returned. It is strongly suggested that food choices be limited to only one dessert or sweet treat item. Other foods that can be brought to the classroom upon guide approval can include fruits and vegetables, low sugar snacks, baked (not fried) items, and overall healthy foods.

No candy is allowed in the classroom. This includes Valentine's Day. No candy should be attached to Valentine cards exchanged by students.

School-Wide Celebrations

Goodwater Montessori will hold 3three school-wide celebrations each year:

- Winter Celebration
- Valentine's Day
- End of The Year

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Health Guidelines

Goodwater Montessori School staff provides care when a child is sick or requires first aid, performs required vision and hearing screening, and reviews immunization records as required by State law. Parents should keep the school administration and the classroom guide(s) informed of their child's health needs so that the school can provide the best possible care for each student.

Food Allergies

The health and safety of all students ~~is~~are a top priority. The school will ~~not only~~work diligently to accommodate food allergies ~~but will also~~and teach students how to advocate for themselves and function in a communal eating environment. Students without food allergies will also receive the education and opportunities necessary to help facilitate the safety of their classmates and community. General food allergy guidelines are:

- a) Learning opportunities that include the preparation of food will accommodate the specific allergies of those children in the classroom so that all may fully participate.
- b) In accordance with Texas state policy, parents may not distribute food to other people's children at any time.
- c) Sharing of food among students is prohibited.
- d) Goodwater Montessori School will work with individual students with food allergies and their parents/guardians to create individual allergy management plans.

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Goodwater recognizes the vulnerability of children with anaphylactic food allergies and ~~is a "nut-free" school. Nuts of any variety (including peanut butter) are prohibited. As such, denotes classrooms that have students with NUT ALLERGIES will be a "NUT FREE."~~

Water

~~Hydrating the body and the brain is extremely important.~~ Goodwater Montessori School recognizes that water intake is important to health, especially in the Texas climate. For this reason, students will have regular access to fresh drinking water throughout the day. ~~If they desire, students may~~Students should bring a capped container of drinking water from home for consumption in the classroom and on the playground (the container must be labeled with the student's first and last name). Goodwater Montessori School ~~is a bottle-free campus where students are encouraged to~~encourages the use of only reusable water containers rather than disposable plastic water bottles.

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Medication

When students must take medication at school, either by a physician's order or by parent or guardian request, the following procedures must be observed:

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1. Medication must be delivered to the appropriate ~~Administrative Staff~~administrative staff by parent or guardian in the original prescription bottle or over-the-counter container. Students are not allowed to bring medication to school (including cough drops).
2. A Goodwater School Medication Consent Form must be completed and signed by the parent or guardian prior to dispensing any medication, either prescription or non-prescription. A new form is required each school year. No medication will be dispensed without parent or guardian consent.
3. The prescription label must have the student's name, current date, name of the medication, dosage, and the time to be given.
4. If dosages should change while the child is on prescription medication, such changes ~~beare~~ provided to school staff from the doctor, and a new prescription bottle must be provided with the changes listed. A new consent form must be completed prior to the new dose being administered. Changes will be made with a doctor's authorization only.
5. The dosage of ~~nonprescription~~non-prescription medication must be within the manufacturer's recommendation as printed on the label.
6. Students may not carry prescription or non-prescription medicine to administer to themselves without a doctor's order on file in the office. This determination is made by the physician, taking into account student maturity level, level of understanding of self-administration. The sharing of any medication between students is strictly prohibited.

This includes vitamins and health supplements. Inhalers and Epi-Pens may be carried by the students with parental consent and a doctor's order. Medicines brought to school and not meeting necessary requirements will not be dispensed by any school employee and will be kept in the administrative office until a parent or guardian verifies the medicine in written form and follows the procedure or takes it home.

7. Only Administrative staff may keep and administer medication on field trips.

Illness and Injuries

Parents are asked to keep their child at home if that student has any communicable illness, is vomiting, or if ~~he/she is~~they are running a fever of 100° F or higher. Students should be fever-free without fever-reducing medicine for 24 hours before returning to school.

The school will contact parents directly in the event of any serious injuries or medical emergencies. Please ensure that the school is kept informed of any changes of contact telephone numbers so that this service remains efficient.

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All teaching and administrative staff will have records of emergency medical conditions for students. With young children, it is very helpful to keep in close contact with the school staff and classroom teachers about any health problems your child has, however slight they may seem. Even small health concerns can affect a student's behavior or performance, and it is helpful to staff to be aware of any background information, which may help to better serve your child.

In the event of a confirmed, contagious, reportable disease, a letter of notification will be sent to the student's classroom parents.

Parents should notify the school staff of any confirmed, contagious diseases, including COVID-19, flu and strep throat, mono, chickenpox, staph, impetigo, pink eye, giardia, and salmonella.

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Allergies

Due to the serious and potentially life-threatening situations that can arise due to asthma and allergies (including food allergies), it is crucial that the school staff be notified of these conditions. Please refer to the paragraph on 'Medication' found in this section of the handbook for specific instructions should medications be necessary.

Immunizations

Texas law requires students to be immunized against certain vaccine-preventable diseases. In order for your student to attend school, all required immunizations must be obtained, or a valid exemption must be on file. Information about required immunizations for students can be obtained in the office or on the website.

Students non-compliant with vaccines or those having invalid exemptions will be excluded from school per law.

Nuisance Diseases

Nuisance diseases such as scabies, head lice (pediculosis), ringworm of the scalp, and impetigo are highly contagious and can cause problems a negative impact in the school setting. Students known to have live head lice will need to be picked up from school and may return to school after being treated with valid lice treatment. Letters will be sent home to notify parents if a student in the classroom is verified as having live lice. A parent should contact the school health provider if their child has had active, live head lice. All communication regarding head lice will be kept confidential.

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STUDENT CODE OF CONDUCT

Policy Statement and Purpose

The Student Code of Conduct is Goodwater Montessori School's response to the requirements of the Texas Education Code. The law requires schools to define misconduct that may or must result in a range of specific disciplinary consequences, including suspension or expulsion from school.

Goodwater Montessori School promotes values and has behavioral expectations that are in keeping with its Mission and Vision.

All students, parents, guides, and staff have the right to be safe, and feel safe, in their school community. With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that intimidate or put at risk the safety of others or oneself. This includes behavior that may be considered intentionally anti-social.

For the purpose of this Code of Conduct, "school community" comprises individuals involved in Goodwater Montessori day-to-day operations — the ~~Head of School~~administration, guides, staff, students, parents, guardians, step-parents, relatives, friends, supporters, caregivers, and board; and also invitees of the school for the purpose of visiting, viewing, participating, supporting or being present for any official activity, whether learning or social, held by or for the benefit of the school and its students.

This Student Code of Conduct sets clear standards for the behavior expected of members of the school community. It specifies the consequences for any members of the school community who do not comply with those standards of behavior, whether those persons are on the ~~school's~~school campus, in transit to, or at another location for the purpose of any school-authorized events or activities. This Student Code of Conduct is intended to provide members of the school community with guidelines for the effective development of positive relationships within the school community and to assist in promoting the values that are in keeping with the school's Mission. This document is a guide for all members of the school community about acceptable standards of behavior in the school environment or when attending any official, learning, or social, function, or activity ~~of or~~ relating to the school or in any location at which the school is represented.

Montessori Behavior Background

Dr. Maria Montessori integrated a code of conduct into her curriculum, emphasizing grace and courtesy. Behavior in a Montessori classroom is no different in our homes or the social

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community — respect and care for each other, our environment, and selfourselves. The following are the principles that provide the framework for the Goodwater Montessori School Student Code of Conduct:

HONESTY — Honesty is the basic expectation at Goodwater Montessori School. Trust, which grows from honesty, is essential to relationships in the school community. Truthfulness and honesty can sometimes be difficult to maintain; however, honesty is most valued in our students.

KINDNESS — We expect that all Goodwater Montessori School students will treat others with consideration at all times. Students' treatment of each other must be respectful whether or not an adult is present. Goodwater Montessori expects students, faculty, and parents to accept, tolerate, and welcome differences and diversity.

DISCIPLINE — The Montessori approach to appropriate conduct is based on self-discipline. We understand that students test limits and that they will have challenges. We believe that for a child who is supported in learning self-awareness and honesty, his or her ability to communicate is a strong first step in accepting responsibility for inappropriate behavior or mistakes.

Standards of Behavior

Every student at Goodwater Montessori School has the right to learn and thrive in an atmosphere that is conducive to academic achievement and social growth. Any behavior by a student that threatens to disrupt the learning process or pose a danger to others is unacceptable. In the event, a student is unable to comply with classroom rules and appropriate behavior, the student will be liable for breach of conduct and subject to the actions outlined in Section 7 of this document. With this in mind:

- All members of the school community are to be treated with respect and dignity.
- Responsible citizenship involves appropriate participation in the civic life of the school community. Active and engaged members are aware of their rights, and, more importantly, they accept responsibility for protecting their rights and the rights of others.
- Members of the school community are expected to use non-violent means to resolve any conflict.
- Insults, disrespect, bullying, and other hurtful taunting, name-calling, verbal threats, and physical acts disrupt learning and teaching in the school community and are a direct contradiction to the school's Mission and Values. Members of the school community have a responsibility to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility to all others.

All members of the school community are expected to behave with respect, civility, and in the manner of a responsible citizen. This means all school community members must:

- Respect all applicable Federal and State laws. The Head of School/Superintendent/CEO will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity.
- Demonstrate honesty and integrity.
- Respect differences in people, their ideas, and opinions.
- Treat one another with dignity and respect at all times, and especially when there is a disagreement.
- Respect and treat others fairly, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes as set forth in State and Federal law.
- Respect the legal and moral rights of others.
- Show proper care and regard for school property and the property of others.
- Take appropriate measures to help those in need.
- Respect persons who are in a position of authority.
- Respect the need of others to work in an environment of learning and teaching.

Authority and Jurisdiction

School rules and the authority of Goodwater Montessori School to administer discipline apply whenever the interest of the school is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. The school has disciplinary authority over a student:

1. During the regular/Upon entering school day-property
2. While the student is in attendance at any school-related activity, regardless of time or location.
3. For any school-related misconduct, regardless of time or location.
4. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location.
5. When criminal mischief is committed on or off school property or at a school-related event.
6. For certain offenses committed within 300 feet of school property.
7. When the student commits a felony, as specified by Texas Education Code-

Goodwater Montessori School has the right to search a student's belongings when there is reasonable cause to believe that they contain prohibited articles or materials. The Head of School/Superintendent/CEO will report crimes as required by law and will call local law enforcement when the Head of School/Superintendent/CEO suspects that a crime has been committed on campus. Goodwater Montessori School has the right to suspend or expel a student for violating this Student Code of Conduct.

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General Conduct

School community members are expected to:

- Support the ~~Head of School~~ Superintendent/CEO, guides, and school staff in the development of a learning community based upon the Montessori pedagogy.
- Abide by the school's policies.
- Acknowledge that the ~~Head of School~~ Superintendent/CEO has the ultimate responsibility to implement these policies.
- Work with the school teaching and support staff to deal promptly with areas of concern.
- Treat all members of the school community with respect and courtesy and respect the possessions of others.
- Acknowledge and affirm success in individual and school achievement.

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Goodwater Montessori Public Charter School prohibits the following:

Disregard for Authority

- Failing to immediately comply with directives given by school personnel (insubordination);
- Leaving school grounds or school-sponsored events without permission;
- Refusing to accept discipline management techniques assigned by a teacher or principal;

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Mistreatment of Others

- Using profanity, vulgar language, making obscene gestures, and/or making racial slurs towards others;
- Fighting or scuffling;
- Biting;
- Threatening another student or school employee on or off school property, either verbally, in writing, or electronically;
- Engaging in physical abuse, verbal ~~or abuse~~, cyberbullying, or social alienation;
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another student or employee;
- Hazing;
- Causing an individual to act through the use of a threat of force (coercion);

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Disrespecting School Property

Deliberate destruction and defacing of school property, materials, and buildings by students are strictly prohibited. Parents/caregivers will be responsible for monetary replacement of school and any property of others that is damaged. Montessori materials are to be treated with special care as they are the foundation of learning at Goodwater.

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Student Refusal to Work

The Montessori Curriculum offers a certain level of student autonomy and independence. Students are expected to do the work they choose, or that is chosen for them. If a student regularly refuses to do work or to participate in the class, parents will be notified, and a ~~behavior plan will be implemented~~ Parent/Student meeting will be held with Administration to establish a plan of action.

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Biting

Biting is common ~~by in~~ some young children, but it is not acceptable behavior. Staff will complete an injury report on any bite that leaves a mark, and parents of the children involved will be informed of the incident. Parents/caregivers will be asked to have a meeting with the Guide and, if necessary, the Administration as well.

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Bullying

Specific bullying behavior is aggressive behavior that is repeated over time, intended to hurt, and involves a power imbalance. At Goodwater Montessori School, we believe that bullying is a serious offense that can lead to severe long-term problems for individuals and the school community. Bullying in any form will not be tolerated. ~~Forms of bullying are as follows, but are not limited to:~~

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- ~~● Pushing or shoving.~~
- ~~● Spitting.~~
- ~~● Kicking.~~
- ~~● Hitting.~~
- ~~● Giving dirty looks.~~
- ~~● Threatening with a weapon or fake weapon.~~
- ~~● Defacing property.~~
- ~~● Stealing.~~
- ~~● Mocking.~~
- ~~● Name calling.~~
- ~~● Teasing.~~
- ~~● Intimidating telephone calls/electronic or written communication.~~
- ~~● Racist, sexist, or homophobic taunting.~~
- ~~● Daring another to do something dangerous.~~
- ~~● Verbal or written threats against property.~~
- ~~● Verbal or written threats of violence or inflicting bodily harm.~~
- ~~● Coercion.~~
- ~~● Extortion.~~
- ~~● Gossiping.~~
- ~~● Embarrassing.~~
- ~~● Setting up a fellow student to look foolish.~~
- ~~● Spreading rumors.~~

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- ~~Excluding from a group.~~
- ~~Inciting hatred.~~
- ~~Racist, sexist, or homophobic alienation.~~
- ~~Setting up someone to take the blame.~~
- ~~Public humiliation.~~
- ~~Malicious rumor spreading.~~

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Physical Safety

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In particular, all school community members must not:

- Possess a firearm, ammunition, knife, other weapons, or fake ("look-alike") weapon on school property.
- Use any object (whether as a weapon or otherwise) to threaten or intimidate any other person, or cause injury to any person by the use of any such object, on school property.
- Possess, or be under the influence of, or provide others with, alcohol or illegal drugs on school property.

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All school community members must:

- Not cause, inflict, or encourage others to verbally abuse, bully, threaten, or inflict bodily harm on another person by any physical aggression.
- Seek staff assistance, if necessary, to resolve conflict peacefully.

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Responsibility for Other Community Members

Any parent or school community member who invites a relative, friend, supporter, caregiver, or other people to be present at any official learning or social activity held by or for the benefit of the school and its students must at all times be responsible for that person and ensure they act at all times in a manner consistent with the Student Code of Conduct.

Breach of Code of Conduct

The consequences to a member of the school community for breaching this Code of Conduct will be as determined at the Head of School's Superintendent/ CEO's discretion. ~~These consequences include any one or more of the following;~~

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Discipline Protocol: Procedure For Re-directable Behaviors

Discipline Protocol: Procedure For Re-directable Behaviors

When children show behaviors that need redirection, our process is as follows:

1. Guides give a clear, specific direction. If the direction is not followed,
2. Guide asks the child what they need in order to get back on task. If not successful,
3. Guide gives the child a clear choice between appropriate activities.

If the challenge continues,

4. The behavior support team member comes into the classroom to support the child.

If needed,

5. The behavior support team walks the child from the classroom, fills out a referral form, and contacts the parent/guardian.
6. If possible, the child returns to the classroom and reconnects with the guide.

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Support staff stays until the child is ready to work.

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Behavior Inappropriate Report Procedure:

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1. When a behavior report is warranted, the guide fills out page 1 of the referral report and the Support team member involved fills out page 2.
2. This form is in the child's file and is sent home that day.
3. After the third incident warranting a report, a parent/guardian meeting is required.

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When children show behaviors that are considered re-directable dangerous, destructive, or "teachable moments" by staff (and do not involve physical contact with another demeaning, our process is as follows:

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1. The other children leave the classroom, or the student, but can still develop into disruptive situations showing the behavior leaves the classroom to ensure the safety of everyone involved.
2. Parents/Guardians are called within the hour.

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- ~~1. The guide will start redirecting the student and helping him/her engage in work. The guide will continue this step if positive progress is being made. (At times, communication with parents could be useful at this step.)~~
- ~~3. If the student is not responding positively to redirection by the guide, the guide will help the student find a place in the classroom to calm his/her body and observe the rest of the class/student until parents meet with Dr. Bruce and a plan is created.~~

~~2.~~

- ~~3. If the student is not responding positively to sitting alone in the classroom, the guide will walk the student to the office. The student will remain in the office for an appropriate time based on his /her age. An incident report is required.~~
- ~~4. If the student reaches Step 3 twice in a one day, depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. An incident report is required.~~
- ~~5. If Step 4 is reached repeatedly, the student will be suspended from school for no more than 3 days, following the procedures outlined in the Student Code of Conduct, or until a formal meeting can be held between the guide, the parents, and the Head of School. At this time, a behavioral plan will be presented and discussed. An incident report is required.~~

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Practical Life Assignments for Students Out of Class

In lieu of in-school Suspension, when students are too disruptive to return to their community, they may be assigned practical life tasks that are aligned with the Montessori Pedagogy under the supervision of another staff member in the school. An incident report is required and will be sent to the parent/guardian stating both the incident and the practical life task completed by the student.

Playground-specific Discipline Policies

Playground Rules:

Students may not play free tag or reverse tag. Students may not play with sticks or rocks. Students may not engage in physical contact, tackle hugs, fighting, etc. Students may not climb trees. Students may not play guns. Students may not fight. Students may not engage in violence.

A Playground Rules sign is posted at the playground areas.

Playground Physical Boundaries:

For Primary: Students do not go past the temporary fencing by elementary. For Elementary: Students do not go past the temporary fencing into the primary yard. For both levels: Students must ensure they can be seen by an adult at all times.

Consequences for Playground Rules and Boundary Infractions:

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~~Immediate Playground Consequence: When a student is on the playground, and a playground rule is broken, the student will stand with an adult for some time and discuss what was inappropriate and alternate appropriate behaviors.~~

~~Immediate Playground Consequence for intentionally hurting another student: The student is sent to the office, and an incident report is written up by the accompanying adult. Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day.~~

~~Elementary Level Discipline Procedures~~

~~General Elementary Offenses:~~

- ~~• Mistreatment of Others: including bad language: profane or obscene language (spoken or written)~~
- ~~• Biting~~
- ~~• Disregard for Authority: talking back, mocking, running away from an adult, continued willful disobedience.~~
- ~~• Bullying~~
- ~~• Intentional destruction of materials or possessions of others~~
- ~~• Attempt to leave school grounds.~~

~~Specific Offenses and Consequences:~~

~~Spitting, Kicking, Hitting, Bullying, and Pushing~~

~~1st Offense in a Day: Appropriate conflict resolution strategies will be discussed with the student. The student will spend the remainder of the day working solo at a solo workspace or a space directly next to the guide. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 2nd offense. Incident report is required.~~

~~2nd Offense in a Day: Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. Incident report is required.~~

~~Biting:~~

~~1st Offense in a Day: Appropriate conflict resolution strategies will be discussed and practiced with the student. The student will be sent home immediately for the remainder of the day. Parents of both students will be called. Incident report is required. Repeated biting may result in suspension.~~

~~Inappropriate Language~~

~~(swearing [spoken or written], using taunting or bullying language, speaking disrespectfully to others [students or adults]):~~

~~1st Offense in a Day: The student will stand with the guide or sit by himself/herself. The guide and student will discuss what was inappropriate and alternate appropriate behaviors. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 2nd or 3rd offense. Incident report is required.~~

~~2nd Offense in a Day: The student will be sent to the office for an appropriate amount of time based on his/her age. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 3rd offense. Incident report is required.~~

~~3rd Offense in a Day: The student will be sent to the office. Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. Incident report is required.~~

~~Intentional Destruction of Materials or Possessions of Others~~

~~1st Offense in a Day: The student will stand with the guide or sit by himself/herself to complete work. The guide and student will discuss what was inappropriate. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 2nd or 3rd offense. The student's family will be responsible for funding the replacement of destroyed materials in the classroom. Incident report is required.~~

~~2nd Offense in a Day: Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. Incident report is required. The student's family will be responsible for funding the replacement of destroyed materials in the classroom. Incident report is required.~~

~~Leaving School or the Attempt to Leave~~

~~1st Offense in a Day: The student will be sent to the office. Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. Incident report is required.~~

~~If a maximum number of offenses is reached by a student for two consecutive school days for any of the aggressive behaviors outlined above or if the student is a repeat offender, the student will be suspended from school for no more than 3 days, following the procedures outlined in the Student Code of Conduct, or until a formal meeting can be held between the guide, the parents,~~

and the Head of School. At this time, a behavioral plan will be presented and discussed. Incident report is required.

Primary Level Discipline Procedures

Specific Offenses and Consequences

Spitting, Kicking, Hitting, Bullying, and Pushing

1st Offense in a Day: Student will stand with a teacher or sit by himself/herself. The teacher will discuss appropriate conflict resolution strategies. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 2nd offense. Incident report is required.

2nd Offense in a Day: Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day.

Biting

1st Offense in a Day: Appropriate conflict resolution strategies will be discussed and practiced with the student. The student will be sent home immediately for the remainder of the day. Parents of both students will be called. Incident report is required. Repeated biting may result in suspension

Misuse of Materials

1st Offense in a Day: Teacher will review appropriate use of materials in the classroom with student and model correct behavior.

2nd Offense in a Day: Student will be asked to put the specific material or work away for the day.

3rd Offense in a Day: The specific material or work will be closed to the student for a week. Incident report is required.

4th Offense in a Day: Teacher will lead a discussion with student and parents. Incident report is required.

Inappropriate Language

(swearing [spoken or written], using taunting or bullying language, speaking disrespectfully to others [students or adults]):

1st Offense in a Day: The student will stand with the guide or sit by himself/herself. The guide and student will discuss what was inappropriate and alternate appropriate behaviors. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 2nd or 3rd offense. An incident report is required.

2nd Offense in a Day: The student will be sent to the office for an appropriate amount of time based on his/her age. Depending upon the severity of the event or if the student is a repeat offender, the consequence may be treated as a 3rd offense. An incident report is required.

3rd Offense in a Day: The student will be sent to the office. Depending upon the severity of the event, the student may be sent home immediately and/or suspended from school for the following day. An incident report is required.

If a maximum number of offenses is reached by a student for two consecutive school days for any of the aggressive behaviors outlined above or if the student is a repeat offender, the student will be suspended from school for no more than 3 days, following the procedures outlined in the Student Code of Conduct, or until a formal meeting can be held between the guide, the parents, and the Head of School. At this time, a behavioral plan will be presented and discussed. An incident report is required.

Behavior Management/Techniques

The following student discipline management techniques may be used by guides or staff:

- Redirection.
- "Clueing" in which the child stays beside the guide for a specified period.
- Verbal correction.
- Student seating changes.
- Temporary confiscation of an item that disrupts the educational process.
- Behavioral contracts with benchmarks for behavior improvement.
- Counseling by the appropriate personnel.
- Parent-guide conferences.
- Removal from class by sending the student to the office or other area.
- Requiring an act of reparation.
- Withdrawal of privileges.
- Suspension.
- Expulsion.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by Goodwater Montessori School.
- Other strategies and consequences as determined by school officials.

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Process for Suspension

State law allows for a student to be suspended for no more than three school days per behavior violation. Before being suspended, a student and parent will have a conference with the Head of School/Superintendent/CEO, who shall advise the student and parent of the conduct of which the student is accused. The student will be given the opportunity to explain the incident before the Head of School's Superintendent/CEO's decision is made. The Head of School/Superintendent/CEO will determine any restrictions of participation in school-sponsored or school-related extracurricular and curricular activities.

Students may be suspended for any behavior listed in the Code of Conduct as a general conduct violation or expellable offense. In ordering a suspension, Goodwater Montessori School will consider:

1. Self-defense-
2. Intent or lack of intent at the time the student engaged in the conduct-
3. Student's disciplinary history-

Process for Expulsion

If a student commits an expellable offense, as outlined in this Code of Conduct, Goodwater Montessori School may expel the student only after due process has been afforded the student, and the Head of School/Superintendent/CEO has determined that expulsion is the appropriate consequence.

Goodwater Montessori School shall notify the school district in which the student resides within three (3) business days of any action expelling or withdrawing a student from the charter school.

There are two types of expulsion: Mandatory and Discretionary.

Reasons for Mandatory Expulsion:

- As required by the Gun-Free Schools Act (20 U.S. Code § 7151), and as required by the No Child Left Behind (NCLB) Act (Public Law 107-110), any student who is determined to have brought a firearm to school or possessed a firearm at school will be expelled for a period of no less than one year.
- A student must be expelled for committing an offense that qualifies as a felony under the Texas Penal Code.

Reasons for Discretionary Expulsion:

A student may be expelled for the following conduct on school property:

- Engaging in serious offenses or persistent misbehavior.
- Disciplinary infractions that violate the Code of Conduct while under Behavior Contract.
- Criminal mischief

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- Disruptive activities (Disorderly Conduct or Assault)
- Disruption of classes
- False reporting (bomb threats, fire alarms, etc.)
- Theft
- Possession of a weapon other than a firearm (see Mandatory Expulsion) and using objects as weapons
- Fighting
- Sexual harassment
- Possession, use, or transmittal of a prohibited substance or drug paraphernalia
- Possession of any fireworks or ammunition
- Criminal trespass
- Threats, extortion, or harassment
- Possessing, using, or being under the influence of alcohol at school or at a school-related function-
- Destruction of school property
- Bullying

Discretionary Expulsion Consideration:

In deciding whether to order expulsion, Goodwater Montessori School will consider:

1. Self-defense-
2. Intent or lack of intent at the time the student engaged in the conduct-
3. The student's disciplinary history-

Before being expelled, a student and parent will have a conference with the Head of School/Superintendent/ CEO, who shall advise the student and parent of the conduct of which the student is accused. The student will be given the opportunity to explain the incident before the Head of School's/Superintendent/ CEO's decision is made.

