

5000 SERIES—PERSONNEL

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Avery School District
#394
PERSONNEL

Board Goal/Personnel

5001

The human resources of the District 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 District. Opportunities for staff development should be provided periodically. Supervision is a necessary, ongoing function of the District'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: December 11, 2017

Avery School District
#394
PERSONNEL

Hiring Process and Criteria

5100

The Board of Trustees has the legal responsibility of hiring all employees. The Board assigns to the Superintendent the process of recruiting staff personnel. The Superintendent may involve various administrative and teaching staff as may be needed in recruiting potential personnel. All personnel selected for employment must be recommended by the Superintendent or designee and approved by the Board. All personnel selected for employment must also go through the applicable screening process outlined in Idaho Code 33-1210.

To aid in obtaining quality staff members, the following non-exclusive list of factors will be considered, along with any other factors relevant to the position: qualifications, training, experience, personality, character, and ability to relate well with students. Every effort will be exerted to maintain wide diversity in staff experience and educational preparation. However, the welfare of the children of the District will be a paramount consideration in the selection of teachers and administrators.

This policy shall be made available to any District employee or person seeking employment with the District.

Guidelines

1. There will be no discrimination in the hiring process. See Policy 5120.
2. Applicants for teaching positions shall provide evidence of meeting State requirements for certification and sign a statement authorizing current and past school district employers, including those outside the state of Idaho, to release to the District all information relating to job performance or job related conduct, and making available to the District copies of all documents in the applicant's previous personnel files, investigative, or other files. Such statement will also release the applicant's current and past employers from any liability for providing such information and documentation. Applicants who do not sign the statement/release shall not be considered for employment. The District will consider information received from current and past school district employers only for the purpose of evaluating applicants' qualifications for employment in the position for which they have applied and no one shall disclose such information to anyone, other than the applicant, who is not directly involved in the process of evaluating the applicants' qualifications for employment. Applicants may be employed on a non-contracted provisional basis as allowed by law. Applicants shall not be prevented from gaining employment if current or past out-of-state employers are prevented from or refuse to cooperate with the District's request. See Forms 5100F1 and 5100F2.

3. Elementary applicants should have a major or its equivalent in elementary education or in the special area of assignment(s). Applicants for specific teaching positions shall also meet the applicable State standards.
4. Applicants for all teaching positions should have a minimum over-all grade point average of 2.5 (A-4, B-3, C-2, D-1). All candidates should have a grade point average of 2.75 in their respective major teaching field(s).
5. As required in Idaho Code 65-505, the District will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
6. As required in Idaho Code 33-130 and 33-512(15), the District will conduct a criminal history check for applicable positions. See Policy 5110.
7. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

The employment of any certified staff member is not official until the contract is approved by the Board and signed by both the Board Chair and the applicant.

To assist administrators in compliance with the above policy for the hiring of professional staff, the following guidelines shall be utilized:

Notice of Vacancies

Vacancies will be posted only after the Board has approved written resignation from a contracted professional employee of the District, a termination has occurred, or if a new position is created within the District. The Superintendent shall develop procedures for the posting of available positions within the District.

1. Job Vacancy Notices: Any notice from _____ School District No. _____ will contain the following information:
 - A. Position available and job description.
 - B. Requirements for completed application, as applicable for position, include but are not limited to: 1) a completed District application form; 2) official transcripts of all university or college credits; 3) a placement center file; 4) a personal resume; 5) verification or eligibility of Idaho certification; and 6) a signed statement/release for current and past school district employers.
 - C. Timeline for receiving application.
 - D. Process notification of how applications will be handled.

2. Application Procedures: It will be the responsibility of any applicant to provide the information listed in 1-B above.
 - A. Such information must be received prior to the cutoff date for receiving applications as specified in the vacancy notice.
 - B. It will be at the discretion of the Superintendent, the appropriate administrator, and the building administrator to determine whether such deadlines should be extended to accommodate individuals where placement center files, transcripts, or other materials are not yet received by the District for consideration. Such time extension will be restricted to a reasonable time frame.
 - C. In addition to the certification information provided by the applicant, the District will also request from the Office of the Superintendent of Public Instruction verification of certification status, any past or pending violations of the professional code of ethics, any detail as to any prior or pending conditions placed upon a certificate holder's certificate, any prior or pending revocation, suspension, or the existence of any prior letters of reprimand and information relating to job performance.
 - D. Within three business days of receipt of the statement releasing information from prior school district employers, as required by I. C. 33-1210, such statement shall be sent to the prior employers with a request for release of information and documentation to be provided as required by that section.

Because responses to such requests may take up to 20 days, or possibly more for out-of-state school district employers, information received pursuant to such request may be reviewed prior to or after interviews have been concluded, at the discretion of the District. Where possible, such information should be utilized as part of the screening process. However, due to considerations of time, such early review may not be possible, and such information received pursuant to this process may be reviewed or utilized up to any time prior to offering employment to an applicant.

- E. Upon receipt of the completed applications, those applications will be placed in a file for review and consideration at the District Office.

Preliminary Screening

1. At either the time the job vacancy is published, or prior to the conclusion of the application period, the Superintendent will determine the desired number of qualified individuals to be included in the "screening pool". The screening pool shall be defined as the number of individuals having completed applications that may be submitted to the Superintendent for final screening.

Screening

1. The Superintendent may establish a committee to assist in the final screening process.
2. The committee, upon receiving the written applications from the appropriate administrator, will review those applications for the purpose of:
 - A. Determining those most suited to the position;
 - B. Making personal telephone contact with one or more references submitted by the applicant;
 - C. Contacting individuals who might know the candidate, but were not listed as references, if needed; and
 - D. Inviting the top candidates to be interviewed for the position.
3. The committee will establish the procedures at the building or program level for interviewing the successful applicants.
4. For those applicants who have no prior public school work experience or whose out-of-state former employers will not release documentation requested pursuant to I.C. § 33-1210, the screening committee or administrator may engage in whatever background checks it deems appropriate, but at a minimum shall verify all prior work experience and educational achievement listed by the applicant as the committee or administrator deems appropriate, preferably by contacting the prior employers and/or educational institutions listed by the applicant, and shall communicate with every person listed as a reference by the applicant.
5. Upon determining the qualified applicant, the Superintendent shall submit a recommendation for the applicant to be offered a contract.

Acceptance Procedure

Once the Committee or Superintendent has selected the final candidate, the name will be provided to the Superintendent who will review the applicant's credentials with the building/program administrator. The Superintendent will:

1. Authorize a statement of intention to employ, pending Board approval, to be made to the candidate.
 - A. If, at the time the statement of intention to employ is made, the District has not yet received documentation requested pursuant to I.C. 33-1210(3), the District may provisionally employ such applicant on a non-contracted basis for up to 30 days after receipt of the documentation. Within that thirty day time period, the Board may issue a written statement to the applicant identifying why a standard contract will not be issued and specifying which information justifies such decision. The Board may not identify any reason for non-issuance of a standard contract not

based on the documentation received. If, within 30 days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to the applicant, the employee will be deemed to be employed pursuant to a Category A contract. During this provisional employment, the applicant shall be provided the same compensation and benefits as if the employee had been employed on a standard certificated contract.

