

## Taylor's Crossing Public Charter School

### PERSONNEL

5000

#### Board Goal/Personnel

The human resources of the school are valuable and significant in creating an effective educational program and learning environment. Schools function most efficiently and successfully when highly qualified individuals are employed to staff the needs of the Charter School. Opportunities for staff development should be provided periodically. Supervision is a necessary, ongoing function of the school's leadership. The board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5100

#### Hiring Process and Criteria

The administrator is responsible for recruiting personnel, in compliance with Board policy, and making hiring recommendations to the Board. Educational support personnel applicants are initially screened by the administrator. The school shall hire highly qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy and state law on equal employment opportunities. All applicants must complete a school application form in order to be considered for employment and must also go through the screening process outlined in Idaho Code 33-1210. See 5100P.

Each person hired by the school will undergo a criminal history check consistent with Idaho law. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law. There will be no discrimination in the hiring process. See Policy 5120.

As required in Idaho Code 65-505, the school will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.

#### Certification of Professional Personnel

The school shall require that its contracted certificated staff hold a valid Idaho certificate endorsed for the role and responsibilities for which they are employed. All certificated professional employees must be employed on a written contract in the form approved by the State Superintendent of Public Instruction. The school will withhold the salary of any certificated professional employee who does not hold a valid certificate.

Upon receipt of a proposed contract for the ensuing school year, the person shall deliver the signed contract to the Charter School within 10 days of receipt of the same. Delivery of a contract may be made only in person or by certified mail, return receipt requested. Should any person refuse to acknowledge receipt of a contract or not return a signed contract to the school within the time period set forth herein, the school may declare the position vacant and offer the contract to another person.

The personnel office will retain a copy of each contracted certificated employee's valid certificate in the employee's personnel file.

Cross Reference: 5110  
5500

Fingerprinting and Criminal Background Investigations  
Personnel Files

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates  
I.C. § 33-512 Governance of schools  
I.C. § 33-513 Professional personnel  
I.C. § 33-1210 Information on past job performance

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013



**AUTHORIZATION FOR RELEASE OF INFORMATION ON PAST EMPLOYMENT WITH SCHOOL EMPLOYERS IDAHO CODE 33-1210**

Idaho Law requires Applicants for any position at any Idaho Public School to allow the hiring School Employer to obtain a copy of past public school employer personnel file materials and other documentation relating to the performance of the Applicant when such Applicant was employed by any other public school, whether in Idaho or any other state.

Before hiring an Applicant for any position, Taylor's Crossing Public Charter School must request the Applicant sign this form. Should the Applicant refuse or fail to sign this form, the school is not permitted to hire the Applicant for any position. This authorization does not limit any employer from seeking additional information or disclosures from any Applicant.

This form:

1. Authorizes current or past public school employers of the Applicant/undersigned on this form, including Applicants outside of the State of Idaho, to release to the hiring School all information relating to the job performance and/or job related conduct of the Applicant and make available to the hiring School copies of all documents in the previous employer's personnel file, investigative file or other files relating to the job performance of the Applicant; and
2. Releases the Applicant's/undersigned's current and past employers, and employees acting on behalf of the employer, from any liability for providing the above-mentioned information.

**§ 33-1210 RELEASE:**

I understand that the above requirements are a condition of my obtaining employment with Taylor's Crossing Public Charter School and I consent to my current and former employers, both inside and outside the State of Idaho, upon receipt of this signed authorization, to comply with Idaho law. I further consent that such authorization may be provided to the hiring school via electronic means.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Identifying Employee Number/Name of Applicant or other Identifying Information for Past Employer

\*Information obtained through the use of this Release will be used only for the purpose of evaluating the qualifications of the Applicant for employment. This information will not be disclosed in any manner other than as provided by Statute.

\*A copy of this Release and all information obtained through use of this Release will be placed into the Applicant's Personnel File with the school upon employment of the Applicant, if any.

\*An Applicant's failure to disclose any former school employer, whether within or outside of the State of Idaho, will serve as the basis for immediate termination and, for certificated personnel, may also result in the school's reporting of the individual to the Idaho Professional Standards Commission for a potential violation of the Code of Ethics for Professional Educators.

\*By accepting an executed copy of this form, the hiring school makes no guaranty or promise of employment to the Applicant. Further, the hiring School may employ the Applicant on a conditional basis pending review of information gathered pursuant to this Release. Such conditional employment is not a guarantee or promise of continued employment with the hiring School for any length of time or pursuant to any additional conditions.

Policy History:

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013

# Taylor's Crossing Public Charter School

PERSONNEL

5500F2



## REQUEST TO EMPLOYER IDAHO CODE 33-1210

Idaho Code 33-1210 requires all Idaho School employers to obtain past School employer performance information regarding any individual they are considering for hire, with regard to any position at an Idaho Public School. Specifically, the code section language states:

Before hiring an applicant, a School shall request, in writing, electronic or otherwise, the Applicant's current or past employers, including out-of-state employers, to provide the information described in subsection (2)(a) of this section, if any.

The aforementioned subsection (2)(a) of the statute requires Applicants to sign a statement "authorizing the applicant's current and past employers [meaning school employers], including employers outside of the State of Idaho, to release to the hiring School all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring School copies of all documents in the previous employer's personnel, investigative, or other files relating to the job performance by the Applicant."

Enclosed please find a copy of the signed Authorization for Release of Information from \_\_\_\_\_, an Applicant for employment with Taylor's Crossing Public Charter School. This individual has identified your School as a prior employer. Accordingly, we are requesting that you please provide to Taylor's Crossing a copy all information relating to this individual's performance as an employee with your School. In accordance with the terms of the statute in question, we request receipt of this information within twenty (20) business days after receipt of this request. This information may be sent either as written documentation or in electronic format. We would request that you advance this information to:

Taylor's Crossing Public Charter School  
1445 Wood River Road  
Idaho Falls, ID 83401  
(208) 552-0397 Fax: (208) 904-3814  
tadelizzi@tceagles.com

It should be noted that this statute provides that any School or employee acting on behalf of the School, who in good faith discloses information pursuant to this section either in writing, printed material, electronic material or orally is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of the disclosure under this section unless the evidence establishes one (1) or more of the following: (a) that the employer knew the information disclosed was false or misleading; (b) that the employer disclosed the information with reckless disregard for the truth; (c) that the disclosure was specifically prohibited by a state or federal statute. Should you have any questions regarding this matter, please contact: Theresa Adelizzi at the above contact information.

Policy History:

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013



REQUEST FOR VERIFICATION OF CERTIFICATE STATUS

Attn: Christina P. Linder
Director of Certification/Professional Standards
Idaho State Department of Education
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0027

Pursuant to § 33-1210(5), Idaho Code, the Charter School is seeking information regarding the following individual:

Name of Applicant \_\_\_\_\_
D.O.B.: \_\_\_\_\_

Specifically, pursuant to the above-referenced statute, the Charter School is seeking the following information in order to address a hiring decision:

- 1. Certificate Status.
2. The existence of any past findings or complaints relating to violations of the Code of Ethics for Professional Educators.
3. The existence of any current complaints or investigations relating to alleged violations of the Code of Ethics for Professional Educators.
4. Any information relating to job performance as defined by the State Board of Education, pursuant to Subsection (11) of Idaho Code 33-1210, for any applicants for certificated employment.

Taylor's Crossing Public Charter School would greatly appreciate it if this information could be advanced to the attention of \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ in order to allow a timely decision as to employment matters. This information may be mailed at the above address or sent via electronic format to: \_\_\_\_\_.

Sincerely,
[Insert Name and Title Here]

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5100P

#### Procedures for Obtaining Personnel Records for Applicants

1. Before hiring an applicant for employment in a certificated or non-certificated position Taylor's Crossing Public Charter School shall have the applicant sign the statement/release (form 5500F1) and provide a list of their previous school employers (the list may be obtained via resume or application). The school will not hire an applicant who refuses or fails to sign the statement/release.
2. The signed statement/release will then be sent by the school to all of the applicant's current or past, in state or out of state, school employers along with a request for information relating to job performance and/or job related conduct (form 5100F2). Note – The school does not have to request the information for all applicants. The school only has to request the information for the top applicant(s) for the position.
3. The school may follow up with current or past school employers if the information requested has not been received within thirty (30) days from the date the request was sent. The school may hire non-certificated applicants on a conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school employer refuses to comply with the request. The school will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school employer. The written refusal shall be kept as a part of the applicant's file.
4. The school shall also request State Department of Education verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (form 5100F3).
5. The school shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or school employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

Cross Reference: 5100	Hiring Process and Criteria
5100F1	Authorization for Release of Information Form
5100F2	Request to Employer Form
5100F3	Request for Verification of Certificate Form

Legal Reference: I.C. § 33-1210      Information on past job performance

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

Reemployment of Certificated Employees

Definitions

Non-Renewable Contract Certificated Employees

**Category 1 Certificated Employees**—Those certificated personnel hired on a limited one-year contract after August 1<sup>st</sup> as provided in I.C. § 33-514A.

**Category 2 Certificated Employees**—A “category 2” certificated employee as defined in I.C. § 33-514 as certificated personnel in the first and second years of continuous employment within the same charter school.

**Category 3 Certificated Employees**—A “category 3” certificated employee as defined in I.C. §33-514 as certificated personnel during the third year of continuous employment by the same charter school.

Renewable Contract Certificated Employees

During the third full year of employment by the same school, each certificated employee, school nurse, and school librarian shall be evaluated for a renewable contract. Upon having been offered a contract for the next ensuing year, given notice of acceptance of renewal and signing a contract for a fourth full year, the certificated employee shall be placed on a renewable contract status.

Notice

1. **Category 1 Certificated Employees**  
Category 1 Certificated Employees’ contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the Charter School to terminate the contract at the conclusion of the contract year.
  
2. **Category 2 and 3 Certificated Employees**  
Category 2 and 3 Certificated Employees shall be provided a written statement of reason for non-reemployment by no later than May 25<sup>th</sup>.  
  
Category 2 Certificated Employees are not entitled to a review of the reasons or decision not to reemploy by the Board. Category 3 Certificated Employees shall, upon written request, be given the opportunity for an informal review of such decision by the Board of Directors. The parameters for the informal review will be determined by the Charter School.
  
3. **Renewable Contract Teachers**  
The board of directors shall provide written notification to each person entitled to be employed on a renewable contract by May 15<sup>th</sup>. All employees on renewable contracts must give written notice of acceptance of automatic renewal of contract to the board of directors no later than June 1<sup>st</sup>. The employee’s failure to provide written acceptance of renewal of contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract.
  
4. **Principals and Administrators**

Administrative Contract Form A requires notice of non-reissuance prior to May 15<sup>th</sup> of the contract year. Administrative Contract Form B requires notice of non-reissuance by February 15 of the contract year.

5. Superintendents

The Superintendent Contract Form requires the Board to review the contract for consideration of extension on or before the regular Board meeting in January of the contract year. The Board may extend its period of review.

Supplemental Contracts

If the board of directors decides not to reissue a supplemental contract, the board shall give written notice to the employee describing reasons for the decisions no to reissue. The employee, upon written request to the Board, shall be entitled to an informal review. The process and procedure for the informal review shall be determined by the Charter School. Within 15 days of meeting with the employee, the board shall notify the employee of its final decision in the matter.

Delivery of Contract

Delivery of a contract may be made only in person or by certified mail, return receipt requested. If delivery is made in person, the delivery must be acknowledged by a signed receipt.

Return of the Contract

A person who receives a proposed contract from the school shall have 10 days from the date of delivery to sign and return the contract.

Failure to Accept or Acknowledge

Should a person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the board within the designated time period, the board may declare the position vacant.

Cross Reference:	Policy 5340 Policy 6100	Evaluation of Certificated Personnel Superintendent
Legal Reference	I.C. § 33-513 I.C. § 33-514 I.C. § 33-514A I.C. § 33-515 I.C. § 33-515A	Professional Personnel Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement Issuance of Limited contract Issuance of Renewable Contracts Supplemental Contracts

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

Informal Review

The following employees may request an informal review for the board's decision to not reemploy:

- 1) Category 3 employees;
- 2) An administrative employee; and
- 3) A certificated employee on a supplemental contract.

The request for an informal review must be in writing and include a statement explaining the reasoning for disagreement with the board's decision. The statement must not exceed two pages.

The charter school will use the following procedure:

- 1) The employee must request, in writing, an informal review within 15 days of the date notice of non-reemployment is mailed or hand delivered to the employee. The request must be submitted to the board clerk.
- 2) The employee will be given an opportunity to meet with the board in executive session within 30 days of the date the request for informal review is filed and share a statement explaining their disagreement with the board's decision.
- 3) The board will notify the employee, in writing, of its final decision in the matter within fifteen (15) days of the date of the informal review.

The employee does not have the right to be represented by an attorney or a representative of the state teachers association, present evidence and cross-examine witnesses unless specifically agreed to by the board. The board may elect to ask questions of the employee, but this does not confer upon the employee the right to ask questions of the board.

Cross Reference:      Policy 5105                      Certificated Personnel Reemployment

Legal Reference      I.C. § 33-514A                      Issuance of Limited contract  
   I.C. § 33-515                      Issuance of Renewable Contracts  
   I.C. § 33-515A                      Supplemental Contracts

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5110

#### Criminal History / Background Checks

##### General

It is the policy of Taylor's Crossing Public Charter School not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or in the case of current employees, may face disciplinary action, up to and including termination.

It is the policy of this School to perform criminal history checks as required by Idaho law and to perform other types of background checks on employees or volunteers including, but not limited to:

1. Contacting prior employers for references;
2. Contacting personal references; and/or
3. Contacting other persons who, in the discretion of the Charter School, could provide valuable information to the Charter School.