Expulsion Due Process:

If the Head of School/Superintendent/CEO believes a student has committed an expellable offense, he or she may schedule a hearing and provide written notice to the student and his/her parents, or caregivers of:

1. The reasons for the recommended expulsion; and
2. The date, time, and location of a hearing before the Head of School/Superintendent/CEO, within three days after the date of the notice, unless the parents and Head of School/Superintendent/CEO agree in writing to an alternate time. The notice shall further state that the student is entitled to:
 - a. Be present at the hearing-
 - b. Have an opportunity to present evidence-
 - c. Have an opportunity to examine/question the school's evidence-
 - d. Be accompanied by his/her parents or another adult who can provide guidance to the student and who is not an employee of the district.

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- 3. The notice shall also state that failure to request such a hearing constitutes a waiver of further rights in the matter. Hearing before the Superintendent/CEO:

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Expulsion Hearing before the Head of School:

After providing notice to the student and parent of the hearing, the Head of School Superintendent/CEO shall hold the hearing regardless of whether the student, the student's parents, or another adult representing the student attends. At the hearing, the school administration shall be allowed to present its evidence of the alleged violation and documented discipline management techniques attempted to correct the undesired behavior, if applicable. The student and/or his parents may present evidence and ask questions of the administrator's adult witnesses in defense of the allegations. Within 24 hours of the hearing, the Head of School Superintendent/CEO will notify the student and the student's parents in writing of his/her decision. The decision shall specify:

- 1. The length of the expulsion (no less than a school year)
- 2. The procedures for re-admittance to the school at the end of the expulsion period, and
- 3. The right to appeal the Head of School's Superintendent/CEO's decision to the governing school board (or its designee)

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Right of Appeal

A parent may appeal disciplinary decisions of Goodwater Montessori School's Head of School Superintendent/CEO to the school's Board of Directors. The student or parent must submit a written request to the President of the Board within three days after receipt of the written disciplinary decision. The Head of School Superintendent/CEO must also be copied on this written request. If such a request is made, the board may designate a committee of the board members to hear the appeal. The Head of School Superintendent/CEO will provide the student or parent with written notice of the date, time, and place of the meeting at which the board (or its designated committee) will review the decision. The Board of Directors (or its designated committee) will review the record of the disciplinary action in a closed meeting. The board may also hear a statement committee from the student or parent (or representative) and from the school administration. The board (or its designated committee) may hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. Consequences Committee will not be deferred pending the outcome of the hearing. The Board of Directors (or its designated committee) will make and communicate its decision orally at the conclusion of the presentation. The decision of the board (or its designated committee) is final.

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Readmission after Expulsion

If a the student has been expelled or has withdrawn prior to a final expulsion or disciplinary hearing, the student is not eligible for re-admission to the School, unless the following terms are met:

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- 4. The student must have a clean discipline record at their current school for at least one full year.

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- 2.1. The student must reapply as a new student and adhere to the school's lottery process. (Sibling priority will NOT apply to students who have been expelled-)
- 3.2. The student must meet with the Readmission Committee to present a request for re-admission.

The Readmission Committee will be ~~comprised~~composed of two guides and the ~~Head of School~~Superintendent/CEO (or a designee). The Readmission Committee may request current guide recommendations for the student, relevant commentary from any counselor with whom the student may have consulted, as well as any other documentation pertinent to the application. The student will be allowed to make a statement to support his or her request and may submit additional documentation to the committee for consideration. A parent or other adult representative must also be present for the presentation to the Committee. Upon consultation of the presentation and after review of all relevant documentation, the Committee will make a recommendation on whether the student should be readmitted. The decision of the Readmission Committee may only be appealed to the ~~Head of School~~Superintendent/CEO, whose decision will be final. The student must reapply and follow the same process for admission as if he or she were a new applicant; however, if readmitted, any subsequent violation of the Student Code of Conduct may result in expulsion without the possibility of readmission.

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Conflict Resolution

The Board of Directors of Goodwater Montessori School strives for an orderly process for resolving parent/guardian and student complaints. Complaints should be expressed as soon as possible and resolved at the lowest possible level.

The Board of Directors encourages students and parents/guardians to discuss their concerns and complaints through informal conferences with appropriate guides and staff.

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Informal Conflict Resolution

Participation in the informal process is mandatory before filing a Level 1 complaint (described below). The Board of Directors expects every reasonable effort will be made to resolve a complaint at the Informal Process level. At this stage, there will be a face-to-face meeting or telephone conference between the Head of School Superintendent/CEO and the individual to discuss the complaint. The Head of School Superintendent/ CEO may obtain the assistance of other school staff to assist in reaching an informal resolution of the complaint. The Head of School Superintendent/CEO has the right to extend the time for filing a complaint unilaterally.

Formal Conflict Resolution

Level 1: Written complaint to Head of School Superintendent/CEO.

When a student or parent/guardian of a student has a complaint regarding Goodwater Montessori, the individual shall first submit their complaint in writing to the Head of School Superintendent/ CEO. The complaint must be submitted within 15 business days following the date the complainant knows about or should have known about the alleged harm. The complaint must be specific and, where possible, suggest a resolution. The Head of School Superintendent/CEO must hear the complaint, attempt to remedy the complaint keeping in mind the best interest of the affected parties, and document the outcome. The Head of School Superintendent/CEO responds to the complainant and issues a final decision within ~~40~~ten business days of the Head of School's Superintendent/CEO's receipt of the complaint.

Level 2: Written appeal to Head of School Superintendent/CEO.

If the individual submitting the complaint is not satisfied with the Head of School's Superintendent/ CEO's final decision, the individual may file a written appeal to the Head of School Superintendent/CEO. The written appeal shall be filed with the Head of School's Superintendent/CEO's office within ten business days of the individual's receipt of the Head of School's Superintendent/CEO's final decision. The complainant shall include a copy of the written complaint to the Head of School Superintendent/CEO along with a copy of the Head of School's Superintendent/CEO's final decision. A copy of the appeal shall also be delivered to the Head of School Superintendent/CEO.

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The appeal must be specific and, where possible, suggest a resolution. The complaint shall not include any new issues or complaints unrelated ~~into~~ the original complaint expressed to the ~~Head of School~~Superintendent/CEO.

The ~~Head of School~~Superintendent/CEO or designee shall respond to the complaint and issue a final decision within 15 business days of receipt of the written appeal.

Level 3: Written Appeal to Board of Directors.

If the individual submitting the complaint is not satisfied with the ~~Head of School's~~Superintendent/ CEO's final decision, the individual may appeal their complaint in writing to the Goodwater Montessori School Board of Directors within 10 business days of receiving the ~~Head of School's~~Superintendent/ CEO's final decision. The complaint shall be addressed to the President of the Board and shall include a copy of the written complaint to the ~~Head of School~~Superintendent/CEO, along with a copy of the ~~Head of School's~~Superintendent/CEO's final decision. A copy of the appeal shall also be delivered to the ~~Head of School~~Superintendent/CEO. The President of the Board at the next regular meeting of the Board of Directors shall provide a copy of the complaint record to all Board members. The Board's decision shall be decided on a review of the record developed at the ~~Head of School's~~Superintendent/CEO's level. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Texas Open Meetings Act. The decision by the Board of Directors is final.



GOODWATER MONTESSORI
Public Charter School

Employee

Handbook

ook

-2020- 2021-2022

TABLE OF CONTENTS

DISCLAIMER: Employee At-Will Status

| | |
|--|---|
| 1. INTRODUCTION | <u>Page 5</u> |
| 1.1. Welcome Letter | |
| 1.2. About This Handbook | |
| 1.3. About GOODWATER MONTESSORI SCHOOL | Goodwater Montessori School |
| 1.4. Acknowledgment of Receipt | |
| 1.5. Open Door Policy | |
| 2. STARTING YOUR JOB | <u>Page 10</u> |
| 2.1. Accuracy of Information | |
| 2.2. Employment Applications & Other Forms | |
| 2.3. Criminal History Background Checks | |
| 2.4. Pre-employment Affidavit for Applicants and Applicants Offered Employment | |
| 2.5. New Employee Orientation | |
| 2.6. Employee Election Form to Withhold Certain Information from Public Access | |
| 3. REPORTING TO WORK | <u>Page 18</u> |
| 3.1. Official GOODWATER MONTESSORI SCHOOL Office Hours | Goodwater Montessori School |
| 3.2. Regular Work Schedules | |
| 3.3. Attendance | |
| 4. TIME AWAY FROM WORK | <u>Page 20</u> |
| 4.1. Holidays & School Breaks | |
| 4.2. Local Personal Leave | |
| 4.3. State Leave | |
| 4.4. Family Medical Leave | |
| 4.5. Bereavement Leave | |
| 4.6. Military Leave of Absence | |
| 4.7. Jury Duty/Court Appearance | |
| 4.8. Workers' Compensation Leave | |
| 4.9. Optional Unpaid Leave | |
| 4.10. Professional Development | |
| 4.11. Concurrent Use of Leave | |
| 4.12. Recording Leaves and Absences | |
| 4.13. Extended Absences from Duty | |
| 5. BENEFITS | <u>Page 29</u> |
| 5.1. Health | |
| 5.2. Dental | |
| 5.3. Vision | |
| 5.4. Teacher Retirement System of Texas | |
| 5.5. Other Retirement Plans | |
| 5.6. Same-Sex Spouses | |
| 5.7. Additional Benefits | |

6. WAGES & EXPENSES Page 31

- 6.1. Classification of Employees: Hours Worked
- 6.2. Classification of Employees: Non-Exempt v. Exempt Status
- 6.3. Payday
- 6.4. Supplemental Duties and Related Stipends
- 6.5. Direct Deposits
- 6.6. A Mistake in Payroll or Expense Reimbursement
- 6.7. Attendance Records
- 6.8. Travel Expense Reimbursements
- 6.9. Deductions in Pay
- 6.10. Payroll Advances and Personal Loans
- 6.11. Unemployment Compensation

7. NON-DISCRIMINATION & ANTI-HARASSMENT Page 37

- 7.1. Non-Discrimination
- 7.2. Reasonable Accommodation
- 7.3. Anti-Harassment
- 7.4. Reporting Discrimination and/or Harassment

8. EMPLOYMENT STANDARDS Page 51

- 8.1. Expected Employee Conduct
- 8.2. Violence in the Workplace
- 8.3. Drug-Free Workplace
- 8.4. Suspicious Behavior
- 8.5. Former Employees
- 8.6. Employee Dress Code
- 8.7. Outside Employment
- 8.8. Employee Searches
- 8.9. Audio & Video Recordings
- 8.10. Office Dating
- 8.11. Workplace Investigations
- 8.12. Updated/Current Employee Information
- 8.13. Allowable Uses of School Property
- 8.14. Computer & Internet Use
- 8.15. Administration of Medication to Students
- 8.16. Reporting Child Abuse/Child Neglect
- 8.17. Traffic Violations
- 8.18. Weapons and Firearms Prohibited
- 8.19. Social Media Usage
- 8.20. Staff/Student Romantic Relationships
- 8.21. Authority to Bind Contracts
- 8.22. Expressing Breastmilk in the Workplace

9. GRIEVANCE PROCEDURES Page 73

- 9.1. Director of Business Operations Review of Complaint
- 9.2. Superintendent/CEO Review of Complaint
- 9.3. Board of Directors Review of Complaint

9.4. Definition of “Business Day”

9.4.

10. EMPLOYEE ACCEPTABLE USE POLICIES Page 77

- 10.1 Technology Resources
- 10.2 ~~Network~~ Acceptable ~~Network~~ Use
- 10.3 General Unacceptable Behavior
- 10.4 No Expectation of Privacy
- 10.5 System Security
- 10.6 Software and Files
- 10.7 Technology Hardware
- 10.8 Vandalism
- 10.9 Personal Use of Electronic Media
- 10.11 Use of Electronic Media and Electronic Communications with Students
- 10.11 Consequences

11. DISCIPLINE Page 83

- 11.1 SEPARATION FROM EMPLOYMENT
- 11.2 Resignation
- 11.3 Termination
- 11.4 COBRA Notice

12. Intellectual Property Rights Page 86

~~13. COVID~~

DISCLAIMER: Employee At-Will Status

Employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and you concerning the duration of your employment, and the circumstances under which your ~~employment~~job may be terminated.

Nothing in this ~~Handbook~~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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to alter an employee's at-will employment arrangement, ~~to and~~ enter into an employment agreement for ~~employment for~~ a specified ~~period of~~ time, or to make any agreement contrary to this policy, ~~and any.~~ Any such agreement must be in writing and ~~must be~~ signed by the Board of Directors and/or the Superintendent.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School reserves the right to amend or withdraw any or all provisions of the personnel handbook at any time with or without notice.

1. INTRODUCTION

1.1. Welcome to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School

Dear Colleagues,

On behalf of the School Board, the ~~CORE~~ Leadership Team, and returning colleagues, we would like to welcome you to Goodwater Montessori Public Charter School. Our mission is to provide an exceptional Montessori education for all children and their families, encouraging a life-long love of learning and active participation in communities and the world beyond school. You have been carefully selected to become a partner in this endeavor, which will bring the mission alive for our students.

We hope your experiences will be productive, satisfying, and of long-term tenure ~~at one of the finest public charter schools in Texas.~~ Goodwater Montessori Public Charter School strives to create an exciting, challenging, and rewarding work environment. We want you to build successful relationships at Goodwater Montessori Public Charter School, and we welcome your insights for a happysatisfying educational community.

~~This~~

~~We created the~~ Employee Handbook ~~has been prepared~~ to assist you in becoming familiar with Goodwater Montessori and its personnel standards and procedures. ~~These are~~ it is based on the Texas Education Agency rules and other requirements for public schools in Texas.

You may have heard the expression, ~~“get out of “outside the box”,”~~ which is another way to ~~say we~~ encourage your collaboration and creativity. There are two exceptions. ~~As you review this handbook please~~ Please remember the “two boxes” that we never get out of as you review this handbook. They are the Ethical Box and the Legal Box. We respect these standards and are careful to support a culture of integrity, and the rule of law.

~~Communication, Collaboration, Creativity, and Critical Thinking are the cornerstones of our educational community. You will hear a lot about these best practices throughout the year.~~

Please read our Employee Handbook carefully, and if you have questions or concerns, you may speak with Marcy Steward, Director of Business Operations.

On behalf of Goodwater Montessori Public Charter School’s extended family, thank you for joining

us. We look forward to working with you.

Kindest Regards,
Dr. Bruce Tabor
Superintendent/CEO

1.2. About this Personnel ~~Handbook~~handbook

The purpose of this personnel handbook is to provide employees with a source of information about ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's procedures and policies. The policies and procedures in this handbook are to serve as guidelines. Although ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School has tried to be comprehensive, the handbook does not, and cannot, include procedures and policies which address every situation that may arise. Such a list would be limitless.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School has, and reserves, the right to adopt new procedures and policies, or modify, alter, change or cancel existing policies and procedures at any time. Violation of any Board policy or a provision within this handbook may lead to disciplinary action up to and including discharge from employment.

Questions regarding this handbook or any ~~of the~~ policies/procedures should be directed to your supervisor or ~~to~~ the Human Resources Department.

1.3. About ~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School

Mission, Vision, Values

Goodwater Montessori Public Charter School was created by WilCo Montessori Partners, Inc., a group of Montessori educators and parents in Williamson County, Texas.

With work begun in 2013, supporters submitted a charter application to the Texas Education Agency in 2015. In July 2016, the Texas State Board of Education approved Goodwater's opening in August 2017.

Goodwater enrolls approximately 410 students ages 3-14 in Primary, Lower Elementary, Upper Elementary, and Adolescent ~~(middle school)~~ programs. We are located at 710 Stadium Drive (County Road 151), Georgetown, Texas, 78626.

Our Mission

To provide an exceptional Montessori education to all children and their families, encouraging a life-long love of learning and active participation in their communities and the world.

Our Vision

To develop conscientious citizens who approach their world with confidence, creativity, and collaboration.

Our Values

Diversity, Independence, Joy, Passion, and

Respect. Our Goals

- Provide a tuition-free Montessori Charter School in Williamson County, Texas
- To offer the child-centered Montessori methodology, with mixed-age classrooms and a low teacher-to-student ratio.
- To employ inviting, manipulative materials, helping teachers to guide children to cultivate concentration, motivation, self-discipline, creativity, and a life-long love of learning.

1.4. Acknowledgment of Receipt of Personnel ~~Handbook~~handbook

The information contained in this personnel handbook is important, and I should consult with the Director of Business Operations if I have a question that is not answered in this handbook.

I acknowledge that the Goodwater Montessori School personnel handbook does not create an employment contract or otherwise modify my at-will employment status. I understand that no one has the authority to alter my at-will employment status, or to guarantee my employment for a specific period of time, unless it is approved by the board of directors, in writing, and signed by both myself and the chair of the board of directors.

I understand that Goodwater Montessori School may amend or withdraw any or all portions of this handbook at any time. I understand that it is my responsibility to comply with the board policies and the provisions in this handbook, including any revisions, and that failure to comply may lead to disciplinary action. I further acknowledge that any revised information may supersede, modify, or eliminate existing provisions within this handbook. By remaining employed by Goodwater Montessori School following any modifications to this handbook, I hereby accept and agree to such changes.

I acknowledge that I have read this handbook and agree to read any amendments ofto the handbook. Specifically, by signing this form, I acknowledge that I have read, understood, and agree to comply with all policies in this handbook.

I hereby sign and date this Acknowledgment of Receipt and return it to the Director of Business Operations. I understand that a copy of my signed form will be retained in my personnel file.

Print Employee's Name

Date

Employee's Signature

| _____

1.5 Open Door Policy

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School has adopted an Open-Door Policy for all employees. The purpose of our Open-Door Policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our Open-Door Policy means that employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or some other school administrator.

The ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School values each employee and strives to provide a positive work experience. By listening to you, the ~~GOODWATER MONTESSORI SCHOOL is able to~~Goodwater Montessori School can improve, ~~to~~ address complaints, and ~~to~~ foster employee understanding of the rationale for practices, processes, and decisions. The Open-Door Policy is not a substitute for a formal complaint. ~~If~~According to this handbook, if an employee has a formal complaint or grievance, the employee should ~~timely~~ pursue it ~~in accordance with this Handbook~~promptly.

2. STARTING YOUR JOB

2.1. Accuracy of Information

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School relies upon the accuracy of the information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Employees are expected to provide truthful and accurate information in connection with their employment at ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

Any misrepresentations, falsifications, or material omissions in this information or data may result in ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's exclusion of the individual from further consideration for employment or if the person has been hired, termination from employment.

2.2. Employment Application & Other Forms

New employees are asked to review and/or complete the following forms:

- Employment Application
- W-4 Employee's Withholding Allowance Certificate
- I-9 Employment Eligibility Form
- Signed Hire Letter
- Employee Election Form to Withhold Certain Information from Public Access
- Acknowledgment of Receipt of Personnel ~~Handbook~~handbook
- Authorization for Direct Deposit
- Applicable Healthcare/Benefit Forms
- Notice Regarding Workers Compensation Benefits
- Pre-Employment Affidavits

Current employees may be required to update or execute any of the above forms. Any employee who fails or refuses to complete the above forms or to provide ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School with requested documentation in a timely manner may be subject to the loss of employment benefits, the delay of employment benefits, disciplinary action, or withdrawal of the employment offer.

2. Fair Credit Reporting Act

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may utilize consumer reports – e.g., credit, criminal, employment references, and Department of Public Safety reports to assist us in making employment decisions. In addition, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. Continued employment is also expressly

conditioned on satisfactory results from legally authorized or required ~~record~~records and background checks.

In the event, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 – ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School as to what action is taken.

2.3. Pre-and Post Offer Medical Testing

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

2.4. New Hire Reporting

Federal and state law requires ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

2.5. Criminal History Background Checks

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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](#).

2.6. Pre-employment Affidavit for Applicants and Applicants Offered Employment

All applicants for employment for educator positions (as defined by Texas Education Code §21.003) must submit a pre-employment affidavit indicating whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

Any applicant offered employment for an educator position (as defined by Texas Education Code §21.003) must submit a Pre-Employment Affidavit for Applicant Offered Employment prior to the start of employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. The Pre-Employment Affidavit must be signed by a notary public. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School offers applicants the opportunity to have the affidavit notarized for free by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

2.7. Prohibition Against Employing Individuals Convicted of Certain Offenses

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School as of that date; or
 - b. The date the applicant's employment will begin, in the case of a person applying for employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may make employment decisions in accordance with its policy regarding the employment of personnel with criminal histories (or arrested or charged with a criminal offense). ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's policy regarding the employment of personnel with criminal histories is as follows:

As allowed by Commissioner of Education rule, a person may not serve as a ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the Code of Criminal Procedure, Article 62.001(5).

Additionally, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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”).

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School or the State Board of Educator Certification (“SBEC”).

Except as required by state or federal law or as determined by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to be in the best interest of student and employee safety (and in accordance with applicable law), ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School reviews these circumstances on a case-by-case basis.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School reserves the right to annually (or more frequently) perform criminal history record checks on current employees.

2.8. Fingerprinting

In accordance with state law, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

2.9. Arrest & Conviction Occurring after Employment Begins

An employee must notify his or her ~~Principal~~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 an 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, the first offense of DWI or DUI must be reported if the employee drives or operates (or is authorized to do so) a ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School vehicle or other mobile equipment. Failure to timely report may result in disciplinary action, up to and including termination.

The conviction may not be an automatic basis for termination unless the conviction makes an employee ineligible for employment in a Texas public school. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall consider the following factors (or other appropriate considerations as deemed by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School) 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and its students.

2.10. Personnel Records

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School If ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 Marcy Steward, Director of Business Operations.

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 Marcy Steward, Director of Business Operations 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 the Director of Business Operations 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, [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) will seek to exempt and protect such documentation from disclosure to the extent permitted by law.

2.11. Minimum Qualifications for [Principals](#) and Teachers, and Notification to Parents Regarding Teacher Qualifications

[GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) 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 [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#).

State law requires that [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) provide to the parent or guardian of each enrolled student written notice of the professional qualifications of the student’s classroom teachers. [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) will also provide this information upon request from a parent.

2.12. 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 Marcy Steward, Director of Business Operations, 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 the Director of Business Operations at the start of each school year and each time the employee is recertified.

2.13. Textbook and Materials Acquisition

Any ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School director, administrator, or teacher who receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may commit a Class B misdemeanor offense.

Any ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School officer, administrator, or teacher who accepts a gift, favor, or service given to the person, or to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

2.14. New Employee Orientation

During the first few weeks of employment, an employee must attend an orientation that will include the following subject areas:

- A review of this personnel handbook;
- A tour of the campus;
- Receipt of credentials necessary for parking, access to the school building and computers, and other materials as appropriate for the employee's employment position;
- Prevention techniques for, and recognition, of sexual abuse and other maltreatment of children-
- Benefits Enrollment Information
- School Safety Plan
- Training on Raptor, PEIMS, Attendance, Transparent Classroom, and other systems as needed

2.15. Employee Election Form to Withhold Certain Information from Public Access

Employees of Goodwater Montessori School may elect whether to keep certain information about them confidential and not subject to disclosure under the Texas Public Information Act. Unless an employee chooses to keep it confidential, the following information about an employee of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may be subject to public release if requested under the Texas Public Information Act:

- Home Address
- Home Telephone Number
- Social Security Number
- Emergency Contact Information
- Information that reveals that the individual has family members

Employees must complete and submit the Public Access Option Form to the Director of Business Operations no later than the 14th day after the date the employee begins employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to keep certain information about them confidential under the Texas Public Information Act. The Director of Business Operations shall provide the employee with the Public Access Option Form upon employment with Goodwater Montessori School.

3. REPORTING TO WORK

3.1. Official ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School Office Hours

During the school year, standard hours of operation in the administrative office areas are from 7:30 a.m. until 4 p.m. Students are in session from 7:50 a.m. until 3:20 p.m.
~~a.m. until 4 p.m. Students are in session from 7:55 a.m. until 3:15 p.m.~~

Summer office hours are from 9:00 a.m. until ~~12~~1:00 p.m., Monday through Thursday. Closed Friday.

3.2. Regular Work Schedules

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School has a standard workweek of forty (40) hours per week. Scheduled hours for employees may vary from department to department.

All full-time, non-exempt employees generally work a Monday through Friday schedule of forty (40) hours divided into (5) eight-hour workdays unless a different schedule is approved in writing by the employee's supervisor. Non-exempt employees must have prior written approval before working overtime.

Exempt employees are expected to work the hours necessary to complete their assigned work to the satisfaction of their supervisor without regard to scheduled hours and without the expectation of additional compensation.

All employees are expected to be at work during their scheduled office hours unless otherwise required or approved by the employee's supervisor.

3.3. 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~~principal~~.

Absence

Employees are responsible for notifying their immediate supervisor and/or the Principal~~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/principal within the first working hour each day of the absence. Notification to an employee other than the appropriate supervisor and/or Principal/principal is insufficient.

Failure to Give Notice – Job Abandonment and Voluntary Resignation

Failure to provide notification of an absence to a supervisor for three 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 Goodwater Montessori School.

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.

4. TIME AWAY FROM WORK

4.1. Holidays & School Breaks

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will be closed during the following recognized school holidays:

- Labor Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day

Additionally, during the following dates, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will be closed for school break:

Each year, the Board of Directors will establish a school calendar indicating school holidays, and closures. This calendar is distributed to each Goodwater Montessori School employee.

- Fall Break, October ~~12-16, 2020~~11-15, 2021
- Thanksgiving Break, November ~~23-27, 2020~~22-26, 2021
- Winter Break, December ~~21, 2020~~20, 2021 - January ~~1, 2021~~2, 2022
- Spring Break, March ~~15-19, 2021~~14-18, 2022
- See Board adopted school calendar ~~2020-2021~~-2022 for additional dates.

4.2. Local Personal Leave

Local Vacation Leave.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not offer Local Vacation Leave.

Local Personal Leave.

Each full-time employee is entitled to 1 day of personal leave for each month worked (10-month employees = 10 days, 11-month employees = 11, 12-month = 12).

Non-Discretionary Leave.