If no documentation is received from out of state employers, the District may employ the applicant on a standard Category A contract without utilizing the provisional, non-contracted employment.

- B. Upon receiving a verbal or written statement of intention to accept employment, pending Board approval, by the candidate, the Superintendent will prepare the necessary papers for recommendation to the Board of Trustees at the next regular or special Board meeting.
- C. Submit to the Board of Trustees such recommendation.

Board Action

The Board of Trustees of Avery School District No. 394 will:

1. Have placed before it all candidate names for the position; and
2. Discuss hiring and in situations wherein the individual qualifications of the applicant are discussed go into executive session pursuant to law; and
3. Vote relating to approval or disapproval of the candidates. If members of the Board personally have knowledge not available to the building administrator and the screening committee the Board will not take action until all concerns have been reviewed by the building/program administrator.

Approval

Upon approval by the Board of Trustees, a contract, in a form approved by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-513. The applicant must sign the contract and return it within ten days from the date the contract is delivered to them. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board in the designated period of time, the Board or designee may declare the position vacant. Should the candidate not be approved, or the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board, the Superintendent will remand the situation to the building administrator and screening committee to provide the next applicant's name for consideration.

Any person on provisional employment pursuant to I.C. 33-1210(7) shall be subject to the same time limits and provisions for return of a signed contract when and if such contract shall be provided to them for signature.

Certification

To qualify for employment, each teacher or administrator must have, and maintain during the entire school year, a valid Idaho teaching/administrative certificate on file in the District Office at the beginning of the school year. Salary will be withheld if the certificate is not on file by September 10 of the given year. If at any time the teacher/administrator's certification lapses, is revoked, or suspended, the certificated employee may be subjected to action declaring a contract violation and possible action to terminate the employment of the individual with the District.

Cross Reference:	5110	Fingerprinting and Criminal Background Investigations
	5120	Equal Employment Opportunity and Non-Discrimination
	5100F1-5100F3	Hiring Process and Criteria Forms
	5740PA1 – 2	Reduction in Force Procedures and Forms
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
	I.C. § 65-505	Officials to Observe Preference
	I.C. § 74-206	Executive Sessions—When Authorized

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

AUTHORIZATION LETTER

5100F1

[DISTRICT LETTERHEAD]

**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 District 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, the District must request the Applicant sign this form. Should the Applicant refuse or fail to sign this form, the District 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 and 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 District all information relating to the job performance and/or job related conduct of the Applicant and make available to the hiring School District copies of all documents in the previous employer's personnel file, investigative file (regardless of outcome or finding, if any), 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.

Pursuant to state law, "documentation related to the job performance or job related conduct of any employee/applicant is defined as, and may be limited by the producing district to include: all annual evaluations, letters of reprimand, letters of direction, letters of commendation or award, disciplinary actions and documentation of disciplinary investigations, recommendations for probation, notices of probation, notices of removal from probation, recommendations for termination or nonrenewal, notices of termination or nonrenewal, notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate and any rebuttal documentation filed by the employee relative to any of the above documents." I.C. § 33-1210(2)(b).

§ 33-1210 RELEASE:

I understand that the above requirements are a condition of my obtaining employment with the District 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 District 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 District upon employment of the Applicant, if any.
- An Applicant's failure to disclose any former School District 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 District'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 District makes no guaranty or promise of employment to the Applicant. Further, the hiring School District 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 District for any length of time or pursuant to any additional conditions.

**Avery School District
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RELEASE OF INFORMATION

5100F2

[DISTRICT LETTERHEAD]
**REQUEST TO EMPLOYER
IDAHO CODE 33-1210**

Idaho Code 33-1210 requires all Idaho Public School employers to obtain past Idaho Public 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 District 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 district employers), including employers outside of the State of Idaho, to release to the hiring School District all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring School District 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 the _____ District. This individual has identified your Public School as a prior employer. Accordingly, we are requesting that you please provide to the District a copy of all information relating to this individual's performance as an employee with your District. In accordance with the terms of the statute in question, we request receipt of this information within 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:

[Insert District Contact Information Here]

It should be noted that this statute provides that any School District or employee acting on behalf of the School District, 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 or more of the following:

1. That the employer knew the information disclosed was false or misleading;

2. That the employer disclosed the information with reckless disregard for the truth; or
3. That the disclosure was specifically prohibited by a state or federal statute.

Should you have any questions regarding this matter, please contact:

_____ at the above contact information.

District HR

**Avery School District
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VERIFICATION

5100F3

[DISTRICT LETTERHEAD]

REQUEST FOR VERIFICATION OF CERTIFICATE STATUS

Attn:

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 District is seeking information regarding the following individual:

Name of Applicant _____

D.O.B.: _____

Specifically, pursuant to the above-referenced statute, the District 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; and
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.

The District 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,

_____ School District HR Department

**Avery School District
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PERSONNEL**

Procedures for Obtaining Personnel Records for Applicants

5100P

1. Before hiring an applicant for employment in a certificated or non-certificated position the District shall have the applicant sign the statement/release (form 5500F1) and provide a list of their previous employers. The list may be obtained via resume or application. The District 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 District to all of the applicant's current or past, in state or out of state, school district employers along with a request for information relating to job performance and/or job related conduct (Form 5100F2).

Note: The District does not have to request the information for all applicants. The District only has to request the information for the applicant(s) who are considered being offered the position. However, in the interests of timeliness, as it may take up to 20 days to receive such information, the District may request the information of every applicant who has sent a signed statement/release.

3. The District may follow up with current or past school district employers if the information requested has not been received within 25 days from the date the request was sent. The District 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 district employer refuses to comply with the request. The District will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school district employer. The written refusal shall be kept as a part of the applicant's file. The Board directs the Superintendent to establish steps to be taken in confirming prior work experience and checking references of new employees whose former employers refuse to release documentation, and for those with no prior public school work experience.
4. The District shall also request State Department of Education verification of certification status as wells 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. When such information and documentation is not received prior to screening or interviews, the District will review such information no less than 30 days after it has been received. If an applicant has been offered provisional employment pursuant to I.C. 33-1210(7), the District should review the documentation within ten days of receipt. If a written statement of non-employment is to be provided to the provisional employee, it shall be provided before the end of 30 days after the receipt of the documents. If the provisional employee is to be employed by the District, a written contract should be provided prior to the end of the 30 day period. It is the goal of the District to avoid any

situation where an applicant or provisional employee is employed by default or without a written contract.

6. The District 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 District 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.

Procedure History:

Promulgated on: December 11, 2017

**Avery School District
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PERSONNEL**

Certificated Personnel Employment

5105

Definitions

Category 1 Certificated Employees: Certificated personnel hired on a limited one year contract after August 1st or the spouse of a Trustee hired under the limited provisions of Section 33-507(3), Idaho Code.

Category 2 Certificated Employees: Certificated personnel in the first and second years of continuous employment within the same school district.

Category 3 Certificated Employees: Certificated personnel in the third year of continuous employment by the same school district.