Where a prior conviction is discovered, the School will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought, or the person is employed. Any individual convicted of a felony offense listed in I.C. § 33-1208(2) shall not be hired.

If an applicant or employee makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

##### Initial Hires

In order to protect the health, safety and welfare of the students of the School, Idaho law requires the following employees to subject to criminal history checks:

- (1) Certificated and noncertificated employees;
- (2) All applicants for certificates;
- (3) Substitute staff;
- (4) Individuals involved in other types of student training such as practicums and internships; and
- (5) All individuals who have unsupervised contact with students.

A criminal history check shall be based on a complete ten (10) finger fingerprint card or scan and include, at a minimum, the following:

- (1) Idaho bureau of criminal identification;
- (2) Federal bureau of investigation (FBI) criminal history check; and
- (3) Statewide sex offender register.

Employees will be required to undergo a criminal history check within five (5) days of starting employment or unsupervised contact with students, whichever is sooner.

The fee charged to an employee shall be forty dollars (\$40.00). All criminal history check records will be kept on file at the state department of education. A copy of the records will be given to the employee upon request.

### Employee Arrest or Conviction

All employees shall have the continuing duty to notify the School of any arrest or criminal conviction that occurs subsequent to being hired by the School. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he/she is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

Additionally, if an employee has a protection order served against him/her, the employee shall follow the same reporting requirements as outlined above.

Supervisors or department heads shall contact the Administrator or designee upon receiving notification that an employee has been arrested or has a protection order served against him/her. The School reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

It is the discretion of the School to terminate or take other action against any employee that has either been convicted of one (1) or more of the felony offenses set forth in I.C. § 33-1208 or made a material misrepresentation or omission on their job application.

### Substitute teachers

The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal history check every five (5) years. If a substitute teacher has undergone a criminal history check within five (5) years as a result of employment with another School, the School, may in its sole discretion, not require a substitute to undergo a criminal history check. If the School does desire

substitute teacher who has undergone a criminal history check within the last five (5) years to undergo an additional criminal history check, the School will pay the costs of such check.

### Other employees

The School may require that any employee be subjected to criminal history checks. If required, the School will pay the costs of such checks.

### Volunteers

Any volunteer in the School who has regular unsupervised access to students, as determined by the Administrator or the Administrator's designee, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the schools of this School.

Any requirement of a volunteer to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If a volunteer has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Administrator, who shall decide whether the volunteer is suitable to be in the presence of the students in the School. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

### Contractors

The School maintains a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register.

### Confidentiality

Outstanding warrants, criminal charges and/or protective orders may be confidential. An employee who is provided access to such information relating to another employee shall ensure that the information remains confidential. If an employee discloses such information without authorization, the employee shall be subject to disciplinary action.

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates  
I.C. §33-512 Governance of schools  
I.C. §9-340(C) Records Exempt from Disclosure  
Public Law 105-251, Volunteers for Children Act

### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013



## Taylor's Crossing Public Charter School

### PERSONNEL

5125

#### Reporting New Employees

The Idaho Legislature has established an automated state directory of new hires to be administered by the Idaho department of labor (herein after "department"). The state directory of new hires provides a means for employers to assist in the state's efforts to prevent fraud in the welfare, worker's compensation, and unemployment insurance programs, to locate individuals to establish paternity, to locate absent parents who owe child support, and to collect support from those parents by reporting information concerning newly hired and rehired employees directly to a centralized state database.

The school will report the hire or rehire of an individual by submitting to the department a copy of the employee's completed and signed United States internal revenue service form W-4 (employee's withholding allowance certificate). Before submitting the W-4 form, the school will ensure that the W-4 form contains the following information:

1. The employee's name, address, and social security number;
2. The school's name, address, and federal tax identification number;
3. The school's Idaho unemployment insurance account number, which must be designated at the bottom of the form; and
4. The employee's date of hire or rehire, which must be designated at the bottom of the form.

This school will report the hiring or rehiring of any individual to the department within twenty (20) calendar days of the date the employee actually commences employment for wages or remuneration. The report will be deemed submitted on the postmarked date or, if faxed or electronically submitted, on the date received by the department. A copy of the report will be retained by the school, and the copy will set forth the date on which the report was mailed, faxed, or electronically transmitted.

Should the school choose to file its report electronically, the district will comply with the department's regulations of such transmissions. Electronically transmitted reports will be filed by two monthly transmissions, if necessary, not less than twelve (12) days apart and not more than sixteen (16) days apart.

The school is not liable to the employee for the disclosure or subsequent use of the information by the department or other agencies to which the department transmits the information.

Legal Reference: I.C. § 72-1601*et seq.* State Directory of New Hires

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5200

#### Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the School. To effectively and efficiently manage the School, The policies of the Board shall govern.

Classified employees are employed at will and the district policy manual is not intended to express a term of an employment agreement. The provisions of this policy manual do not create a property right which would modify the School's right to terminate the employment relationship of classified employees at will.

Legal Reference:     Metcalf v. Intermountain Gas Co., 116 Idaho 622 (1989).

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5205

#### Job Descriptions

There shall be written job descriptions for all positions and for all employees of the School. The "job description" will describe the essential characteristics, requirements, and general duties of the job or position. All personnel shall be subject to the requirements delineated in the job descriptions so that they may effectively contribute to the goals and purposes for the School. The descriptions shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future, as in the past, to perform duties assigned by the Board, supervisors, or other administrative authority.

Once each year or as provided by Idaho Code, the supervisors of all employees shall confer with each person under his or her supervision to review the individual's work.

The evaluation shall be documented by use of the School evaluation form for classified or certified personnel. No evaluation should be signed before it is fully discussed by both the employee and the supervisor. One signed copy will be given to the employee and one signed copy will be given to the Administrator to be maintained in the employee's personnel file.

Cross Reference: 5500 Personnel Records

Legal Reference:     I.C. § 33-514 Issuance of Annual Contracts  
                          I.C. § 33-515 Issuance of Renewable Contracts  
                          I.C. § 33-517 Noncertificated Personnel

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5210

#### Work Day

##### Length of Work Day - Certified

The length of a work day for a certified employee shall be seven and one-half (7 1/2) hours for a full-time certified employee. The work day is generally exclusive of lunch and extracurricular assignments but inclusive of preparation time and assigned duties. Other conditions pertaining to certified work day, preparation periods, lunches, etc., are found in the current staff handbook. Arrival time shall generally be 15 minutes before classes begin or as directed by the administrator.

##### Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be an eight-(8)-hour per day/forty (40)-hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the district will be 7:45 a.m. to 3:45 p.m.

#### Breaks

A daily morning and afternoon rest period of fifteen (15) minutes may be available to all full-time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest period for each four (4) hours that are worked in a day. Breaks will normally be taken approximately in mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work and with the approval of the employee's supervisor.

Legal Reference: 29 USC 201 to 219  
29 CFR 516, et seq.

Fair Labor Standards Act of 1985  
FLSA Regulations

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5220

#### Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment and/or transfer of position and duties by the Administrator. Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. The Administrator shall provide for a system of assignment, reassignment and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy shall prevent the reassignment of a staff member during the school year.

#### Classified Staff

The right of assignment, reassignment and transfer shall remain that of the School. Written notice of a reassignment or involuntary transfer shall be given the employee. Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the Administrator.

#### Teaching

All teachers shall be given notice of their teaching assignments relative to grade level, building and subject area before the beginning of the school year.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5230

#### Accommodating Individuals With Disabilities

Individuals with disabilities shall be provided a reasonable opportunity to participate in all school-sponsored services, programs, or activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. The School will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Administrator is designated the Americans With Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

1. Oversee the School's compliance efforts, recommend necessary modifications to the Board, and maintain the School's final Title II self-evaluation document and keep it available for public inspection.
2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the administrator if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 5250

Uniform Grievance Procedure

Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

Sexual Harassment/Sexual Intimidation in the Workplace

According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors.

The School shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law. In addition, Administrators and Supervisors are expected to take appropriate steps to make all employees aware of the contents of this policy. A copy of this policy will be given to all employees.

School employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating", "hostile", or "offensive" include, but are not limited to, conduct which has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX coordinator or an administrator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Investigation. When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to: (1) Protect the grievant from further harassment; (2) Discuss the matter with and obtain a statement from the accused and his representative, if any; (3) Obtain signed statements of witnesses; (4) Prepare a report of the investigation.

Confidentiality Due to the damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with co-workers and/or other persons not directly involved in resolving the matter.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Cross Reference: 5250                      Uniform Grievance Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. §  
1604.11  
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.  
I.C. § 67-5909      Acts Prohibited

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor's Crossing Public Charter School**

**PERSONNEL**

**5240F**

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment

I have read and been informed about the content and expectations of the Sexual Harassment/Intimidation in the Workplace Policy. I have received a copy of the policy and agree to abide by the guidelines as a condition of employment and continuing employment at Taylor's Crossing Public Charter School.

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

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

Policy History:

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5250

#### Certificated Staff Grievances

It is the Board's desire that procedures for settling certificated staff grievances be an orderly process within which solutions may be pursued. Further, that the procedures provide prompt and equitable resolution at the lowest possible administrative level. Additionally, it is the Board's desire that each certificated employee be assured an opportunity for orderly presentation and review of grievances without fear of reprisal.

#### Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board approved School policies.

#### Grievance Procedure

A certified staff member with a grievance is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment or violation of any other protected status should be discussed with the first line administrator that is not involved in the alleged harassment. This attempt at informal resolution is not a required component of the grievance policy but is suggested in an effort to attempt to resolve disputes informally.

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall fill the written grievance with the Administrator. The written grievance shall state:

1. the policy or policies the employee believes were violated;
2. the alleged date of violation;
3. the actor involved in the alleged violation; and
4. the remedy requested by the employee.

The written grievance must be filed with the Administrator within ten (10) working days of the date of the initial event allegedly giving rise to the grievance.

The Administrator or designee shall meet with the grievant and shall, at the discretion of the administrator or designee, conduct whatever additional meetings or investigative activities the administrator or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten (10) working days, the Administrator shall provide the grievant with a written response to the grievance of the certificated employee.

If the Administrator or designee does not provide a written response to the grievance at the conclusion of ten (10) working days and no extension of this time period has been agreed to between the grievant and Administrator or designee, the grievance can be advanced to the Board without written response of the Administrator or designee.

Upon receipt of a written appeal of the decision of the Administrator, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final.

Procedure History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5260

#### Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees and patrons of the School. It is of particular importance that employees within the School become knowledgeable and thoroughly educated as to their legal and ethical responsibilities on observation and reporting of suspected child abuse, child abandoned or child neglect. The supervisor shall review with staff the legal requirements concerning suspected child abuse at the commencement of each year.

"Abuse" is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling.....sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child abandonment or neglect.

"Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment. I.C. § 16-1602(2).

"Neglected" means a child: Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; .... See I.C. § 16-1602(25).

A School employee who has reasonable cause to suspect that a student may be an abused, abandoned or neglected child or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment or neglect shall report or caused to be reported such a case to local law enforcement or the Department of Health and Welfare within twenty four (24) hours.

School employees shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Administrator or the Administrator's designee, who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Idaho Code § 16-1605 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice is not entitled to

immunity from any civil or criminal liability that might otherwise be incurred or imposed. I.C. § 16-1606.

In addition, “any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.” I.C. § 16-1607

Any School employee who fails to report a suspected case of abuse, abandonment or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Legal Reference:	I.C. § 16-1605	Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Immunity
	I.C. § 16-1607	Reporting in Bad Faith-Civil Damages
	I.C. § 16-1602	Definitions

Policy History:

Adopted on: 5/12/2010  
Revised on: 7/18/2013  
Adopted on: 8/14/2013

**Taylor's Crossing Public Charter School**

**PERSONNEL**

**5270**

**Report of Suspected Child Abuse, Abandonment or Neglect**

Original to: Local Law Enforcement \_\_\_\_  
Department of Health and Welfare \_\_\_\_  
Copy to: Administrator \_\_\_\_

From: \_\_\_\_\_ Title:

School: \_\_\_\_\_ Phone:

Persons contacted:  Principal  Teacher  School Nurse  Other

Name of Minor: \_\_\_\_\_ Date of Birth:

Address: \_\_\_\_\_ Phone:

Date of Report: \_\_\_\_\_ Attendance Pattern:

Father: \_\_\_\_\_ Address: \_\_\_\_\_ Phone:

Mother: \_\_\_\_\_ Address: \_\_\_\_\_ Phone:

Guardian or Step-Parent: \_\_\_\_\_ Address: \_\_\_\_\_ Phone:

Any suspicion of injury/neglect to other family members:

Nature and extent of the child's injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused, abandoned and/or neglected:

Previous action taken, if any:

Follow-up by Local Law Enforcement / Department of Health and Welfare (copy to be completed and returned to the Superintendent/Building Principal):

Date Received: \_\_\_\_\_ Date of Investigation:

## Taylor's Crossing Public Charter School

### PERSONNEL

5280

#### Personal Conduct

Employees are expected to maintain high standards of honesty, integrity and impartiality in the conduct of School business and required to comply and conform to the Idaho law and the Code of Ethics of the Idaho Teaching Profession.

In addition to the conduct enumerated in Idaho law and the Code of Ethics of the Idaho Teaching Profession, an employee should not dispense or utilize any information gained from employment with the School, accept gifts or benefits, or participate in business enterprises or employment which create a conflict of interest with the faithful and impartial discharge of the employee's School duties. A School employee may, prior to acting in a manner which may impinge on any fiduciary duty, disclose the nature of the private interest which creates a conflict. Care should be taken to avoid using, or avoid the appearance of using, official positions and confidential information for personal advantage or gain.

Further, employees should hold confidential all information deemed to be not for public consumption as determined by law and Board policy. Employees shall also respect the confidentiality of people served in the course of the employee's duties and use information gained in a responsible manner. Discretion should be employed even within the school system's own network of communication.