Non-discretionary leave is leave that is unforeseen, such as injury or illness. In cases of non-discretionary leave requests, employees are required to contact their immediate supervisor at least one (1) hour before their shift begins. If an employee is out for 3 or more days due to an illness, the employee must submit a doctor's release upon return to work.

Discretionary Leave.

Discretionary leave is leave that is foreseeable and planned. Discretionary leave is subject to the following limitations:

- The employee shall submit a request for discretionary use of personal leave to the Director of Operations at least five days in advance of the requested date. In deciding whether to approve or deny personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use

leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or school operations, as well as the availability of substitutes

- Discretionary personal leave may not ordinarily be taken on blackout days as defined annually in the Employee Handbook, but the Superintendent/CEO is authorized to make exceptions to this policy as he or she determines appropriate to accommodate the employee without compromising the interests of the students.

Roll over of Local Leave

All eligible employees will be allowed to roll over up to 5 unused personal leave days as follows:

- Roll over days can accumulate up to 15 days,
- The employee is required to complete the proper forms for requesting the use of rollover days,
- Staff who resign, are terminated, or do not have their letters of understanding renewed at the end of the school year will lose any and all rollover days without compensation.

Extended Sick Leave

After all available personal days and any comp time have been exhausted, an eligible employee shall be granted in a school year a maximum of 10 days of paid extended sick leave to be used only for the employee's own personal illness or injury or absence due to the catastrophic illness or injury of a member of the employees'employee's immediate family.

The following conditions apply for the use of Extended Sick Leave:

- Extended Sick Leave is available to full-time employees only,
- A written request for extended sick leave must be accompanied by medical certification of the illness or injury,
- Extended Sick Leave can only be used by an employee one time per school year.

Maternity Leave

After all available personal days and any comp time have been exhausted, an eligible employee shall be granted in a school year a maximum of 10 days of paid maternity leave. The school also complies with all sections of the Family Medical Leave Act as described in the legal policy.

The following conditions apply for use of Maternity Leave:

- Maternity Leave is available to full-time employees only,
- A written request for Maternity Leave must be accompanied by medical certification of the condition,
- The employee has been employed for at least six months

Blackout Dates:

Unless previously approved by the Superintendent/CEO, local personal leave may not be taken on the following Blackout Dates:

- August ~~1, 2020, 2021~~ – August ~~21, 2020, 2021~~
- September ~~4, 2020, 2021~~
- September ~~8, 2020, 2021~~
- September ~~21, 2020, 2021~~
- October ~~9, 2020, 2021~~
- October ~~19, 2020, 2021~~
- November ~~20, 2020, 2021~~
- November ~~30, 2020, 2021~~
- December ~~18, 2020, 2021~~
- ~~January 4, 2021 – 3-7, 2022~~
- January ~~6, 2021, 2022~~
- January ~~15, 2021, 2022~~
- ~~January 19, 2021~~
- February ~~16, 2021, 2022~~
- March ~~22, 2021, 2022~~
- ~~March 21, 2022~~
- April ~~1, 2021-8, 2022~~
- ~~April 29, 2021~~
- ~~May 24, 2021 – 3-6, 2022~~
- ~~May 10-13, 2022~~
- ~~May 25-27, 2021, 2022~~

Approval

Asking for ~~Local Personal Leave-leave:~~

~~At least 5 days prior to the anticipated absence, employees are required to complete an Employee Request for Leave Form and submit it to the Director of Business Operations for approval. For unexpected illnesses of an employee or of an employee's family member, employees are required to submit a completed Employee Request for Leave Form no later than the day that the employee returns to work.~~

Email Marcy.steward@goodwatermontesori.org with your time off request. Send it at least five days in advance unless there is an emergency. Use 'Time Off Request' in the subject field. We will not be using the paper forms found in the office. When approved, you will receive a calendar invite blocking off the time on my Employee Time Off calendar, and it will add it to your calendar when you accept it. Please make sure you notify your co-workers in your department or community. When you are out sick, please notify Alma Lahmon, Dr. Bruce Tabor, and Marcy Steward via email and your co-workers as early as possible.

4.3 State Leave

Under the State of Texas' minimum personal leave program, which is codified in Section 22.003 of the Texas Education Code, public school district employees receive five days per year of personal leave that has no limit on accumulation and is transferable among school districts.

This program does not apply to charter schools. Accordingly, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not honor state leave days. State leave days may not be transferred to or used by any former school district employee during the employee's employment tenure with ~~GOODWATER MONTESSORI SCHOOL~~.

| [Goodwater Montessori School.](#)

4.4. Family Medical Leave

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 GOODWATER MONTESSORI SCHOOL Goodwater Montessori School 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 service member'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, the 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 their 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

Local FMLA Guidelines

Calculating FMLA Leave Year

~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School uses the following method to establish the 12-month period in which FMLA leave may be used: A fixed 12-month period from August 1 through July 31.

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. ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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~~emergency, an employee may take leave intermittently or on a reduced schedule. ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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 functions is required, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will maintain the employee's 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may require the employee to reimburse ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, the school may not require the employee to reimburse ~~GOODWATER—MONTESSORI SCHOOL's~~Goodwater Montessori School's share of premiums paid.

Contact

Employees that require FMLA leave or have questions should contact Marcy Steward, Director of

Business Operations, at ~~512-966-5484~~, marcy.steward@goodwatmontessori.org, for details on eligibility, requirements, and limitations.

4.5. Bereavement Leave

In the event that a full-time employee experiences the death of an immediate family member, ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) will provide up to 3 days of paid time off. An employee may request to use additional vacation or personal paid leave time if the employee has such leave available. An immediate family member is defined as a spouse, child or step-child, parent, grandchild, grandparent, sibling, father-in-law, and mother-in-law.

4.6. Military Leave of Absence

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) is committed to protecting the rights of employees absent on military leave. In accordance with federal and state law, it is ~~GOODWATER MONTESSORI SCHOOL's~~[Goodwater Montessori School'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 benefits 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 the Director of Business Operations.

Temporary (Two-Week) Military Leave

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this [Handbookhandbook](#)), 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 [Handbookhandbook](#) and in accordance with ~~GOODWATER MONTESSORI SCHOOL's~~[Goodwater Montessori School'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 the Director of Business Operations 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.

4.7. Jury Duty/Court Appearance

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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 a 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 a jury or grand jury duty, up to a total of ten 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.

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 Director of Business Operations. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

4.8. 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.

4.9. Workers' Compensation Leave

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not have workers' compensation insurance. Employees should immediately notify their supervisor of any injuries sustained during the course of their employment. If required, any workers' compensation leave will be provided in accordance with state law.

4.9 Optional Unpaid Leave

With the express written permission of the employee's direct supervisor and the charter school superintendent, any employee may be permitted to take unpaid leave for up to one school year for any professional or personal reason determined acceptable by the charter school superintendent. Unless otherwise required by law, the employee will not be entitled to any compensation or employment benefits during the period of the employee's unpaid leave. Upon return from the unpaid leave, the employee will be eligible for reemployment with Goodwater Montessori School; however, the employee may be subject to reassignment to a different position than the position held prior to the leave of absence and a different rate of pay.

4.10 Professional Development

Eligible employees in an approved professional development program will be eligible for up to 5 days of leave to fulfill the mandatory training requirements of the program. Additional days must be taken when school is not in session or will be deducted from employees Local Leave.

4.11 Concurrent Use of Leave

If an employee is simultaneously eligible for paid leave and unpaid leave, to the extent permitted by law, the employee's paid leave shall run concurrently with the employee's unpaid leave.

4.12 Recording Leave and Absences

Employee leaves and absences will be recorded in quarter-day (2 hour) increments. The employee's supervisor is responsible for determining whether an absence qualifies as quarter-day, half-day, three-quarter-day, or full-day subject to the following guidelines:

Any absence more than one hour but less than two hours will be considered quarter-day (.25) Any absence over two hours but less than four hours will be considered half-day (.5)

Any absence over four hours but less than six hours will be considered three-quarter-day (.75)

Any absence over six hours but less than eight hours will be considered full-day (1).

Employees that are habitually tardy are subject to disciplinary procedures up to and including termination.

4.13. Extended Absences from Duty

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 (a catastrophic illness which prevents notification by the employee) or as determined by the Superintendent/CEO or designee.

Returning to Work from Extended Leave.

Reinstatement.

The reinstatement of an employee returning from ~~ex-tended~~extended leave such as family medical leave, military leave, or workers' compensation leave is a high priority for ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

Reinstatement to an equivalent position will be determined on a case-by-case basis by the Superintendent/CEO, 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 of the class, the proximity of the school and/or student holidays, the proximity of student~~
- b. 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.

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 not be entitled to any pay increases that were awarded based on seniority, length of service, or work performance.

5. BENEFITS

The benefits information in this [Handbookhandbook](#) is only a summary of benefit plans offered by [GOODWATER MONTESSORI SCHOOLGoodwater Montessori School](#). This general explanation is not intended to and does not provide employees with all the details of these benefits. This [Handbookhandbook](#) 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 [Handbookhandbook](#) and the plan documents, the plan documents will govern. [GOODWATER MONTESSORI SCHOOLGoodwater Montessori School](#) 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 [GOODWATER MONTESSORI SCHOOLGoodwater Montessori School](#), please contact the Director of Business Operations.

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 [GOODWATER MONTESSORI SCHOOL'sGoodwater Montessori School's](#) benefit plans.

5.1. Health

[GOODWATER MONTESSORI SCHOOL'SGoodwater Montessori School's](#) medical coverage plan(s) and [GOODWATER MONTESSORI SCHOOL'SGoodwater Montessori School'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 the Director of Business Operations.

5.2. Dental

GOODWATER does not contribute on behalf of the employee but offers voluntary benefits.

5.3. Vision

GOODWATER does not contribute on behalf of the employee but offers voluntary benefits.

5.4. Teacher Retirement System of Texas

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

- Regular employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~If Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the Director of Business Operations 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.

5.5. Other Retirement Plans

Other retirement plans are not currently available but may be added in the future.

5.6. Additional Benefits

From time to time, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

6. WAGES & EXPENSES

6.1. Classification of Employees: Hours Worked

- Full-Time Employees. Full-time employees are employed at least 40 hours per week. Full-time employees are eligible for the employee benefits set forth in this [Handbookhandbook](#) in Section 4.
- Part-Time Employees. Part-time employees work less than 40 hours per week. Part-time employees are regularly scheduled to work during the workweek at a fixed part-time schedule. Part-time employees ordinarily are not eligible for the employee benefits set forth in this [Handbookhandbook](#) in Section 4, but a part-time employee could qualify for TRS Retirement benefits depending on the employee's tenure and the number of hours worked by the employee.
- Temporary Employees. Temporary employees are hired as interim replacements to temporarily supplement the workforce, such as substitute teachers, or to assist in the completion of a specific project. Employment assignments in this category are of limited duration.

6.2. Classification of Employees: Non-Exempt Status v. Exempt Status

~~GOODWATER MONTESSORI SCHOOL~~ [Goodwater Montessori School](#) assigns positions, determines wages, and compensates employees for overtime in accordance with state laws, local laws, and the federal Fair Labor Standards Act. The workweek for each employee is set in accordance with Section 3 of this [Handbookhandbook](#).

- Exempt v. Non-Exempt Designation. Each employment position is designated as either non-exempt or exempt as required by the federal Fair Labor Standards Act.
- Exempt Positions. Exempt employees are expected to work the hours necessary to complete their assigned work to the satisfaction of their supervisor without regard to scheduled hours and without the expectation of additional compensation. Exempt employees are not entitled to overtime compensation. Generally, teaching and administrative positions are designated as exempt positions.
 - Teaching positions are classified as exempt positions if:
 - The primary duty is teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge; and
 - They are employed and engaged in this activity as a teacher in an educational establishment.
 - Administrative positions are classified as exempt positions if:
 - The position is compensated on a salary basis at a rate of \$455 or more per week; and
 - The primary duty is the performance of office or non-handbook work directly related to the management or general business operations of the employer or the employer's customers; and
 - The primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
- Non-Exempt Positions. Non-exempt employees are entitled to minimum wages and

overtime pay. Overtime payment is pay at a rate of at least one and one-half times an employee's "regular rate of pay" for any hours worked over 40 hours in a workweek. Generally, paraprofessionals are classified as non-exempt employees. All non-exempt employees must review and approve their timesheets at the end of every pay period. Direct supervisors must review and approve their employees' timesheets at the end of every pay period.

A non-exempt employee is never permitted to work "off the clock". This includes sending text messages or emails after the employee's scheduled work hours unless in response to a supervisor's directive or supervisor's designee. While all hours worked will be compensated appropriately, an employee's failure to report hours accurately whether too low or too high is cause for disciplinary action. Employees should immediately report to the Director of Business Operations any effort by a supervisor to participate, encourage, or even permit an employee to work "off the clock" in violation of this overtime provision.

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 prorated 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 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 timecard or record and will be eligible for overtime pay in accordance with the appropriate federal and state wage and hour laws.

~~GOODWATER MONTESSORI SCHOOL's~~ Goodwater Montessori School's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by the Director of Business Operations. Employees may obtain this information from the Director of Business Operations upon request.

6.3. Minimum Wage and Overtime

~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL's~~ Goodwater Montessori School's work needs, employees may be requested to work overtime. ~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School 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 subject to disciplinary action, up to and including termination.

6.4. Payday

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School pays its employees on a bi-weekly basis depending on job classification. The payday cycles are as follows:

- Exempt Employees and Non-Exempt Salaried Employees: Paydays will take place twice per month on the 15th and the last day of each month. Employees will receive annualized pay in their monthly paychecks, whether central office administrators who work 12 months per calendar year, campus administrators who work 11 months per calendar year, or teachers and other instructional staff who work 10 months per calendar year. For purposes of this handbook, annualized pay means the payment of wages is equalized payments over the course of 12 calendar months.
- Non-Exempt Hourly Employees: Paydays will take place twice per month on the 15th and the last day of each month. The amount of the paycheck will depend on the number of hours worked by the employee during the designated pay period.
- Final Paycheck. If an employee is laid off, discharged, terminated, or otherwise involuntarily separated from employment, the final payday will be within six (6) calendar days of discharge. If the employee quits, retires, resigns, or otherwise leaves employment voluntarily, the final payday will be on the next regularly scheduled payday following the effective date of resignation. Any school employee who receives annualized pay and who has been overpaid as of their last day of employment must either reimburse the school for the amount of overpaid wages or provide written consent for the amount of the overpaid wages to be deducted from the employee's final paycheck.

The method of payment 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 payment 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.

6.5. 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. ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School reserves the right to select candidates from outside the school.

6.5 Direct Deposit

Direct deposit is ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's preferred method of payment for all employees paid by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. Direct deposit enables ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to facilitate the distribution of pay to employees in a safe, secure, and timely manner. To enroll in direct deposit an employee may complete a direct deposit form in the initial employee online new hire process or request a form from the Director of Business Operations.

An employee who prefers to receive a paper check instead of the direct deposit must notify his/her supervisor or the Human Resources Department.

6.6. A mistake in Payroll or Expense Reimbursement

Employees are required to immediately notify their supervisor in the event of a suspected mistake in their payroll or expense reimbursement. Failure to report an overpayment in payroll or in an expense reimbursement may result in disciplinary action.

6.7. Timekeeping

Employee attendance records must be kept complete and accurate. Attendance records are subject to unannounced reviews to ensure proper use. Falsification of time records is a serious offense and may lead to disciplinary action, up to and including discharge from employment.

Federal and state laws require ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 timecard.

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 the prior authorization from their immediate supervisor and/or the ~~Principal~~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 timecards to certify the accuracy of all time recorded. Supervisors generally will review and then sign the timecard 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.

6.8. Travel Expense and Other Reimbursements

- Travel Expense Reimbursements. Before an employee incurs travel expenses related to GOODWATER MONTESSORI SCHOOL Goodwater Montessori School business, the employee must receive written approval from the Director of Business Operations. Mileage for the use of an employee's personal car will be reimbursed at the then published IRS mileage reimbursement rate. Employees should select moderately priced lodging convenient to their destination to minimize time and expense. All expenses must be incurred within the specific guidelines or rules pertaining to grant-funded travel expenses. Travel expenses from approved travel must be itemized and detailed on the GOODWATER MONTESSORI SCHOOL Goodwater Montessori School travel reimbursement form. To be reimbursed, all original receipts for travel expenses must be included with the reimbursement form and submitted to the employee's supervisor. Employees will not be reimbursed for travel to and from the workplace.
- Other Reimbursements. Unless specifically pre-approved in writing by the Director of Business Operations, no employee will be reimbursed for any personal expense incurred for any work-related expenses such as professional development courses or for classroom supplies.

6.9. Deductions in Pay

GOODWATER MONTESSORI SCHOOL Goodwater Montessori School 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 about why deductions were made from your paycheck or how they were calculated, notify the Director of Business Operations.

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 Director of Business Operations 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 Director of Business

Operations.

Overpayments

Employees must inform the Director of Business Operations of known overpayments on any paychecks received. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will pursue all legal means necessary to recover overpayments.

Administrative Fees. Texas law authorizes an employer to make certain deductions from pay for costs incurred in servicing a garnishment or wage attachment order. Accordingly, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may charge the following administrative fees:

- Court-ordered child support- an employer may make a deduction for an administrative fee of up to \$10.00 per month.
- Court-ordered spousal maintenance- an employer may make a deduction for an administrative fee of up to \$5.00 per month
- Guaranteed student loan wage attachments- an employer may make a deduction for an administrative fee of the actual cost, or \$10.00, whichever is less per month.

6.10. Lost/Stolen Paychecks

Lost or stolen paychecks should be reported to the Director of Business Operations immediately. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will issue a stop payment on the lost or stolen check. Only after the financial institution has notified ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School that payment of the check has been stopped can a new check be issued.

6.11. Unclaimed Payroll Checks

In the event an employee does not collect their pay within 90 days, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will secure such pay and the wages will still be recorded. The employee will be required to present proper identification to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School before payment 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 paid 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.

6.12. Authorized Check Pick Up

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

6.13. 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and distributed on or before January 31st of each year.

6.14. Payroll Advances and Financial Loans

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not issue payroll advances to any employee under any circumstance. Additionally, the charter school does not extend financial loans to its employees.

6.15 Unemployment Compensation

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 Marcy Steward, Director of Business Operations.

7. NON-DISCRIMINATION & ANTI-HARASSMENT

7.1. Non-Discrimination

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School administrator, or the Title VII/Title IX, ADA, or ADEA Coordinator.

As required by Title IX, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not (and is required not to) discriminate on the basis of sex in its educational programs or activities. This nondiscrimination requirement applies to admission to and employment with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. Inquiries into issues related to Title IX may be referred to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School’s Title IX Coordinator (identified below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) has designated the following person as the Title IX Coordinator, who is responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment: Dr. Bruce Tabor, Superintendent/CEO, 710 Stadium Dr., Georgetown, TX, 512-966-5484, bruce.tabor@goodwatermontessori.org.

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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: Marcy Steward, Director of Business Operations, 710 Stadium Dr., Georgetown, TX, 512-966-5484, marcy.steward@goodwatermontessori.org.

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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: Marcy Steward, Director of Business Operations, 710 Stadium Dr., Georgetown, TX, 512-966-5484, marcy.steward@goodwatermontessori.org.

All other complaints regarding equal employment opportunity may be directed to: Marcy Steward, Director of Business Operations, 710 Stadium Dr., Georgetown, TX, 512-~~966-5484~~[931-3560](tel:51296654849313560), marcy.steward@goodwatermontessori.org.

7. Federal and State Worksite Postings

Required state and federal postings are found at each ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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.[\[11\]](#)

7. Immigration Law Compliance

~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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 Marcy Steward, Director of Business Operations, 710 Stadium Dr., Georgetown, TX, 512-966-5484, marcy.steward@goodwatermontessori.org.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

7. Nondiscrimination Based on Religion

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's business.

7. Nondiscrimination Based on Military Service

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 uniformed service.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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").

7. Americans with Disabilities Act (ADA)

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

ReasonableA 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School does not discriminate against qualified employees or applicants because they are related to or associated with a person with a disability.

7. Nondiscrimination Based on Genetic Information (GINA)

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

7.2. Prohibition of Discrimination, Harassment, and Retaliation

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

Prohibited discrimination or harassment is defined as unwelcome conduct that is based on race, color, religion, sex (including pregnancy) or gender, national origin, age (40 or older), disability, or genetic information. Harassment becomes 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 immediately report the alleged acts. The employee may report the alleged acts to his or her

supervisor or [Principal/principal](#), or to the appropriate Compliance Coordinator designated in Section 2.1 of this [Handbook/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 [GOODWATER MONTESSORI SCHOOL's/Goodwater Montessori School'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.

[GOODWATER MONTESSORI SCHOOL's/Goodwater Montessori School's](#) procedure for reporting and investigating sexual harassment or potential violations of Title IX is found in this [Handbook/handbook](#).

Conducting the Investigation

[GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) recognizes all official complaints as a serious matter and will follow through with an appropriate and timely investigation of the allegations. All complaints will be investigated. [GOODWATER MONTESSORI SCHOOL's/Goodwater Montessori School's](#) investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by [GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#), such as an attorney. At no time will employees who file a complaint be required or allowed to handle the problem themselves.

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 analyses of other information or documents related to the allegations.

To the greatest extent possible, [GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) will respect the confidentiality of the complainant, persons against whom a report is filed, and witnesses. The purpose of this is to maintain impartiality to the extent possible. Both the complaining individual and the alleged harasser have equal privacy rights under the law. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Corrective Action

[GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) will take prompt, effective action to end any harassment and to deter future harassment. After all the circumstances of the complaint, including responses of the alleged perpetrator and witnesses, have been documented, a determination will be made as to whether or not discrimination or harassment has occurred. Prompt corrective action, if warranted, will follow immediately. This may include discipline or termination of the perpetrator or the complainant in the case that a falsified and malicious complaint was discovered and substantiated. The complainant and other persons directly involved will be provided notice of [GOODWATER MONTESSORI SCHOOL's/Goodwater Montessori School's](#) disposition in the matter.

Either the complaining employee or the alleged harasser has the right to appeal the determination of the investigation to the Board of Directors if he or she indicates so in writing and delivers the appeal to the Superintendent within ten calendar days of the determination.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens, or in any other way harasses another employee is personally liable for such actions and their consequences.

7.3. Sexual Harassment Prohibited

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School prohibits discrimination on the basis of sex, including sexual harassment, of a student by an employee, volunteer, or another 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 a student'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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School investigate the allegation of sexual harassment.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered ~~appropriate~~appropriately 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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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~~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.

~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must provide the following written notice to the parties who are known:

- Notice of ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during an investigation, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School decides to investigate allegations about the complaint or ~~respondent~~respondents that are not included in the initial notice of the complaint, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

The following guidelines apply when ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School receives a formal complaint of sexual harassment. This process is designed to incorporate due process, principles, treat all parties fairly, and ~~to~~ assist ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to reach reliable responsibility determinations.

- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL’s~~Goodwater Montessori School’s sexual harassment policy.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall attempt to complete an investigation of reported sexual harassment within 45 days of receiving a complaint. However, the investigation process may be delayed or extended for a limited time for a good cause with written notice to the complainant and the respondent of the delay or extension. Good ~~cause~~causes may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Students found to have engaged in sexual harassment are subject to disciplinary action as outlined in the Student Code of Conduct.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall employ the preponderance of evidence standard to determine responsibility when reviewing formal complaints.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 arising out of the same facts or circumstances.

Dismissal of Formal Complaints

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must investigate the allegations in a formal complaint.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~'s Goodwater Montessori School's education program or activity; or
- Did not occur against a person in the United States.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School *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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School; or
- Specific circumstances prevent ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must promptly send a simultaneous written notice to the parties of the dismissal and the reason(s) for the dismissal. Dismissal of a formal complaint does not preclude ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and not on the parties.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School receives that party's voluntary, written consent to do so.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 advisor 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the conclusion of the investigation.
- Prior to completing an investigative report, ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the 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 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 the application of ~~GOODWATER—MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's education program or activities will be provided to the complainant; and
- ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's procedures and permissible bases for the complainant and respondent to appeal.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must provide the written determination to the parties simultaneously. The determination becomes final either on the date ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the effective implementation of any remedies.

Appeals

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will offer both parties an appeal from a determination regarding responsibility, and from ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's dismissal of a formal complaint or any allegations therein, on the following bases:

- A 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, the 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's grievance procedures.

Emergency Removals

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School is able to remove a respondent from ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's education program on an emergency basis, provided that ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However,

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

Neither ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 7-2 of this Handbook.

7.4. 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/principal](#) or other appropriate [GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) 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.

[GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) 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 [GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) 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 the law and will result in appropriate disciplinary action up to and including termination from employment and referral to appropriate law enforcement authorities.

[GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) employees are generally encouraged to report any 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 [GOODWATER MONTESSORI SCHOOL/Goodwater Montessori School](#) employee is always prohibited, even if consensual.

7.5. Fraud, Dishonesty, and False Statements

No employee or applicant may ever falsify any application, medical history record, student paperwork, employee paperwork, timesheet, timecard, 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.

7.6. Insubordination

All employees have duties to perform. It is against ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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~~principal or designee.

7.7. Process for Employee Complaints and Grievances Regarding Harassment and Discrimination

****NOTE**** The process for making formal complaints regarding sexual harassment is discussed in the section titled “Sexual Harassment Prohibited” in this ~~Handbook~~handbook.

~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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/CEO.
- 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 ~~GOODWATER—MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER—MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER—MONTESSORI SCHOOL.~~Goodwater Montessori School.

After receiving a report, the Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited discrimination or harassment. If so, ~~GOODWATER~~

~~MONTESSORI SCHOOL~~Goodwater Montessori School shall immediately authorize or undertake an investigation. If appropriate, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, such as an attorney. When appropriate, the ~~Principal~~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 analyses 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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~~handbook.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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>.

7.8. Whistleblower Complaints

The Texas Whistleblower Act (“TWA”) protects employees who make good faith reports of violations of law by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School or another employee to an appropriate law enforcement authority. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the Director of Business Operations 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~~handbook, beginning at Level Three.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8. EMPLOYMENT STANDARDS

The successful operation and reputation of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School are 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 a scrupulous regard for the highest standards of conduct and personal integrity.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, the Director of Business Operations.