Renewable Contract Certificated Employees: Upon being offered a contract for a fourth full consecutive year of employment as a certificated teacher, certificated personnel who may automatically renew their employment with this District, for the next school year, by timely returning their contract.

The District shall have the option to grant renewable contract status when it hires a certificated employee who has been on a renewable contract with another Idaho school district or who has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho. Alternatively, the District can place the certificated employee on a Category 3 contract.

Retired: Certificated personnel receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the State, hired as at-will employees.

Notice

1. Category 1 certificated employees' contracts are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the District to terminate the contract at the conclusion of the contract year.
2. Category 2 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1st and are not entitled to a review of the reasons or decision not to reemploy by the Board.
3. Category 3 certificated employees shall be provided a written statement of reason for non-reemployment by no later than July 1st and shall, upon written request, be given the opportunity for an informal review of such decision by the Board. The parameters for the

informal review will be determined by the Board. Before the Board determines not to renew the contract for the unsatisfactory performance of category 3 certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following at least one evaluation. In no case shall the probationary period be less than eight weeks. The probation shall be preceded by written notice from the Board, with the reasons for the probationary period and the areas of work which are deficient and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.

4. Contracts for all renewable contracted certificated employees shall be issued by July 1st. All employees on renewable contracts must timely return their contract. The employee's failure to timely return a renewable contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract. Before the Board determines not to renew the contract for the unsatisfactory performance of renewable contracted certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following an observation, evaluation, or partial evaluation. The probation shall be preceded by written notice from the Board, or its designee, with the reasons for the probationary period and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.
5. Contracts for retired teachers are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the District to terminate the contract at the conclusion of the contract year.

Supplemental Contracts

An extra duty assignment is, and extra duty supplemental contracts ~~are~~ may be issued for, an assignment which is not part of a certificated employee's regular teaching duties. A supplemental contract for extra duties shall be separate and apart from the certificated employee's underlying contract (Category 1, 2, 3 or renewable) and no property rights shall attach. A written notice of non-reissuance of the extra duty supplemental contract with a written statement of reasons shall be provided. Upon written request, the certificated employee shall be given the opportunity for an informal review of such decision by the Board. The parameters for the informal review will be determined by the Board. The contract shall be in a form approved by the state superintendent of public instruction.

An extra day assignment is, and supplemental extra day contracts may be issued for, an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of the District. Such additional days may be in service of the same activities as the employee's regular teaching duties. Any such extra day contracts shall provide the same daily rate of pay and rights to due process and procedures as provided by the certificated employee's underlying contract (Category 1, 2, 3 or renewable). The contract shall be in a form approved by the state superintendent of public instruction.

Delivery of Contract

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

If a District delivers contracts via electronic means, with return electronic receipt, and the District has not received a returned signed contract and has not received an electronic read receipt from the employee, the District shall then resend the original electronically delivered contract to the employee via certified mail, return receipt requested, and provide such individual with a new date for contract return.

Return of the Contract

A person who receives a proposed contract from the District 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 if the contract is not signed and returned to the Board within the designated time period, the Board may declare the position vacant. Through this policy the Board delegates to the Superintendent the power, as the designee of the Board, to declare such position vacant should a signed contract not be returned within the designated period.

Cross Reference:	Policy 5340 Policy 6100	Evaluation of Certificated Personnel Superintendent
Legal Reference	I.C. § 33-507 I.C. § 33-513 I.C. § 33-514 I.C. § 33-514A I.C. § 33-515 I.C. § 33-515A	Limitation upon Authority of Trustees Professional Personnel Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement Issuance of Limited Contract – Category 1 Contract Issuance of Renewable Contracts Supplemental Contracts

Policy History:

Adopted on: December 11, 2017

Avery School District
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PERSONNEL

Informal Review

5107

The following events and circumstances create a right allowing the specified employees to request an Informal Review for the Board's decision to not reemploy or reissue an employment contract:

1. Non-reemployment of Category 3 teachers;
2. An administrative employee reassignment;
3. Non-reissuance of Supplemental Extra-Duty Contracts; and
4. Any other circumstance specified in Idaho law creating a right to request an informal review.

The parameters for the Informal Review will be determined by the Board.

The District will use the following procedure:

1. The employee must request, in writing, an Informal Review within 14 calendar days of receiving notice of the events creating a right to Informal Review. The request must be submitted to the Board Clerk. Failure to request Informal Review within 14 calendar days will result in the employee waiving the right to an Informal Review.
2. The employee will be given an opportunity to meet with the Board in executive session within 14 calendar days of the date that the request for Informal Review is submitted to the Board, or alternately, at the next regularly scheduled Board meeting, as determined by the Board. At the option of the Board, the employee may be permitted to provide the Board with documentation in support of the employee's position. The Board, in its discretion, may limit the amount of time allotted for presentation of any additional information by the employee during the Informal Review.
3. The Administration shall have the right to be present during the Informal Review and may respond to the employee's presentation and/or respond to any inquiries by the Board.
4. The Board shall make a decision to uphold the earlier employment decision, or make some other decision regarding the issue(s) raised during the executive session. Such decision must be made by the Board in open session, identifying the employee by number or letter (i.e.: "Subsequent to the Informal Review, the Board upholds the prior employment decision regarding employee "A").
5. The Board shall notify the employee, in writing, of its final decision on the matter within 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 other than that detailed above, or present and/or cross-examine witnesses unless specifically agreed to by the Board. The Board may elect to ask questions of the employee or administrator present at the Informal Review, but this does not confer upon the employee the right to ask questions of the Board or the administration.

Cross Reference: 5105 Certificated Personnel Reemployment

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

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Criminal History/Background Checks

5110

General

It is the policy of the District 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 District 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 District, could provide valuable information to the District.

Where a prior conviction is discovered, the District 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 District, Idaho law requires the following employees hired on or after July 1, 2008 to submit to criminal history checks. The list is to include, but is not limited to:

1. Certificated and non-certificated 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 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 registry.

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

The fee charged to an employee shall be \$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 District of any arrest or criminal conviction that occurs subsequent to being hired by the District. 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 or she is required to report such arrest promptly to the employee's supervisor or department head within one 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 or her, the employee shall follow the same reporting requirements as outlined above.

Supervisors or department heads shall contact the Superintendent or designee upon receiving notification that an employee has been arrested or has a protection order served against him or her. The District 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 District to terminate or take other action against any employee that has either been convicted of one 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 years. If a substitute teacher has undergone a criminal history check within five years as a result of employment with another District, the District may in its sole

discretion, not require a substitute to undergo a criminal history check. If the District does desire a substitute teacher who has undergone a criminal history check within the last five years to undergo an additional criminal history check, the District will pay the costs of such check.

Other Employees

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

Volunteers

Any volunteer in the District who has regular unsupervised access to students, as determined by the Superintendent or the Superintendent'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 District.