Administrators and supervisors may set forth specific rules and regulations governing an employee's conduct on the job within a particular building.

Legal Reference: I.C. § 33-1208 Revocation, Suspension or Denial of Certificate – Grounds  
Code of Ethics of the Idaho Teaching Profession

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

Professional Standards Commission (PSC)  
Code of Ethics

This version of the Code of Ethics for Idaho Professional Educators was developed by the Professional Standards Commission in September, 2003; approved by the Idaho State Board of Education in November, 2003; and approved by the Idaho legislature in March, 2004. (IDAPA 08.02.02.076) It has since been amended and approved by the State Board of Education. The date of approval follows the IDAPA subsection.

The Idaho Code of Ethics consists of Ten (10) Principles. Below is a summary of those principles - please refer to the complete document for details

**Code of Ethics: The Ten Principles (Summary)**

- **Principle I:** A professional educator abides by all federal, state, and local laws and statutes.
- **Principle II:** A professional educator maintains a professional relationship with all students, both inside and outside the classroom.
- **Principle III:** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.
- **Principle IV:** A professional educator exemplifies honesty and integrity in the course of professional practice.
- **Principle V:** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.
- **Principle VI:** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation.
- **Principle VII:** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law.
- **Principle VIII:** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.
- **Principle IX:** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators, and submits reports as required by Idaho Code.
- **Principle X:** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following recognized professional principles.

**IDAPA 08**  
**TITLE 02**

## CHAPTER 02

### 08.02.02 - RULES GOVERNING UNIFORMITY

#### **076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

#### **01. Aspirations and Commitments. (3-20-04)**

**a.** The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

**b.** The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/her goals and potential as an effective citizen. (4-11-06)

**c.** The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other's cultures and beliefs. (3-20-04)

**d.** The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

**e.** The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

**f.** The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

**02. Principle I.** A professional educator abides by all federal, state, and local laws and statutes. Unethical conduct may include the conviction of any felony or misdemeanor offense as defined by Section 18-110 and Section 18-111, Idaho Code. All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded. (3-20-04)

**03. Principle II.** A professional educator maintains a professional relationship with all students, both inside and outside the classroom. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by district policy; (4-11-06)
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, or physical) with a student, regardless of age; (3-20-04)
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g. sexual innuendoes or sexual idiomatic phrases); (3-20-04)
- g. Taking inappropriate pictures (digital, photographic, or video) of students; (3-20-04)
- h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
- i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; and (4-11-06)
- j. Conduct that is detrimental to the health or welfare of students. (4-11-06)

**04. Principle III.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
- e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

**05. Principle IV.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)

- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)
- c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)
- d. Failure to notify the state of past criminal convictions at the time of application for licensure; (3-20-04)
- e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized

tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

**f.** Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

**g.** Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; and, (3-20-04)

**h.** Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues. (3-20-04)

**06. Principle V.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

**b.** Failure to account for funds collected from students or parents; (3-20-04)

**c.** Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

**d.** Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

**e.** Use of school computers for a private business; (3-20-04)

**f.** Use of school computers to deliberately view or print pornography; and, (3-20-04)

**g.** Deliberate use of poor budgeting or accounting practices. (3-20-04)

**07. Principle VI.** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Unauthorized solicitation of students or parents of students to purchase equipment or supplies from the educator who will directly benefit; (3-20-04)

**b.** Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

**c.** Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

**d.** Soliciting, accepting, or receiving a pecuniary benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-04)

**08. Principle VII.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

**b.** Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

**09. Principle VIII.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-04)

**a.** Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)

- b. Willfully refusing to perform the services required by a contract; and, (3-20-04)
- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

**10. Principle IX.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to:(3-20-04)

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)
- c. Failure to comply with Section 33-512B, Idaho Code, (Suicidal tendencies and duty to warn); and (4-11-06)
- d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

**Principle X.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (4-11-06)

- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)
- b. Committing any act of harassment toward a colleague; (4-11-06)
- c. Conduct that is offensive to the ordinary dignity, decency, and morality of others; (4-11-06)
- d. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)
- e. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
- f. Deliberately falsifying information presented to students; (4-11-06)
- g. Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
- h. Taking inappropriate pictures (digital, photographic or video) of colleagues. (4-11-06)

#### **077.DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

**01. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)

**02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)

**03. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school

in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code).

**04. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)

**05. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)

**06. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)

**07. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). (3-20-04)

**08. Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)

**09. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)

**10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)

**11. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)

**12. Ethics Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. (4-11-06)

**13. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)

**14. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)

**15. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Ethics Committee, or following review by the Ethics Committee at the request of the deputy attorney general assigned to the Department of Education. (4-11-06)

**16. Minor.** Any individual who is under eighteen (18) years of age. (3-20-04)

**17. Not-Sufficient Grounds.** A determination by the Ethics Committee that there is not-sufficient evidence to take action against an educator's certificate. (4-11-06)

**18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)

**19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04)

**20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)

**21. Revocation.** The invalidation of any Certificate held by the educator. (3-20-04)

**22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. (3-20-04)

**23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)

**24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. (3-20-04)

## **VIOLATIONS OF THE CODE OF ETHICS OF THE IDAHO TEACHING PROFESSION**

Under Idaho Code §§ 33-1208; 33-1208A and 33-1209, a violation of the Code of Ethics of the Idaho Teaching Profession may lead to a letter of reprimand, suspension, revocation, or denial of a certificate.

Legal Reference: IDAPA 08.02.02.076  
I.C. § 33-1208  
I.C. § 33-1208A  
I.C. § 33-1209

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5285**

#### Solicitations

##### Solicitations By Staff Members

Teachers will not sell, solicit for sale, advertise for sale for personal gain any merchandise or service nor will teachers organize students for such purposes without the approval of the administrator.

##### Solicitations Of Staff Members

No non-school organization may solicit funds from employees or distribute flyers related to fund drives through the schools without the approval of the administrator.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5290

#### Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the School may seek an elective office, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The School assumes no obligation beyond making such opportunities available.

No person may attempt to coerce, command or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No School employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a School employee to express his personal political views.

Legal Reference: 5 USC 7321, et seq. Hatch Act

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5300

#### Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the School may seek an elective office, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The School assumes no obligation beyond making such opportunities available.

No person may attempt to coerce, command or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No School employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a School employee to express his personal political views.

No School employee may use public facilities, equipment, including, but not limited to, telephones, fax machines, copy machines, computers, e-mail, etc., or supplies, including, but not limited to, paper clips, staples, pens, pencils, paper, envelopes, tape, etc., that are purchased with public funds for election or political campaigns, private or charitable organizations or foundations or ballot issues.

No School employee may work on election, political campaigns, ballot issues or issues dealing with private or charitable organizations or foundations during the time that they are also working for the School.

Legal Reference: 5 USC 7321, et seq. Hatch Act  
Idaho Constitution Article III, Section 1  
Idaho Attorney General Opinion No. 95-07

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5310

#### Tobacco Free Policy

Taylor's Crossing Public Charter School maintains tobacco free buildings and grounds. Use of tobacco will not be allowed in any buildings or grounds nor will employees be allowed to use tobacco while on duty. New employees of the School will be hired with the understanding that they will be directed not to use tobacco in school buildings or grounds. Limitations or prohibitions on tobacco use are applicable to all hours.

Legal Reference: I.C. § 39-5501 et seq.      Clean Indoor Air Act

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5320

#### Drug-Free Workplace

##### Purpose

Taylor's Crossing Public Charter School is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public.

The use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs is unacceptable.

Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

All School workplaces are drug- and alcohol-free workplaces. All employees are prohibited from:

1. Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on School premises or while performing work for the School;
2. Distribution, consumption, use, possession, or being under the influence of alcohol while on School premises or while performing work for the School.

As a condition of employment, each employee shall:

1. abide by the terms of the School policy respecting a drug- and alcohol-free workplace; and
2. notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the School premises or while performing work for the School, no later than five (5) days after such a conviction.

#### Definitions as Used in This Policy

1. "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful. Such term does not include the use of a drug taken under the supervision by a licensed health care professional.
2. "Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act.

3. "Conviction" means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

4. "Criminal Drug Law" means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

5. Controlled Substance – means any drug or substance that is: 1. not legally obtainable; 2. being used in a manner different than prescribed; 3. legally obtainable, but has not been legally obtained; or 4. referenced in federal or state controlled substance acts.

### Confidentiality

Records that pertain to the School's employee required substance screens are recognized to be private and sensitive records. They shall be maintained by the Administrator in a secure fashion to insure confidentiality and privacy and be disclosed to the Director of Human Resources only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Director of Human Resources shall maintain any such records in a secure fashion to insure confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Idaho law and used with the highest regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug-free workplace. All Personnel records and information regarding referral, evaluation, substance screen results, and treatment shall be maintained in a confidential manner and no entries concerning such shall be placed in an employee's personnel file.

### Pre-Employment Testing

Applicants being considered for employment positions may be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions which require testing shall be given a copy of this Policy in advance of the post-offer, pre-employment physical.

Applicants must acknowledge having read or had this Policy explained to them and should understand that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Administrator and Director of Human Resources. An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the School, and such will be considered as a withdrawal of the individual's application for employment. The applicant shall not be permitted to reapply for employment with the School for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use.

If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the Administrator and/or Director of

Human Resources. If the first or any requested second confirming test is positive, any job offer shall be revoked.

### Drug and Alcohol Abuse Testing Procedures

1. Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of external applicants for safety-sensitive positions with the School as well as current School employees.

2. Program Responsibility. The Director of Human Resources has the overall responsibility for this program.

3. Designation of Medical Review Officer. The Medical Review Officer will be responsible for reviewing the results of drug tests before they are reported to the Director of Human Resources; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive; conducting an interview with the individual testing positive; reviewing the individual's medical history and medical records made available to the individual to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the MRO deems it necessary; and verifying that the laboratory report and the specimen are correct. The MRO is expected to follow the Medical Review Officer Manual published by the U.S. Department of Health and Human Services for tests conducted under this Policy.

If the MRO determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will conclude that the test is negative and will not take any further action. If the MRO concludes that a particular test is scientifically insufficient, the MRO will conclude that the test is negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test other than use of a prohibited drug, the MRO will communicate the test results as a positive to the Directory of Human Resources. The results of negative tests will be communicated by the MRO to the Director of Human Resources.

Any employee or prospective employee, who has a positive test result, may request that the same sample be retested by a laboratory mutually agreed upon by the employee and the School.

4. Designation of Laboratory. A laboratory shall be selected to perform the testing on specimens submitted. The designated laboratory will be responsible for performing the required drug test in accordance with applicable federal and state laws, and, more specifically, as contained in this policy and will also be responsible for properly handling specimens for alcohol testing. They shall be a certified lab approved for drug testing.

5. Collection Site. The school shall designate a collection site for collecting urine specimens.

6. Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist

completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the MRO and the Director of Human Resources about the required drug and/or alcohol test.

7. Specimen Retention. The retention of specimens for possible future analysis is the responsibility of the designated laboratory, who will retain all specimens for a minimum period of one (1) week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one (1) year. Within this one (1) year period, the person tested, the MRO, or the Director of Human Resources can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one (1) year period, the sample may be discarded.

Any transfer of the original specimen to another laboratory for reconfirmation of positive results will follow the chain of custody procedures described in the policy.

8. Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the MRO within an average of five (5) days after receiving the specimens. The MRO will review the individual's medical history, questionnaire, relevant bio-medical information, and interview the person to determine if there is any satisfactory explanation for the positive result. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.

The MRO will advise the Director of Human Resources of any positive test results on external applicants where alcohol and drug testing has been required and where, in the view of the MRO, there is not legitimate medical explanation for the confirmed positive test result other than the unauthorized use of an illegal drug.

The MRO will advise the Director of Human Resources of any positive drug or alcohol test results on employees that were done for any reason in order that proper disciplinary actions can be coordinated and will advise the Director of Human Resources of negative test results.

9. Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the functions of the employee, the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the MRO or at the Director of Human Resources' discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results are confidential and will be released

by the MRO and the Director of Human Resources only upon the written consent of the individual, except that results may be released and relied upon by the School in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

Collections of Specimens - Specimens will be collected in accordance with Federal and State laws which are incorporated herein by reference, with the exceptions as noted in this policy. At least 30 ml of urine will be required to complete the test, or the test will be rejected and must be re-performed. The designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a source of water for washing hands. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen. Examples of reasonable cause to believe a specimen will be altered or substituted include: the presentation of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F) and presentation of a specimen with a specific gravity of less than 1.0003.

#### 10. General Drug Testing Procedures.

A. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.

B. Applicants will be asked to sign an authorization for the tests which will release the MRO to disclose the results of the drug and alcohol test to the Director of Human Resources. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, procedures will be suspended at that point and referred the applicant to the Director of Human Resources.

C. The MRO will review the analytical results of the drug and alcohol tests, the individual's medical history questionnaire, and relevant biomedical information and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.

D. The MRO may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary. The MRO will advise the Director of Human Resources of any positive test results where there is not a legitimate explanation for the positive test.

E. The MRO will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the MRO or the Director of Human Resources to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the MRO and, upon request, to provide the MRO with evidence of all drugs taken by prescription.

F. In the event of a positive test where there is not a legitimate medical explanation, the Director of Human Resources will advise the applicant in accordance with the Drug-Free Workplace Substance Abuse Policy of the conditions that must be met before the individual could again be considered for employment with the School.

G. The designated safety-sensitive positions subject to testing are: administrator, teacher, traveling teacher, teacher aide, substitute teacher, school secretary, and school bus driver.

H. Reasonable Suspicion Testing - This testing will be conducted for any employee whenever the Board, through the Director of Human Resources, or someone authorized in his/her absence, and/or the MRO suspects that there is a violation of the School Drug-Free Workplace Substance Abuse Policy. The guidelines for determining reasonable suspicion, as noted above, will be followed.

I. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Director of Human Resources should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

J. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

K. Once the procedure has been completed, the employee should be transported back to the Director of Human Resources' office where the employee will be placed on administrative leave with pay until the results of the tests are available and given instructions to call the Director of Human Resources each workday, before the normal reporting time for that employee, for further instructions.

L. If the employee refuses to sign the release or refuses to be tested, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Director of Human Resources' office. The Director of Human Resources will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.

M. If the Director of Human Resources feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, the Director of Human Resources should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

N. In the event of positive test results, the MRO will contact the Director of Human Resources who will then review other records of the employee and contact the administrator to work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

O. Promotion and Transfer Testing - Once an employee has applied for a safety-sensitive position within the School that requires drug and alcohol testing and has successfully completed the written and skills testing being administered for that job, then the employee is considered as one of the qualified applicants for the position and will be subject to the drug and alcohol testing procedures. Up to this point an applicant can withdraw from consideration for the position without sanctions. The Director of Human Resources will notify the employee on the day the testing is to be accomplished as to the time for the employee to be at the designated collection site. Since this testing will be done before or after the employee's normal working hours, the employee must be contacted before the end of that employee's shift. Employees should be tested as soon after their shift as possible.

P. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the Director of Human Resources the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

Q. An employee can be discharged for work-related misconduct as provided in I.C. 72-1366, for the following reasons:

1. A confirmed positive drug and/or alcohol test, with a test result of not less than .02 BAC, but greater than the level specified herein;
2. The employee refusing to provide a sample for testing purposes;
3. The employee altering or attempting to alter a test sample by adding a foreign substance; or
4. The employee submitted a sample that is not his/her own.

R. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Director of Human Resources in the event an employee refuses to test or does not show for testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will then review other records of the employee and contact the Administrator to work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

S. Return to Duty Testing - This testing will apply when an employee who has been given an opportunity for rehabilitation for drugs and or alcohol is returned to duty. Prior to the employee coming back on the job, the employee must be examined by the MRO and a drug and/or alcohol test done which shows negative results. The Director of Human Resources may consult with the MRO and the rehabilitation program officials to determine an appropriate follow-up testing program following Board policy and prepare a follow-up program which will include, among other things, the appropriate period for testing as determined.

T. This Agreement must be signed by the employee before the employee is allowed to return to the job.

U. All testing done as a result of the above conditions will be conducted in accordance with the procedures contained herein for drug testing. In the event of positive test results, the MRO will contact the Director of Human Resources who will contact the Administrator to work out disciplinary procedures, if any, in accordance with Board policy and state law.

V. Changes to Procedures - This procedure may be amended from time to time to facilitate changes in the School's Drug Free Workplace Substance Abuse Policy as necessary.

### Employee Conduct

Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances, including but not limited to marijuana, heroin, or cocaine.

#### 1. Illegal drugs

(1) Employees shall not engage in the illegal use of drugs at any time, and such use will not be tolerated. Further, employees on duty, or on School property, or in attendance at system-approved or school-related functions will not manufacture, distribute, dispense, possess, or use illegal drugs or drug paraphernalia, nor will they be under the influence of such drugs.

(2) An employee convicted of any criminal drug law shall notify the School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

(3) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in

the School's operations; the nature of the criminal offense; the nature of the employee's job with the School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the School.

## 2. Alcohol and Drugs

Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs, when abused over time or used in combination with one another, can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions:

(1) Employees on duty, or on School property, or in attendance at system-approved or school-related functions must not be under any degree of intoxication or odor from alcohol. Employees shall not manufacture, sell, or use alcoholic beverages or possess open alcoholic beverage containers while on duty, or on School property, or in attendance at system-approved or school-related functions.

(2) Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician and shall not use prescribed drugs for purposes other than those for which they are intended.

(3) An employee convicted of any criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs shall notify the School Director of Human Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the School will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

(4) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge. Convictions of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law involving the use of alcohol, prescription drugs, or over-the-counter drugs, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the School's operations; the nature of the criminal offense; the nature of the employee's job with the School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the School.

### Physical Examination/Screening Based Upon Reasonable Suspicion

Whenever the Board, through its Director of Human Resources or its authorized designee, and/or the Administrator, reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by illegal drugs or alcohol or that an employee has otherwise violated the School's Drug-Free Workplace Substance Abuse Policy, the employee may be required to submit a breath, saliva, urine and/or blood sample for drug and alcohol testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that the employee is in violation of the Drug-Free Workplace Substance Abuse Policy, the supervisor shall notify the Director of Human Resources.

An employee who is required to submit to drug/alcohol testing based upon reasonable suspicion and refuses shall be charged with insubordination, and necessary procedures will be taken to terminate the employee in accordance with Board policy and state law.

An employee who tests positive on a reasonable suspicion test will be in violation of this policy. Violation of this policy shall constitute grounds for termination in accordance with Board policy and state law.

The School's Director of Human Resources or his authorized designee, or the Administrator are the only individuals in the School authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and are the only individuals who may order an employee to submit to a drug screen.

Two types of cases for which reasonable suspicion procedures may be invoked are:

1. Chronic Case - Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or drugs may be reasonably suspected as the cause.
2. Acute Case - Appearing in a specific incident or observation to then be under the present influence of alcohol and/or drugs or investigation of an accident where the use of alcohol or drugs is reasonably suspected to be a contributing cause.

Circumstances under which substance screening may be considered, in either the chronic or acute cases, include but are not limited to the following:

- (1) Observed use, possession, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
- (2) Apparent physical state of impairment of motor functions.
- (3) Marked changes in personal behavior not attributable to other factors.
- (4) Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
- (5) Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violations of drug statutes.

The circumstances under which substance screening may be considered, as outlined above, are

strictly limited in time and place to employee conduct on duty or during work hours, or on or in School property, or at school system-approved or school-related functions.

Prior to substance screening, employees must sign an acknowledgment that the summary result will be transmitted to the Administrator and the School Director of Human Resources. Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in the Drug and Alcohol Abuse Testing Procedures contained in this policy. A breath analysis test will be performed by a certified Breath Alcohol Technician who is an employee of the School.

### Random Testing

1. All employees of the School will have their names included in a pool of employees to be tested.
2. Employees will be randomly drawn from the pool.
3. All qualifying names will be in the pool at each drawing.
4. Testing will be done just prior to, during, or after performing a safety-sensitive function.
5. Sick leave or personal leave will not be charged against an employee who misses work while being tested.
6. Refusal to be tested under random testing will constitute a positive test result and will be cause for disciplinary action.

### Promotion and Transfer Testing

When an employee applies for a position through the School's selection process, the employee shall be subject to drug testing in accordance with the procedures contained in this policy before the employee will be considered a valid candidate for that job opening. An employee who tests positive for illegal drugs on a promotion/transfer test will no longer be considered an applicant for that position. Such employee will also be in violation of this policy. Violation of this policy will constitute grounds for immediate termination in accordance with Board policy and state law, where applicable.

An employee may withdraw the application for the position at any time up until the employee is scheduled for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if that employee refuses to submit to the test, he/she will be disqualified for consideration for the position and will be considered as being insubordinate and subject to discipline. Under no circumstances shall this employee be considered as a viable candidate for any future openings in this classification until the employee has signed a release for drug testing.

### Post-Accident Testing

Drivers involved in a motor vehicle accident which involves either a fatality or the issuance of a citation for a moving violation to the School employee (if operating a vehicle involved in the accident), will be tested for alcohol misuse and controlled substance abuse.

The driver will contact the School at the time of the accident unless he or she is physically impaired as a result of the accident. The School will contact the testing lab. The testing lab will specify where the alcohol and/or controlled substance testing is to be completed.

If a driver is not able to produce enough breath to test for alcohol using a state approved breath analyzer, a blood test may be done for alcohol.

Law enforcement officials may require a driver involved in an accident to submit to tests administered as part of their jurisdiction. For purposes of this policy, only the test results provided by the School testing laboratory will be accepted.

Failure of an employee to submit to testing for either alcohol and/or controlled substance will be considered a positive test and will be determined as cause for disciplinary action.

Testing for alcohol must be done within eight (8) hours of the time of the accident. Testing for controlled substances must be done within thirty-two (32) hours of the time of the accident.

The driver subject to post-accident testing must refrain from consuming alcohol for either eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first. Failure to do so will constitute a positive test result and will be determined as cause for disciplinary action.

#### Opportunity to Contest or Explain Test Results

Employees or job applicants who have a positive confirmed test result may explain or contest the result to the Administrator within five (5) working days after the Administrator or designee contacts the employee or job applicant and shows him/her the positive test result as it was received from the laboratory in writing.

#### Return to Duty Testing

An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the Director of Human Resources. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Director of Human Resources is to review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The Director of Human Resources may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall such screening be ordered by the Director of Human Resources more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing that has a confirmed positive drug test shall be

in violation of this policy. Violation of this policy shall constitute grounds for immediate termination in accordance with Board policy and state law.

### Inspections

Employees may be assigned School-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of the School and personnel. Employees have no expectation of privacy in any of these locations nor any personal belongings which they may place in such areas.

Whenever the Board reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, the Board may search the employee, the employee's locker, desk or other School property under the control of the employee.

Whenever the Board reasonably suspects that an employee has sold, purchased, used or possessed alcohol, drugs or drug paraphernalia on School premises, the Board may inspect the employee, the employee's locker, desk or other School property under the control of the employee.

Inspections under this policy are limited to investigations into work-related misconduct and offenses. Any searches for law enforcement purposes must comply with all applicable state laws.

### Refusal to Test

The following constitutes refusal to test:

1. Refusing to sign any of the following forms:
  - a. Statement that a copy of alcohol and controlled substance testing procedures and policy has been given.
  - b. Statement that alcohol and controlled substance testing procedures and policy has been explained.
  - c. Agreement to be tested according to the alcohol and controlled substance testing procedures and policy.
  - d. Refusal to provide pre-employment history of alcohol misuse and controlled substance abuse.
  - e. Failure to give permission to contact previous employers or approve the release of any alcohol and/or controlled substance test results involving said employee.
  
2. The following constitutes alcohol testing refusals:
  - a. Refusal by any employee to complete and sign the breath alcohol testing form.
  - b. Failure to provide adequate breath without a valid medical explanation in writing.
  - c. Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.
  
3. The following constitutes controlled substance testing refusals:

- a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
- b. Conduct that clearly obstructs testing procedures.
- c. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing.

### School Action Upon Violation of Policy

Employees in violation of the provisions of this policy shall be subject to disciplinary action up to and including termination. The fact that an employee has been referred for assistance and his/her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days after receiving notice of the conviction.

Should School employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Administrator shall notify the appropriate state or federal agency from which the School receives contract or grant moneys of the employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: Drug Free Workplace Act of 1988  
I.C. 72-1701 through 72-1716

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor’s Crossing Public Charter School**

**PERSONNEL**

**5320F1**

Drug and Alcohol Abuse Testing Acknowledgment

I have read and been informed about the content, procedures, and expectations of the Drug and Alcohol Abuse Testing Policy and Procedures. I have received a copy of the policy and procedures and agree to abide by the guidelines as a condition of employment and continuing employment at Taylor’s Crossing Public Charter School.

I understand that if I have questions, at any time, regarding the Drug and Alcohol Abuse Testing Policy and Procedures, I will consult the Administrator or his designee.

I understand that refusal to sign this document constitutes a refusal to test and the Administrator will follow the Drug and Alcohol Abuse Testing Policy and Procedures regarding a refusal to test in accordance with Board policy and state law.

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

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

Policy History:

Adopted on  
Revised on: 7/18/2013  
Adopted on: 8/14/2013

**Taylor’s Crossing Public Charter School**

**PERSONNEL**

**5320F2**

Drug and Alcohol Abuse Testing Agreement

I agree to be tested according to the drug and alcohol testing policy and procedures.

I understand that agreeing to be tested according to the drug and alcohol testing policy and procedures is a condition of employment and continuing employment at Taylor’s Crossing Public Charter School.

I understand that if I have questions, at any time, regarding the Drug and Alcohol Abuse Testing Policy and Procedures, I will consult the Administrator or his designee.

I understand that refusal to sign this document constitutes a refusal to test and the Administrator will follow the Drug and Alcohol Abuse Testing Policy and Procedures regarding a refusal to test in accordance with Board policy and state law.

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

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

Policy History:

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5320P

#### Drug and Alcohol Abuse Testing Program and Procedures

##### Drug and Alcohol Abuse Testing Program

1. Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of applicants for positions with the School as well as current School employees.

2. Program Responsibility. The Administrator or his designee has the overall responsibility for this program and will be responsible for reviewing the results of drug tests; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; conducting an interview with the individual testing positive to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the Administrator or his designee deems it necessary; and verifying that the laboratory report and the specimen are correct.

If the Administrator or his designee determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the Administrator or his designee will conclude that the test is negative and will not take any further action.

Any employee or prospective employee, who has a positive test result, may request that the same sample be retested by a laboratory mutually agreed upon by the employee and the School.

4. Designation of Laboratory. A Laboratory shall be selected to perform the testing on specimens submitted. They will be responsible for performing the required drug test and will also be responsible for properly handling specimens for alcohol testing. They shall be a certified lab approved for drug testing. A breath analysis test will be performed by a certified Breath Alcohol Technician.

5. Collection Site. The designated laboratory shall be the designated collection site for collecting urine specimens.

6. Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist in completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the Administrator about the required drug and/or alcohol test.