Every employee is responsible for complying with ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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.

8.1. Standards of Conduct

All employees are expected to work together in a cooperative spirit to serve the best interests of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School time, funds, and property for authorized ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School business and activities only.

All employees should perform their duties in accordance with state and federal law, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School policies and procedures, and ethical

standards. Violation of policies, regulations, or guidelines may result in disciplinary action, up to and including termination. Additionally, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will report educator and employee misconduct as required by applicable law.

8.2. 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the realization of his or her potential as an effective citizen. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, 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 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.

8.3. Financial Ethics

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, except as otherwise permitted by law or ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School policy;
- Failure to disclose conflicts of interest as required by law or ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School;
- Impropriety in the handling of money or reporting of ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School; or
- Any other dishonest act regarding the finances of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.4. Unacceptable Employee Conduct

Employees are expected to follow all laws, policies, regulations, terms, and conditions of employment and directives of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.
5. Dishonesty, falsification, or misrepresentation on an application for employment or other work records; falsifying reasons for a leave of absence or other data requested by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and/or alteration of ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School property or when representing ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, including “horseplay” or provoking a fight between others.
16. Giving to other schools, organizations, or people information made confidential by law and/or proprietary ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School information that is obtained from ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's files or records in the course of employment.
17. Giving to other schools, organizations, or people information relating to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School employees and/or students that is obtained from ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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/CEO).
19. Negligence or any careless action that endangers the life or safety of another person, or damages or destroys the property of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.
20. Possession of firearms, weapons, or explosives on ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School property, while on duty or while representing ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.
21. Smoking is prohibited, 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School property, at any time, for any reason.
24. Unauthorized possession or removal of any ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School property, including documents, from the premises without prior permission from a supervisor;
25. Unauthorized use of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 this Handbook~~handbook~~, or abusing a prescription drug, while at work or otherwise representing ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.
28. Violations of ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's expectations for employee conduct, including but not limited to those set out in this Handbook~~handbook~~, or as otherwise distributed to employees by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School to operate efficiently and effectively.

8.5. Accident Reporting

Employees shall report any on-the-job injury or accident immediately to their Supervisor. Supervisors must notify the Director of Business Operations 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.

8.6. 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will orally report the fatality/multiple hospitalizations 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.7. Violence in the Workplace

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.8. Alcohol and Drug-Abuse Prevention

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may be dismissed. ~~GOODWATER MONTESSORI SCHOOL'S~~Goodwater Montessori School's policy regarding employee alcohol and/or drug use is as follows:

DRUG-FREE WORKPLACE NOTICE

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medications without a prescription on ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL'S~~Goodwater Montessori School's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL'S~~Goodwater Montessori School's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, on ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, each employee shall abide by the terms of the requirements and prohibitions set out in this statement and shall notify ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall either (1) take an 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will conduct drug and/or alcohol testing under any of the following circumstances:

- *For-Cause Testing:* ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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:* ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

All reports by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the Director of Business Operations.

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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School property.

8.10. Asbestos Management Plan

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's management plan is available for inspection during normal business hours by contacting the Director of Business Operations.

8.11. Communicable Diseases

The following information will provide simple and effective precautions against the transmission of 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 handwashing techniques;
- Request assistance from a custodian for proper cleaning of all bodily fluid spills.

8.12. Hazard Communication Act

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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/CEO 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.

8.13. Occupational Safety and Health Administration Statement

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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”), ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School maintains a log of all occupational injuries and illnesses and asks that employees report such injuries and illnesses within 48 hours so that ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may report these occurrences within a lawful period of time to the nearest OSHA office.

As employees of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School:

- You have the right to notify ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must post the citations at or near the place of the alleged violation.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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:

- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School must furnish all employees a place of employment free from recognized hazards.
- ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 or call 1-800-321-OSHA.

8.14. Workplace Safety and OSHA Compliance

To assist in providing a safe and healthy work environment for employees, students, parents, and visitors, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School has established a workplace safety program. This program is a top priority of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, and its success depends on the alertness and personal commitment of all.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.15. Suspicious Behavior

Employees are encouraged to report any suspicious behavior observed at school or at any school-related or school-sponsored activity. Strangers or former employees walking unaccompanied in areas not generally open to the public should be pointed out to a supervisor.

8.16. Former Employees

Unless granted permission by a central office or campus administrator, former employees may not enter areas that are not open to the public after they are no longer employed by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

8.17. Employee Dress Code

Employee dress should be neat, clean, and appropriate for a professional appearance. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School endeavors to maintain a pleasant, healthy and professional working environment at all times. The dress and grooming of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their campus supervisors and approved by the Superintendent/CEO. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may establish more specific guidelines within this general policy which will be provided to all faculty and staff. If an employee is unsure of the appropriateness of a particular item of clothing, the employee should choose not to wear it.

Additionally, because it is difficult to establish a specific dress standard, a ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School administrator may require an employee to change clothing into attire more appropriate for the school environment.

Exceptions to the dress code may be considered to make reasonable accommodations for an employee's disability, as defined by the Americans with Disabilities Amendments Act of 2008, or for an employee's sincerely held religious belief.

8.18. Performance Management Program

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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~~principal and/or their immediate supervisor at least annually. ~~Principals~~principals and/or supervisors may also elect to complete additional period evaluations, as approved by the next level of administration.

8.19. Outside Employment

Employees of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School are expected to work solely for ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. Any outside employment, whether self-employment or working for another employer, should be immediately disclosed in writing and approved by the Superintendent/CEO. In certain circumstances, such outside employment may be permitted by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, however, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School retains the right to review and evaluate each situation on an individual basis. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School prohibits the performance of non-school work while on the job or with school equipment and/or supplies.

8.20. Employee Searches

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School reserves the right to conduct searches to monitor compliance with rules concerning the safety of employees, the security of the 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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~~in 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.21. Reporting an Educator's Misconduct

The Superintendent/CEO 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 ~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School 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~~ principal shall promptly notify the Superintendent/CEO 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/CEO 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/CEO is unable to complete the investigation, the Superintendent/CEO 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.22. 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-educators termination or resignation if:

1. The employment of a non-educator with ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the misconduct described above.

This reporting requirement applies to any person who is employed by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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~~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.

8.23. Audio & Video Recordings

An employee is prohibited from making any audio or video recording while acting in the course and scope of their employment or while on school property without the written consent of each person subject to the recording. School functions such as athletic activities or performances are exempt from this prohibition. Furthermore, an employee is prohibited from using his or her personal cell phone or school-issued cell phone to photograph students or to post student photographs unless the employee has received expressed written consent from the student's parent or legal guardian or the employee has confirmed with the Director of Admissions that the charter school has received expressed written consent from the student's parent or legal guardian.

8.24. 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 [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) wishes to operate. [GOODWATER MONTESSORI SCHOOL's](#) [Goodwater Montessori School'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 Marcy Steward, Director of Business Operations 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 [GOODWATER MONTESSORI SCHOOL's](#) [Goodwater Montessori School'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 Director of Business Operations 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 significant ownership in a firm with which [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) 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 [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#).

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 the Director of Business Operations.

Nothing in this policy is meant to interfere with [GOODWATER MONTESSORI SCHOOL's](#) [Goodwater Montessori School's](#) desire to encourage staff members to take part in civic, church, and other public services where opportunities to exhibit good citizenship are present.

8.25. Employment of Relatives and Fraternalization

[GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with [GOODWATER MONTESSORI SCHOOL's](#) [Goodwater Montessori School'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, employees who are in administrative, management, or supervisory roles are prohibited from dating any employee over whom they have direct or indirect supervision. Also, individuals who work within the Human Resources Department are prohibited from dating any [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) employee.

If two employees are involved in a dating relationship, it will be presumed by [GOODWATER MONTESSORI SCHOOL](#) [Goodwater Montessori School](#) that the relationship is welcomed by both parties unless one or the other notifies [GOODWATER MONTESSORI SCHOOL](#) [Goodwater](#)

Montessori School to the contrary. Public displays of affection and favoritism during work hours and school activities are prohibited.

Conduct that occurs during a disagreement or following a termination of the relationship must not violate GOODWATER MONTESSORI SCHOOL's Goodwater Montessori School's harassment policy.

While relatives of employees or the Board of Directors may be employed by GOODWATER MONTESSORI SCHOOL Goodwater Montessori School 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 for another relative. Additionally, GOODWATER MONTESSORI SCHOOL Goodwater Montessori School may not employ relatives of the Superintendent/CEO if the Superintendent has final hiring authority over the position sought, unless the relative of the Superintendent/CEO was hired prior to September 1, 2013.

GOODWATER MONTESSORI SCHOOL Goodwater Montessori School 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/CEO in accordance with GOODWATER MONTESSORI SCHOOL's Goodwater Montessori School's formal complaint procedures set forth in this Handbook handbook.

Unless otherwise approved by the Superintendent/CEO, if two employees marry or become relatives of each other, they should not remain in a professional supervisory relationship. GOODWATER MONTESSORI SCHOOL Goodwater Montessori School will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for reassignment, or GOODWATER MONTESSORI SCHOOL Goodwater Montessori School may reassign the employees at its discretion. If no alternate position is available, GOODWATER MONTESSORI SCHOOL Goodwater Montessori School 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 GOODWATER MONTESSORI SCHOOL Goodwater Montessori School.

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 GOODWATER MONTESSORI SCHOOL Goodwater Montessori School. 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.26. Updated/ Current ~~Employee~~Employees Information

~~8-26.~~ Employees are required to regularly update:

- A change in home address or telephone number;
- A change in marital status or in the number of dependents;
- A change of insurance beneficiary;
- A change in the number of exemptions claimed for income tax purposes;
- The driving record or status of an employee's driver's license, if the employee operates any ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School vehicle or operates his or her own vehicle for work-related duties, not including driving to and from work.
- A legal change of name.
- The Public Information Act form indicating whether certain personal information may be released to the public.

Updates should be made by notifying the Director of Business Operations.

8.27. Allowable Uses of School Property

All employees are responsible for taking proper care of the school-owned property, including vehicles, buildings, furnishings, equipment, tools, and supplies. The school-owned property must remain on the premises at all times unless approved in advance by the ~~Principal~~principal or other appropriate administrator. Proper care and maintenance of school-owned vehicles are 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 [GOODWATER MONTESSORI SCHOOL's Goodwater Montessori School'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 the 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 ~~the~~ public property for private commercial purposes. Any such incidental use of the 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.

8.28. Computer & Internet Use

With the exception of the incidental personal use described in this [Handbookhandbook](#), access and use of ~~GOODWATER MONTESSORI SCHOOL's Goodwater Montessori School's~~ computers, computer networks, electronic mail, and the Internet is only for educational and administrative purposes. Access [efto](#) material that is obscene, child pornography, or harmful to minors is prohibited.

Failure to comply with this section may result in disciplinary action, up to and including termination.

8.29. Administration of Medication to Students

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, [the](#) 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, GOODWATER MONTESSORI SCHOOLGoodwater Montessori School 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 medication and intended to have an altering effect on perception, emotion, or behavior.

8.30. Reporting Child Abuse/Child Neglect

Any GOODWATER MONTESSORI SCHOOLGoodwater Montessori School 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 Principalprincipal 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.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will fully cooperate with all official investigations of abuse or neglect.

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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.

8.31. Traffic Violations

If an employee, during the course of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School business, receives a traffic violation, the employee will be personally liable for any expenses incurred from that violation. If during the course of transporting a student(s), an employee receives a traffic violation, that employee is subject to disciplinary action, up to and including discharge.

8.32. Weapons and Firearms Prohibited

Weapons. The ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School prohibits the use, possession, or display of any illegal knife, club, or prohibited weapon on school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. This prohibition includes weapons in vehicles on school property.

Firearms. The ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School prohibits the use, possession, or display of any illegal firearm on school premises (i.e., building or portion of a building) or any grounds or building where the school-sponsored activity takes place. This can include grounds otherwise excluded from the definition of "premises" such as public or private driveways, streets, sidewalks or walkways, parking lots, parking garages, or parking areas.

Pursuant to Texas Penal Code Section 46.03, an employee commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Texas Penal Code Section 46.05(a), on the physical premises of a school or educational institution. It is not a defense to prosecution under this section that the employee possessed a handgun and is licensed to carry a concealed handgun under the Texas

Government Code Chapter 411.

Firearms Exception. The ~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School may not prohibit a person, including a school employee, who holds a license to carry a handgun under Government Code Chapter 411, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned, or leased motor vehicle in a parking lot, parking garage, or other parking area provided by a charter school, provided that the handgun, firearm, or ammunition is not in plain view.

8.20. Authority to Bind Contracts

Only the charter school board of directors, acting as a body corporate, has the legal authority to bind the charter school to a financial or contractual obligation. Accordingly, no school employee is authorized to bind the charter school to any financial or contractual obligation unless the board of directors has expressly and explicitly delegated contracting authority to that employee through the adoption of board policy or through other formal board action.

8.21. Nursing Mothers

~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School supports the practice of nursing/pumping and makes reasonable accommodations for the needs of employees who require space to pump. A location, other than a multiple-user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can pump will be provided.

A reasonable amount of break time will be provided when the employee has a need to pump. For non-exempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with the Director of Business Operations to discuss their needs and arrange break times.

9. 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. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School encourages employees to discuss their concerns with their supervisor, principal, or another appropriate administrator who has the 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School nor any ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 the 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 email and fax), or by U.S. Mail. The 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 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

~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School before a scheduled conference or hearing, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may reschedule the conference or hearing to a later date, if desired, in order to include the school's council. ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School may consolidate the complaints.

Untimely Filings

All of the 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School.

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 that 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 fifteen (15) 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 Director of Business Operations, or designee. Other ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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/CEO or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the Level One complaint form.

Complaints alleging a violation of law by a supervisor may be made to the next level supervisor. Complaint forms alleging a violation of law by the Superintendent/CEO may be submitted directly to the Board or designee. If a report is made directly to the Board, the

Board may appoint an appropriate person to conduct an investigation.

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 ~~GOODWATER-MONTESSORI SCHOOL~~[Goodwater Montessori School](#), the employee may request a conference with the Superintendent/CEO or designee to appeal. The appeal notice must be filed in writing, on a form provided by ~~GOODWATER-MONTESSORI SCHOOL~~[Goodwater Montessori School](#), 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/CEO 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/CEO or designee may set reasonable time limits for the conference.

The Superintendent/CEO or designee shall provide the employee with a written response within fifteen (15) days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Superintendent/CEO or designee may consider the Level One record, the information provided at the Level Two conference, and any other relevant documents or information the Superintendent/CEO 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 ~~GOODWATER-MONTESSORI SCHOOL~~[Goodwater Montessori School](#), 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/CEO 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 an 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 **GOODWATER MONTESSORI SCHOOL** Goodwater Montessori School 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 decide 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.

10. EMPLOYEE ACCEPTABLE USE POLICY

10.1 Technology Resources

~~GOODWATER MONTESSORI SCHOOL~~ Goodwater Montessori School 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 Goodwater Montessori School
- Does not unduly burden Goodwater Montessori School's technology resources; and
- Has no adverse effect on job performance or on a student's academic performance;
- Email transmissions and other use of Goodwater Montessori's technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees who are authorized to use Goodwater Montessori School's technology and information resources are required to abide by the provisions of Goodwater Montessori School's acceptable use policy and administrative procedures. Failure to do so can result in the 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 Superintendent.

10.2 Network Acceptable Use

Goodwater Montessori School provides students, staff, volunteers, and Board members access to the Goodwater Montessori School'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 the acceptable use of Goodwater Montessori School's electronic network. Where the term "user" appears, the policy applies to any network user.

- The Goodwater Montessori School'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. Goodwater Montessori School 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. Goodwater Montessori School is not responsible for the actions of users who violate this policy.
- Goodwater Montessori School reserves the right to monitor all activity on its electronic network. Users will indemnify Goodwater Montessori 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 Goodwater Montessori School's electronic network.

10.3 General Unacceptable Behavior

While utilizing any portion of the Goodwater Montessori School'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 Superintendent or designee and administration staff. The use of the “all staff” group for other purposes must be approved by the Superintendent before 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 the Goodwater Montessori School’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 Goodwater Montessori School.
- Installation of any programs or software not approved by Goodwater Montessori School
- 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 Goodwater Montessori School.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages is likely to harm the recipient’s work or system and any other types of use which could cause congestion of the Goodwater Montessori School 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 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 Goodwater Montessori School equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using Goodwater Montessori School 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 the Goodwater Montessori School’s electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using the Goodwater Montessori School’s electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates Goodwater Montessori School’s standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of the Goodwater Montessori School’s electronic network or who receive any email containing inappropriate content should report the matter immediately to the Superintendent, or designee.

10.4 No Expectation of Privacy

Goodwater Montessori School email accounts should be used primarily for school-related purposes. Personal use of Goodwater Montessori School email accounts is only permitted on a limited basis so long as such personal use does not impede Goodwater Montessori 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 (periods comparable to reasonable coffee breaks during the day).

Goodwater Montessori School owns the rights to all data and files stored on any computer, network, or other information system used at Goodwater Montessori School and to all data and files sent or received using any Goodwater Montessori School system, including email, to the extent that such rights are not superseded by applicable laws relating to intellectual property.

Goodwater Montessori School owns any communication sent via email or that is stored on Goodwater Montessori School equipment or its cloud accounts. Goodwater Montessori School employees shall have no expectation of privacy in anything they store, send, or receive on Goodwater Montessori School's email system, computer equipment, or cloud accounts. All communications sent via email or stored on Goodwater Montessori School equipment may also be subject to the TPIA. Goodwater Montessori School 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 Goodwater Montessori School employee may access another employee's computer, computer files, or email messages without prior authorization from the Superintendent or designee to allow access to email accounts.

10.5 System Security

On occasion, Goodwater Montessori School 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 to privacy concerning any messages or information created or maintained on Goodwater Montessori School's electronic network, including personal information or messages. Goodwater Montessori School may, at its discretion, inspect all files or messages on its electronic network at any time 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 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.

Users will not attempt to gain unauthorized access to any portion of the Goodwater Montessori School'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 Goodwater Montessori School'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 Goodwater Montessori School's 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.

10.6 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 the software without permission from the Superintendent or designee. A user's account may be limited or terminated if a user intentionally misuses software on any Goodwater Montessori School-owned equipment.

Files stored on the network are treated in the same manner as other school storage areas. Routine maintenance and monitoring of Goodwater Montessori School's electronic network may lead to the discovery that a user has violated this policy. Users should not expect that files stored on Goodwater Montessori School servers are private.

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

10.7 Technology Hardware

Hardware and peripherals are provided as tools to users for educational purposes and 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 Superintendent or designee.

Goodwater Montessori School may permit the use of personally owned computing devices on its network, at the discretion of Goodwater Montessori School. All "guest" users must comply with administrative regulations governing the use of Goodwater Montessori School's technology resources and agree to allow monitoring of their usage and to comply with the regulations. Non-compliance may result in the suspension of access or termination of privileges and other disciplinary actions consistent with Goodwater Montessori School policy.

10.8 Vandalism

Any malicious attempt to harm or destroy data, the network, other network components connected to the network, hardware, or software will result in the cancellation of network privileges. Disciplinary measures in compliance with Goodwater Montessori School's policy will be enforced.

10.9 Personal Use of Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, email, weblogs (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 Goodwater Montessori School'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 Goodwater Montessori School's computers, network, or equipment.
- The employee shall limit the use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct Goodwater Montessori School business.
- The employee shall not use Goodwater Montessori School's logo or other copyrighted material of Goodwater Montessori School 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 Goodwater Montessori School records, including educator evaluations and private email addresses.
 - Copyright law.
 - Prohibition against harming others by knowingly making false statements about a colleague or the school system.

10.10 Use of Electronic Media and Electronic Communications with Students

Employees approved by Goodwater Montessori School may communicate through electronic media with students who are currently enrolled in Goodwater Montessori School **for educational purposes only**. All other employees are prohibited from communicating with students who are enrolled in Goodwater Montessori School 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), Weblogs (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 one-way communication as well as a dialogue between two or more people. 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 communication; however, the employee may be subject to regulations on personal electronic communications. Unsolicited contact from a student through electronic means is not 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 Goodwater Montessori School's 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 classwork, 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 10:00 pm and 6:00 am, 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 concerning 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; and
 - Copyright law.; and
 - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student.
- Upon request from Goodwater Montessori School'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 anyone or more currently-enrolled students.
- 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 to include, but are not limited to:**
 - The nature, purpose, timing, and amount of 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.

10.11 Consequences

The guidelines for appropriate use apply to all users 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 Goodwater Montessori School policy and administrative regulation. Violations may result in:

- Suspension of access to school computers and network resources;
- Revocation of access privileges or user accounts
- Additional 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.

10.12 EMPLOYEE INVOLVEMENT

At all levels, Goodwater Montessori School offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the school. As part of the Goodwater Montessori School's planning and decision-making process, employees may be invited to serve on a school-wide level advisory committee or task force. Plans and detailed information about the shared decision-making process are available from Dr. Bruce Tabor, Superintendent/CEO Goodwater Montessori School, or designee.

Employees may also make suggestions and recommendations regarding instructional effectiveness through Goodwater Montessori School's Employee Relations official, Alma Lahmon. Employees may apply to serve on a school committee or task force by responding to school postings for committee members, or by making their interest known to Employee Relations and their immediate supervisor. Employees are encouraged to participate in authorized school committees or task forces with the understanding that final member selection must be approved by the Superintendent/CEO or designee.

Employees may not organize unsanctioned school committees. Any unsanctioned committees and their membership will not be recognized by school officials. Employees should follow the employee involvement process in this handbook to share concerns and opinions. Employees with complaints are required to follow the guideline for employee complaints found in this [Handbookhandbook](#). Employees may also resolve informal complaints through the use of the Superintendent's open-door policy, and Goodwater Montessori School's employee relations.

11. DISCIPLINE

Employment with ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) is based on mutual consent and both the employee and ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) have the right to terminate employment at-will, with or without cause or advance notice. ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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 Superintendent/CEO of designee.
3. Written warning.
4. The 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.

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 Goodwater Montessori School 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 sites to a Goodwater Montessori School website without identifying yourself as a school employee.
4. Do not infringe on Goodwater Montessori School’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 Goodwater Montessori School trade secrets and private or confidential information concerning school employees, students, and/or agents that are obtained from Goodwater Montessori School’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 Goodwater Montessori School’s protection, as well as your own, you must show proper respect for the laws governing copyright, the fair use of copyrighted material owned by others, trademarks, and other intellectual property, including Goodwater Montessori School’s copyrights, trademarks, and brands.
8. The employee may not set up or update the employee’s personal social network page(s) using Goodwater Montessori School computers, network, or equipment.
9. The employee shall limit the use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, 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 Goodwater Montessori School policy, or interferes with the employee’s ability to effectively perform his or her job duties or adversely impacts Goodwater Montessori School and its service to students and parents (as solely determined by Goodwater Montessori School), 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 telephone number or e-mail address.

Employees shall immediately notify the Superintendent/CEO 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.

11.1 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 a 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 the Director of Business Operations 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 ~~GOODWATER MONTESSORI SCHOOL~~ [Goodwater Montessori School](#), 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 ~~GOODWATER MONTESSORI SCHOOL~~ [Goodwater Montessori School](#). Information on the continuation of benefits, the release of information, and procedures for requesting references will be provided at this time.

Reports Concerning Court-Ordered Withholding

~~GOODWATER MONTESSORI SCHOOL~~ [Goodwater Montessori School](#) is required to report the termination of employees that are under a 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 the Director of Business Operations within five calendar days of notice of termination. A Director of Business Operations 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 this ~~Handbook~~ [handbook](#), beginning at Level Three.

11.2 COBRA Notice

~~GOODWATER MONTESSORI SCHOOL~~ [Goodwater Montessori School](#) will notify employees of their potential rights under COBRA upon separation from employment with the school.

12.0 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 writings, works, and other creations that they may prepare, create, write, initiate or otherwise develop as part of their efforts while employed by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School shall be considered the property of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School. 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 papers, applications, or instruments that in ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's opinion may be necessary or desirable to secure ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School'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.

12. 1 Proprietary Information

Proprietary information includes all information relating in any manner to the business of ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School and its schools, students, parents, consultants, customers, clients, and business associates obtained by ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School employees during their work.

Occasionally, in the service of ~~GOODWATER MONTESSORI SCHOOL's~~Goodwater Montessori School's mission, ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School 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 ~~GOODWATER MONTESSORI SCHOOL~~Goodwater Montessori School documents, that employee should direct the request to the Director of Business Operations

13 Miscellaneous Provisions

13.1 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.

13.2 External Inquiries

Employees should contact the Director of Business Operations 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 on how to contact the Director of Business Operations. The Director of Business Operations should be notified as soon as possible. No employee other than the Director of Business Operations 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 Director of Business Operations as soon as possible.

13.3 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 by the Family Educational Rights and Privacy Act (“FERPA”).

13.4 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.

13.5 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. Goodwater Montessori School 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 about a co-worker or student infected with HIV or a life-threatening illness should contact the Director of Business Operations 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 the Director of Business Operations.

13.6 School Closures

Goodwater Montessori School may be closed because of bad weather or emergency conditions. When such conditions exist, the Superintendent/CEO 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 Goodwater Montessori School's emergency broadcast system.

13.7 Student Issues

Non-Discrimination Statement

Goodwater Montessori School does not discriminate based on 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.

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 Superintendent/CEO or designee.

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 Goodwater Montessori School. Non-instructional employees with concerns about a particular student's conduct should contact the student's classroom teacher or the Superintendent/CEO, or designee.

Employee Training

Goodwater Montessori School 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

Goodwater Montessori School 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.

Goodwater Montessori School’s anti-bullying policy applies to:

1. bullying that occurs on or is delivered to school property or 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/principal](#) or designee.

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

The [Principal/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/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 Goodwater Montessori School’s anti-discrimination and harassment policy instead. The [Principal/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 an investigation, if appropriate.

The Superintendent/CEO 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/indicate](#) 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. Goodwater Montessori School 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.). Goodwater Montessori School 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 Goodwater Montessori School's policies and procedures for attendance accounting. Contact the Superintendent/CEO, or designee, for additional information.

Student Transportation

Except in limited emergency situations, Goodwater Montessori School employees are not authorized to transport students in the employee's automobile.