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 Superintendent, who shall decide whether the volunteer is suitable to be in the presence of the students in the District. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Contractors

The District 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. §74-106 Records Exempt from Disclosure
Public Law 105-251, Volunteers for Children Act

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Equal Employment Opportunity and Non-Discrimination

5120

The District shall provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, gender identity and expression, sexual orientation, age, ancestry, marital status, military status, citizenship status, pregnancy, use of lawful products while not at work, physical or mental handicap or disability if otherwise able to perform the essential functions of the job with reasonable accommodations, and other legally protected categories.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose an undue hardship upon the District.

Inquiries regarding discrimination should be directed to the Title IX or Nondiscrimination Coordinator. Specific written complaints should follow the Uniform Grievance Procedure.

In compliance with federal regulations, the District will notify annually all students and applicants of this policy and the designated coordinator to receive inquiries. Notification should include the name and location of the coordinator.

Cross Reference: 5250 Uniform Grievance Procedure
 5100 Hiring Process and Criteria

Legal Reference:	8 U.S.C. §§ 1324(a), et seq.	Immigration Reform and Control Act
	20 U.S.C. §§ 1681, et seq.	Title IX of the Education Amendments
	29 U.S.C. § 206(d)	Equal Pay Act
	29 U.S.C. §§ 621, et seq.	Age Discrimination in Employment Act
	29 U.S.C. §§ 791, et seq.	Rehabilitation Act of 1973
	42 U.S.C. §§ 12111, et seq.	Americans with Disabilities Act, Title I
	42 U.S.C. §§ 2000(e), et seq.	Title VII of Civil Rights Act
	29 C.F.R., Part 1601	Title VII of Civil Rights Act
	29 CFR 1604.10	Pregnancy Discrimination Act - Employment Policies Relating to Pregnancy and Childbirth
	34 C.F.R., Part 106	Title IX of the Education Amendments
	I.C. § 67-5909	Acts Prohibited

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Reporting New Employees

5125

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 District 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 District will ensure that the W-4 form contains the following information:

1. The employee’s name, address, and social security number;
2. The District’s name, address, and federal tax identification number;
3. The District’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 District will report the hiring or rehiring of any individual to the department within 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 District, and the copy will set forth the date on which the report was mailed, faxed, or electronically transmitted.

Should the District 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 12 days apart and not more than 16 days apart.

The District 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. § 72-1601et seq. State Directory of New Hires

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Administrative Leave

5130

The Board hereby delegates to the Superintendent and any designee of the Superintendent the Board's authority to place a certificated employee on a period of paid administrative leave or paid suspension if the Superintendent or designee believes that such action is in the best interest of the District.

Should this authority be exercised and any certificated employee placed onto a period of paid administrative leave or suspension, this action shall be presented to the Board within 21 days of taking such action, whether at the next regularly scheduled Board meeting or a special meeting.

At the time the Board is presented with the action they shall either ratify or nullify the act of placing the certificated employee onto a period of paid leave or suspension. The Board may continue the period of administrative leave or suspension at the time the Board takes action.

Legal Reference: I.C. § 33-513 Professional Personnel

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Applicability of Personnel Policies

5200

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between the terms of a collective bargaining agreement and the District's policy, the law provides that the terms of the collective bargaining agreement shall prevail for the staff covered by that agreement.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the Board to effectively and efficiently manage the District 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 District'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: December 11, 2017

Avery School District
#394
PERSONNEL

Job Descriptions

5205

There shall be written job descriptions for all positions and for all employees of the School District. 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 District. 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 District 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 Superintendent 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 Non-Certificated Personnel

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Work Day

5210

For purposes of this policy, work day for certificated employees is defined as the time an employee is expected to be on the school's premises. The Board and administration recognize that certificated teaching professionals put in hours far in excess of those hours which they are expected to be at the school; however, this excess time is not considered as part of the work day for the purposes of this policy.

Work day for classified employees is defined as the length of time of scheduled work for the individual classified employee. No work outside of this time frame is expected, required, or approved.

The length of a work day for a certified employee shall be eight and one half (8.5 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. Arrival time shall generally be one-half hour before classes begin or as otherwise directed by the building principal.

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 40 hours 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.

Cross Reference: 5810 Compensatory Time and Overtime/Classified Employees

Legal Reference: 29 USC 201 to 219 Fair Labor Standards Act of 1985
29 CFR 516, *et seq.* FLSA Regulations, Idaho Department of Labor

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Accommodating Individuals With Disabilities

5230

Individuals with disabilities shall be provided a reasonable opportunity to participate in all school-sponsored services, programs, and activities on an equal basis to those without disabilities and will not be subject to illegal discrimination. The District 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 Superintendent is designated the Americans with Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

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

Individuals with disabilities should notify the Superintendent or building principal 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: December 11, 2017

Avery School District
#394
PERSONNEL

Health Examination

5235

The District has a legal obligation to protect the morals, health, and safety of the District's students and personnel, and in furtherance of such has an obligation to prohibit the presence of and provide for the removal of individuals whose presence is detrimental to the morals, health, safety, academic/learning environment, or discipline of pupils. The District further has a legal obligation to assure that professional teaching personnel are free from contagious disease.

Should a situation arise where the Superintendent or designee has reasonable and articulable grounds to believe that any school employee, certificated or non-certificated, is suffering from a physical or mental illness and that such illness that:

1. Prevents or impairs the ability of the employee to perform his or her duties; or
2. Poses a risk and/or is detrimental to the health, welfare, or safety of students; or
3. Poses a risk and/or is detrimental to the health, welfare, or safety of other employees; or
4. Falls within the requirements of Section 33-1202(3), Idaho Code, for certificate holders to be free from contagious diseases that may pose a health or safety risk to students or other employees;

the Superintendent or his or her designee may require the employee to secure a physical or mental examination and obtain a written medical certificate clearing the employee for work to be submitted to the Superintendent and may put such employee on a period of paid leave, pursuant to District and State statutory leave requirements, until such time as the examination and clearance to return to work has been obtained. Should such a request be made:

1. The requested examination shall be at the cost of the District;
2. The information obtained by the District as a result of the examination shall remain confidential and disclosed only to employees in a position to require knowledge; and
3. The employee shall not suffer any loss of compensation during the period of absence associated with the requested examination.

Legal Reference: I.C. § 33-512 Governance of Schools
I.C. § 33-1202 Eligibility for Certificate

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Sexual Harassment/Sexual Intimidation in the Workplace

5240

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 District 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, principals 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.

District 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 or her representative, if any;
3. Obtain signed statements of witnesses; and
4. Prepare a report of the investigation.

Confidentiality

Due to the damage that could result to the career and reputation of any person accused falsely or in bad faith 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 coworkers 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: December 11, 2017

**Avery School District
#394
PERSONNEL**

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment 5240F

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 by the District.

Employee Signature

Employee Printed Name

Date

**Avery School District
#394
PERSONNEL**

Certificated Staff Grievances

5250

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 District policies or a written allegation of a violation of the Master Agreement between the District and the teachers' association.

Grievance Procedure

The District will first review the collective bargaining agreement for any applicable grievance procedures. If such a provision exists, such procedures shall govern the resolution of certificated staff grievances.

A 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 file the written grievance with their building principal/Superintendent. The written grievance shall state:

1. The policy or provision the employee believes was 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 principal/superintendent within ten working days of the date of the initial event allegedly giving rise to the grievance.