7. Refusal to Test. The following constitutes refusal to test:

4. Refusing to sign any of the following forms:

- a. Statement that a copy of alcohol and drug testing procedures and policy has been given and explained.
  - b. Agreement to be tested according to the alcohol and drug testing procedures and policy.
5. The following constitutes alcohol testing refusals:
- a. Refusal by any employee to complete and sign the breath alcohol testing form.
  - b. Failure to provide adequate breath without a valid medical explanation in writing.
  - c. Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.
6. The following constitutes drug testing refusals:
- a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
  - b. Conduct that clearly obstructs testing procedures.
4. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing

8. Specimen Retention. The retention of specimens for possible future analysis is the responsibility of the designated laboratory who shall retain all specimens for a minimum period of one (1) week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one (1) year. Within this one (1) year period, the person tested or the Administrator or his designee can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one (1) year period, the sample may be discarded.

9. Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the Administrator within an average of five (5) days after receiving the specimens. The Administrator or his designee will interview the person to determine if there is any satisfactory explanation for the positive result. The Administrator or his designee may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.

10. Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the Administrator or his designee's discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results is confidential and will be released

by the Administrator or his designee only upon the written consent of the individual, except that results may be released and relied upon by the School in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

11. Collections of Specimens - At least 30 ml of urine will be required to complete the test, or the test will be rejected and must be re-performed. The designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a source of water for washing hands. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen. Examples of reasonable cause to believe a specimen will be altered or substituted include: the presentation of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F) and presentation of a specimen with a specific gravity of less than 1.0003.

12. Changes to Procedures - This procedure may be amended from time to time to facilitate changes in the School's Drug Free Workplace Substance Abuse Policy as necessary.

#### Drug and Alcohol Abuse Testing Procedures for Job Applicants

1. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.

2. Applicants will be asked to sign an authorization for the tests which will release the Administrator to disclose the results of the drug and alcohol test. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, the Administrator will suspend the procedures at that point.

3. The Administrator or his designee will review the analytical results of the drug and alcohol tests, and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.

4. The Administrator or his designee may require the original specimen to be reanalyzed if necessary.

5. The Administrator or his designee will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the Administrator or his designee to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the Administrator or his designee and, upon request, to provide the Administrator or his designee with evidence of all drugs taken by prescription.

## Drug and Alcohol Testing of Current Employees Reasonably Suspected of Drug or Alcohol Abuse

1. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Administrator or his designee should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

2. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

3. Once the procedure has been completed, the employee should be transported back to the Administrator's office where the employee will be placed on administrative leave with pay until the results of the tests are available.

4. If the employee refuses to sign the release or refuses to be tested, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Administrator's office. The Administrator will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.

5. If the Administrator or his designee feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, the Administrator or his designee should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

6. In the event of positive test results, the Administrator or his designee will review other records of the employee and work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

7. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the Administrator, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

8. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any

future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Administrator in the event an employee refuses to test or does not show for testing. In the event of positive test results, the Administrator will then review other records of the employee work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

Legal Reference: Drug Free Workplace Act of 1988  
I.C. 72-1701 through 72-1716

Policy History:

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5325**

#### **Employee Use of Social Media Sites, Including Personal Sites**

Because of the unique nature of social media sites, including personal sites, and because of the School's desire to protect its interest with regard to its electronic records, the following rules have been established to address social media site usage by all employees:

#### **Protect Confidential and Proprietary Information**

Employees shall not post confidential or proprietary information about the School, its employees, students, agents or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the School.

#### **Do Not Use School Name, Logos, or Images**

Employees shall not use the School logos, images, iconography, etc. on personal social media sites. Nor shall employees use the School name to promote a product, cause or political party or political candidate.

#### **Respect School Time and Property**

School computers and time on the job are reserved for School-related business. Employees shall not use School time or property on personal social media sites.

#### **On Personal Sites**

If you identify yourself as a School employee online, it should be clear that the views expressed, posted or published are not necessarily those of the School.

#### **Policy History:**

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5325P**

#### **Recommended Practices for Use of Social Media Sites, Including Personal Sites**

##### **Think Before Posting**

Privacy does not exist in the world of social media, therefore Taylor's Crossing Public Charter School recommends that employees consider what could happen if a post becomes widely known or how that may reflect on the poster or the school. Search engines can turn up posts years after they are created, and comments can be easily forwarded or copied. If you would not say it at a Board Meeting or to a member of the media consider whether you should post it online.

##### **Be Respectful**

Posts should be considered carefully in light of how they would reflect on the poster, the Charter School and/or its students and employees.

##### **Remember Your Audience**

Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes students, fellow employees, and peers. Consider this before publishing to ensure the post will not alienate, harm or provoke any of these groups.

#### **School Social Media Sites**

##### **Notify the Charter School**

Employees that have or would like to start a social media page should contact the Administrator. All School pages must have an appointed employee who is identified as being responsible for content. Schools should outline the duties of the employee responsible for the site, including how often the site must be checked for comments and who is allowed to post to the site. Administrators should be aware of the content on the site.

##### **Have a Plan**

Schools should consider their messages, audiences, goals, as well as strategy for keeping information on social media sites up to date.

##### **Protect the School Voice**

Posts on social media sites should protect the School's voice by remaining professional in tone and in good taste. Carefully consider the naming of pages or accounts, the selecting of pictures or icons and the determination of content.

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5330**

#### **Employee Electronic Mail and On-Line Services Usage**

Electronic mail ("e-mail") is defined as a communications tool whereby electronic messages are prepared, sent and retrieved on personal computers. On-line services (i.e., the Internet) are defined as a communications tool whereby information, reference material and messages are sent and retrieved electronically on personal computers.

Because of the unique nature of e-mail/Internet, and because of the School's desire to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

School e-mail and Internet systems are intended to be used for educational purposes only. No School employee may use the School's e-mail or Internet systems for the promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations or ballot issues, however, use for other informal or personal purposes is permissible within reasonable limits. All e-mail/Internet records are considered School records and should be transmitted only to individuals who have a need to receive them. Additionally, School records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, employees should always ensure that the educational information contained in e-mail/Internet messages is accurate, appropriate and lawful. E-mail/Internet messages by employees may not necessarily reflect the views of the School. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of the law or School policies, will result in disciplinary action, up to and including termination of employment.

While the School does not intend to regularly review employees' e-mail/Internet records, employees have no right or expectation of privacy in e-mail or the Internet. The School owns the computer and software making up the e-mail and Internet system and permits employees to use them in the performance of their duties for the School. E-mail messages and Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by the Administrator.

Cross Reference: 5290 Political Activity-Staff Participation

Legal Reference: Idaho Constitution Article VIII, Section 2

Idaho Attorney General Opinion No. 95-07

Board of County Commissioners v. Idaho Health Facilities Authority, 96

Idaho 498 (1975)

#### **Policy History:**

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor's Crossing Public Charter School**

**PERSONNEL**

**5330F**

**Employee Electronic Mail and On-Line Services Use Policy Acknowledgment**

I have read and been informed about the content, procedures, and expectations of the Employee Electronic Mail and On-Line Services Use Policy. I have received a copy of the policy and agree to abide by the guidelines as a condition of employment and continuing employment by the Charter School.

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

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

**Policy History:**

Adopted on

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5335**

#### Employee Use of Electronic Communications Devices

The Board recognizes that employees may carry electronic communications devices either school-issued or personally owned and hereby adopts this policy.

#### **School-Issued Communications Devices**

Communication devices issued by the school may include, for example, cellular telephones, walkie-talkies, personal digital assistants (PDA's) or laptop computers with "beaming capabilities," citizens band radios, either installed in vehicles or hand-held, and pagers/beepers.

Employees in receipt of School-issued equipment shall be held responsible for the safekeeping of the equipment and exercise reasonable efforts to see that the equipment is not lost, stolen, or damaged. Reckless or irresponsible use of school equipment, resulting in loss or damage may result in the employee having to reimburse the school for any associated costs of replacement or repair.

Any such devices issued shall be with the expectation that they are to be used, almost exclusively, for school-related business purposes and are not intended for personal use except in emergencies involving employee health or safety.

School-issued equipment shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.

Any School-issued equipment is to be surrendered back to the School immediately upon request.

#### **Personally-Owned Communications Devices**

Employees may carry and use personally-owned cellular telephones, pagers/beepers, and PDA's or laptops with "beaming capabilities" during the school day on school property.

Personally owned hand-held citizens band radios, portable police scanners, and long or short-range walkie-talkies should not be used or carried by employees on school property during the school day unless by specific permission of the administrator based on a personal health or safety need.

Cellular telephones and pagers/beepers should not be used during the employee's normal duty times to send/receive messages of a personal nature, but such use is allowable during normal break times, lunch times, and preparation times. Use of cellular telephones or audible

paggers/beepers should be curtailed during instructional time or at school-sponsored programs, meetings, in-services, parent/guardian conferences, or any other time when there would be a reasonable expectation of quiet attentiveness.

Any employee violating the above rules may be subject to disciplinary action.

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5340

### Evaluation of Certificated Personnel

Taylor's Crossing Public Charter School has a firm commitment to performance evaluation of school personnel, whatever their category and level, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development and achieving Taylor's Crossing Public Charter School goals. The procedures outlined in this policy apply to certificated personnel.

Each certificated staff member shall receive at least one (1) written evaluation to be completed by no later than January 31 for each annual contract year of employment.

### Objectives

The formal performance evaluation system is designed to:

- Maintain or improve each employee's job satisfaction and morale by letting him/her know that the supervisor is interested in his/her job progress and personal development.
- Serve as a systematic guide for supervisors in planning each employee's further training.
- Assure considered opinion of an employee's performance and focus maximum attention on achievement of assigned duties.
- Assure considered opinion of an employee's adherence to the Harbor Method and strengthen its practice in the school.
- Assist in determining and recording special talents, skills, and capabilities that might otherwise not be noticed or recognized.
- Assist in planning personnel moves and placements that will best utilize each employee's capabilities.
- Provide an opportunity for each employee to discuss job problems and interests with his/her supervisor.
- Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions, disciplinary action, and termination.

### Responsibility

The **Administrator**, or the Administrator's designee, shall have the overall responsibility for the administration and monitoring of the Performance Evaluation Program and will ensure the fairness and efficiency of its execution, including:

- Distributing proper forms in a timely manner.

- Ensuring completed forms are returned for filing by a specified date.
- Reviewing forms for completeness.
- Identifying discrepancies.
- Ensuring proper safeguard and filing of completed forms.
- Creating a plan for ongoing training for evaluators and teachers on the Charter School's evaluation standards, forms, and process. The plan will include identification of the actions, if any, available to the Charter School as a result of the evaluation as well as the procedure(s) for implementing each action.
- Creating a plan for ongoing review of the Charter School's Performance Evaluation Program that includes stakeholder input from teachers, Board members, administrators, and other interested parties.
- Creating a procedure for remediation for employees that receive evaluations indicating that remediation would be an appropriate course of action.

The **Evaluator** has the responsibility for:

- Continuously observing and evaluating an employee's job performance.
- Holding periodic counseling sessions with each employee to discuss job performance.
- Completing Performance Evaluation Forms as required.

### Procedures

**Evaluation Form:** An Evaluation Form will be completed for each certificated employee. A copy will be given to the employee. The original will be retained by the administrator. This form should be reviewed annually and revised as necessary to indicate any significant changes in duties and/or responsibilities. The form is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the administrator and the employee as to the job description and major performance objectives.

Periodic classroom observations will be included in the evaluation process.

The evaluation form will identify the sources of data used in conducting the evaluation.

The evaluation form will include a section for input received from parents or guardians. Parental or guardian input forms will be made available to parents and posted on the school website.

The evaluation form will be aligned with minimum State standards and based upon Charlotte Danielson's Framework for Teaching and will include, at a minimum, the following general criteria upon which the performance evaluation system will be based:

- Planning and Preparation

- Learning Environment
- Instruction and Use of Assessment
- Professional Responsibilities

**Counseling Sessions:** Counseling sessions between supervisors and employees may be scheduled periodically. During these sessions, an open dialogue should occur which allows the exchange of performance oriented information. The employee should be informed of how he/she has performed to date. In the case of derogatory comments, the employee should be informed of the steps necessary to improve performance to the desired level. Counseling sessions should include, but not be limited to, the following: job responsibilities, performance of duties, and attendance. A memorandum for record will be prepared following each counseling session and maintained by the supervisor.

### Meeting with the Employee

Each evaluation shall include a meeting with the affected employee. At the scheduled meeting with the employee, the supervisor will:

- Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.
- Inform the employee that he/she may turn in a written rebuttal of any portion of the evaluation within seven (7) days and outline the process for rebuttal. Have the employee sign the evaluation form indicating that he/she has been given a copy and initial after evaluator's comments.

### **Rebuttals**

Within seven (7) days from the date of the evaluation meeting with their supervisor the employee may file a written rebuttal of any portion of the evaluation form. The written rebuttal shall state the specific content of the evaluation form with which the employee disagrees and a statement of the reason(s) for disagreement. The rebuttal shall be initialed by both the staff member and the evaluator and attached to the evaluation form to be placed in his/her personnel file.

### Action

Should any action be taken as a result of an evaluation to not renew an individual's contract the Charter School will comply with the requirements and procedures established by State law.

Legal Reference:	I.C. § 33-514	Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement – Written Evaluation
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-518	Employee Personnel Files
	IDAPA 08.02.02.120	Local Evaluation Policy

### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5350**

#### **Certified Personnel Resignation (Release from Contract)**

Applicants for teaching positions with Taylor's Crossing Public Charter School who are issued a contract and employees who are on contract should recognize that their contract with the school carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and (2) until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Administrator.

Employees (including those employees who have just signed their first contract) will not be released from contract during the school year or within 45 days of the start of the school year unless a suitable replacement can be found. The Board may make exceptions to this rule for serious health problems or if a replacement can be found to fill the position being vacated.