Student Welfare: Computer Technician Reports of Child Pornography

Any computer technician employed by Goodwater Montessori School who, in the course and scope of employment or business with Goodwater Montessori School, 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.

13.8 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.

13.9 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 Goodwater Montessori School premises should immediately direct him or her to the building office or contact the administrator in charge.

Goodwater Montessori School may establish an electronic database for the purpose of storing information concerning school visitors. Such a 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. Goodwater Montessori School may also verify whether any visitor to campus is a sex offender registered with the computerized central database maintained by the Department of Public Safety, or any other database accessible by Goodwater Montessori School.

APPENDIX – FORMS

The remainder of the pages has been left intentionally blank.

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 the completion of the application process.

I, _____, hereby authorize Goodwater Montessori School 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 Goodwater Montessori School 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 Goodwater Montessori School 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 Goodwater Montessori School 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

2020-2021-2022 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

Goodwater Montessori School 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 Goodwater Montessori School, 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.

If 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 about 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 the Director of Business Operations.

AUTHORIZATION

I have carefully read and understood this Disclosure and Authorization Form and the attached Summary of Rights under the FCRA. I hereby authorize Goodwater Montessori School and/or its agent(s) to obtain and furnish to Goodwater Montessori School 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 Goodwater Montessori School 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 Goodwater Montessori School, 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 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 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 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 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.
- **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 displayed 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.

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 & 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> |
| <p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p> | <p>Nearest Packers and Stockyards Administration area supervisor</p> |
| <p>6. Small Business Investment Companies</p> | <p>Associate Deputy Administrator for Capital Access The United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416</p> |
| <p>7. Brokers and Dealers</p> | <p>Securities and Exchange Commission</p> |

| | |
|--|---|
| | 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 Goodwater Montessori School. I further release and hold harmless both Goodwater Montessori School 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 Goodwater Montessori School, 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 Goodwater Montessori School 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 Goodwater Montessori School 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 Goodwater Montessori School and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize Goodwater Montessori School 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 Goodwater Montessori School 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 Goodwater Montessori School, 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 Goodwater Montessori School 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 Goodwater Montessori School, 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~~[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 Goodwater Montessori School following any modifications to the Drug-Free Workplace Policy, I hereby 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 ~~GOODWATER MONTESSORI SCHOOL~~[Goodwater Montessori School](#) 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

Goodwater Montessori School reserves the right to conduct searches to monitor compliance with rules concerning the safety of employees, the security of the 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 Goodwater Montessori School's premises, Goodwater Montessori School 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, Goodwater Montessori School 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 Goodwater Montessori School'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, Goodwater Montessori School 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 Goodwater Montessori 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, except for 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 Goodwater Montessori School officials and/or law enforcement authorities.

All employees of Goodwater Montessori School 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 have 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. Goodwater Montessori School 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 Goodwater Montessori School will face disciplinary action, up to and possibly including immediate termination.

IN ACCORDANCE WITH GOODWATER MONTESSORI SCHOOL POLICY REGARDING SEARCHES, I UNDERSTAND THAT ALL DESKS, STORAGE AREAS, LOCKERS, AND ALL VEHICLES OWNED, FINANCED, OR LEASED BY GOODWATER MONTESSORI SCHOOL, 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 GOODWATER MONTESSORI SCHOOL. 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 GOODWATER MONTESSORI SCHOOL 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 GOODWATER MONTESSORI SCHOOL TO CONDUCT SUCH A SEARCH AT ANY TIME GOODWATER MONTESSORI SCHOOL MAY DIRECT DURING MY DUTY SHIFT.

I FURTHER UNDERSTAND THAT IN ORDER TO PROMOTE THE SAFETY OF EMPLOYEES AND VISITORS OF GOODWATER MONTESSORI SCHOOL, AS WELL AS THE SECURITY OF THE FACILITIES AND RESIDENTS OF THE FACILITIES WHERE GOODWATER MONTESSORI SCHOOL IS LOCATED, GOODWATER MONTESSORI SCHOOL 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 GOODWATER MONTESSORI SCHOOL MAY CHOOSE.

I HEREBY RELEASE GOODWATER MONTESSORI SCHOOL 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

Goodwater Montessori School Representative

Date

Wage Deduction Authorization Agreement

I understand and agree that my employer, Goodwater Montessori School, 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 Goodwater Montessori School's group medical/dental plan;
2. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by Goodwater Montessori School;
3. Installment payments on loans or wage advances given to me by Goodwater Montessori School, and if there is a balance remaining when I leave Goodwater Montessori School, 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 Goodwater Montessori School, the balance of such store credit or charges;
5. If I receive an overpayment of wages for any reason, repayment to Goodwater Montessori School of such overpayments (the deduction for such repayment will equal the entire amount of the overpayment, unless Goodwater Montessori School 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 Goodwater Montessori School-owned phones or on its accounts, of personal faxes sent by me using Goodwater Montessori School-owned equipment or its accounts, or of non-work-related access to the Internet or other computer networks by me using Goodwater Montessori School-owned equipment or its accounts;
7. The cost of repairing or replacing any of Goodwater Montessori School'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 the appropriate authorization from Goodwater Montessori School 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 Goodwater Montessori School, 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 Goodwater Montessori School in connection with my employment;
10. Administrative fees in connection with court-ordered garnishments or legally required wage attachments of my pay, limited in the extent to the amount or amounts allowed under applicable laws;
11. If I take a paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from Goodwater Montessori School 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 Goodwater Montessori School pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under any applicable benefit plan offered by Goodwater Montessori School during my employment, the number of such payments made by Goodwater Montessori School, such payments being an advance of future wages payable to me.

I agree that Goodwater Montessori School may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that Goodwater Montessori School 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 Name

Goodwater Montessori School Representative

Date

Wage Overpayment/Underpayment Policy

Goodwater Montessori School 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 Director of Business Operations so that corrections can be made as quickly as possible. If the employee has been underpaid, Goodwater Montessori School 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 Goodwater Montessori School as soon as possible. No employee is entitled to retain any payment 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



710 Stadium Dr.
Georgetown, TX 78626
www.goodwatermontessori.org
512-931-3560

Superintendent Report
11/16/2021

Community Events

Elementary Riddle Day

10/29/2021

Each year our Elementary students wear costumes of people that have impacted their lives. The students research the person of interest and write a report. They present the information to their community and the community tries to identify the person of interest.

Safety

August 31, 2021 - Explanation to each Community Lock down procedures

October 28, 2021 - Evacuation Drill

November 19, 2021 - Shelter (Hazard and Safety Strategy)

The Emergency Operations Plan (EOP) has been reviewed by the Texas School Safety Center. The school was given a “Sufficient” Rating. The Texas School Safety Center made recommendations in the following areas:

1. The EOP plan needed additional elements of the Comprehensive Multi-Hazard Operations Plan.
2. In the Active Shooter Annex, the school needs to provide actions before first responders arrive on the scene.
3. There needs to be additional information relating to the continuity of Operations throughout a hazard.
4. There needs to be additional information relating to communicable disease Annex.

We are working to develop the modifications and will submit these modifications for review on December 1, 2021.

We honored Representative Trey Wilson for his staunch support of Charter Schools. Representative Wilson has supported Charter Schools and we appreciate his work to promote Charter Schools in Texas. Our students submitted art work with the theme of “Thank you Representative Wilson.” We presented the plaque below and selected an artwork to go into the Frame. All of the artwork submitted by the students was presented to Representative Wilson.

The art work selected to be put in the frame was submitted by Eleanor Hinds from our Adolescent Community.



ENROLLMENT

1. Enrollment currently stands at 370. Our attendance cumulative percentage for the school year is now at 93%. We will be involved in the Georgetown Christmas Festival this year, which will include participating in the parade and will supporting a booth at the Festival as well. We are soliciting assistance from our volunteers. If you would like to volunteer please contact Alma Lahmon at alma.lahmon@goodwatermontessori.org

COVID UPDATE

1. As of Monday, November 15, 2021, we have had a total of 13 COVID cases. 11 of those cases were by close contact from family members and 2 cases were unknown.
2. We strongly recommend that students and staff wear masks at school.
3. We appreciate the support of our parents and caregivers as they have been diligent in keeping students out of school if they show symptoms of the virus.

4. We continue with the safety protocols that were established last year and any newly updated guidance from WCCHD. These include:
 - a. Hand sanitizing stations at each entrance to the school
 - b. Hand sanitizer in each classroom
 - c. Electrostatic sprayers to disinfect the classrooms
 - d. Rapid testing availability for students and staff who may have symptoms
 - e. Air purifiers in each classroom
 - f. Custodian on staff
 - g. Nightly cleaning of the school

ACADEMICS

1. We are underway with the Accelerated Learning for students who did not pass the STAAR last Spring.
2. We are also working to develop Response to Intervention (RTI) for students in the First and Second grade based on their results from the beginning of the year MAP assessments in Reading and Math.

COFFEE WITH DR. BRUCE

Our next coffee with Dr. Bruce will be held on October 19th at 9:30 am. The link for this conversation is:

<https://us02web.zoom.us/j/85817137758?pwd=YkpkTFBNaTZVSWYrTWQvc0FCdVRmQT09>

Thank you to all of our parents, caregivers, and Board members for your support.

FINANCE

The FIRST Report, which occurs each year results are finalized and the school scored an 89 (B) Above Standard Performance. Congratulations to Marcy.

There are a number of Grants pending at this time for the 2021-2022 school year, which include Texas COVID Learning Acceleration Supports. This grant provides support for strategic planning and continuously improve learning acceleration strategies. The ESSER fund, which was established as part of the Education Stabilization Fund in the CARES Act, state educational agencies awarded subgrants to local educational agencies to address the impact that the Novel Coronavirus Disease has had. We also have our Title 1 Part A Grant. We are investigating another grant called SHARS (School Health and Related Services program. SHARS reimbursement is available for children who meet all of the following requirements:

- 20 years of age and younger
- currently eligible for Medicaid
- enrolled in a public school's special education program
- meet requirements for special education described in the Individuals with Disabilities Education Act (IDEA)
- current individualized education program (IEP) that prescribes the needed services.
- Services covered by SHARS include:
 - audiology services
 - counseling
 - nursing services
 - occupational therapy

- personal care services
- physical therapy
- physician services
- psychological services, including assessments

Special Education

The link below provides a list of acronyms used in special education.

<https://fw.escapps.net/display/Webforms/ESC-FW-Glossary.aspx?DT=G&LID=en>

We are currently updating our procedures and processes for Special Education relating to SPPP11.

FACILITIES

The speed bumps have been ordered to be installed over the Thanksgiving break. We will also be re-striping the parking lot.

I would like to recognize Ms. Katy Metzler and the volunteers who have contributed time and labor to our Orchard.

Exciting things are happening at the orchard that include developing a Monarch Way Station for the Monarch Butterflies. We would also like to thank Celine Wulum for the assistance in getting a \$100 grant from the Native American Seed.

The link below will take you to the pictures of where the Monarch Way Station will be and a drawing of where the Native Seeds will be planted.

https://www.goodwatermontessori.org/apps/pages/index.jsp?uREC_ID=654952&type=d&pREC_ID=2268369

I do want to thank our staff for the tremendous effort they continue to provide in support of our students and families. The flexibility they show each and every day is incredible.

I want to thank the parents for their support as well. Even still in the midst of a pandemic our parents provide due diligence to make sure that if a student has any symptoms they keep their student home for the safety of the student and our school.

Finally, I want to thank our Board for their support.

This concludes my report.

Kindest Regards,

Dr. Bruce



Fourth Court of Appeals
San Antonio, Texas

OPINION

No. 04-21-00342-CV

Greg **ABBOTT**, in his Official Capacity as Governor of Texas,
Appellant

v.

CITY OF SAN ANTONIO and County of Bexar,
Appellees

From the 45th Judicial District Court, Bexar County, Texas
Trial Court No. 2021CI16133
Honorable Antonia Arteaga, Judge Presiding

Opinion by: Rebeca C. Martinez, Chief Justice

Sitting: Rebeca C. Martinez, Chief Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: November 10, 2021

AFFIRMED

In this interlocutory appeal, Texas Governor Greg Abbott challenges a temporary injunction restraining him and his agents and employees from enforcing sections of Executive Order GA-38 to the extent it prohibits local officials and governmental entities from requiring masks or face coverings be worn in certain settings within the City of San Antonio and Bexar County. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(4). In two issues, the Governor contends (1) the trial court abused its discretion in issuing the temporary injunction; and (2) the trial court lacked jurisdiction to enjoin GA-38. We affirm the trial court's order.

BACKGROUND

On July 29, 2021, the Governor signed Executive Order GA-38, which provides, with some exceptions, that: “No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering”¹ The Order also suspends the following statutes “[t]o the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements”: (i) sections 418.1015(b) and 418.108 of the Texas Government Code; (ii) chapter 81, subchapter E of the Texas Health and Safety Code; (iii) chapters 121, 122, and 341 of the Texas Health and Safety Code; (iv) chapter 54 of the Texas Local Government Code; and (v) any other statute invoked by any local governmental entity or official in support of a face-covering requirement.²

On August 10, 2021, the City of San Antonio and Bexar County filed a declaratory judgment suit against the Governor, in his official capacity as Governor of Texas, challenging Executive Order GA-38. The City and County’s suit alleges that the Governor acted *ultra vires* and outside the scope of his authority under the Texas Disaster Act of 1975 (the “Texas Disaster Act” or the “Act”) and, alternatively, that the Act violates the Texas Constitution. The City and County’s suit also includes an application for a temporary injunction.

On August 16, 2021, the trial court held a hearing on the temporary injunction application and heard evidence from Dr. Junda Woo, who is the Medical Director and Local Health Authority for the City of San Antonio Metro Health, San Antonio City Manager Erik Walsh, Bexar County

¹ Executive Order GA-38 § 4(a). Further, Section 3(b) provides that “no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering”; Section 3(g) provides that “the imposition of any conflicting or inconsistent limitation by a local governmental entity or official . . . is subject to a fine up to \$1,000”; and Section 5(a) provides, among other things, that Executive Order GA-38 “shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster.”

² Executive Order GA-38 § 4(b).

Manager David Smith, and two other witnesses. After the hearing, the trial court signed an order granting the temporary injunction. In its order, the trial court stated its reasons for enjoining the enforcement of the provisions of Executive Order GA-38 disallowing local governmental entities from requiring individuals to wear face coverings as follows:

[T]he Court finds that unless Defendant Greg Abbott, in his official capacity as Governor of Texas, is temporarily restrained as described below, Plaintiffs will suffer irreparable injury before trial on the merits through the inability to impose masking requirements to control the spread of the COVID-19 virus that threatens to overwhelm the capacity of the healthcare system in the City and County and to cause the City and County to reduce services to the community and furlough workers. The Court further finds that Plaintiffs have shown a probable right to relief on the merits of their claims.

The temporary injunction order specifically restrains the Governor, in his official capacity, and each of his agents, employees, or those in active participation or concert with him, from enforcing [s]ections 3(b), 3(g), 4, and 5(a) of Executive Order GA-38 to the extent those provisions (1) prohibit the City of San Antonio and Bexar County from requiring City and County employees or visitors to City- and County-owned facilities to wear masks or face coverings; or (2) prohibit the San Antonio and Bexar County Public Health Authority from requiring masks in public schools in the City and County.

The temporary injunction order also sets the case for trial on the merits on December 13, 2021.

After the trial court signed the temporary injunction order, the Governor filed a notice of appeal in this court stating that “[u]pon filing of this instrument[,]” the temporary injunction order “is superseded” pursuant to Rule 29.1(b) of the Texas Rules of Appellate Procedure and section 6.001 of the Texas Civil Practice and Remedies Code. *See* TEX. R. APP. P. 29.1(b); TEX. CIV. PRAC. & REM. CODE ANN. § 6.001(b). The City and County filed an emergency motion with our court asking us to preserve their rights by issuing an order reinstating the trial court’s temporary injunction. We granted the City and County’s emergency motion and reinstated the trial court’s temporary injunction pending final disposition of the appeal. The Governor subsequently sought

emergency relief from the Texas Supreme Court, which granted emergency relief to the Governor, staying this court's order for altering the status quo.

STANDARD OF REVIEW

A temporary injunction is an extraordinary remedy and does not issue as a matter of right. *Walling v. Metcalfe*, 863 S.W.2d 56, 57 (Tex. 1993) (per curiam). A temporary injunction serves to preserve the status quo of the litigation's subject matter pending trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). Accordingly, the only question before the trial court is whether the applicant is entitled to preservation of the status quo pending trial on the merits. *Walling*, 863 S.W.2d at 58; *Blackthorne v. Bellush*, 61 S.W.3d 439, 442 (Tex. App.—San Antonio 2001, no pet.). At the hearing for a temporary injunction, the applicant is not required to establish that it will prevail on final trial. *Walling*, 863 S.W.2d at 58. A temporary injunction should only issue if the applicant establishes (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim if the injunction is not granted. *Butnaru*, 84 S.W.3d at 204.

The decision to grant a temporary injunction lies in the sound discretion of the trial court and is subject to reversal only for a clear abuse of that discretion. *Id.*; *Walling*, 863 S.W.2d at 58. The trial court abuses its discretion when it misapplies the law to the “established facts, or when the evidence does not reasonably support the conclusion that the applicant has a probable right of recovery.” *State v. Southwestern Bell Tel. Co.*, 526 S.W.2d 526, 528 (Tex. 1975). All legitimate inferences from the evidence are drawn in favor of the trial court's judgment. *City of San Antonio v. Rankin*, 905 S.W.2d 427, 430 (Tex. App.—San Antonio 1995, no writ). An abuse of discretion does not exist when the trial court bases its decision on conflicting evidence and the evidence reasonably supports its conclusion. *Butnaru*, 84 S.W.3d at 211; *see Khaledi v. H.K. Glob. Trading, Ltd.*, 126 S.W.3d 273, 281 (Tex. App.—San Antonio 2003, no pet.) (“An injunction is not

improper merely because the evidence presented below conflicted; it need only reasonably support the movant's complaints.”).

PROBABLE RIGHT TO RECOVERY

The Governor first asserts the trial court abused its discretion in concluding that the City and County have a probable right to relief on their *ultra vires* claim seeking a declaratory judgment that the Governor's ban on the adoption of mask mandates by local governments in GA-38 is outside the scope of his authority under the Texas Disaster Act. The Governor asserts that under the Act, he has the authority to manage statewide disasters, which allows him to issue executive orders suspending statutory provisions that the City and County rely on to manage the COVID-19 pandemic. We hold that the trial court did not abuse its discretion in concluding that the City and County have a probable right to relief on their *ultra vires* claim.

An *ultra vires* claim must be brought against a government officer in his or her official capacity. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 373 (Tex. 2009). The plaintiff must plead and prove “that the officer acted without legal authority or failed to perform a purely ministerial act.” *Id.* at 372. “[A] government officer with some discretion to interpret and apply a law may nonetheless act ‘without legal authority,’ and thus *ultra vires*, if he exceeds the bounds of his granted authority or if his acts conflict with the law itself.” *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 158 (Tex. 2016).

The City and County's *ultra vires* claim requires construction of the Texas Disaster Act. Statutory construction is a question of law that we review de novo. *Galbraith Eng'g Consultants, Inc. v. Pochucha*, 290 S.W.3d 863, 867 (Tex. 2009). Our primary objective in construing statutes is to give effect to the legislature's intent. *Id.* In ascertaining legislative intent, if the words of a statute are clear and unambiguous, we apply them according to their plain and common meaning. *Id.* If the plain language of a statute does not convey the legislature's apparent intent, we may

resort to additional construction aids, such as the objective of the law, the legislative history, the common law or former statutory provisions, including laws on the same or similar subject, and the consequences of a particular construction. *Id.* at 867–68; *see also* TEX. GOV'T CODE ANN. §§ 311.023(1), (3), (5) (allowing a court to consider the objective of the statute, legislative history, and the consequences of a proposed construction).

Further, “we must always consider the statute as a whole rather than its isolated provisions.” *Helena Chem. Co. v. Wilkins*, 47 S.W.3d 486, 493 (Tex. 2001). “We should not give one provision a meaning out of harmony or inconsistent with other provisions, although it might be susceptible to such a construction standing alone.” *Id.* “[E]very word of a statute must be presumed to have been used for a purpose. Likewise, we believe every word excluded from a statute must also be presumed to have been excluded for a purpose.” *Cameron v. Terrell & Garrett, Inc.*, 618 S.W.2d 535, 540 (Tex. 1981) (citations omitted). We must not add words to the statute that are not there, and we must not ignore the words the Legislature has chosen, either, particularly in situations where we are being urged to read grants of authority from statutory silence. *See Newman v. Obersteller*, 960 S.W.2d 621, 625 (Tex. 1997) (Abbott, J., dissenting) (stating that the Legislature’s omission of words from a statute is significant and “[i]t is not the province of this Court to expand” a limited statutory provision by making inferences of authority from silence, “no matter the policy rationale behind such an expansion”).

A. Local Health and Safety Laws

The City and County’s authority to administer public health measures is established by the Texas Legislature. *See, e.g.*, TEX. HEALTH & SAFETY CODE ANN. §§ 81.082, 121.003, 122.006, 341.081; *see also* TEX. GOV'T CODE ANN. §§ 418.1015, 418.108; TEX. LOC. GOV'T CODE ANN. ch. 54. “A home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its

inhabitants.” TEX. LOC. GOV’T CODE ANN. § 54.004. Home-rule municipalities may “adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.” TEX. HEALTH & SAFETY CODE ANN. § 122.006(1). The municipalities have the power “to enact . . . more stringent ordinances” than the minimum requirements for sanitation and health protection otherwise required by state law. *Id.* § 341.081(1). “The governing body of a municipality or the commissioners court of a county may enforce any law that is reasonably necessary to protect the public health.” *Id.* § 121.003(a). Further,

The commissioners court of a county may grant authority . . . to a county employee who is trained by a health authority appointed by the county under Section 121.021, by a local health department established under Section 121.031, or by a public health district established under Section 121.041 and who is not a peace officer. The court may grant to the employee the power to issue a citation in an unincorporated area of the county to enforce any law or order of the commissioners court that is reasonably necessary to protect the public health.

Id. § 121.003(c).

These powers are granted to local municipalities at all times and are especially relevant during times of disaster. *See Hanzal v. City of San Antonio*, 221 S.W. 237, 239 (Tex. App.—San Antonio 1920, writ ref’d) (“Health authorities of municipalities are often empowered, and it is made their duty to execute rules, and courts uniformly hold that it is not an improper delegation of legislative authority, to adopt and execute such rules as are expedient to prevent the spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other communicable diseases.”). Finally, section 418.108 of the Texas Government Code states that “the presiding officer of the governing body of a political subdivision may declare a local state of disaster.” TEX. GOV’T CODE ANN. § 418.108(a).

B. The Governor’s Powers Under the Texas Disaster Act

In Executive Order GA-38, the Governor states that “no governmental entity can mandate masks” and states that his GA-38 “supersede[s] any face-covering requirement imposed by any

local governmental entity or official.”³ The Governor purports to suspend many of the local health and safety laws listed above, chapter 54 of the Texas Local Government Code, and “any other statute invoked by any local governmental entity or official in support of a face-covering requirement.”⁴ *See* TEX. GOV’T CODE ANN. §§ 418.1015(b), 418.108; TEX. HEALTH & SAFETY CODE ANN. chs. 81, 121–22, 341; TEX. LOC. GOV’T CODE ANN. ch. 54.

The Governor invokes section 418.016(a) of the Texas Government Code as support for his authority. *See* TEX. GOV’T CODE ANN. § 418.016(a). Whether this provision of the Texas Disaster Act provides for such authority is a matter of statutory construction. Under the section, the Governor may “suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.” *Id.*

We hold Section 418.016(a) does not provide the Governor with the authority he claims to suspend statutes that concern local control over public health matters or to prohibit local restrictions on face coverings. First, the statutes the Governor purports to suspend are not “regulatory statutes,” subject to suspension under the Act. *See id.* (“The governor may suspend the provisions of any regulatory statute”). As specified by section 418.016(a), regulatory statutes “prescribe the procedures” for the conduct of state business, such as procedures for the proper return of mail-in ballots. *See id.*; *Abbott v. Anti-Defamation League Austin, Sw., and Texoma Regions*, 610 S.W.3d 911, 917–18 (Tex. 2020) (per curiam) (rejecting contention that Governor exceeded his authority under section 418.016(a) by acting under an improper motive when issuing a proclamation related to the return of mail-in ballots); *State v. El Paso Cty.*, 618

³ Executive Order GA-38 § 4(a)–(b).

⁴ Executive Order GA-38 § 4(b).

S.W.3d 812, 838 (Tex. App.—El Paso 2020, no pet.) (Rodriguez, J., dissenting) (stating that the language and context of section 418.016(a) shows that the Legislature intended to give “the Governor the ability to clear state-level bureaucratic logjams, expedite administrative action at state-level agencies, and depart from the regular order of state-level business if doing so would help facilitate a disaster response.”). The statutes the Governor purports to suspend do not address state-level procedure or business; instead, they are “grant-of-authority statute[s] giving local authorities the leeway to act in their best independent judgment within the confines of their own jurisdictions.” *El Paso Cty.*, 618 S.W.3d at 839–40 (Rodriguez, J., dissenting); *see, e.g.*, TEX. LOC. GOV’T CODE ANN. § 54.004 (providing local governments the power to enforce ordinances “necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants”); TEX. HEALTH & SAFETY CODE ANN. § 121.003(a) (allowing local governments to “enforce any law that is reasonably necessary to protect the public health.”); *id.* § 122.006(1) (permitting local governments to “adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease”); *id.* § 341.081 (stating local governments have the power “to enact . . . more stringent ordinances” than the minimum requirements for sanitation and health protection otherwise required by state law).

Moreover, section 418.016(a) only allows the Governor to suspend provisions of regulatory statutes prescribing procedures “for conduct of state business.” *See* TEX. GOV’T CODE ANN. § 418.016(a). The health and safety laws outlined above grant authority to local governments to act on matters of local public health and do not pertain to “state business.” *See, e.g.*, TEX. LOC. GOV’T CODE ANN. § 54.004 (stating local governments can enforce ordinances “necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants”); TEX. HEALTH & SAFETY CODE ANN. § 121.003(a) (stating local

governments can “enforce any law that is reasonably necessary to protect the public health.”); *id.* § 122.006(1) (stating local governments can “adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease”); *id.* § 121.021 (allowing a health authority who is appointed under Chapter 121 to administer laws relating to public health “within the appointing body’s jurisdiction.”); *id.* § 341.081 (stating local governments can “enact . . . more stringent ordinances” than the minimum requirements for sanitation and health protection otherwise required by state law).