The principal/superintendent shall meet with the grievant and shall conduct whatever additional meetings or investigative activities the principal or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten working days, the principal/superintendent shall provide the grievant with a written response to the grievance of the certificated employee.

If the grievant is not satisfied with the decision of the superintendent, the individual shall have a period of five working days to notify the Board of Trustees, by submitting a written objection to the decision, to the Board requesting that the Board review the decision.

The Board is the policy-making body of the District, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

Upon receipt of a written appeal of the decision of the Superintendent, 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 30 days of that meeting. The decision of the Board will be final.

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Abused and Neglected Child Reporting

5260

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding observation and reporting of suspected child abuse, child abandonment, or child neglect. The Superintendent 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, or soft tissue swelling. Abuse is further defined in I.C. 16-1602 to include 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. Abuse also includes abandonment and neglect.

"Abandoned" is defined as 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 year is 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 or her well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items;

-I.C. § 16-1602(25).

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

Employees of the District shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Superintendent or the Superintendent'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 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per I.C. § 16-1606.

In addition, according to I.C. § 16-1607:

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.

Any District 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. § 16-1602	Definitions
	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

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Report of Suspected Child Abuse, Abandonment, or Neglect

5260F

Original to: Local Law Enforcement _____
Department of Health and Welfare _____

Copy to: Superintendent _____
Building Principal _____

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: _____ Phone: _____

Address: _____

Mother: _____ Phone: _____

Address: _____

Guardian or Step-Parent: _____ Phone: _____

Address: _____

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: _____

**Avery School District
#394
PERSONNEL**

**Employee Responsibilities Regarding Student Harassment,
Intimidation, and Bullying**

5265

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of the District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding intervention and reporting of student harassment, intimidation, and bullying.

Intervention

District employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying.

Intervention shall be designed to:

1. Correct the problem behavior;
2. Prevent another occurrence of the problem;
3. Protect and provide support for the victim of the act; and
4. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Professional Development

The District shall provide ongoing professional development to assist school employees in preventing, identifying, intervening, and responding to harassment, intimidation, and bullying.

The content of ongoing professional development for District employees shall include, but is not limited to:

1. School philosophy regarding school climate and student behavior expectations;
2. Definitions of harassment, intimidation, and bullying with specific examples;
3. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents;
4. Expectations and examples of staff intervention to harassment, intimidation, and bullying; and
5. School process for responding to harassment, intimidation, and bullying including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services, and parental involvement.

Student Discipline

When disciplinary action is necessary for students engaging in harassment, intimidation and bullying, employees shall follow relevant District policies [3330 and 3340].

Reporting

Any District employee who has witnessed, or has reliable information, that a student has been subject to harassment, intimidation or bullying, must report the incident to the designated school official in accordance with District policy and procedure [3295 and 3295P].

Knowingly submitting a false report under this policy shall subject the employee to discipline up to and including termination.

The Superintendent, building principal, and/or their designee shall be responsible for receiving complaints alleging student harassment, intimidation, and bullying and will ensure that documented complaints will be maintained as a confidential file in the District office and reported as required by the State Department of Education.

Policy Distribution

The Superintendent or designee shall annually distribute and review with employees the requirements, policies, and procedures to be followed concerning the handling of student harassment, intimidation, and bullying and shall include this information in employee handbooks. All new employees will be given these policies and procedures as part of their orientation program.

Cross Reference: 3295-3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
3330	Student Discipline
3340	Corrective Actions and Punishment

Legal References: I.C. § 18-917	Hazing
I.C. § 18-917A	Student Harassment – Intimidation – Bullying
I.C. § 33-1630	Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Personal Conduct

5270

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of District business and are required to comply with 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 District, 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 District duties. A District 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.

District employees who are contacted by the media should direct such inquiries to either the individual in question or to the Superintendent, his or her designee, or to _____ [A **SPECIFIC PERSON IN THE EMPLOYMENT OR PUBLIC RELATIONS OFFICE**].

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: December 11, 2017

Avery School District
#394
PERSONNEL

Professional Standards Commission (PSC) Code of Ethics

5280

The Code of Ethics for Idaho Professional Educators was developed by the Professional Standards Commission, approved by the Idaho State Board of Education, and approved by the Idaho Legislature.

The District's professional educators are required to comply with the most current version of the Code of Ethics provided in IDAPA 08.02.02.076.

Additionally, the Board requires all classified employees and volunteers of the District to comply with the Code of Ethics to the extent applicable to their work. Violation of the Code of Ethics may result in disciplinary action up to and including termination of employment or volunteer position with the District.

The Idaho Code of Ethics consists of Ten Principles. Below is a summary of those principles. Please refer to the complete document for details.

1. **Principle I:** A professional educator abides by all federal, State, and local laws and statutes.
2. **Principle II:** A professional educator maintains a professional relationship with all students, both inside and outside the classroom.
3. **Principle III:** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.
4. **Principle IV:** A professional educator exemplifies honesty and integrity in the course of professional practice.
5. **Principle V:** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.
6. **Principle VI:** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation.
7. **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.

8. **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.
9. **Principle IX:** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators, and submits reports as required by Idaho Code.
10. **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.

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.

Code of Ethics for Idaho Professional Educators

01. Aspirations and Commitments.

- 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.
- 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 goals and potential as an effective citizen.
- 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 cultures and beliefs.
- 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.
- 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.

- 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.

02. Principle I – Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code.

03. Principle II – Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to:

- a. Committing any act of child abuse, including physical or emotional abuse;
- b. Committing any act of cruelty to children or any act of child endangerment;
- c. Committing or soliciting any sexual act from any minor or any student regardless of age;
- d. Committing any act of harassment as defined by District policy;
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age;
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g. sexual innuendoes or sexual idiomatic phrases);
- g. Taking or possessing inappropriate images (digital, photographic, or video) of students;
- h. Inappropriate contact with any minor or any student regardless of age using electronic media;
- 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;
- j. Conduct that is detrimental to the health or welfare of students; and,
- k. Deliberately falsifying information presented to students.

04. Principle III – Alcohol and Drugs Use or Possession. 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:

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

05. Principle IV – Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to:

- a. Fraudulently altering or preparing materials for licensure or employment;
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure;
- 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;
- d. Failure to notify the State at the time of application for licensure of past criminal convictions of any crime violating statutes or rules governing teacher certification;
- 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.);
- f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves;
- g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation;
- h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and,
- i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification.

06. Principle V – Funds and Property. 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:

- a. Misuse, or unauthorized use, of public or school-related funds or property;
- b. Failure to account for school funds collected from students, parents, or patrons;
- c. Submission of fraudulent requests for reimbursement of expenses or for pay;
- d. Co-mingling of public or school-related funds in personal bank account(s);
- e. Use of school property for private financial gain;
- f. Use of school computers to deliberately view or print pornography; and,
- g. Deliberate use of poor budgeting or accounting practices.

07. Principle VI – Compensation. 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:

- a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit;
- 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;
- c. Tutoring students assigned to the educator for remuneration unless approved by the local Board of Education; and,
- d. Soliciting, accepting, or receiving a financial benefit greater than \$50 as defined in Section 18-1359(b), Idaho Code.