The Employee may make a written request for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to the school office so that a search for a suitable replacement can be initiated. The request for release will be submitted to the Board at the time specified by the employee. If finding a replacement is not imminent, the offices will advise the person submitting the request that the administration will recommend to the Board that the request be denied. The school office will also give the person making the request the opportunity to hold the request until finding a suitable replacement is imminent at which time the resignation would then be submitted to the Board. (If no time is specified for the request to be submitted to the Board, it will be submitted when the administration feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.)

A determination of availability of a suitable replacement will be made by the administration before recommendation will be made to the Board that the employee be released from contract. If, in the judgment of the administration, there is not a suitable replacement, recommendation will be made that the Board NOT release the employee from contract.

Should any certificated employee desire release from his/her contract after the first day of July, the board of trustees may at its discretion request a hearing before the professional standards commission, alleging that the certificated employee is guilty of unethical and unprofessional practice.

#### **Classified Personnel**

Classified Employees not under contract are expected to give due written notice that will permit the school to conduct a search for a suitable replacement. Generally speaking, the Board expects a two-week notice.

All resignations should be in writing. Requests for resignation shall be transmitted to the Board as part of the regular personnel report.

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5360

#### Dress and Appearance

“One of the reasons we have schools is for students to learn what is appropriate. Young people learn what is appropriate in society by looking at their adult role models. Your dress and your behavior are what young people will take to be appropriate.” Harry K. Wong

As professionals in our schools, we realize and value the public's perception of our roles as mentors and models for students. We, therefore, set in policy the following outline of “reasonable expectations” for all professional staff.

The following dress code will apply to all teachers, counselors, aides, secretaries, and administrators throughout the Charter School. It is to be applied for all of the days students are present, parent-teacher conferences, and professional development days.

#### **DRESSING UP IS ENCOURAGED**

**The following is considered an outline of acceptable dress, unless otherwise specified by the Administrator:**

#### **Males**

- Pinpoint or button-down dress shirts
- Knit shirts (not T-shirts)
- Slacks or khakis/Docker-type slacks
- Dress shoes, boots, athletic shoes, casual shoes
- Socks
- Neckties
- Business suit
- Sport coat or sweater
- Holiday, theme, or school sweatshirts
- Blue jeans on activity days (spirit day, special classroom activities, field day)
- Wind suits/sweat suits on spirit or activity days

#### **Females**

- Business suit
- Jumpers, dresses, skirts (appropriate fit and length) (Denim/Chambray fabric acceptable)
- Slacks or khaki/Dockers-type slacks
- Dress shoes, casual shoes, boots, athletic shoes
- Blouses, knit shirts, cotton shirts, sweaters (moderate neckline)

- Holiday, theme, or school sweatshirts
- Dress shorts/skorts of appropriate professional fit and length
- Knit dress pants with tunic length top
- Dress “crop slacks” that are loose fitting
- Blue jeans on activity days (spirit day, special classroom activities, field day)
- Wind suits/sweat suits on spirit or activity days

### **Inappropriate/Unacceptable Attire**

- Backless, see-through, tight fitting, or low-cut blouses/tops/dresses
- T-shirts, lycra, spandex, midriff tops, tank tops, muscle shirts
- Cut-off/Jeans shorts
- Sweatpants
- Coaching shorts, spandex (shorts or pants) of any length
- Blue Jeans
- Mini-skirts
- Jogging suits
- Denim overalls
- Apparel with offensive logos

### **EXCEPTIONS**

- Gym Teachers: Gym clothing appropriate to activity, shorts restricted to gym or outside PE areas.
- Field Trips/Field Days: Modest, appropriate to activity.
- Special Days: Holiday clothing/school spirit/thematic clothing with Principal’s permission.
- The Administrator may grant exceptions based on job-related needs.

Any casual dress or accessories not stated above must at all times meet or exceed standards set for our students in each of their respective schools.

### **ENFORCEMENT**

Taylor’s Crossing Public Charter School staff members who do not, in the judgment of the Administrator, reasonably conform to this dress code shall receive a written notice from the Administrator. Repeated violations could result in disciplinary action by the Administrator against the staff member. In cases where a staff member refuses to comply with the directions of the Administrator, the staff member’s employment could be terminated. The decision of the Administrator is final regarding administration of this policy.

### **Policy History:**

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5370

#### Nonschool Employment by Professional Staff Members

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the school.
- Raise a question of conflict of interest – for example, where the employee's position in the school permits access to information or other advantage useful to the outside employer.

Therefore a regular, full-time employee's position in the Charter School shall take precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no school facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of school assigned duties.

In addition, an employee may not perform any duties related to outside work or self-employment during regular school working hours or during the additional time that is needed to fulfill the responsibilities of the school position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Except by prior written authorization from the Administrator:

- School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with the school.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5380

#### Professional Research and Publishing

The Board considers that the school system has proprietary rights to publications, instructional materials and devices prepared by employees during their paid work time. However, the Board also recognizes the importance of encouraging its professionals' writing, research and other creative endeavors.

When original materials are developed by employees or staff committees during working time, or as part of regular or special assignments for which they are paid, the school system will have sole rights in matters of publication or reproduction; however, identity of the employee(s) who created the materials will be clearly recognized and noted.

In situations where the proprietary rights to material is in doubt—as, for example, when original instructional materials have been developed partially during working time or as part of a paid assignment, and partially during the staff member's own time—arrangements will be made for the appropriate assignment of rights and any profits.

However, a staff member may use his/her background of knowledge of programs and operations in professional writing of any type, without the Board claiming any rights to the materials or authority to approve them prior to publication, except that articles purporting to represent school system policy will be cleared by the Administrator who may, if the subject warrants, seek Board approval before they are released.

Cross-reference: 4250 Educational Research

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5400

#### Leaves of Absence

##### Sick Leave

All employees shall be granted sick leave and other leaves in accordance with State law. Each employee shall be granted one (1) day of sick leave for each month of service. Taylor's Crossing Public Charter School may, in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness.

Compensation shall not be provided for unused sick leave.

"Sick leave" means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. "Immediate family" shall mean the employee's spouse and children residing in the employee's household. Nothing in this policy guarantees approval of the granting of such leave in any instance. Each request will be judged by the administrator in accordance with this policy and the needs of the school.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a paid status. Abuse of sick leave is cause for discipline up to and including termination.

##### Accumulation of unused sick leave

Employees may accumulate up to ninety (90) days of unused sick leave. Upon retirement, an employee's accumulated unused sick leave must be reported by the school to the public employee retirement system.

##### Bereavement Leave

An employee who has a death in the immediate family shall be eligible for bereavement leave. The Principal shall have the authority to give bereavement leave for up to five (5) days. Bereavement leave of greater than five (5) days must be approved by the Board. Such leave shall not exceed ten (10) days, unless prescribed by a physician.

##### Personal and Emergency Leave

Teachers may apply to have a maximum of three (3) sick leave days to be used for personal leave. The approval or denial of this usage is left to the discretion of the administrator. Notice of at least one (1) week is required for any personal leave of less than one (1) week. Notice of one (1) month is required for any personal leave exceeding one (1) week.

The administrator shall have the authority to grant emergency leave for up to five (5) days, after the teacher's accrued sick leave has been exhausted. Emergency leave of greater than five (5) days must be approved by the Board.

Upon recommendation of the administrator, and in accordance with law and district policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leaves are to include expenses payable by the school, the leave approval will so state;
2. Leave will only be granted in units of half or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week. Notice of one (1) month is required for any personal leave exceeding one (1) week.
4. The administrator, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. During any personal leave of greater than fifteen (15) days, the employee will not receive fringe benefits. During the leave, the employee may pay the school's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier. Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

Legal Reference: 42 USC 2000e	Equal Employment Opportunities
I.C. § 33-1216 et seq.	Sick and other leave
I.C. § 33-1228	Severance allowance at retirement

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5410

#### Family and Medical Leave

In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) the birth of a child; 2) the placement of a child for adoption or foster care; 3) because of a serious health condition that makes the employee unable to perform the functions of the job; 4) to care for the employee's spouse, child or parent with a serious health condition; or 5) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in support of a contingency operation.

An employee is eligible to take FMLA leave if the employee has been employed for at least twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested and if there have been at least fifty (50) Taylor's Crossing Public Charter School employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty six (26) weeks of leave in a single twelve (12) month period to care for the service members.

Employees will be required to use appropriate paid leave while on FMLA Leave. Workers Compensation absences may be designated FMLA Leave.

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is July 1 to June 30. Medical certification shall be required to determine initial FMLA eligibility or continued eligibility as well as fitness for duty.

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. Family Medical Leave Act --

**NOTE: This provision applies to charter schools with fifty (50) or more employees. Those charter schools with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment.**

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5410P

#### Family and Medical Leave

**Who Is Eligible**—Employees are eligible if they have worked for the School for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) School employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

**Benefit**—Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks leave with continuing participation in the School's group insurance plan. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty six (26) weeks of leave in a single twelve (12) month period to care for the service members.

**Reasons for Taking Leave**—Unpaid leave will be granted to eligible employees for any of the following reasons:

- a) to care for the employee's child after birth, or placement for adoption or foster care;
- b) to care for the employee's spouse, child, or parent (does not include parents in-law) who has a serious health condition; or
- c) for a serious health condition that makes the employee unable to perform the employee's job.
- d) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in support of a contingency operation.

**Substitution of Paid Leave**—Paid leave will be substituted for unpaid leave under the following circumstances:

- a) Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b) Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c) Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
- d) Whenever appropriate workers' compensation absences shall be designated FMLA leave.

**When Both Parents Are School Employees**—If both parents of a child are employed by the School, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

**Advance Notice**—Employees must provide thirty (30) days advance notice when the leave is “foreseeable.” In other situations an employee must give notice as soon as practicable. Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying the School may result in the delay or denial of leave.

**Requests**—A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

**Medical Certification**—The School will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense), and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work statement.

**Intermittent/Reduced Leave**—FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the School. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the School’s payroll system uses to account for absences or use of leave.

**Insurance**—An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The School will mail notice of delinquency at least fifteen (15) days before coverage will cease.

**Return**—Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

**Record Keeping**—Employees, supervisors and building administrators will forward requests, forms and other material to payroll to facilitate proper record keeping.

Summer Vacation—The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee's FMLA leave entitlement.

#### SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the School may require the employee to continue taking leave until the end of a semester term if:

- (a) the leave is at least three (3) weeks; and
- (b) the employee's return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five (5) weeks before the end of term, the School may require the employee to continue taking leave until the end of a semester term if:

- (a) the leave is longer than two (2) weeks; and
- (b) the employee's return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three (3) weeks before the end of term, the School may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave—Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the School to:

- (a) Take leave for a period(s) of particular duration not to exceed the duration of treatment; or

(b) Transfer to an alternate but equivalent position.

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. Family Medical Leave Act --  
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

Procedure History:

Promulgated on:

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5412**

#### Jury Duty

Serving on a jury is a fundamental responsibility of citizenship, and Taylor's Crossing Public Charter School supports this important role in our society. Upon receipt of the initial, official notification, an employee selected for jury duty must submit a copy of such notice to the immediate supervisor and to the district office as soon as possible so that appropriate substitute needs can be met. If the absence would pose a significant hardship for the School, the employee may be asked to request a postponement of jury duty from the court.

Upon being excused from jury service during any day, an employee shall return to complete his/her assignment for the remainder of the regular work day.

Jury duty leave is paid for up to ten (10) work days. Employees must submit all compensation paid by the Court to be eligible for compensated jury duty leave.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5413**

#### Witness for Court Appearance Leave

**Taylor's Crossing Public** Charter School employees who are subpoenaed into court as a witness will be allowed leave for required court appearances. Employees are expected to use only the portion of the work day of days required for their appearance as a witness. Employees are required to receive prior approval of the Administrator and their immediate supervisor (maintenance, school lunch, bus supervisor). The employee will be granted leave to be a witness for court appearance with pay providing the person submits a copy of the subpoena to the district office as soon as possible.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5420

#### Long-Term Illness/Temporary Disability

Employees may use sick leave for long-term illness or temporary disability, and upon the expiration of sick leave and family medical leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability shall be required.

Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery therefrom.

Leave without pay arising out of any long-term illness or temporary disability, including pregnancy, miscarriage, childbirth and recovery therefrom, shall commence only after sick leave and family medical leave has been exhausted.

Cross Reference: 5410 – 5410P

Family Medical Leave

Legal Reference: 29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act –  
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

29 CFR 1604.10

Pregnancy Discrimination Act -  
Employment Policies Relating to Pregnancy and Childbirth

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5420P

#### Long-Term Illness/Temporary Disability

The following procedures will be used when an employee has a long-term illness or temporary disability.

1. When any illness or temporarily disabling condition is “prolonged”, an employee will be asked by the administration to produce a written statement from a physician stating that the employee is temporarily disabled and is unable to perform the duties of his/her position, but at some point in the future will be able to return to work.
2. In the case of any other extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of disability will vary according to different conditions, individual needs and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician unless complications develop which are further certified by a physician.
3. Maternity leave will be treated as any other disability. As a disabling condition, maternity leave is not available to fathers.

Cross Reference: 5410 – 5410P

Family Medical Leave

Legal Reference: 29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act –  
National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181

29 CFR 1604.10

Pregnancy Discrimination Act -  
Employment Policies Relating to Pregnancy and Childbirth

#### Procedure History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5430

#### Insurance Benefits for Employees/ Board of Directors

Newly hired certificated employees will be eligible for insurance benefits offered by the School consistent with current district policy, if applicable.

Classified employees who work twenty (20) hours or more per week shall be entitled to the same group health insurance benefits as applicable to certificated personnel.

Directors will not be allowed to participate in the Charter School's group health insurance program.