By singling out “state business” and, later in the section, “state agenc[ies],” section 418.016(a) joins with other provisions of the Act to distinguish between state and local matters. The Act recognizes the Governor as the “commander in chief of state agencies, boards, and commissions having emergency responsibilities” during a disaster and the following recovery period. *See* TEX. GOV’T CODE ANN. § 418.015(c). Section 418.016(a) gives the Governor authority to suspend provisions, orders, or rules related to “state business” or “state agenc[ies].” *Id.* § 418.016(a). Other sections of the Act address “local governments,” as distinct from the Governor and “state agencies.” *See, e.g.*, TEX. GOV’T CODE ANN. § 418.002(4) (stating a purpose of chapter 418 is to “clarify and strengthen the roles of the *governor, state agencies*, the judicial branch of state government, and *local governments* in prevention of, preparation for, response to, and recovery from disasters”) (emphasis added); *id.* § 418.002(9) (stating a purpose of chapter 418 is to “encourage *state agencies, local governments*, nongovernmental organizations, private entities, and individuals to adopt the goals of the strategic plan of the Federal Emergency Management Agency for preparing for, responding to, and recovering from a disaster that emphasize cooperation among federal agencies, *state agencies, local governments*, nongovernmental organizations, private entities, and individuals”) (emphasis added).

If the Legislature had intended Section 418.016(a) to reach the ordinances and business of local governments, Section 418.016(a) would have stated an application to “political subdivision[s]” or “local governmental entit[ies]”, which are terms defined in the Act. *See* TEX. GOV’T CODE ANN. § 418.004(6) (“‘Political subdivision’ means a county or incorporated city.”); *id.* § 418.004(10) (“‘Local government entity’ means a county, incorporated city, independent school district, . . . or other entity defined as a political subdivision under the laws of this state”); *see also id.* § 418.017(a) (“The governor may use all available resources of state government *and of political subdivisions* that are reasonably necessary to cope with a disaster”) (emphasis added).

We cannot say that the Legislature intended section 418.016(a) to apply to matters of local control over public health without mentioning this possibility. *See Hogan v. Zoanni*, No. 18-0944, 2021 WL 2273721, at *5 (Tex. June 4, 2021) (“[W]hen a statute is silent on a subject, we presume the Legislature purposefully excluded that language.”). It would strain credulity to suppose the Legislature intended to abdicate its legislative prerogative, beyond the narrow regulatory and procedural matters specified, and permit the Governor to suspend all legislated grants of local authority on matters of public health without stating so directly. “The [L]egislature does not alter major areas of law . . . [with] no terms at all—it does not, one might say, hide elephants in mouseholes.” *Wasson Interests, Ltd. v. City of Jacksonville*, 489 S.W.3d 427, 438 (Tex. 2016) (quoting *Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 468 (2001); *see also El Paso Cty.*, 618 S.W.3d at 839 (Rodriguez, J., dissenting) (“Could the Governor use this suspension power to suspend the ‘regulatory’ Texas Disaster Act in its entirety save for the provision allowing him to pass executive orders with ‘the force and effect of law,’ and then write a new set of rules for emergency management?”); *cf. In re Hotze*, No. 20-0430, 2020 WL 4046034, at *1 (Tex. July 17, 2020) (orig. proceeding) (Devine, J., concurring) (expressing concern about portions of the Act which give the Governor quasi-legislative authority, in conflict with the nondelegation doctrine).

Applying the plain language of the Act, we conclude the City and County demonstrated a probable right to relief that the Governor’s power to suspend laws, orders, and rules under section 418.016(a) does *not* include the power to prohibit face-covering mandates that local governments may adopt to respond to public-health conditions or the power to suspend public-health statutes authorizing local governments to act for the benefit of public health. *See In re Abbott*, No. 05-21-00687-CV, 2021 WL 3610314, at *1 (Tex. App.—Dallas Aug. 13, 2021, orig. proceeding) (mem. op.) (denying Governor’s petition for writ of mandamus challenging trial court’s temporary restraining order enjoining certain portions of Executive Order GA-38 because county judge demonstrated probable right to relief on his claim that Governor did not have power to suspend Texas Disaster Act’s grant of authority to county judges to declare and manage local disasters under section 418.108); *cf. El Paso Cty.*, 618 S.W.3d at 839 (Rodriguez, J., dissenting) (“The suspension power does not extend to Section 418.108, the provision which gives county judges and mayors the ability to perform some disaster management activities with autonomy at the local level.”).

Because the Governor possesses no inherent authority to suspend statutes under the Texas Constitution and he exceeded the scope of statutory authority granted to him by the Legislature, his actions in issuing Executive Order GA-38 were done without authority.⁵ The trial court did

⁵ Separate from section 418.016(a), the Governor argues that he, as the “commander in chief” of the State’s disaster response, has authority under section 418.018(c) to prohibit local governments from issuing face-covering mandates. *See* TEX. GOV’T CODE ANN. § 418.015(c) (stating Governor is the “commander in chief of state agencies, boards, and commissions having emergency responsibilities” during “a state of disaster and the following recovery period”). Section 418.018(c) states that the Governor “may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area.” *Id.* § 418.018(c). The Governor fails to show how this provision provides him with the power to prohibit local governments from adopting rules to promote public health within their jurisdictions during a disaster. Further, the Act provides local officials with this same power to “control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.” *Id.* § 418.108(g).

not abuse its discretion by concluding that the City and County have a probable right of recovery on their *ultra vires* claim.⁶

INJURY IN THE INTERIM

Probable injury in the interim is established by tendering evidence of imminent harm, irreparable injury, and inadequate legal remedy. *Khaledi*, 126 S.W.3d at 283. “An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by a certain pecuniary standard.” *Butnaru*, 84 S.W.3d at 204. Money damages are not available in an *ultra vires* action. *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020). As a result of sovereign immunity, the only remedies available in an *ultra vires* action are injunctive and declaratory relief. *Id.*; see *Heinrich*, 284 S.W.3d at 368–69 (“We conclude that while governmental immunity generally bars suits for retrospective monetary relief, it does not preclude prospective injunctive remedies in official-capacity suits against government actors who violate statutory or constitutional provisions.”). The Texas Supreme Court has held that when the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction. *Hollins*, 620 S.W.3d at 410.

Looking at the facts presented to the trial court at the time of the temporary injunction hearing, we hold that the City and County met their burden of showing irreparable harm. In weighing the evidence and reaching its decision to grant the temporary injunctive relief, the trial court reasonably could have credited expert testimony that supported findings that: (1) the Delta Variant was causing a rapid increase in COVID-19 infections and deaths in the City and County; (2) the City and County were expected to surpass previous peaks of cases and deaths during the

⁶ Because we hold that the Governor acted *ultra vires* in issuing Executive Order GA-38, we do not examine the City and County’s alternative arguments in support of the preliminary injunction.

pandemic; (3) the healthcare system in San Antonio and Bexar County was facing an immediate threat due to COVID-19 and there were fewer staffed beds in the hospital and ICU for COVID patients; (4) pediatric hospitalizations were increasing due to most children being unvaccinated and such pediatric hospitalization would continue to increase as school was about to begin at the time of the hearing; (5) a local outbreak of respiratory syncytial virus occurred among children around the time of the hearing, thereby increasing pediatric hospitalizations even more; (5) mask mandates in schools “will help reduce the number of deaths in the community” and that without a mask mandate, there will be a “bigger surge in hospitalizations in a few weeks;” (6) a San Antonio school that had returned to in-person schooling with only voluntary masking reported more COVID-19 cases in a few weeks than all of the previous school year due to “student-to-student in school transmission” and students not widely using masks; and (7) without mask mandates in place, the City and County would potentially need to halt essential services and close facilities. In its order granting the temporary injunction, the trial court stated that unless the Governor is temporarily restrained, the City and County “will suffer irreparable injury before trial on the merits through the inability to impose masking requirements to control the spread of the COVID-19 virus that threatens to overwhelm the capacity of the healthcare system in the City and County and to cause the City and County to reduce services to the community and furlough workers.” *See* TEX. R. CIV. P. 683 (requiring order granting injunction to “set forth the reasons for its issuance”).

In his brief on appeal, the Governor attempts to challenge the evidence presented at the temporary injunction hearing regarding injury by focusing on the lack of evidence presented relating to voluntary mask compliance. However, evidence at the hearing was presented showing that encouragement of mask wearing was insufficient. Dr. Woo testified that masking “was not widely used” during the first weeks of the school year when no mask mandate was in place and that a San Antonio school that had returned to in-person schooling with only voluntary masking

reported more COVID-19 cases in a few weeks than all of the previous school year due to “student-to-student in school transmission” and students not widely using masks. Dr. Woo stated that mask mandates in schools will help reduce the number of deaths in the community and is a necessary tool in order to avoid hospitalizations increasing in the weeks following the temporary injunction hearing.

Viewing the evidence in the light most favorable to the trial court’s temporary injunction, we cannot conclude that the trial court abused its discretion by determining the evidence presented at the temporary injunction hearing demonstrated the City and County’s probable, imminent, irreparable harm absent the temporary injunction. *See Fox*, 121 S.W.3d at 857.

STATUS QUO

“The issuance of a temporary restraining order, like the issuance of a temporary injunction, is to maintain the status quo between the parties.” *Cannan v. Green Oaks Apartments, Ltd.*, 758 S.W.2d 753, 755 (Tex. 1988) (per curiam). The status quo to be preserved by the issuance of a temporary injunction is the last actual, peaceable, non-contested status which preceded the pending controversy. *San Miguel v. City of Windcrest*, 40 S.W.3d 104, 109 (Tex. App.—San Antonio 2000, no pet.). Where the acts sought to be enjoined violate an expressed law, the status quo to be preserved could never be a condition of affairs where the respondent would be permitted to continue the acts constituting that violation. *Id.*

The Governor argues that the trial court erred in granting the temporary injunction because the injunction departs from the status quo. The City and County argue that the continuation of illegal conduct cannot be justified as the preservation of status quo. We agree.

In the present case, the trial court’s temporary injunction was entered after an evidentiary hearing and the trial court concluded that the City and County showed a probable right to relief on the merits of their *ultra vires* claim that the Governor acted outside of his authority. Enjoining

enforcement of the Governor's Executive Order GA-38 is necessary because allowing continued enforcement of the order would be unlawful. *See In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (orig. proceeding) (“[T]he continuation of illegal conduct cannot be justified as preservation of the status quo.”); *see also City of San Antonio v. Vakey*, 123 S.W.3d 497, 502 (Tex. App.—San Antonio 2003, no pet.) (affirming temporary injunction enjoining the city from deducting money from an employee's paycheck as reimbursement for workers' compensation benefit payments because enjoining such conduct avoids “a condition of affairs where the respondent would be permitted to continue the acts constituting that violation”); *Public Utils. Bd. v. Central Power & Light Co.*, 587 S.W.2d 782, 790 (Tex. Civ. App.—Corpus Christi 1979, writ ref'd n.r.e.) (affirming temporary injunction preventing municipal electric company from delivering electrical services to specific subdivision because trial court determined that “the acts to be enjoined [were] prima facie violations of the law”).

The trial court did not abuse its discretion in granting the temporary injunction.

STANDING

Finally, the Governor argues that the City and County do not have standing to sue him because he does not enforce Executive Order GA-38 and the City and County's injuries cannot be redressed by an order against him. We disagree.

“A court has no jurisdiction over a claim made by a plaintiff who lacks standing to assert it.” *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 150 (Tex. 2012). Texas's standing doctrine parallels the federal test for Article III standing, and we consider precedent from the United States Supreme Court when considering standing to sue in Texas courts. *Id.* at 154. To establish standing, a plaintiff must show: (1) an injury in fact, which is concrete and particularized and actual or imminent, not conjectural or hypothetical; (2) that is fairly traceable to the defendant's

conduct; and (3) that is likely to be redressed by the requested relief. *Id.* at 154–55 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

The standing inquiry begins with the plaintiff’s alleged injury. *Id.* at 155. An individual must demonstrate a particularized interest distinct from the public at large. *S. Tex. Water Auth. v. Lomas*, 223 S.W.3d 304, 307 (Tex. 2007). Here, the City and County meet the first element of standing because they have shown an actual injury resulting from the Governor’s promulgation of Executive Order GA-38. Executive Order GA-38 suspends the City and County’s authority to implement mask mandates, which their evidence shows to be critical to the public health and the healthcare system within the City’s and County’s jurisdictions. Dr. Woo testified on the benefit of face masks to save lives and avoid hospitalizations by preventing individuals from contracting the COVID-19 virus, and she testified that face masks would alleviate stress on the local healthcare system, which was on the brink of collapse at the time of the temporary injunction hearing.

The City and County also meet the second “traceability” element of standing. *See Heckman*, 369 S.W.3d at 154. To establish “traceability,” a plaintiff must show that the injury complained of must be “fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court.” *Lujan*, 504 U.S. at 560–61. In this case, the City and County’s injuries and the conduct they complain of are traceable to the Governor’s actions to author and promulgate Executive Order GA-38 and enforceability provisions therein, which purportedly suspend local health ordinances and local authority over public health and impose penalties for violations of the Executive Order. Were it not for the executive order there would be no question as to the legality and local applicability of the City and County’s ordinances. *See* TEX. GOV’T CODE ANN. § 418.012 (“[T]he governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.”). Therefore, the conduct

the Plaintiffs complain of is traceable to the Governor. *See Mi Familia Vota v. Abbott*, 497 F. Supp. 3d 195, 210 (W.D. Tex. 2020) (holding that Governor Abbott was the proper defendant when plaintiffs sued him challenging Exemption 8 in Executive Order GA-29 because he was “the author and executive who promulgated the Executive Order and all exemptions and enforceability provisions therein”).⁷

Finally, we conclude that the City and County have pled sufficient facts to establish that their injuries are “likely to be redressed by the requested relief.” *See Heckman*, 369 S.W.3d at 155. The City and County seek a declaratory judgment that the Governor’s suspension of laws allowing local governments to impose mask requirements is *ultra vires* and outside the scope of his authority under the Act. Such declaratory relief will redress the City and County’s injuries by allowing them to exercise their authority delegated by the Legislature, including authority to impose mask requirements within their jurisdictions. The City and County have alleged facts demonstrating a real controversy regarding the existence of a right and concrete injury from its deprivation, and they seek a declaration of this right and a remedy for its deprivation. Based on the allegations in the live petition, we conclude that the City and County have alleged sufficient

⁷ The Governor argues that the City and County do not have standing to sue him because he does not have the power to enforce Executive Order GA-38 and cannot initiate prosecutions for violations of the Order. Executive Order GA-38 states that “the imposition of any such face-covering requirement by a local governmental entity or official constitutes a ‘failure to comply’ that is subject to a fine up to \$1,000.” Executive Order GA-38 § 4(b). Although the Order does not grant the Governor a direct enforcement role, this limitation does not defeat the traceability element for standing. *See K.P. v. LeBlanc*, 627 F.3d 115, 124 (5th Cir. 2010) (defining “enforcement” as involving “compulsion or constraint” and holding that a board denying malpractice claims for abortion services was the proper defendant because their conduct constituted threatened “enforcement” of an anti-abortion law); *Mi Familia Vota*, 497 F. Supp. 3d at 210. The Governor relies on *In re Abbott*, 601 S.W.3d 802 (Tex. 2020) (orig. proceeding) for his proposition that the City and County do not have standing due to his inability to initiate prosecutions for violations of Executive Order GA-38. However, this case is inapposite because it focused on the injury element of standing and whether allegations of possible prosecutions constituted injury in fact. *Id.* at 812. Here, the trial court reasonably could have credited evidence of actual injury resulting from the Governor’s Executive Order GA-38 based on evidence of a surge of infections and deaths after local mask ordinances were suspended.

facts that, if taken as true, would confer standing for their claim that the Governor acted *ultra vires*.
See Tex. Ass'n of Bus. v. Tex. Air Control Bd., 852 S.W.2d 440, 446–48 (Tex. 1993).⁸

CONCLUSION

We affirm the trial court's temporary injunction order.

Rebeca C. Martinez, Chief Justice

⁸ In his second issue, the Governor argues that, when the trial court granted the City and County's application for a temporary injunction, it necessarily denied the Governor's plea to the jurisdiction. We hold that the challenge to the plea to the jurisdiction is outside the scope of this interlocutory appeal because the trial court did not rule on the plea. At the August 16, 2021 hearing on the temporary injunction, the City and County objected to the trial court hearing the plea to the jurisdiction and announced "not ready" on the plea to the jurisdiction because they stated they did not have sufficient notice of the plea before the hearing was set. The Governor recognized that "there wasn't sufficient notice time," but argued the plea should be heard because of judicial economy. The trial court granted the City and County's "not ready" on the plea and specified that it would only proceed with the motion for temporary injunction. Counsel for the Governor acknowledged the ruling, stating: "I understand that the plea to the jurisdiction is not being taken up right now." On this record, we hold the trial court did not rule on the Governor's plea. *See City of Rio Grande City, Tex. v. BFI Waste Servs. of Tex., L.P.*, 511 S.W.3d 300, 304 (Tex. App.—San Antonio 2016, no pet.) (holding trial court's order granting temporary injunction did not rule on jurisdictional questions presented in plea to the jurisdiction).

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

November 10, 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ **SO** _____
DEPUTY

E.T., BY AND THROUGH HER §
PARENTS AND NEXT FRIENDS; D.D., §
BY AND THROUGH HER PARENTS §
AND NEXT FRIENDS; J.R., BY AND §
THROUGH HER PARENTS AND NEXT §
FRIENDS; H.M, BY AND THROUGH §
HER PARENTS AND NEXT FRIENDS; §
E.S., BY AND THROUGH HER §
PARENTS AND NEXT FRIENDS; §
M.P, BY AND THROUGH HER §
PARENTS AND NEXT FRIENDS; S.P., §
BY AND THROUGH HER PARENTS §
AND NEXT FRIENDS; AND §
A.M., BY AND THROUGH HER §
PARENTS AND NEXT FRIENDS, §
PLAINTIFFS, §

CAUSE NO. 1:21-CV-717-LY

V. §
§
MIKE MORATH, IN HIS OFFICIAL §
CAPACITY AS THE COMMISSIONER §
OF THE TEXAS EDUCATION §
AGENCY; THE TEXAS EDUCATION §
AGENCY; AND ATTORNEY GENERAL §
KENNETH PAXTON, IN HIS OFFICIAL §
CAPACITY AS ATTORNEY GENERAL §
OF TEXAS, §
DEFENDANTS. §

**MEMORANDUM OPINION INCORPORATING FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER ON MOTION TO DISMISS**

On October 6, 2021, the court called the above-styled declaratory-judgment and injunctive action for bench trial.¹ Plaintiffs and Defendants appeared by counsel. At issue is whether Texas

¹ Before and considered by the court are the Statement of Interest of the United States of America filed September 29, 2021 (Doc. #47); Defendants’ Trial Brief filed September 29, 2021 (Doc. #48); Defendants’ Exhibit List filed September 29, 2021 (Doc. #49); Defendants’ Deposition Designations filed September 29, 2021 (Doc. #50); Plaintiffs’ Witness List filed September 29, 2021 (Doc. #51); Plaintiffs’ Designation of Deposition Testimony to Be Used at Trial filed September 29,

Governor Greg Abbott’s Executive Order GA-38 (“GA-38”) violates Title II of the Americans with Disabilities Act of 1990 (“ADA”)² and Section 504 of the Rehabilitation Act of 1973 (“Section 504”),³ and whether GA-38 is preempted by the ADA, Section 504, and the American Rescue Plan Act of 2021 (“ARP Act”)⁴. Also before the court is Defendants’ Motion to Dismiss filed September 13, 2021 (Doc. #34). Having carefully considered the evidence presented at trial, the pleadings, the motion to dismiss, and the applicable law, the court concludes that declaratory and injunctive relief is warranted. In so deciding, the court grants in part the motion to dismiss as to Defendants Mike Morath and the Texas Education Agency (“TEA”) only and makes the following findings of fact and

2021 (Doc. #53); Plaintiffs’ Trial Brief filed September 29, 2021 (Doc. #56); Stipulated Facts filed September 30, 2021 (Doc. #57); Brief of Amici Curiae Texas Pediatric Society and American Academy of Pediatrics in Support of Plaintiffs’ Pretrial Filings and Opposition to Defendants’ Motion to Dismiss filed September 30, 2021 (Doc. #60); Defendants’ Response to Plaintiffs’ Trial Brief filed October 4, 2021 (Doc. #62); Plaintiffs’ Response to Defendants’ Trial Brief filed October 4, 2021 (Doc. #63), along with Corrected Exhibit (Doc. #66); Defendants’ Supplemental Exhibit List filed October 5, 2021 (Doc. #71); Defendants’ Amended Proposed Findings of Fact and Conclusions of Law filed October 4, 2021 (Doc. #72); Amicus Curiae Brief of Counsel of Parents Attorneys & Advocates on the Subject of Administrative Exhaustion filed October 5, 2021 (Doc. #74); Plaintiffs’ [Second] Amended Exhibit List filed October 5, 2021 (Doc. #75); Plaintiffs’ Amended Proposed Findings of Fact and Conclusions of Law filed October 5, 2021 (Doc. #76); and Plaintiffs’ Notice of Statutory and Regulatory Authority Relied Upon for Section 504/ADA Claims filed October 7, 2021 (Doc. #80).

Also before the court is Plaintiffs’ Emergency Motion for Preliminary Injunction filed August 18, 2021 (Doc. #7). Having considered and determined the merits of Plaintiffs’ claims in this case, the court **DISMISSES** Plaintiffs’ Emergency Motion for Preliminary Injunction filed August 18, 2021 (Doc. #7).

² 42 U.S.C. §§ 12131–12134 (1990); 28 C.F.R. § 35.130 (2016); 28 C.F.R. § 35.150 (2012).

³ 29 U.S.C. § 794 (2016); 34 C.F.R. § 104.4 (2000).

⁴ Pub. L. No. 117-2, § 2001 (2021).

conclusions of law, ultimately concluding that GA-38 violates Plaintiffs' rights under the ADA and Section 504 and is preempted by the ADA, Section 504, and the ARP Act.⁵

I. Background

As of November 4, 2021, 6,503,629 total child COVID-19 cases have been reported in the United States, representing more than 16.7% of the total cases in the United States.⁶ The prevalence of pediatric COVID-19 cases has increased dramatically since the 2021-2022 school year began, with 23% of all child cases since the beginning of the pandemic diagnosed between August 13 and September 23, 2021.⁷ This surge in child cases appears to be due to two principal factors: the resumption of in-person schooling and the emergence of the Delta variant of COVID-19, which is more than twice as contagious as previous variants.⁸ The Delta variant infects children at a higher rate than previous variants and has caused higher infection rates among students than did the Alpha variant during the previous school year. The Delta variant also causes more serious illness and increased fatality rates than prior COVID variants.

⁵ All findings of fact contained herein that are more appropriately considered conclusions of law are to be so deemed. Likewise, any conclusion of law more appropriately considered a finding of fact shall be so deemed.

⁶ See *Children and COVID-19: State-Level Data Report, Summary of Findings*, AAP, <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/> (data available as of 11/04/21).

⁷ *Children and COVID-19: State Data Report* at Fig. 6, Children's Hosp. Ass'n & Am. Acad. of Pediatrics (Sept. 23, 2021), <https://downloads.aap.org/AAP/PDF/AAP%20and%20CHA%20-%20Children%20and%20COVID-19%20State%20Data%20Report%209.23%20FINAL.pdf>.

⁸ See *Delta Variant: What We Know About the Science*, CDC (Aug. 26, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>.

The spread of COVID-19 poses an even greater risk for children with special health needs. Children with certain underlying conditions who contract COVID-19 are more likely to experience severe acute biological effects and to require admission to a hospital and the hospital's intensive-care unit.⁹ This includes children with conditions including, Down syndrome, organ transplants, lung conditions, heart conditions, and weakened immune systems.¹⁰

The majority of Texas public schools began in-person classes for the 2021-2022 school year between August 9 and 23, 2021. Since that time and up to October 31, 2021, 211,788 students have tested positive for COVID-19.¹¹ Since the start of the 2021-22 school year, at least 45 districts in Texas have temporarily shut down due to COVID-19 outbreaks among students and staff.¹² The United States Centers for Disease Control and Prevention's ("CDC") Guidance for COVID-19 Prevention in K-12 Schools, updated on November 5, 2021, recommends universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status.¹³

⁹ *Caring for Children and Youth with Special Health Needs During the COVID-19 Pandemic*, AAP (last updated Sept. 20, 2021), <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/caring-for-children-and-youth-with-special-health-care-needs-during-the-covid-19-pandemic/>.

¹⁰ *People with Certain Medical Conditions*, CDC, (last updated October 14, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

¹¹ The most recent statistics on Texas school campuses are available at <https://dshs.texas.gov/coronavirus/schools/texas-education-agency/>.

¹² THE TEXAS TRIBUNE, September 3, 2021, available at <https://www.texastribune.org/2021/09/03/texas-covid-school-districts-shut-down/>.

¹³ The CDC Guidance for COVID-19 Prevention in K-12 Schools is available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>.