08. Principle VII – Confidentiality. 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:

- 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
- b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities.

09. Principle VIII – Breach of Contract or Abandonment of Employment. 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:

- a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;
- b. Willfully refusing to perform the services required by a contract; and,
- 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.

10. Principle IX – Duty to Report. 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:

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity);
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment, or neglect);
- c. Failure to comply with Section 33-512B, Idaho Code, (Suicidal tendencies and duty to warn); and
- 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.

11. Principle X - Professionalism. 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:

- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties;
- b. Committing any act of harassment toward a colleague;
- c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings;
- d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, State, or national education association elections;
- e. Willfully interfering with the free participation of colleagues in professional associations; and

- f. Taking or possessing inappropriate images (digital, photographic, or video) of colleagues.

Definitions for Use with the Code of Ethics for Idaho Professional Educators

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.

02. Allegation. A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code.

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.

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.

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.

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).

08. Contract. Any signed agreement between the School District and a certificated educator pursuant to Section 33-513(1), Idaho Code.

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.

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

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).

12. Executive 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.

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.

14. Hearing Panel. A minimum of three 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.

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

16. Minor. Any individual who is under 18 years of age.

17. Not-Sufficient Grounds. A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's certificate.

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.

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.

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.

21. Revocation. The invalidation of any Certificate held by the educator.

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.

23. Student. Any individual enrolled in any Idaho public or private school from preschool through grade 12.

24. Sufficient Grounds. A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint.

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: I.D.A.P.A. 08.02.02.076 Code of Ethics for Idaho Professional Educators
I.D.A.P.A. 08.02.02.077 Definitions for Use with the Code of Ethics for
Idaho Professional Educators
I.C. § 33-513 Professional Personnel
I.C. § 33-1208 Revocation, Suspension, Denial, or Place Reasonable
Conditions on Certificate—Grounds
I.C. § 33-1208A Reporting Requirements and Immunity
I.C. § 33-1209 Proceedings to Revoke, Suspend, Deny or Place
Reasonable Conditions on a Certificate—Letters of
Reprimand—Complaint—Subpoena Power—Hearing

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Solicitations

5285

Solicitations By Staff Members

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

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 Superintendent.

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Political Activity - Staff Participation

5290

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the District 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 District 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.

The District shall not restrict constitutionally protected political speech of employees during non-instructional times in non-student contact settings, such as during duty-free periods in faculty break rooms and lounges during the school day or during afterschool events. Nothing in this section is intended to restrict the right of a District employee to express his or her personal constitutionally protected political views.

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

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Professional Employee Representation for Purposes of Negotiations

5295

In accordance with the applicable provisions of the Idaho Code, in order for the District to engage in negotiations with an authorized Local Education Organization, upon Board request, the organization shall be required to demonstrate to the District that it has been duly chosen and selected by fifty 50% plus one of the professional employees of the District, excluding administrative personnel, as their representative organization for negotiations.

Commencing Negotiations

A party interested in commencement of negotiations shall provide the other party notice of such interest, in writing.

If the Board is interested in commencement of negotiations, it shall provide written notification to any representative organization for which membership is known to exist at the District (i.e. local affiliation with IEA, AFT, NWPEA etc.). If the District is not aware of any membership, the District has no obligation to provide notice. However, if the District is aware that a local educational entity has 50% plus one dues paying members, the District need only contact this one organization about a desire to commence negotiations.

If an organization is interested in the commencement of negotiations, a written letter shall be advanced by the organization to the Board's Clerk. An organization interested in the commencement of negotiations need not be a formal organization with any ties to any state or national entity. Such organization may be entirely comprised of a local group of professional employees of the District, with no affiliation to any outside organization.

Identification of the Number of Professional Employees Required for Negotiations

Upon notification of interest in commencing negotiations, whether such is by the District or by an organization, the District shall prepare a list of all professional employees of the District currently on contract, excluding those serving as administrative personnel.

District personnel shall ascertain from this list what number of individuals the organization must represent to obtain Local Education Organization status for the purpose of negotiations pursuant to the 50% plus one statutory requirement.

The District shall notify the organization of the representation number necessary to meet the 50% plus one statutory requirement. This notification shall be in writing or via electronic communication so as to maintain a record of such communication.

If an employee is a partial administrative FTE and a partial teaching FTE, and is counted as such on the District's State reporting, the District may include the partial teaching FTE, only to the extent of the percentage of the partial teaching FTE, in the listing and calculation for representative status.

If any question arises as to the number of professional employees required to reach the 50% plus one representative status, a meeting shall be held between a District representative(s) and representation of the organization to review the manner in which the figure was reached.

Obtaining Authorizations and Representative Status

The organization's process for obtaining authorization for representative status for the purposes of negotiations must include the following:

1. Representation authority for the purpose of negotiations must be documented in writing.
2. Representation authority for the purpose of negotiations must be associated with the current school year in question and not based off of authorization from a prior school year, even if such is contended to be continuing or rolling. The current school year's representation authority status shall be noted on the written authorization from the professional employee.
3. For representation status for the purpose of negotiations, the subject employee need not be a member, dues paying or otherwise, of any official labor organization, association or union.

Both parties shall keep in mind a number of additional considerations from the Code of Ethics for Idaho Professional Educators and the Idaho Right to Work Laws which indicate:

1. Unethical conduct includes willfully interfering with the free participation of colleagues in professional associations.
2. The right to work shall not be subject to undue restraint or coercion.
3. The right to work shall not be infringed or restricted in any way based on membership, affiliation, or financial support of a labor organization or the refusal of the same.
4. No person shall be required, as a condition of employment or continuation of employment:
 - A. To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization, or
 - B. To become or remain a member of a labor organization, or
 - C. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization, or

- D. To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization, or
 - E. To be recommended, approved, referred, or cleared by or through a labor organization.
5. It is unlawful to deduct from the compensation of any employee any fees, assessments, or other charges paid over to a labor organization, unless the employee has first provided the District with a signed written authorization. The employee may revoke the authorization for withholding at any time by giving written notice of such revocation to the District.
 6. It is unlawful for any person, by any threatened or actual intimidation or by any damage or threatened damage to the property of an employee/prospective employee or the family of an employee/perspective employee, to compel or attempt to compel an employee to join, affiliate, or financially support a labor organization or to refrain from doing so.
 7. It is unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with an employee.

Neutral Party Selection

The District shall create a list of three neutral individuals from which one will be selected by the parties to serve as the “Neutral Party”, the individual responsible for reviewing and determining if the organization has met the representative status of 50% plus one as required by statute.

This list shall be prepared in writing and all such individuals on the list shall have been contacted to assure their willingness and capability to perform such duties and:

1. Such neutral individual shall not be or have been a former employee with the District and shall not have a spouse, parent, child, or grandchild who is or has been a former employee of the District.
2. Such neutral individual shall not be or have been a former employee or member of any affiliated state organization or fellow local organization affiliated with a state organization associated with the local organization seeking representative status and likewise shall not have a spouse, parent, child or grandchild who is or has been a former employee or member of the affiliated state organization or a fellow local organization associated with the state organization.
3. Such neutral individual list shall be generated from a review of local current and/or former public officials and public citizens who serve the community. Examples may include but not be limited to: local city council members or employees, local mayor or mayor’s office employees, local legislators, employees of the State Department of Education, employees of the State Board of Education, local judges or county clerk’s, officials or officers at a local banking institution, etc.