Legal Reference: I.C. § 33-517A      School districts – Noncertificated employees – Group health insurance  
I.C. § 67-5763      Governmental body authorized to make contracts for group insurance for officers and employees

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5440

#### School Holidays

Taylor's Crossing Public Charter School designates the following days as school holidays:

1. New Year's Day;
2. Memorial Day;
3. Independence Day;
4. Thanksgiving Day;
5. Christmas Day.

In those cases where an employee, as defined above, is required to work any of these holidays, another day shall be granted in lieu of such holiday unless the employee elects to be paid for the holiday in addition to the employee's regular rate of pay for all time worked on the holiday.

If a holiday occurs during the period in which vacation is being taken by an employee, the holiday shall not be charged against the employee's annual leave.

Legal Reference: I.C. § 33-512      Governance of schools  
I.C. § 73-108      Holidays enumerated

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor’s Crossing Public Charter School**

**PERSONNEL**

**5450**

Vacation Leave

12-month classified and administrative employees shall accrue annual vacation leave benefits according to the following schedule:

<u>Year of Service with the School</u>	<u>Days of Annual Vacation Leave</u>
1-10	10 days
10-15	15 days
16-19	18 days
20+	20 days

Vacation leave is intended to be used during that year in which it is earned. Accumulation of unused vacation time will be allowed up to a total of thirty (30) days.

Leave credits may not be advanced nor may leave be taken retroactively.

Prior approval by the administration must be given before vacation leave is taken.

Upon termination of employment, unused vacation leave (up to thirty (30) days) will be paid at the employee’s daily rate of pay.

Nothing in this policy guarantees approval of the granting of specific days as annual vacation leave in any instance. Each request will be judged by the School in accordance with staffing needs.

Employees of less than six (6) months duration will not accrue vacation benefits.

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5460

#### Workers' Compensation Benefits

All employees of the School are covered by Workers' Compensation benefits. In the event of an industrial accident, an employee should:

1. attend to first aid and/or medical treatment if emergency prevails;
2. correct, or report as needing correction, the hazardous situation as soon as possible after the emergency is stabilized;
3. report the injury or disabling condition (whether actual or possible) to the immediate supervisor within forty-eight (48) hours; and
4. call or visit the administrative office after medical treatment if needed to complete the necessary report of accident and injury.

The administrator shall notify the immediate supervisor of the report, and shall include the immediate supervisor in completing the any and all reporting as required.

An employee who is injured in an industrial accident may be eligible for Workers' Compensation benefits.

The School will not automatically and simply defer to a report of industrial accident. The School shall investigate as it deems appropriate to determine (1) whether continuing hazardous conditions exist that need to be eliminated, and (2) whether in fact an accident attributable to the School's working environment did occur as reported. The School may require the employee to authorize the employee's physician to release pertinent medical information to the School or to a physician of the School's choice, should an actual claim be filed against the Workers' Compensation Division which could result in additional fees levied against the School.

Legal Reference: I.C. § 72-101, et seq.      Workers' Compensation Act

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5470

#### Leaves of Absence - Military Leave

##### General Policy

All School employees, other than those who are employed on a temporary basis, are entitled to military leave of absence when ordered to active duty for training as members of the Idaho National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted, or are ordered to extended active duty with any component of the U.S. Armed Forces shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

##### Notice to Charter School

All employees should provide either written or oral notice of upcoming military training to the School as soon as reasonably practical. The employee or an appropriate officer of the branch of military in which the employee will serve may provide the notice. Employees who are ordered for such duty shall provide one copy of their orders to the Administrator. Notice shall include date of departure and date of return for purposes of military training ninety (90) days prior to the date of departure.

##### Military Leave for Training or Short Term Duty

Employees who are required to attend annual training or special active duty for training shall not suffer any loss of salary, seniority or efficiency rating during the first fifteen (15) days of such absence in any calendar year. Leave will be without loss of benefits.

##### Completion of Military Training

Upon completion of military training, employee shall give evidence of the satisfactory completion of such training immediately thereafter. Employee shall be restored to his or her previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

##### Benefits for Uniformed Service Personnel On Active Duty

##### Salary:

Taylor's Crossing Public Charter School will **not** pay employee's salary while the employee is on active military duty.

Pension and Retirement Plans. Pension and retirement plans are considered a benefit to which reinstated employees are entitled. Any normal contributions will continue to be made for service members who are absent for 90 days or fewer. If the employee has been absent for military service for 91 days or more, the School may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

Medical Insurance. Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee's military service is for 31 days to 3 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the School for up to 12 months after the military leave begins or for the period of military service, whichever is shorter. The School's obligation to provide health benefits ends once an employee's military leave exceeds 12 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had he or she not been absent for military service.

#### Reporting to School Once Military Leave is Complete

The standard military service length and reporting times are:

- *1 to 30 days of military service:* employee reports to the School by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.
- *31 to 180 days of military service:* employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14<sup>th</sup> day falls on a day when the School's offices are not open or available to accept a reemployment application, the time extends to the next business day.
- *181 days or more of military service:* employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90<sup>th</sup> day falls on a day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.
- *Cases of disability:* employees who are hospitalized or recovering from a disability that was incurred or aggravated during the period of military service leave have up to two years to submit an application for reemployment.

There is an exception to these guidelines for those employees who, through no fault of their own, find themselves in a situation that makes it impossible or unreasonable to meet the required timetables. In those cases the employee must return to work as soon as possible.

#### Disqualification From Returning to Work

There are four conditions that disqualify an employee from exercising his or her right to reemployment after military service:

- A dishonorable or bad conduct discharge
- Separation from the service under “other than honorable conditions”
- A commissioned officer’s dismissal via court martial or by order of the President
- When a service member has been dropped from the rolls for being absent without authority or for civilian imprisonment

#### Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or called to active duty for extended periods will be placed on “Military Leave of Absence” upon written application and be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release.
2. They must report to claim reinstatement within 14 days after completion of service; or 3 days in the case of individuals who undergo only 3 months/days active training or less.

After an employee has been absent for 31 days or more of military service, the School may ask the employee or the employee’s military unit for documentation showing that:

- The employee submitted a timely application for reemployment;
- The employee’s length of military service has not exceeded the five-year limitation; and
- The employee’s separation from the military service meets the requirement for reemployment.

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the employee was disabled while on military duty, or a disability is aggravated by military service, the School will make reasonable efforts to accommodate the disability

Legal Reference: I.C. § 46-407 Militia and Military Affairs / Reemployment Rights  
I.C. § 46-224 Militia and Military Affairs / Entitled to Restoration of Position After Leave of Absence for Military Training  
I.C. § 46-225 Militia and Military Affairs / Vacation, Sick Leave, Bonus and Advancement Unaffected by Leave  
USERRA, Title 38, Part 3, Chapter 43 U.S. Code

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5500**

#### Personnel Files

**Taylor's Crossing Public** Charter School maintains a complete personnel record for every employee (certificated and classified). Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Administrator, the employee, the employee's designee or representative, and schools requesting information based upon Idaho Code 33-1210.

A log of those persons other than the Administrator or other administrative staff, will be kept indicating the date and time of inspection, name of person requesting access, description of the records copies, if any, and the initials of the person providing the access and/or copies requested.

In accordance with federal law, the School shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of School employees is governed by Policy 4340.

In accordance with state law including Idaho Code 33-1210, not later than twenty (20) days after receiving a request the School shall release information regarding job performance or job related conduct to schools requesting such information for hiring purposes. See Policy 5100 and Procedure 5500P.

#### Certificated Employees

The School shall maintain official School files for employees.

An employee's official file shall be kept in the administrative office. It shall, at a minimum, the following records:

1. application materials;
2. contracts of employment;
3. communications from the administration;
4. performance evaluations;
5. rebuttals to performance evaluations;
6. parental input materials;
7. written reprimands;
8. original statements/releases to/from hiring school districts;
9. original acknowledgement of receipt of professional liability insurance providers list;

10. a copy of the employee's job description signed by the employee;
11. a signed acknowledgement that the employee has received a copy of the School's sexual harassment policy;
12. a signed acknowledgement that the employee has received a copy of the School's email and internet use policy;
13. documentation of additional training received, course work completed, in-service attended, etc.

The file may contain notes and observations. Letters of recommendation will be kept in a separate, sealed file maintained by the Administrator. Personal notes of supervisors need not be placed in the file, but may be maintained in the supervisor's own file(s).

Each employee will be provided written notice of all materials placed in an employee's personnel file. Notice shall be provided within ten (10) days of placement of information in the employee's file or, if possible, presented to the employee prior to placement in the file. An employee will have the opportunity to attach a rebuttal to any information placed in the employee's personnel file. An employee will have seven (7) days (from the date written notice of placement) to attach a statement or notification of rebuttal.

Upon request, an employee or the employee's designee or representative will have access to the employee's personnel file and will be provided copies, upon request within a reasonable period of time. The request, inspection, and/or copying of the file will be logged indicating the date and time, name of person requesting access, description of the records copied, if any, and the initials of the person providing the access and/or copies requested.

#### Record Keeping Requirements Under the Fair Labor Standards Act

In addition to the information to be placed in an employee's personnel file set forth hereinabove, any and all payroll information required by the Fair Labor Standards Act shall also be kept for each employee as follows:

1. Records required for ALL employees:
  - a. Name in full (same name as used for Social Security);
  - b. Employee's home address, including zip code;
  - c. Date of birth if under the age of 19;
  - d. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss);
  - e. Time of day and day of week on which the employee's work week begins;
  - f. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
  - g. Any payment made which is not counted as part of the "regular rate";
  - h. Total wages paid each pay period.
  - i. I-9
  
2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any work day (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any work week (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week, but excluding premium pay for overtime);
- E. Total overtime premium pay for a work week;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid and the dates of such payments;

Cross Reference: 4130	Public Access to Charter School Records
5100	Hiring Process and Criteria
5205	Job Descriptions
5240F	Sexual Harassment/Intimidation in the Workplace Policy Acknowledgement
5330F	Employee Electronic Mail and On-Line Services Use Acknowledgment

Legal Reference: 29 USC 201, et seq.	Fair Labor Standards Act
I.C. § 33-517	Non-certificated personnel
I.C. § 33-518	Employee personnel files
I.C. § 33-1210	Information on past job performance

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013



## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5600**

#### Staff Health

##### Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board shall promote the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain optimum health through the practice of good health habits.

Under the circumstances defined below, the Board may require physical examinations of its employees. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

##### Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the School may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the State. The School may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, a thirty-(30)-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

All bus drivers employed by the school, including full-time, regular part-time or temporary part-time drivers, shall be required to have a satisfactory medical examination prior to employment.

##### Contagious or Infectious Diseases

If a staff person has a contagious or infectious disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school nurse or other responsible person designated by the School that he has a contagious or infectious disease which could be life threatening to an immune compromised person. The school nurse or other designated person must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a contagious or infectious disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a contagious or infectious disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The School reserves the right to

require a statement from the employee's primary care provider prior to the employee's return to work.

### Confidentiality

In all instances, School personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

Legal Reference: 29 U.S.C. 794, Section 504 of the Rehabilitation Act  
29 CFR, Section 1630.14(c)(1)(2)(3)  
41 U.S.C. 12101, et seq. Americans with Disabilities Act

### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5610

#### Prevention of Disease Transmission

All School personnel shall be advised of routine procedures to follow in handling body fluids. These procedures shall provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The administration shall develop, in consultation with public health and medical personnel, procedures to be followed by all staff. The procedures shall be distributed to all staff, and training on the procedures shall occur on a regular basis. Training and appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor’s Crossing Public Charter School**

**PERSONNEL**

**5700**

Substitutes

The term “substitute teacher” as defined in I.C. § 33-512(15) as any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year.

The state department of education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list the substitute teacher shall undergo a criminal history check every five (5) years.

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The Administrator shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour.

Cross Reference: 5110

Criminal History / Background Checks

Legal Reference: I.C. § 33-130

Criminal history checks for school district employees or applicants for certificates

I.C. § 33-512(15) Governance of schools

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5710**

#### Teachers' Aides/Paraeducators

Teachers' aides/paraeducators, as defined in the appropriate job descriptions, are under the supervision of an Administrator and a teacher to whom the Administrator may have delegated responsibility for close direction. The nature of the work accomplished by paraeducators will encompass a variety of tasks that may be inclusive of "limited instructional duties."

Paraeducators are employed by the School mainly to assist the teacher. A paraeducator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties, that are newly hired in a Title I school-wide program, to have:

1. Completed at least two (2) years of study at an institution of higher education;
2. Obtained an Associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

Paraeducators hired before January 8, 2002, have until January 1, 2006, to meet these standards.

It is the responsibility of each Administrator and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the paraeducator to assist in reading, writing, and mathematics instruction.

The Administrator shall develop and implement procedures for an annual evaluation of teachers' aides/paraeducators. Evaluation results shall be a factor in future employment decisions.

Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor’s Crossing Public Charter School**

**PERSONNEL**

**5720**

Volunteers / Contractors

The School recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. has not entered into an express or implied compensation agreement with the School;
2. is excluded from the definition of “employee” under the appropriate state and federal statutes;
3. may be paid expenses, reasonable benefits and/or nominal fees in some situations; and
4. is not employed by the School in the same or similar capacity for which he/she is volunteering.

School employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

In order to maintain a safe environment for the students of this School, the names of all contractors (including subcontractors) who perform work on school property during school hours will be provided to the School in advance of performing work on school property. The names of contractors will be checked against the statewide sex offender register and any contractor who is listed on such registry will not be allowed to perform work on school property.

Cross Reference: 5110	Fingerprints and Criminal Background Investigations
4600	Volunteer Assistance
4420	Sex Offenders

Legal Reference: I.C. § 33-512 Governance of schools

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5725**

#### Private Service Providers/Consultants

Taylor's Crossing Public Charter School encourages the use of private service providers and professional consultants as resource individuals when such consultative services will be helpful in the improvement of the educational program of the School. The School, through the Administrator as its designee, may enter into contracts with private service providers and/or consultants to provide necessary services to students.