Plaintiffs are seven students enrolled in the Texas public-school system who have disabilities as defined under the ADA and Section 504. Plaintiffs' disabilities include Down syndrome, a heart defect, asthma, immune deficiency, underlying reactive airway disease, spina bifida, chronic respiratory failure, and cerebral palsy. Plaintiffs' medical conditions place them at increased risk of contracting COVID-19 and experiencing severe symptoms from the virus. In addition, six of the seven Plaintiffs were under the age of 12 at the time of trial and were not eligible to receive any of the currently authorized COVID-19 vaccines.¹⁴

During the 2020-21 school year, Texas independent school districts ("ISDs") were granted the discretion to choose whether to implement mask mandates for in-person instruction. However, with the issuance of GA-38 on July 29, 2021,¹⁵ governmental entities, including public-school districts, are prohibited from imposing mask requirements and any local-government entity or official that imposes a mask mandate is subject to a fine of up to \$1000.¹⁶ On August 5, 2021, TEA, the state agency that oversees primary and secondary public education in Texas, issued an updated "Public Health Guidance," establishing requirements for school systems during the pandemic to reflect that "[p]er GA-38, school systems cannot require students or staff to wear a mask." TEA's Guidance has updated three times since August 5, 2021, most recently on September 17, 2021. All

¹⁴ At the time Plaintiffs filed suit on August 17, 2021, the COVID-19 vaccine had not been approved for children under the age of 12. On October 29, 2021, the U.S. Food and Drug Administration ("FDA") formally approved the Pfizer COVID-19 vaccine for emergency use for children aged 5-11. The FDA's news release can be found at the following link: <https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age>.

¹⁵ Governor Abbott has issued subsequent Executive Orders since GA-38, none of which modify or amend the provisions of GA-38 at issue in this case.

¹⁶ Executive Order No. GA-38, ¶ 4.

updates including the September 17 update reiterate GA-38's mandate that public schools are not permitted to require students, staff, or visitors to wear masks in their facilities.

Specifically, GA-38 provides, *inter alia*, that “[n]o governmental entity, including a . . . school district . . . , and no governmental official may require any person to wear a face covering or to mandate another person wear a face covering” Texas Governor Greg Abbott’s Executive Order GA-38, ¶ 4 (July 29, 2021).

School districts in Texas have not reacted uniformly to GA-38. A number of school districts that had previously imposed mask requirements reversed course and made masking in school optional. Others have implemented masking measures in schools despite the ban. The latter school districts have been identified as potential or actual enforcement targets by Texas Attorney General Defendant Ken Paxton for their failure to comply with GA-38. In recent weeks, Paxton has sent letters threatening school districts that have or have intended to implement mask requirements with civil suits in which he will seek to enjoin the school districts’ alleged violations of GA-38’s mask provision. For example, on August 17, 2021, Paxton sent a letter to the Superintendent of Round Rock ISD stating that the district had “recently enacted a local policy mandating that students and faculty wear face masks at schools in your district” and stating that, unless the district rescinded its policy, it would “face legal action taken by [his] office to enforce the Governor’s order and protect the rule of law.” On September 10, 2021, Paxton filed suit against six school districts: Richardson ISD, Round Rock ISD, Galveston ISD, Elgin ISD, Spring ISD, and Sherman ISD. Plaintiff E.T. attends Round Rock ISD, and Plaintiff S.P. attends Richardson ISD. On September 14, 2021, Paxton filed suit against nine additional school districts: La Vega ISD, McGregor ISD, Midway ISD, Waco ISD, Diboll ISD, Lufkin ISD, Longview ISD, Paris ISD, and Honey Grove ISD.

Paxton has also tweeted about his willingness to sue any public entity that does not comply with GA-38. On August 26, 2021, Paxton tweeted, “BIG WIN FOR LAW & LIBERTY! @GregAbbott_TX’s ban on mask mandates is clear. Dem local govts didn’t care. So I sued them. Dem judges sided with local D friends. SCOTX just ruled: The Gov’s exec order stands. ALL public entities must comply or be sued and lose over and over again.” On September 14, 2021, right after Paxton increased his lawsuits against public school districts to 15, he tweeted, “I filed suit against 9 more Texas schools in violation of GA-38. We will continue until we have law and order.”

In addition, the Office of the Attorney General of Texas’s website maintains a “List of Government Entities Unlawfully Imposing Mask Mandates”¹⁷ that states “Attorney General Ken Paxton is committed to protecting the rights and freedoms of all Texas. Executive Order GA-38 prohibits governmental entities and officials from mandating face coverings or vaccines. This order has the force and effect of state law and supersedes local rules and regulations.” The list has been updated several times, the most recent update being on October 5, 2021. As of October 5, there are 102 school districts, schools, and counties listed as noncompliant, including but not limited to the following school districts in which some of the Plaintiffs are enrolled: Edgewood ISD, San Antonio ISD, Round Rock ISD, Leander ISD, and Richardson ISD. There are 40 school districts and counties listed as “previously not in compliance” but “now in compliance,” including but not limited to the following school districts in which some of the Plaintiffs are enrolled: Killeen ISD and Fort Bend ISD. The list indicates which school district or county is both “currently not in compliance” and has been sent a letter by the Attorney General’s Office.

¹⁷ The List of Government Entities Unlawfully Imposing Mask Mandates is available at the following link: <https://www.texasattorneygeneral.gov/covid-governmental-entity-compliance>.

On August 17, 2021, Plaintiffs sued, alleging that GA-38 violates the ADA and Section 504 because GA-38 denies Plaintiffs equal access to in-person school and prohibits schools from considering mask mandates as a reasonable accommodation for students with disabilities who are at greater risk of contracting COVID-19 or suffering severe illness as a result of the virus, and that GA-38 is preempted by the ARP Act. The ARP Act has allocated over \$11 billion dollars in funding to Texas public schools to implement safety protocols in an effort to promote in-person instruction for the 2021-2022 school year. Plaintiffs allege that GA-38 is preempted by the ADA and Section 504. Plaintiffs seek to enjoin Defendants from enforcing GA-38 insofar as it prohibits Plaintiffs' school districts from considering whether to implement mask requirements as part of their COVID-19 mitigation strategies. In response, Defendants assert that (1) Plaintiffs lack standing based on Plaintiffs' failure to show both imminent injury and Paxton's authority to enforce GA-38; (2) Defendants are entitled to sovereign immunity as to Plaintiffs' ARP Act and ADA claims; (3) Plaintiffs have failed to exhaust their administrative remedies; (4) Plaintiffs' ADA and Section 504 claims fail because Plaintiffs have not established that some exposure to COVID-19 constitutes exclusion; and (5) the ARP Act does not create an express or implied private cause of action.

II. Jurisdiction

Plaintiffs assert that the court has subject-matter jurisdiction in this case. “[A]s the parties asserting federal subject-matter jurisdiction, [Plaintiffs] bear the burden of proving that its requirements are met.” *Willoughby v. U.S. ex rel. U.S. Dep’t of the Army*, 730 F.3d 476, 479 (5th Cir. 2013). “A plaintiff is also required to submit facts through some evidentiary method and has the burden of proving by a preponderance of the evidence that the trial court does have subject matter jurisdiction.” *Cell Science Sys. Corp. v. La. Health Serv.*, 804 F. App’x 260, 264 (5th Cir. 2020)

(quoting *Paterson v. Weinberger*, 644 F.2d 521, 523 (5th Cir. 1981)). Moreover, courts “have an independent obligation to determine whether subject-matter jurisdiction exists.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 501 (2006). A plaintiff’s failure to meet its burden, removes the court’s “power to adjudicate the case.” *Hooks v. Landmark Indus., Inc.*, 797 F.3d 309, 312 (5th Cir. 2015) (quoting *Home Builders Ass’n of Miss., Inc. v. City of Madison*, 143 F.3d 1006, 1010 (5th Cir. 1998)).

Sovereign Immunity–Enforcement

A state’s sovereign immunity can be overcome in three ways: (1) a clearly stated waiver or consent to suit by the state; (2) a valid abrogation by Congress; or (3) the *Ex parte Young* exception. See *Port Auth. Trans-Hudson Corp. v. Feeney*, 495 U.S. 299, 304 (1990); *Ex parte Young*, 209 U.S. 123 (1908). Plaintiffs argue that Defendants’ sovereign immunity has been waived for the Section 504 claim, an issue Defendants do not dispute at this stage. With regard to Plaintiffs’ claims under the ADA and the ARP Act, Plaintiffs argue that the *Ex parte Young* exception applies. To be entitled to this exception, “the plaintiff at least must show the defendant has ‘the particular duty to enforce the statute in question and a demonstrated willingness to exercise that duty.’” *Tex. Democratic Party v. Abbott*, 978 F.3d 168, 179 (5th Cir. 2020), *cert. denied*, 141 S. Ct. 1124 (2021) (quoting *Morris v. Livingston*, 739 F.3d 740, 746 (5th Cir. 2004)).

Defendants Morath and TEA

Defendants argue that Plaintiffs lack standing against TEA and Commissioner Mike Morath because Morath and TEA have never enforced or threatened to enforce GA-38 against any person or entity. The court agrees.

A motion to dismiss filed under Rule 12(b)(1) of the Federal Rules of Civil Procedure allows a party to challenge the subject-matter jurisdiction of the district court to hear a case. Fed. R. Civ. P. 12(b)(1). “Lack of subject matter jurisdiction may be found in any one of three instances: (1) the complaint alone; (2) the complaint supplemented by undisputed facts evidenced in the record; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts.” *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001) (citing *Barrera Montenegro v. United States*, 74 F.3d 657, 659 (5th Cir.1996)). “The burden of proof for a Rule 12(b)(1) motion to dismiss is on the party asserting jurisdiction.” *Id.* (citing *McDaniel v. United States*, 899 F. Supp. 305, 307 (E.D. Tex.1995)).

TEA is authorized to issue Public Health Guidance pursuant to GA-38. Germane to GA-38 is TEA’s August 5, 2021 Guidance that provides in relevant part:

Per GA-38, school systems cannot require students or staff to wear a mask. GA-38 addressed government-mandated face coverings in response to the COVID-19 pandemic. Other authority to require protective equipment, including masks, in an employment setting is not necessarily affected by GA-38.

School systems must allow individuals to wear a mask if they choose to do so.

The August 5, 2021 Guidance does not specify how it will be enforced or who will enforce it. The Guidance and subsequent superseding versions have never been enforced against a school district or an individual student or staff member.

Moreover, the Guidance is not a rule promulgated by TEA pursuant to the Texas Administrative Code.¹⁸ Thus, TEA’s mechanisms for enforcing its rules do not apply to the

¹⁸ The Texas Administrative Code is a compilation of all Texas state-agency rules and is published by the Office of the Secretary of State. The Texas Administrative Code is divided into titles and parts to represent subject categories and related state agencies. The State Board of Education and Commissioner of Education rules are codified in the Texas Administrative Code. *See*

Guidance, and the Guidance's discussion of mask requirements is not subject to investigation or enforcement by TEA. Because Plaintiffs cannot show the threat of future enforcement from Morath or TEA, the court concludes that Plaintiffs lack standing to challenge GA-38 against Morath and TEA. Therefore, the court will dismiss Plaintiffs' claims against Morath and TEA for lack of subject-matter jurisdiction.

Defendant Paxton

Defendants assert that a court order enjoining Paxton from enforcing GA-38 will not redress Plaintiffs' injuries "as he does not enforce GA-38 in the first place." Defendants argue that the GA-38 is akin to a criminal statute and therefore can only be enforced by other officials such as local district attorneys. Diverting the court to several Fifth Circuit and United States Supreme Court cases, Defendants argue that Plaintiffs have failed to show Paxton's "enforcement connection" to GA-38 because Paxton has not demonstrated a willingness to exercise a duty to enforce GA-38. *See Tex. Democratic Party*, 978 F.3d at 179. However, unlike this case, in the cases cited by Defendants, the officials involved were not or could not actively enforce the statute at issue.¹⁹

The Supreme Court in *Ex Parte Young* held that

19 Tex. Admin. Code, Part 2 (Tex. Edu. Agency Rules).

¹⁹ *City of Austin*, 943 F.3d 993; *Mi Familia Vota v. Abbott*, 977 F.3d 461, 467–69 (5th Cir. 2020); *Morris v. Livingston*, 739 F.3d at 745–46; *Okpalobi v. Foster*, 244 F.3d 405, 414–16 (5th Cir. 2001). *See also Tex. Democratic Party v. Hughs*, 2021 WL 2310010, at *3 (5th Cir. June 4, 2021) (press release announcing a requirement contained no specific threat of enforcement); *Tex. Democratic Party*, 978 F.3d at 180 (Governor's suspension of primary election and extension of early voting period were not sufficient connection to enforcement of challenged election code provision regarding mail-in voting, and Attorney General Paxton's statements that distributing mail-in ballots was illegal were not specific threats of enforcement); *In re Abbott*, 956 F.3d 696, 709 (5th Cir. 2020) (Attorney General's press release stating that challenged law would be enforced did not contain specific threats of enforcement), *cert. granted, judgment vacated sub nom. Planned Parenthood Ctr. for Choice v. Abbott*, 141 S. Ct. 1261, (2021).

individuals, who, as officers of the State, are clothed with *some* duty in regard to the enforcement of the laws of the State, and who threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution, may be enjoined by a Federal court of equity from such action.

209 U.S. at 155–56 (emphasis added). For the purpose of injunctive relief, the state officer “must have some connection with the enforcement of the act.” *Id.* at 157.

The evidence presented to the court shows that Paxton has some authority to enforce GA-38, and that he has a willingness to enforce and has successfully enforced GA-38 against numerous school districts. The record before the court contains sufficient evidence of Paxton’s active enforcement as well as continued threat of enforcement—a willingness to exercise his duty to enforce GA-38. Paxton has filed lawsuits against at least 15 school districts—including districts that some Plaintiffs attend—alleging that they have violated GA-38 by requiring masking and asking for injunctive relief compelling those school districts to discontinue their mask mandates. He has also sent letters to at least 98 school districts—including districts that some Plaintiffs attend—accusing them of violating GA-38 by requiring masking, demanding that the school districts discontinue their mask mandates, and threatening them with litigation.

Additionally, Paxton has made public threats that he will sue other school districts to enforce GA-38, has tweeted about his litigation campaign against school districts who seek to require masking, and has posted on his official website a list of school districts—including all school districts Plaintiffs attend—that he claims are in violation of GA-38.

“[T]he use of the name of the state to enforce an unconstitutional act to the injury of complainants is a proceeding without the authority of, and one which does not affect, the state in its sovereign or governmental capacity.” Instead, [i]t is simply an illegal act upon the part of a state

official in attempting . . . to enforce,” and “[t]he state has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” *Id.* at 159–60. By actively engaging in the enforcement of GA-38, Paxton not only has demonstrated that he believes that he has the power to enforce GA-38, but also “by virtue of his office” he is “sufficiently connected [] with the duty of enforcement to make him a proper party.” *Id.* at 161.

Standing–Imminent Injury

Article III of the Constitution limits a federal court’s jurisdiction to cases or controversies. In other words, a plaintiff must have standing for a district court to have jurisdiction over the case. There are three constitutional standing requirements identified by the Supreme Court: injury in fact, causation, and redressability. *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

Defendants challenge whether the injuries alleged by Plaintiffs are redressable. The Supreme Court has made clear that the redressability standing requirement must be satisfied prior to entering federal court. *See, e.g., Allen v. Wright*, 468 U.S. 737 (1984). The standard is not whether the proposed remedy is an absolute solution, but rather, whether it will “be ‘likely,’ as opposed to merely ‘speculative,’ ” to redress the plaintiff’s injury. *Lujan*, 504 U.S. at 561; *see also Uzeegunam v. Preczewski*, ____ U.S. ____, 141 S. Ct. 792, 797 (2021) (emphasizing ability to effectuate partial remedy satisfies redressability requirement).

The injury requirement “helps to ensure that the plaintiff has a ‘personal stake in the outcome of the controversy.’” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (quoting *Warth v. Seldin*, 422 U.S. 490, 498 (1975)). In addition to existing injuries, “imminent” injuries meet the injury requirement. *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013) (stating that “an injury

must be ‘concrete, particularized, and actual or imminent’”) (quoting *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 149 (2010)). An injury is sufficiently imminent to confer standing if there is a “‘substantial risk’ that the harm will occur.” *Driehaus*, 573 U.S. at 158 (quoting *Clapper*, 368 U.S. at 414 n. 5).

Defendants argue that Plaintiffs’ injury claims are speculative, characterizing them as follows: “(1) becoming infected with COVID-19 if they attend school in person or (2) being forced to stay home to avoid getting COVID-19,” and Defendants list several contingencies that they assert demonstrate the speculative nature of these injuries. In response, Plaintiffs assert that their injury is the deprivation of reasonable access to in-person public schooling; that the evidence shows that some Plaintiffs are currently suffering that injury and that others will imminently face it; that the evidence shows that Paxton’s conduct has deprived Plaintiffs of reasonable access to in-person public school; and that the evidence shows that the injunction Plaintiffs seek would redress their injuries. Thus, Plaintiffs argue, they do not have to show that Paxton’s enforcement of GA-38 will actually cause any of them to contract COVID or that they would actually contract COVID in a mask-optional school environment. The court agrees.

The court concludes that Plaintiffs have standing to challenge GA-38 in this court because they allege a concrete and particularized injury that is redressable. During the 2020–2021 school year, several school districts around the state adopted, implemented, and enforced mask mandates for students, staff, and teachers. Paxton has a willingness to enforce and is actively enforcing GA-38 by both his words and his actions, and the court finds that Paxton’s actions create an enforcement connection sufficiently connected with his duty to enforce. If GA-38 were not enforced, school districts would have the discretion to implement a mandatory mask policy on school grounds without

violating GA-38 and risking a lawsuit by Paxton. Therefore, it is not merely speculative that enjoining enforcement of GA-38 will redress Plaintiffs' alleged injuries.

Administrative Exhaustion

The Individuals with Disabilities Education Act (“IDEA”)²⁰ ensures that physically or intellectually disabled students receive necessary special education services by requiring states to provide a free appropriate public education (“FAPE”). “Under the IDEA, an ‘individualized education program,’ called an IEP for short, serves as the ‘primary vehicle’ for providing each child with the promised FAPE.” *Fry v. Napoleon Cmty. Schs.*, ___ U.S. ___, 137 S. Ct. 743, 749 (2017). Congress permits a plaintiff to bring claims for the denial of a FAPE under the IDEA so long as the plaintiff first exhausts his or her administrative remedies under the IDEA. 20 U.S.C. § 1415(l) .

However, when “the remedy sought is not for the denial of a FAPE, then exhaustion of the IDEA’s procedures is not required.” *Fry*, 137 S. Ct. at 754. To determine whether the relief sought falls under the IDEA, the court must look to the “gravamen” of the plaintiff’s complaint. *Id.* at 755.

That inquiry makes central the plaintiff’s own claims, as § 1415(l) explicitly requires. The statutory language asks whether a lawsuit in fact “seeks” relief available under the IDEA not, as a stricter exhaustion statute might, whether the suit “could have sought” relief available under the IDEA (or, what is much the same, whether any remedies “are” available under that law) A court deciding whether § 1415(l) applies must therefore examine whether a plaintiff’s complaint the principal instrument by which she describes her case seeks relief for the denial of an appropriate education. But that examination should consider substance, not surface. The use or (non-use) of particular labels and terms is not what matters.

²⁰ 20 U.S.C. §§ 1400 1482 (2017).

Id. In other words, Section 1415(l) “requires exhaustion when the gravamen of a complaint seeks redress for a school’s failure to provide a FAPE, even if not phrased or framed in precisely that way.”

Id.

The court first asks whether “the plaintiff [could] have brought essentially the same claim if the alleged conduct had occurred at a public facility that was *not* a school.” *Id.* at 756. Second, the court must ask “could an *adult* at the school . . . have pressed essentially the same grievance?”

Id. If the answer to both questions is “yes,” the claim is not one for the denial of a FAPE under the IDEA and there is no exhaustion requirement. *Id.*

Applying the *Fry* analysis, the court finds that the gravamen of Plaintiffs’ claims seek relief for disability discrimination, not for denial of a FAPE. Plaintiffs seek redress for GA-38’s prohibiting school districts from mandating masks in public schools in Texas. Plaintiffs contend that universal mask mandates should be required in their public schools to prevent them from physical injury, hospitalization, perhaps even death, all of which fall outside that IDEA. Defendants assert that Plaintiffs’ claims are grounded in relief that is available through the IDEA. The court’s review of Plaintiffs’ live complaint, however, reveals that it does not allege what Defendants contend.

Defendants assert that Plaintiffs’ claim that GA-38 effectively excludes them as disabled children from receiving an education necessarily alleges a denial of a FAPE. Defendants’ argument confuses quality of education with access to school. As the Supreme Court recognized in *Fry*, “even when the suit arises directly from a school’s treatment of a child with a disability and so could be said to relate in some way to [the child’s] education” the “school’s conduct toward [the] child . . . might injure [the child] in ways unrelated to a FAPE.” 137 S. Ct. at 754. Although Plaintiffs’ claims relate to their education, Plaintiffs do not seek the type of special-education services that the

IDEA guarantees. Rather, Plaintiffs seek to allow their public-school districts the discretion to impose mask mandates and provide children with “non-discriminatory access to public institutions” under the ADA and Section 504. *Id.* at 756. Plaintiffs allege they have been excluded from participating in or denied the benefits of the programs, services, or activities of a public entity based upon their disabilities. Therefore, Plaintiffs’ claims are properly brought under the ADA and Section 504, and there is no requirement for them to exhaust the IDEA’s administrative process.

Additionally, Plaintiffs could bring their claims for the alleged discriminatory conduct at another public facility, such as a library. An adult, including teachers or a staff members at a public school, could also bring the claims alleged by Plaintiffs. Thus, the gravamen of Plaintiffs’ claims is not for the denial of a FAPE, and the IDEA’s exhaustion requirement is not applicable in this case.

III. Discussion and Analysis

Plaintiffs allege that they are students with disabilities whose medical conditions carry an increased risk of serious complications or death in the event that they contract COVID-19, and that because of these conditions GA-38 has or will prevent them from returning to in-person classes without serious risk to their health and safety. Plaintiffs assert that there are no practicable education alternatives for students with disabilities who cannot safely return to school in person; thus, GA-38 has the effect of “placing children with disabilities in imminent danger or unlawfully forcing those children out of the public school system” in violation of the ADA and Section 504. Plaintiffs further assert that GA-38 is preempted under the Supremacy Clause of the Constitution because GA-38 directly conflicts the with ADA and Section 504, and because it conflicts with the ARP Act by not following certain conditions imposed for the receipt of COVID-related funding under the terms of the act.

Preemption

The Supremacy Clause makes clear that a state statute is preempted to the extent it conflicts with federal law. *See* U.S. CONST. art. VI, cl. 2. State law conflicts with federal law either (1) when it is impossible to comply with both state and federal law or (2) “where ‘under the circumstances of [a] particular case, [the challenged state law] stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.’” *Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363, 372–73 (2000) (quoting *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941)).

These principles apply to state laws that interfere with the ability to comply with federal prohibitions on disability discrimination.²¹ A state or local government cannot deny a modification for a person with a disability solely on the basis that it would violate state law. *See, e.g., Crowder v. Kitagawa*, 81 F.3d 1480, 1485 (9th Cir. 1996) (concluding Hawaii’s animal quarantine law, as applied to guide dogs, interfered with state’s compliance with ADA); *Barber v. Colo. Dep’t of Revenue*, 562 F.3d 1222, 1232–33 (10th Cir. 2009) (emphasizing proposed accommodation under ADA not unreasonable simply because might require defendants to violate state law); *Astralis Condo. Ass’n v. HUD*, 620 F.3d 62, 69–70 (1st Cir. 2010) (defendant could not rely on Puerto Rico law to refuse accommodation required under Fair Housing Act for person with disability).

The court concludes that GA-38 conflicts with federal law to the extent that it interferes with local school districts’ ability to satisfy their obligations under the ADA and Section 504 and their

²¹ ADA and Section 504 claims are governed by the same legal standards. *Bennet-Nelson v. La. Bd. of Regents*, 431 F.3d 448, 454 (5th Cir. 2005) (citing *Pace v. Bogalusa City Sch. Bd.*, 403 F.3d 272, 287–88 (5th Cir. 2005)). “The remedies, procedures, and rights available under the Rehabilitation Act parallel those available under the ADA.” *Cadena v. El Paso Cnty.*, 946 F.3d 717, 723 (5th Cir. 2020), citing *Delano-Pyle v. Victoria Cty.*, 302 F.3d 567, 574 (5th Cir. 2002). “Thus, ‘[j]urisprudence interpreting either section is applicable to both.’” *Id.* (quoting *Hainze v. Richards*, 207 F.3d 795, 799 (5th Cir. 2000)).

implementing regulations. Under these circumstances, Texas has an obligation to make “reasonable modifications” to its ban on school-masking requirements to avoid subjecting students with disabilities to unlawful discrimination. *See* 28 C.F.R. § 35.130(b)(7)(i). The clear intent of Congress is to place the authority with local school districts to decide by what means to comply with their obligations under the ADA and Section 504. GA-38 ignores that intent, removing that authority from local school districts and placing all authority state wide with the Governor.

Moreover, GA-38 conflicts with the ADA and Section 504 because it excludes disabled children from participating in and denies them the benefits of public schools’ programs, services, and activities to which they are entitled, “stand[ing] as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Hines*, 312 U.S. at 67. The Supremacy Clause requires that federal law prevail over a conflicting state law. The court concludes that to the extent that school districts cannot comply with GA-38’s ban on mask requirements and at the same time meet their obligations under the ADA and Section 504, the ADA and Section 504 supersede any conflicting provisions of GA-38.

The ARP Act was enacted to address the impact of the COVID-19 pandemic and facilitate recovery from its health and economic effects. *See* Pub. L. No. 117-2. The act provides nearly \$121 billion in Elementary and Secondary School Emergency Relief funding in order to “help schools return safely to in-person instruction maximize in-person instructional time, sustain the safe operation of schools, and address the academic, social, emotional, and mental health impacts of the COVID-19 pandemic on the Nation’s students.” American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund, 86 Fed. Reg. 21195, 21196 (Apr. 22, 2021). Local school districts in Texas have been allocated over \$11 billion in funding to address those needs. U.S.

Dep't of Education, American Rescue Plan Elementary and Secondary School Emergency Relief Fund Methodology for Calculating Allocations (Revised June 25, 2021) at 3.

A key purpose of the school funding is to assist schools in achieving a “safe return to in-person instruction.” Pub. L. No. 117-2, § 2001(I). Thus, the ARP Act requires local school districts receiving funding to develop and make publicly available a “plan for the safe return to in-person instruction and continuity of services.” *Id.* at § 2001(i)(1). Although the act does not require local school districts to adopt CDC guidance on universal masking, it does require that each school district’s safe-return plan describe “the extent to which it has adopted policies, and a description of any such policies, on each of the following safety recommendations established by the CDC . . . ,” specifically including “universal and correct wearing of masks.” 86 Fed. Reg. 21195, 21200.