A meeting shall be held between a District representative(s) and representatives of the organization seeking to obtain Local Education Organization status. At such meeting, the written list of neutral individuals will be provided and discussed. If the parties cannot mutually agree to select one of the individuals from the list, the parties shall take alternative turns, each striking one individual from the list to leave a final selection, with the organization seeking to obtain representative status having the first option to strike a name. The final name left after each side has had the chance to strike one will serve as the Neutral Party responsible for determining if the organization has met the representative status of 50% plus one as required by statute.

Subsequent to selection of the neutral party, both the District and organization shall sign written notification of the selection and neither party shall have communications, directly or indirectly, with the neutral party, absent the consent and participation of the other party.

Neutral Party Review

Jointly, the District and the organization shall provide the Neutral Party with the following information to ascertain representative status:

1. The District shall provide, in writing, to the Neutral Party, the list of professional employees on contract, excluding administrative personnel, prepared pursuant to step number 2, above.
2. The organization shall provide, in writing, to the Neutral Party, the current written authorization documentation, from each professional employee who has signed such, documenting authority to act as a representative for the purpose of negotiations.
3. The organization is not required to provide the current written authorization documentation to the District or its administration, but may choose to do so if it so desires.
4. The District shall provide a copy of this policy as well as a copy of Section 33-1272, Idaho Code.

The neutral party shall then compare the list provided by the District and the written authorizations from the organization. Upon completion of the comparison, the neutral party shall prepare a written letter indicating the exact percentage of District Professional Employees, to the second decimal, that have provided written authorization to the organization to serve as a representative for negotiations purposes. This letter shall be notarized and jointly provided to the District and the organization seeking representation status for the purpose of negotiations.

Final Steps

If representative status of 50% plus one has been obtained, the parties then may initiate the negotiation process with the now determined Local Education Organization for the purpose of

negotiations. If such representative status has not been met due to failure to meet the statutory required levels, negotiations shall not commence.

If no new organization seeks to obtain representative status for the purpose of negotiations and to be deemed the local education organization, in due course the District's Board may establish compensation and benefits and other working conditions as it deems appropriate.

Legal Reference: I.C. § 33-1271 School Districts – Professional Employees – Negotiation Agreements
I.C. § 33-1272 Definitions
I.C. § 44-2001 Declaration of Public Policy
I.C. § 44-2003 Freedom of Choice Guaranteed, Discrimination Prohibited
I.C. § 44-2004 Voluntary Deductions Protected
I.C. § 44-2006 Coercion and Intimidation Prohibited
IDAPA 08.02.02.076 Code of Ethics for Professional Educators

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Tobacco Free Policy

5310

The District maintains tobacco free buildings and grounds. Use of tobacco will not be allowed in any buildings or grounds, or on any school property, buses, vans, or vehicles that are owned, leased, or controlled by the District. Nor will employees be allowed to use tobacco while on duty. New employees of the District will be hired with the understanding that they will be directed not to use tobacco in school buildings or grounds or on any school property, buses, vans, or vehicles that are owned, leased, or controlled by the District. Limitations or prohibitions on tobacco use are applicable to all hours.

Definition

For the purposes of this policy, tobacco use shall be defined as the use of a cigarette, cigar, pipe, smokeless tobacco in any form, and other smoking products specifically including electronic cigarettes, electronic nicotine delivery systems, or vaporizer smoking devices.

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

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Drug- and Alcohol-Free Workplace

5320

Purpose

The Avery School District 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 alcohol and illegal drugs, and the misuse of prescription drugs is unacceptable. All District workplaces are hereby declared to be drug- and alcohol-free workplaces. A copy of this policy will be provided to each employee with materials describing the dangers of drug use in the workplace and information on any drug counseling, rehabilitation, or employee assistance programs available.

All employees are prohibited from:

1. Unlawful manufacturing, dispensing, distributing, possessing, being under the influence of a controlled substance, or using illegal drugs or drug paraphernalia, while on District premises, while performing work for the District, or in attendance at District-approved or school-related functions;
2. Distributing, manufacturing, selling, consuming, using, possessing, or being under any degree of intoxication or odor from alcohol while on District premises, while performing work for the District, or in attendance at school-approved or school-related functions; and
3. Taking prescription drugs above the level recommended by the prescribing physician and using prescribed drugs for purposes other than those for which they are intended. In addition, employees will not distribute a prescribed drug to another employee or student.

As a condition of employment, each employee shall:

1. Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her Superintendent of his or her conviction under any criminal drug statute including but not limited to the use of controlled substances, alcohol, prescription drugs, or over-the-counter drugs for a violation occurring on the District premises or while performing work for the District, no later than five days after such a conviction.

Definitions as Used in This Policy

"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 of a licensed health care professional.

"Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act found in Chapter 27, Title 37 Idaho Code.

"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.

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

"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.

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

Confidentiality

Records that pertain to the District's employee required substance screens are recognized to be private and sensitive records. They shall be maintained by the Superintendent or his or her designee in a secure fashion to ensure confidentiality and privacy and be disclosed only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. 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/shall]** be required to submit to a urinalysis test for the detection of the illegal use of drugs. Applicants shall be given a copy of this policy in advance of employment. 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 Superintendent or his or her designee.

An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the District, and such will be considered as a withdrawal of the individual's application for employment. 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 Superintendent or his or her designee. If the first or any requested second confirming test is positive, any job offer shall be revoked.

Physical Examination/Screening Based Upon Reasonable Suspicion

Whenever the Board, through its authorized designee, and/or the Superintendent, reasonably suspect 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 District'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 Superintendent.

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 District's authorized designee, or the Superintendent are the only individuals in the District 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 cases: Deteriorating job performance or changes in personal traits or characteristics where the use of alcohol or drugs may be reasonably suspected as the cause; and
2. Acute case: Appearing to 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 in a specific incident or observation.

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; and
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 District property, or at District-approved or school-related functions.

Post-Accident Testing

Drivers while on school business or operating a school vehicle involved in a motor vehicle accident which involves either a fatality or the issuance of a citation for a moving violation to the District employee may be tested for alcohol misuse and controlled substance abuse.

The driver will contact the District at the time of the accident unless he or she is physically impaired as a result of the accident. The District 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 District testing laboratory will be accepted.

Failure of an employee to submit to testing for either alcohol or a 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 hours of the time of the accident. Testing for controlled substances must be done within 32 hours of the time of the accident.

The driver subject to post-accident testing must refrain from consuming alcohol for either eight hours following the accident or until he or 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 Superintendent or his or her designee within 5 working days after the Superintendent

or designee contacts the employee or job applicant and shows him or 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 or alcohol shall, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the Superintendent or his or her designee. 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 Superintendent or his or her designee is to review the conditions of continued employment with the employee prior to the employee returning to work. Any such condition for continued employment shall be given to the employee in writing. This agreement must be signed by the employee before the employee is allowed to return to the job. Prior to the employee coming back on the job, the employee must complete a drug and/or alcohol test which shows negative results.