Services provided by a private service provider/consultant (hereinafter referred to as "PSP"), and the frequency and duration of such services, shall be pursuant to the terms of the contract between the PSP and the School. Any contract the School enters into with the PSP shall provide the responsibility for eligibility determination, choice of educational methodology, and other determinations of educational services and programs which shall be retained at all times by the School.

Prior to being hired, the PSP shall undergo a background check the same as any new employee or volunteer of the School. The same requirements shall apply to the PSP.

The Administrator or designee shall conduct periodic reviews of the services of the PSP. The Board may request that the Administrator provide the Board with the review findings of the PSP.

Consultants shall exercise no authority over the work of School employees, but shall act only as advisors in those fields in which they are qualified to offer assistance and for which they are employed.

#### Compensation

PSP compensation shall be approved by the Board prior to invitation and arrangement for visitation by such person or persons to the School except when such compensation is within the amount specifically budgeted. If reimbursement is obtained through Medicaid, the PSP shall agree in the contract that those services will not exceed the approved Medicaid rate.

All consultants shall be hired based on a written contract, which shall not exceed twelve (12) months.

#### Confidentiality

The PSP shall at all times maintain confidentiality pursuant to the Family Educational Records and Privacy Act (FERPA) of all records of services, including, but not limited to, identifying information regarding the student and services, observations, evaluations and/or assessments.

Definition

Private service provider or consultant means a person, group, agency or organization that meets the following conditions:

- a. Is not an employee of the School or a public agency with legal jurisdiction over the circumstances related to the provider/consultant’s involvement with the student; and
- b. Is paid for services provided to the student.

Examples of private service providers include: psychologist, counselor, targeted service provider, behavioral therapist, speech therapist, occupational therapist, physical therapist, social worker, psychosocial rehabilitation specialist, etc.

Examples of consultants include: attorney, auditor, architect, agents of record and others with technical skills or professional training.

Cross Reference: 4600	Volunteer Assistance
4420	Sex Offenders
5110	Fingerprints and Criminal Background Investigations
5720	Volunteers / Contractors

Legal Reference: I.C. § 33-512 Governance of schools  
Family Education Records and Privacy Act

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

**Taylor's Crossing Public Charter School**

**PERSONNEL**

**5730**

**VOLUNTEER -- AUTHORIZATION TO RELEASE INFORMATION**

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, am seeking a volunteer assignment with Taylor's Crossing Public Charter School. I acknowledge that a complete investigation into my background is necessary to protect the safety and welfare of the children in School. I hereby expressly and voluntarily give the School the right to make a thorough investigation of my past employment, education, and activities. I understand that the School reserves the right to use any lawful method of investigation that, in its sole discretion, it deems reasonable and necessary.

This document is effective until revoked in writing by me.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Print Full Name: \_\_\_\_\_

Print Full Address: \_\_\_\_\_  
\_\_\_\_\_

Birth Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

STATE OF IDAHO )

: ss.

County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 200\_, before me, a notary public of the State of Idaho, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Release, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public, State of Idaho

County of \_\_\_\_\_

My commission expires \_\_\_\_\_

## Taylor's Crossing Public Charter School

### PERSONNEL

5740

#### Reduction in Force

It is recognized that the Board has the responsibility to maintain good public schools and to implement the educational interest of the state, consistent with state and federal educational requirements, including school attainment of Adequate Yearly Progress, improvement plans, accreditation requirements, and other school-based issues. However, recognizing also that it may become necessary to eliminate certificated staff positions in certain circumstances, this policy is adopted to provide a fair and orderly process should such elimination become necessary.

The Board has the sole and exclusive authority to determine the appropriate number of certificated employees and to eliminate certified staff positions consistent with the provisions of the State statutes. A reduction of certified employees may occur as a result of, but not be limited to, the following examples or from other conditions necessitating reductions:

- a. Decreases in student enrollment
- b. Changes in curriculum
- c. Financial conditions or limitations of the School

The need for implementation of a Reduction in Force and/or the elimination of certificated positions is left to the sole discretion of the Board.

The Board may choose to implement a RIF through:

- a. the elimination of an entire program or portions of programs;
- b. the elimination of positions in certain grade levels only;
- c. the elimination of positions by category;
- d. the elimination of positions in an overall review of the School;
- e. the elimination of positions through other considerations and implementation decisions;
- f. the elimination of a portion or percentage of a position(s) or any combination of the above.

Legal Reference:     § I.C. 33-514 Issuance of Annual Contracts  
                          § I.C. 33-515 Issuance of Renewable Contracts  
                          § I.C. 33-522 Reductions in Force

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5740P(A1)

#### Reduction in Force Procedures

The following definition and procedures shall be used for conducting a Reduction in Force.

#### Definition

As used in this policy, "teacher" shall apply to any employee of the School who holds a certificate issued by the State Board of Education who is employed in a teaching or administrative position.

#### Procedures

1. Prior to commencing action to terminate teacher contracts under these procedures, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:
  - a. Voluntary retirements
  - b. Voluntary resignations
  - c. Transfer of existing staff members
  - d. Voluntary leaves of absence
2. In the event a Reduction in Force is required, teachers who are retained pursuant to these procedures may be reassigned if suitable position openings are available in instructional areas for which they are Highly Qualified.
3. In the Board's determination as to the individuals to be released pursuant to the Reduction in Force consideration will be given to the criteria set out below. Each criterion shall be considered in terms of the total context when selecting those employees who are to be considered for release pursuant to the provisions of these procedures. The following criteria will be considered:
  - a. Area(s) of certification for which the teacher is Highly Qualified which are classified by the School as Hard to Fill positions
  - b. Number of areas of certification for which the teacher is Highly Qualified
  - c. Educational/Degree Status
  - d. National Certifications Held
  - e. Position as a Lead or Master Teacher within the School
  - f. Whether or not the teacher is Highly Qualified in a course necessary for High School Graduation requirements

- g. Whether or not the teacher is Highly Qualified in a course necessary for middle school advancement
- h. Contribution and/or involvement in extra-curricular or co-curricular positions with students
- i. Compliance with Professional Standards and Conduct over the course of employment with the School
- j. Teacher evaluation, including components required by Idaho Code to be encompassed in teacher evaluation

It is the intent of the Board that the individual and cumulative effect of each criterion on the welfare of students and the best long-term and short-term interest of the School be considered.

It is further the intent of the Board that primary consideration be the quality of instruction and the progress that students are making throughout the course of the school year as well as properly endorsed Highly Qualified instructors to be in classroom positions in order for the School to be compliant with federal and state education requirements. Thus, each criterion shall be considered in terms of this total context.

The factors for consideration shall be reviewed on an annual basis by the School's Administration to determine whether factors should be added, eliminated, or weighted differently. Such recommendations for modification will then be brought before the Board for consideration.

4. The Human Resources Department shall provide advance notice of the possible Reduction in Force to all teachers who may be released, based upon the number of teachers who may be released, in full or in part, and the school programs, teacher positions, or categories of positions that may be affected.
5. Upon receipt of this notification, it is recommended that the subject teachers review their personnel file materials with the School's Administration to assure that the School has appropriate information relating to the various criteria referenced above.
  - a. If a teacher receiving a Teacher Profile believes that there is an error, the teacher shall notify the School's Administration of their concern of an error, in writing, by the close of the school day on the 5th school day after the teacher has received notice of the possible Reduction in Force.
  - b. This written notice shall specifically identify what element or elements of the teacher's personnel file and criteria are believed to be erroneous and explain specifically why the element(s) is believed to be in error.
  - c. If the School receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used in consideration of the Reduction in Force.
  - d. Should a teacher fail to inspect their personnel file and have inaccurate information in their personnel file and/or have failed to provide the School with

updated information, the information contained in the file will be utilized for the Reduction in Force determination and the teacher will not have the opportunity to subsequently correct such information after the Reduction in Force has been implemented.

6. If the Board determines that a Reduction in Force in fact will be implemented, the Administrator shall submit a list of the teachers recommended for release, through use of the above process, and shall make recommendation to the Board as to what due process, if any, the Board needs to implement for each individual personnel situation.
7. All releases shall be done in conformance with the applicable provisions of Idaho Code and all affected teachers will be promptly notified, in writing, of the Board's decision or actions that need to be taken by the Board relating to applicable due process activities, if any.

Legal Reference:       § I.C. 33-514 Issuance of Annual Contracts  
                              § I.C. 33-515 Issuance of Renewable Contracts  
                              § I.C. 33-522 Reductions in Force  
                              § I.C. 33-523 Administrators to Determine New Staffing

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5800

#### Classified Employment, Assignment and Grievance

Classified employees are those non-certificated employees who are employed by the School or personnel hired in positions which do not require certification.

With the exception of those classified employees who are hired for a stated specified time, all classified employees shall be regarded as "at-will" employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason (so long as the same does not violate public policy or violate any other provision of law). Such at-will designation will be included in all job descriptions as mandated by I.C. § 33-517 and in written contracts, should the same be implemented by the School. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written contract shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the School so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by the School. The School reserves the right to change employment conditions affecting the employee's duties, assignment, supervisor or grade.

The Board shall determine the salary and wages for classified personnel.

The grievance procedure for classified employees shall be the procedure set forth in I.C. § 33-517. Classified employees may file a written grievance alleging unfair treatment or a violation of School policy. However, neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

Cross Reference: 5800P                      Classified Employee Grievance Procedure

Legal Reference: I.C. § 33-517      Non-certificated personnel  
I.C. § 33-1201      Certificate required  
Metcalf v. Intermountain Gas Co., 116 Idaho 622 (1989)

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## **Taylor's Crossing Public Charter School**

### **PERSONNEL**

**5800P**

#### Classified Employee Grievance Procedure

Classified employees may file a written grievance alleging unfair treatment or a violation of School policy in strict accordance with the procedure set forth herein. However, neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

##### Level 1: Informal

A classified employee with a complaint is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

##### Level 2: Immediate Supervisor

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with their immediate supervisor within six (6) working days of the event or incident or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the immediate supervisor shall investigate and attempt to resolve the complaint. The immediate supervisor shall provide a written response to the employee within six (6) working days of receiving the written grievance.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the person who received the written grievance shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The School has appointed a Nondiscrimination Coordinator to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Administrator within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Administrator agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Administrator rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

### Level 3: Administrator

If the employee is not satisfied with the response of the immediate supervisor, or no response is received within the timeline provided in Level 2, the employee may appeal to the Administrator or the Administrator's designee within five (5) working days of the response or lack thereof. Upon receipt of the request for review, the Administrator shall notify the parties in writing of the decision within five (5) working days of receipt of the appeal.

### Level 4: Hearing Panel

If the classified employee is not satisfied with the decision of the Administrator or the Administrator's designee or there is no response from the Administrator or the Administrator's designee the employee may request a review of the grievance by a hearing panel within (5) working days of the response or lack thereof. A written appeal must be submitted to the Board and within ten (10) working days of receiving the appeal the Board shall convene a hearing panel consisting of three (3) persons; one (1) to be selected by the Board, one (1) to be selected by the employee and one (1) to be mutually agreed upon by the two (2) appointed members of the panel. The panel shall submit its decision in writing to the employee, the Administrator and the Board within five (5) working days of completing its review.

### Level 5: The Board

The panel's decision shall be final unless the Board overturns the panel's decision by resolution at the Board's next regularly scheduled public meeting. The decision of the Board will be final, unless appealed within forty-two (42) calendar days of the Board's resolution to overturn the panel's decision in the district court in the county in which the School is located.

Cross Reference: 5800                      Classified Employment, Assignment and Grievance

Legal Reference: I.C. § 33-517        Non-certificated personnel

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5810

#### Compensatory Time and Overtime/Classified Employees

Classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1 1/2) times the normal hourly rate unless the School and the employee agree to the provisions of compensation time at a rate of one and one-half (1 1/2) times all hours worked in excess of forty (40) hours in any work week. No overtime is authorized for any classified employee without the specific approval of the Administrator, except as the Administrator shall otherwise prescribe.

A classified employee may not volunteer work time in an assignment similar to his or her regular work without pay.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5820

#### Evaluation of Non-Certified Staff

Each non-certified staff member's job performance shall be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled evaluations, on forms applicable to the job classification and description, and day-to-day appraisals.

The supervisor shall provide a copy of the completed evaluation to the staff member and shall provide an opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the Administrator. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Administrator. The employee will be allowed the opportunity to attach a rebuttal to any information contained in the evaluation.

Legal Reference: I.C. § 33-517      Noncertificated Personnel  
                          I.C. § 33-518      Employee Personnel Files

#### Policy History:

Adopted on: 5/12/2010  
Revised on: 7/18/2013  
Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5830

#### Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The Charter School shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers employed by the school.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The Administrator shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

Legal Reference: 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)  
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers)

#### Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013

## Taylor's Crossing Public Charter School

### PERSONNEL

5830P

#### Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers employed by the School shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

#### Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the School.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the School or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the School has been able to make all verifications required by law.

#### Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the School shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the School. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

#### Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

#### Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or School official trained in accordance with law has reasonable suspicion that the driver has violated the School's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the School shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or School official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

## Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates School prohibitions related to drugs and alcohol shall receive from the School the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem, before that driver may return to duty. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

## Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the School's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and School standards.

## Follow-Up Tests

A driver who violates the School's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

## Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

### Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the School's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. the person designated by the School to answer driver questions about the materials;
2. the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. specific information concerning driver conduct that is prohibited by Part 382;
5. the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

**Drivers shall also receive information about legal requirements, School policies, and disciplinary consequences related to the use of alcohol and drugs.**

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the School shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the School shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The School shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The School shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The School shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Policy History:

Adopted on: 5/12/2010

Revised on: 7/18/2013

Adopted on: 8/14/2013