Plaintiffs argue that because the ARP Act requires school districts to create a plan and GA-38 inhibits the school districts’ who have been granted the authority alone under the act to create a plan discretion to create that plan, GA-38 conflicts with federal law to the extent that it interferes with local school districts’ ability to satisfy their obligations under the act. Defendants argue that the act does not create a private cause of action, nor does the Supremacy Clause create any federal rights. *See Jefferson Cmty. Health Care Ctrs., Inc. v. Jefferson Par. Gov’t*, 849 F.3d 615, 626 (5th Cir. 2017).

The failure of the Supremacy Clause to confer a right of action does not diminish the significant role that courts play in assuring the supremacy of federal law. *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326 (2015). When a case or controversy is properly before the court, the court is bound by federal law. *Id.* Thus, “a court may not hold a civil defendant liable under state law for conduct federal law requires.” *Id.* (internal citations omitted). “[I]f an individual

claims federal law immunizes him from state regulation, the court may issue an injunction upon finding the state regulatory actions preempted.” *Id.* (citing *Ex parte Young*, 209 U.S. at 155–56).

When a federal-funding statute expressly gives local authorities discretion over how to spend federal money, any state law that purports to restrict that discretion is preempted. *See Lawrence County v. Lead-Deadwood School Dist.*, 469 U.S. 256, 260–61 (1984). Congress choice to vest that discretion with local school districts rather than state governments is a valid exercise of Congress’ power under the Spending Clause of the Constitution²² to impose conditions on the receipt of federal funds and thus does not raise federalism concerns. *Id.* at 269–70.

Plaintiffs assert that because GA-38 expressly prohibits local schools from implementing any mask requirements, GA-38 is in direct conflict with the ARP Act and is preempted as contrary to federal law because GA-38 “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *See Felder v. Casey*, 487 U.S. 131, 138 (1988). Thus, Plaintiffs’ claim for preemption under the act is properly before this court not because of any private right of action under the act, but based on the equitable power of federal courts to enjoin unlawful actions by state officials. *See Armstrong*, 575 U.S. at 327 (2015) (“[W]e have long held that federal courts may in some circumstances grant injunctive relief against state officers who are violating, or planning to violate, federal law.”); *Ex parte Young*, 209 U.S. at 150–51.

Plaintiffs’ ARP Act preemption claim also falls within this court’s jurisdiction under Section 1331 of Title 28 of the United States Code because the language of the act does not purport to remove that jurisdiction. *See Verizon Md., Inc. v. Public Serv. Comm’n of Md.*, 535 U.S. 635, 643 (2002) (holding that telecommunications carrier could assert preemption claim under court’s

²² *See* U.S. CONST. art. I, § 8, cl. 1.2.

equitable power because nothing in federal Telecommunications Act purported to bar or restrict such claims). Plaintiffs may invoke this court’s equitable jurisdiction because the act does not expressly or impliedly indicate that Congress intended to preclude enforcement by such means. *See Armstrong*, 575 U.S. at 327–28.

It cannot be more clear that Congress intends that the local school district receiving ARP Act funds be the ultimate decider of the requirements of the safe return to in-person instruction of students within that district.

Violation of ADA and Section 504

The Texas state constitution establishes that “it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.” TEX. CONST. art. VII, § 1. The ADA ensures that state and local governments, in fulfilling this constitutional function, include children with disabilities equally within their ambit. Specifically, the ADA prohibits disability discrimination by state and local governments, including in “[a]ll programs, services, and regulatory activities relating to the operation of elementary and secondary education systems[.]” 28 C.F.R. § 35.190(b)(2). The focus of both the ADA and Section 504 is prohibiting discrimination for those with disabilities. 29 U.S.C. § 701(a)(3)(F) (Rehabilitation Act) (Congress found that individuals with disabilities should “enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American Society.”); 42 U.S.C. § 12101 (ADA) (Congress found that individuals with disabilities should be assured “equality of opportunity, full participation, independent living, and economic self-sufficiency.”). Both the ADA and Section 504 also prohibit exclusion from participation, denial of benefits, or other kinds of discrimination. 42 U.S.C. § 12132; *Wilson v. City of Southlake*, 936 F. 3d

326, 330 (5th Cir. 2019). Therefore, the court's application of the ADA and its provisions in this case will apply equally to Plaintiffs' Section 504 claims.

On its face, GA-38 does not provide an exception even where a local school decides, based on an individualized assessment, that a mask mandate is necessary to comply with its ADA obligations; and Defendants did not indicate that Texas will interpret the GA-38 to allow for such an exception. Plaintiffs assert that there are no practicable education alternatives for students with disabilities who cannot safely return to school in person. Consequently, Plaintiffs allege, GA-38 has the effect of "placing children with disabilities in imminent danger or unlawfully forcing those children out of the public school system."

"The ADA is a 'broad mandate' of 'comprehensive character' and 'sweeping purpose' intended 'to eliminate discrimination against disabled individuals, and to integrate them into the economic and social mainstream of American life.'" *Frame v. City of Arlington*, 657 F.3d 215, 223 (5th Cir. 2011) (citations omitted). Under the ADA, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). An individual with a disability is "qualified" if, with or without reasonable modifications to rules, policies, or practices, the individual meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the public entity. 42 U.S.C. § 12131(2). Public education is a quintessential governmental service, program, or activity, and Plaintiffs, all of whom are enrolled or eligible for Texas's public education system, are qualified to participate in and receive the benefits of that service, program, or activity.

The Department of Justice has issued regulations to implement the ADA's mandate. *See* 42 U.S.C. § 12134 (charging Attorney General to issue implementing regulations). These regulations, codified at 28 C.F.R. Part 35, are entitled to deference. *See Frame*, 657 F.3d at 225. The regulations address the many different forms that disability discrimination can take, including discrimination that results from a public entity's implementation of facially neutral policies. *See generally* 28 C.F.R. § 35.130. Discrimination against individuals with disabilities results not just from intentional exclusion, but also from segregation; the failure to make modifications to existing practices; relegation to lesser services, programs, activities, benefits, or other opportunities; and exclusionary qualification standards and criteria. *See* 42 U.S.C. § 12101(a)(5).

The ADA regulations prohibit public entities from utilizing “criteria or methods of administration” that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability or that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the public entity's program with respect to individuals with disabilities. 28 C.F.R. § 35.130(b)(3)(i) and (ii). In this context, “[t]he phrase ‘criteria or methods of administration’ refers to official written policies of the public entity and to the actual practices of the public entity.” 28 C.F.R. pt. 35, app. B, § 35.130. Thus, GA-38 is an official policy of a public entity and is subject to the prohibitions of Section 35.130(b)(3)(i) and (ii).

The ADA prohibits denying students with disabilities the “opportunity to participate in or benefit from” a school's aid, benefits, or services that is “equal to that afforded others”;²³ denying students with disabilities “the opportunity to participate in services, programs, or activities that are

²³ 28 C.F.R. § 35.130(b)(1)(i) and (ii).

not separate or different” from those provided to non-disabled students;²⁴ and denying students with disabilities the opportunity to receive a school’s “services, programs, and activities in the most integrated setting appropriate to the needs” of students with disabilities.²⁵ Public entities have an affirmative obligation to make reasonable modifications in their policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless they can show that so doing would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. § 35.130(b)(7)(i).

The evidence presented to the court establishes that GA-38 forbids and Paxton’s enforcement of GA-38 forcefully prohibits school districts from adopting a mask mandate of any kind, even if a school district determines after an individual assessment that mask wearing is necessary to allow disabled students equal access to the benefits that in-person learning provides to other students. Denying students with disabilities the equal opportunity to participate in in-person learning with their non-disabled peers means that they are being “excluded from participation in or be[ing] denied the benefits of the services, programs, or activities of a public entity.” 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). Such a policy is unlawful because it “ha[s] the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability.” 28 C.F.R. § 35.130(b)(3). As Plaintiffs allege and the evidence proves, the “policy” in this case prevents local school districts from satisfying their ADA obligations to provide students with disabilities the “opportunity to participate in or benefit from” in-person instruction that is “equal to that afforded others,” that is “not separate or different” from that provided to non-disabled students, and that is “in the most integrated setting appropriate.” 28 C.F.R. § 35.130(b)(1), 35.130(b)(2), and 35.130(d).

²⁴ 28 C.F.R. § 35.130(b)(2).

²⁵ 28 C.F.R. § 35.130(d).

Moreover, the evidence further establishes that even if a school were to determine based on an individualized assessment that requiring masks is a reasonable modification necessary to enable a student with disabilities to have equal access to a safe, integrated, in-person learning environment, the school would be prohibited from providing that accommodation under GA-38. GA-38 expressly prohibits a school district from requiring “any person to wear a face covering,” clearly forbidding such a reasonable modification no matter the scope of a local school’s mask mandate. Thus, GA-38 not only prohibits school districts from implementing universal masking in schools in accordance with CDC guidelines, but also from imposing limited mask requirements, such as in one wing of a school building or in one classroom, or by requiring an individual aide to wear a mask while working one-on-one with a student who is at heightened risk of serious illness or death from COVID-19.

A public entity may avoid having to modify its program, service, or activity if it “can demonstrate that making the modifications would fundamentally alter the nature of the program, service, or activity.” 28 C.F.R. § 35.130(b)(7)(i). However, Defendants have failed to present any evidence that would support a claim that mask requirements fundamentally alter the educational programs of local school districts.

Defendants also argue that GA-38 does not violate the ADA or Section 504 because GA-38 does not ban Plaintiffs from attending school in-person. Although GA-38 does not ban Plaintiffs from attending in-person instruction, the ADA requires more than mere access to programs, services, or activities; it prohibits denying individuals with disabilities the benefits of services, programs, or activities on the basis of their disability. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). Even where an individual “is not wholly precluded from participating in [a] service, if he is at risk of incurring

serious injuries each time he attempts to take advantage of [the service], surely he is being denied the *benefits* of this service.” *Allah v. Goord*, 405 F. Supp. 2d 265, 280-81 (S.D.N.Y. 2005).

In *Allah*, an inmate with partial paralysis brought an ADA claim against prison officials for allegedly providing unsafe transportation to and from medical appointments. *See id.* at 269-70. The district court denied the prison officials’ motion to dismiss, holding that the plaintiff had pleaded sufficient allegations to establish a violation of the ADA where the plaintiff had alleged that prison officials “knew or should have known of the dangers” that inmates with disabilities are “exposed to when they are transported in an unsafe vehicle” but took no steps to make that environment safe. *Id.* at 279. *Allah* illustrates the proposition that an ADA violation can arise where a public entity provides a service or benefit to all participants but effectively excludes people with disabilities by failing to account for or take steps to remedy the ways in which that service may place participants with disabilities at increased risk of harm. *See also Gorman v. Bartch*, 152 F.3d 907, 913 (8th Cir. 1998) (arrestee stated claim where post-arrest transportation was provided but was unsafe for arrestee using wheelchair).

And the Fourth Circuit has instructed that the district court consider the increased risk of harm to a plaintiff from a defendant’s actions. *J.D. v. Colonial Williamsburg Found.*, 925 F.3d 663, 673–74 (4th Cir. 2019). The plaintiff, who had a severe gluten allergy, was on a school trip with classmates and sought a reasonable modification to the restaurant’s rule that patrons could not bring in their own food. The restaurant argued that, because the menu included a gluten-free option, the plaintiff could order from the menu like his peers and no accommodation was necessary or required. The circuit court reversed the district court’s grant of summary judgment in favor of the restaurant in part because the district court “incorrectly overlooked the testimony that J.D. repeatedly became

sick after eating purportedly gluten-free meals prepared by commercial kitchens.” *Id.* The circuit court held that the district court erred in finding as a matter of law that J.D. could have an experience “equal to that of his classmates” if not accommodated. *Id.* at 674.

Plaintiffs here have alleged that the use of masks by those around them is a measure that would lower their risk of contracting the virus and thus make it safer for them to return to and remain in an in-person learning environment. The evidence here supports that the use of masks may decrease the risk of COVID infection in group settings. Plaintiffs here are at higher risk of contracting COVID than their non-impaired peers. But because GA-38 precludes mask requirements in schools, Plaintiffs are either forced out of in-person learning altogether or must take on unnecessarily greater health and safety risks than their nondisabled peers. The evidence presented by Plaintiffs establishes that Plaintiffs are being denied the benefits of in-person learning on an equal basis as their peers without disabilities. The court concludes that GA-38 violates the ADA and Section 504.²⁶

IV. Conclusion

IT IS THEREFORE ORDERED that Defendants’ Motion to Dismiss filed September 13, 2021 (Doc. #34) is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**: Plaintiffs’

²⁶ Several federal district courts have examined the actions of other states that have prohibitions similar to GA-38 and granted preliminary-injunctive relief based upon the ADA and Section 504, although no ruling on the merits has been rendered by any such court as of the date of this opinion. *See G.S. v. Lee*, ___ F. Supp.3d ___, 2021 WL 4942871 (W.D. Tenn. Sept. 3, 2021) (granting temporary restraining order); *Arc of Iowa v. Reynolds*, ___ F. Supp.3d ___, 2021 WL 4166728 (S.D. Iowa Sept. 13, 2021) (granting temporary restraining order); *Disability Rights South Carolina v. McMaster*, ___ F. Supp.3d ___, 2021 WL 4444841 (D.S.C. Sept. 28, 2021) (granting temporary restraining order and preliminary injunction); *Arc of Iowa v. Reynolds*, ___ F. Supp.3d ___, 2021 WL 4737902 (S.D. Iowa Oct. 8, 2021) (granting preliminary injunction); *R.K. v. Lee*, ___ F. Supp.3d ___, 2021 WL 4942871 (M.D. Tenn. Oct. 22, 2021) (granting preliminary injunction).

claims against Defendants Mike Morath and the Texas Education Agency are **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction. In all other respects, the motion is **DENIED**.

Having concluded that GA-38 violates and is preempted by federal law, the court will permanently enjoin Paxton from enforcing or giving any effect to the provisions of GA-38 prohibiting school districts from requiring masks.

SIGNED this 10th day of November, 2021.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE



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ATTORNEYS AND COUNSELORS FOR TEXAS PUBLIC SCHOOLS AND LOCAL GOVERNMENT

November 9, 2021

**RE: OSHA Rule on COVID-19 Vaccination and Testing
Likely Non-Applicability to Texas Open-Enrollment Charter Schools**

Dear Charter School Leaders:

As you may be aware, on November 4, 2021, the Occupational Safety and Health Administration (“OSHA”) issued a new **Emergency Temporary Standard** (“ETS”) on COVID-19 Vaccination and Testing.¹ The ETS was issued pursuant to OSHA’s authority under the Occupational Safety and Health Act of 1970 (“OSH Act”).² As explained more fully below, while there may be some room for different analysis, we believe it is likely the ETS does not apply to Texas open-enrollment charter schools that are considered governmental.

The ETS requires covered employers to develop, implement, and enforce a mandatory COVID-19 vaccination policy—or instead adopt a policy requiring employees to either get vaccinated or elect to undergo regular COVID-19 testing and wear a face covering at work in lieu of vaccination.³ Employers are required to adopt the policy by January 4, 2022.⁴ OSHA has explicitly stated that it intends for the ETS to preempt and invalidate any State or local requirements that ban or limit an employer’s authority to require vaccination, face covering, or testing.⁵

However, the OSH Act has important limitations that likely exclude Texas open-enrollment charter schools from the scope of covered employers for purposes of the ETS. If charter schools are exempt from coverage under the OSH Act, they are not required to adopt the vaccine (or testing alternative) policy described in the ETS and would remain subject to applicable State and local orders that may be contrary to the ETS. Moreover, on November 6, 2021, the Federal Court of Appeals for the Fifth Circuit—which includes Texas—issued an order that stays the ETS, suspending the enforcement of the new rule until the legal challenge is resolved by the court.⁶

¹ See <https://www.osha.gov/coronavirus/ets2> for information on the ETS. Full text is available at: <https://www.federalregister.gov/documents/2021/11/05/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard> (86 Fed. Reg. 61,402).

² 29 U.S.C. § 651 *et seq.*

³ See <https://www.osha.gov/coronavirus/ets2>.

⁴ See *id.*

⁵ <https://www.osha.gov/coronavirus/ets2/faqs>.

⁶ <https://www.ca5.uscourts.gov/opinions/unpub/21/21-60845.0.pdf>.

I. Open-enrollment charter schools are likely a “State or political subdivision” exempt from coverage of the OSH Act and therefore not subject to the ETS.

The OSH Act generally applies to private employers. For purposes of the OSH Act, the term “employer” does not include “any State or political subdivision of a State.”⁷ States and political subdivisions are therefore not subject to the OSH Act or its implementing regulations.⁸ The Act does not define “political subdivision,” but OSHA has adopted federal regulations interpreting the OSHA Act.⁹ These regulations provide that:

Any entity which has been (1) created directly by the State, so as to constitute a department or administrative arm of the government, or (2) administered by individuals who are controlled by public officials and responsible to such officials or to the general electorate, shall be deemed to be a “State or political subdivision thereof” under . . . the Act and, therefore, not within the definition of employer, and, consequently, not subject to the Act as an employer.¹⁰

This test set forth in the OSHA regulations is identical to the test applied by the National Labor Relations Board (“NLRB”) to determine whether an entity is exempt from its jurisdiction under the National Labor Relations Act (“NLRA”).¹¹ The test used by the NLRB—named the “*Hawkins* test” after the Supreme Court case¹² where it was announced—has been applied to Texas open-enrollment charter schools to find that charter schools are a State or political subdivision because they satisfy the second prong of the test.¹³ Subsequently, as discussed below, the Texas Supreme Court has also held that charter schools act as an “arm of the state” and numerous federal courts have determined Texas charter schools are also an arm of the state for federal immunity purposes.
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Under the second *Hawkins* prong, “the controlling inquiry is whether an entity’s administrators are appointed, and subject to removal, by public officials or the electorate.”¹⁴ The NLRB decision acknowledged that a Texas open-enrollment charter school board is appointed by private actors, but noted that the Texas Education Code authorizes the Texas Education Agency (“TEA”) (a public agency) to reconstitute a charter school board.¹⁵ The NLRB further relied upon the fact that the TEA can remove a charter school board for a variety of reasons and that the TEA’s decision to reconstitute a charter school board is subject to the fairly deferential “arbitrary and capricious or clearly erroneous” standard of judicial review by the State Office of Administrative Hearings.¹⁶

⁷ 29 U.S.C. § 652(5). Some states have OSHA-approved State Plans that cover state and local government workers; Texas is not one of these states.

⁸ With the exception of those that are covered through a State Plan. Texas does not have a State Plan.

⁹ 29 C.F.R. § 1975.5(b).

¹⁰ *See id.* The regulations also set forth a list of factors for consideration. *See* 29 C.F.R. § 1975.5(c).

¹¹ *StarTran, Inc. v. Occupational Safety & Health Review Comm’n*, 608 F.3d 312, 315 (5th Cir. 2010) (quoting *Brock v. Chicago Zoological Soc.*, 820 F.2d 909 (7th Cir.1987)).

¹² *N. L. R. B. v. Nat. Gas Util. Dist. of Hawkins County, Tenn.*, 402 U.S. 600 (1971).

¹³ *See Ltts Charter Sch., Inc. d/b/a Universal Acad. & Kimberly Free, an Individual*, 16-CA-170669, 2017 WL 2687607 (N.L.R.B. Div. of Judges June 21, 2017), *adopted sub nom. Ltts Charter Sch., Inc. d/b/a Universal Acad. & Kimberly Free*, 366 NLRB No. 38 (N.L.R.B. Mar. 15, 2018).

¹⁴ *See id.*; *see also Hawkins*, 402 U.S. at 605.

¹⁵ *See Ltts Charter Sch.*, 2017 WL 2687607 (citing Tex. Educ. Code § 12.115).

¹⁶ *See id.* (citing Tex. Educ. Code § 12.116).

The NLRB concluded that “the TEA’s broad, and practically unreviewable, authority to reconstitute” the board of a Texas open-enrollment charter school renders such a school a “‘State or political subdivision’ under the second *Hawkins* prong, inasmuch as it is administered by individuals who are responsible to public TEA officials.” *See id.*

While neither the Department of Labor (“DOL”), OSHA, nor a federal court has specifically determined whether a Texas open-enrollment charter school is a “State or political subdivision” under the OSH Act, the Fifth Circuit has looked to NLRB interpretation of the NLRA in interpreting the OSH Act¹⁷ and the DOL has noted that “[c]ase law under the NLRA is relevant to the interpretation of the OSH Act[.]”¹⁸ Accordingly, it is likely that the DOL, OSHA, or a court would determine that an open-enrollment charter school is a State or political subdivision for purposes of the OSH Act and its applicable jurisdiction..

This conclusion is further bolstered by the Texas Supreme Court’s recent decision that “open-enrollment charter schools act as an arm of the State government,”¹⁹ as well as the other factors identified by OSHA for meeting the test of whether an entity is a State or political subdivision.²⁰ For example, charter school staff salaries and school functions are generally financed by state funds,²¹ use of state funds received by charter schools is governed by statute,²² most charter holders are tax-exempt 501(c)(3) non-profit entities under federal law,²³ property owned by a charter holder and used for charter school purposes is exempt from taxation under state law,²⁴ and charter school employees receive the same rights and benefits as traditional school districts in many areas.²⁵

NOTE: this analysis would be different for those management companies that employ the school personnel instead of the Charter Holder entity as employer.

II. If charter schools are not subject to OSH Act and the ETS, they remain subject to State and local orders governing COVID-19 vaccination, testing, and mitigation measures.

If Texas open-enrollment charter schools are indeed a State or political subdivision under the OSH Act, and therefore not subject to the ETS, charter schools will not be required to comply with the COVID-19 policy mandate set forth in the ETS. It is important to note, however, that because State and political subdivision employers and employees are exempt from OSHA coverage, the ETS does not preempt State and local government requirements directed at State and political subdivision employers and employees.²⁶ Accordingly, Texas open-enrollment charter schools

¹⁷ *StarTran, Inc. v. Occupational Safety & Health Review Comm'n*, 608 F.3d 312, 316 (5th Cir. 2010).

¹⁸ *Foreign-flag Vessels*, OSHA Std Interp 1904.7(B)(3) (D.O.L.), 2019 WL 2905519 (Mar. 6, 2019) (citing OSH Act decisions relying on NLRA case law).

¹⁹ *El Paso Educ. Initiative, Inc. v. Amex Properties, LLC*, 602 S.W.3d 521, 529 (Tex. 2020).

²⁰ *See* 29 C.F.R. § 1975.5(c).

²¹ *See* Tex. Educ. Code § 12.106.

²² *See* Tex. Educ. Code § 12.107.

²³ *See* Tex. Educ. Code § 12.101.

²⁴ *See* Tex. Educ. Code § 12.1058(a)(6).

²⁵ *See, e.g.*, Tex. Educ. Code §§ 12.1056, 12.1057.

²⁶ *See* 86 Fed. Reg. 61402, 61510 n.84; *see also* 29 U.S.C. § 667; *Hillsborough County, Fla. v. Auto. Med. Labs., Inc.*, 471 U.S. 707, 712 (1985) (discussing scope of Supremacy Clause).

would remain subject to applicable state law governing COVID-19 vaccine mandates, testing, and other mitigation measures (*e.g.*, Executive Orders GA-35, GA-38, GA-39, and GA-40).

III. Enforcement of the ETS is currently suspended and it is not clear whether the ETS will survive judicial scrutiny.

The day after the ETS was published, on November 5, 2021, a group of Petitioners including private employers and multiple states petitioned the Court of Appeals for the Fifth Circuit for review of OSHA’s COVID-19 ETS and asked the court to issue an emergency stay of the ETS.²⁷ The State of Texas was among the parties petitioning for a stay of the ETS.²⁸

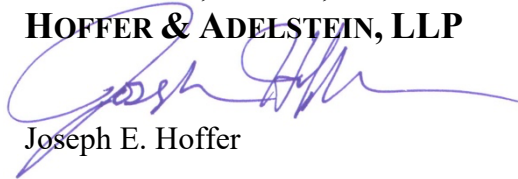
The Fifth Circuit granted the emergency motion to stay the enforcement of the ETS pending expedited judicial review.²⁹ The court noted that the petition for review gave “cause to believe there are grave statutory and constitutional issues” with the ETS.³⁰ Accordingly, the ETS cannot be enforced in Texas at this time. In practice, this order has limited current effect because the deadline for compliance is not until January 4, 2022. We expect the Fifth Circuit to rule on the substance of the claims before then. Nonetheless, further appeals to the Supreme Court, including those coming from other districts,³¹ may tie up the ETS beyond the January effective date. We will monitor the cases and provide updates as necessary.

IV. Conclusion

Existing case law and administrative guidance indicate that Texas open-enrollment charter schools are likely excluded from the coverage of the OSH Act and are therefore not required to comply with the COVID-19 policy mandates of the ETS. If charter schools are not required to comply with the ETS, they will still be required to comply with State and local government mandates regarding COVID-19 vaccination, testing, and other mitigation measures, including Governor Abbott’s applicable Executive Orders. Finally, it should also be noted that the ETS is subject to numerous legal challenges, both in the Fifth Circuit and elsewhere. The ETS is currently stayed in Texas, and we will continue monitoring for updates and providing follow-up advice when appropriate.

Cordially,

**SCHULMAN, LOPEZ,
HOFFER & ADELSTEIN, LLP**



Joseph E. Hoffer

²⁷ See <https://thetexan.news/wp-content/uploads/2021/11/Motion-for-Stay-5th-Circuit-OSHA-Business-Vax-Mandate.pdf> (Emergency Motion for Stay); [https://www.texasattorneygeneral.gov/sites/default/files/global/images/Petition%20for%20Review%20\(to%20file\)%20\(1\).pdf](https://www.texasattorneygeneral.gov/sites/default/files/global/images/Petition%20for%20Review%20(to%20file)%20(1).pdf) (Petition for Review).

²⁸ See *id.*

²⁹ <https://www.ca5.uscourts.gov/opinions/unpub/21/21-60845.0.pdf>.

³⁰ See *id.*

³¹ Similar lawsuits against the ETS are pending in the 6th, 8th, 11th circuit courts of appeal.