The Superintendent or his or her designee 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 Superintendent or his or her designee more than one time within a 72 hour period. In the event of positive test results, the Superintendent or his or her designee will work out disciplinary procedures, if any, in accordance with Board policy and State law.

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 District-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of the District and personnel. Employees have no expectation of privacy in any of these locations or 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 or that an employee has sold, purchased, used, or possessed alcohol, drugs, or drug paraphernalia on District premises, the Board may search the employee and the employee's locker, desk, or other District 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.

District 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. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse employee-assistance rehabilitation program. The fact that an employee has been referred for assistance and his or her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

Should the District 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 Superintendent or his or her designee shall notify the appropriate State or federal agency from which the District receives contract or grant moneys of the employee's conviction, within ten days after receiving notice of the conviction.

In determining whether and to what extent an employee will be disciplined or discharged in regard to violating this policy, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the District'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 District's operations; the nature of the criminal offense; the nature of the employee's job with the District; 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 District.

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;
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 or her own.

Within 30 days after receiving notice of a conviction, the District will take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

Legal Reference: Drug Free Workplace Act of 1988
I.C. 72-1701 through 72-1716
29 CFR 94.205 What Must I Include in my Drug-free Workplace Statement
34 CFR 84.205-215

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Drug and Alcohol Abuse Testing Agreement

5320F

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 by the District.

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

I understand that refusal to sign this document constitutes a refusal to test and the Superintendent 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

**Avery School District
#394
PERSONNEL**

Drug and Alcohol Abuse Testing Program and Procedures

5320P

Drug and Alcohol Abuse Testing Program

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

Program Responsibility: The Superintendent or his or her 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 Superintendent or designee deems it necessary; and verifying that the laboratory report and the specimen are correct.

If the Superintendent or designee determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the Superintendent or 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 District.

Designation of Laboratory: A laboratory certified for the purpose of drug testing by the state of Idaho will be selected to perform the testing on specimens submitted. Business Manager will be responsible for overseeing the required drug test. The Business Manager will also be responsible for properly handling specimens for alcohol testing.

Collection Site: The District Office, is the designated collection site for collecting urine specimens.

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 Superintendent about the required drug and/or alcohol test.

Refusal to Test: The following constitutes refusal to test:

1. Refusing to sign any of the following forms:

- A. Statement that a copy of the alcohol and drug testing procedures and policy has been given and explained; or
- B. Agreement to be tested according to the alcohol and drug testing procedures and policy.

In the event a breath analysis to check for alcohol consumption is required, the analysis will be conducted by a certificated law enforcement officer.

The following constitutes drug testing refusals:

1. Failure to provide a urine sample within four hours, without a valid medical explanation in writing; or
2. Conduct that clearly obstructs testing procedures; or
3. Failure of employee to remain readily available for testing for 32 hours following an accident requiring testing

Specimen Retention: The retention of specimens for possible future analysis is the responsibility of the Business Manager. The Business Manager will retain all specimens for a minimum period of one 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 year. Within this one year period, the person tested or the Superintendent or his or her 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 year period, the sample may be discarded.

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

Record Retention: Confidential records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to ensure confidentiality. Records showing an employee passed a drug test will be kept for at least one 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 years. These records, or any of them, may be maintained by the Superintendent or his or her 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 Superintendent or designee only upon the written consent of the individual, except that results may be released and relied upon by the District 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.

Collection 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.

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

Drug and Alcohol Abuse Testing Procedures for Job Applicants

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.

Applicants will be asked to sign an authorization for the tests which will release the Superintendent 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 Superintendent will suspend the procedures at that point.

The Superintendent or his or her 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.

The Superintendent or designee may require the original specimen to be reanalyzed if necessary.

The Superintendent or 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 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 Superintendent or 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 Superintendent or designee and, upon request, to provide the Superintendent or designee with evidence of all drugs taken by prescription.

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

Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Superintendent or his or her 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.

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.

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

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

If the Superintendent or 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. If the employee insists, the Superintendent designee should tell the employee that if he or she gets in a vehicle to drive that he or she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

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

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, at the sole discretion of the Superintendent, 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 opportunity to be rescheduled for testing.

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 Superintendent in the event an employee refuses to test or does not arrive for testing. In the event of positive test results, the Superintendent will then review other records of the employee work out proper disciplinary procedures, if any, in accordance with Board policy and State law.

Procedure History:
Promulgated on
Revised on:

**Avery School District
#394
PERSONNEL**

Employee Use of Social Media Sites, Including Personal Sites

5325

Because of the unique nature of social media sites, such as Facebook and Twitter, and because of the District'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 District, its employees, students, agents, or others. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the District or as provided by State or federal law.

Do Not Use the District's Name, Logos, or Images

Employees shall not use the District logos, images, iconography, etc. on personal social media sites. Nor shall employees use the District name to promote a product, cause, political party, or political candidate. Nor shall employees use personal images of students, names, or data relating to students, absent written authority of the parent of a minor or authority of an adult or emancipated student.

Respect District Time and Property

No Use of Social Media during Work Hours or on District Equipment

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

On Personal Sites

If you identify yourself as a District employee online, it should be clear that the views expressed, posted, or published are personal views, not necessarily those of the District, its Board, employees, or agents.

Opinions expressed by staff on a social networking website have the potential to be disseminated far beyond the speaker's desire or intention, and could undermine the public perception of fitness of the individual to educate students, and thus undermine teaching effectiveness. In this way, the effect of the expression and publication of such opinions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment

Keep Personal and Professional Accounts Separate

Staff members who decide to engage in professional social media activities will maintain separate professional and personal email addresses. Staff members will not use their District email address for personal social media activities. Use of District email for this purpose is prohibited and will be considered a violation of District policy that may result in disciplinary action.

Contact with Students

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Pursuant to the Code of Ethics for Idaho Professional Educators, individuals shall maintain a professional relationship with all students, both inside and outside of the classroom. Excessive informal or social involvement with students is therefore prohibited. This includes:

1. Listing current students as “friends” on networking sites wherein personal information is shared or available for review which results in the certificated professional employee not maintaining the Code of Ethics requiring professional relationships with students both inside and outside the classroom;
2. Contacting students through electronic means other than the District’s email and telephone system;
3. Coaches electronically contacting a team member or members without including all team members in the communication;
4. Giving private cell phone or home phone numbers to students without prior approval of the District; and
5. Inappropriate contact of any kind including via electronic media.

Nothing in this policy prohibits District staff and students from the use of education websites or use of social networking websites created for curricular, co-curricular, or extracurricular purposes where the professional relationship is maintained with the student.

Failure to maintain a professional relationship with students, both inside and outside of a classroom setting, including interaction via social networking websites of any nature, e-mailing, texting, or any other electronic methods will result in the required reporting of such conduct to the Professional Standards Commission by the District’s Administration.

Rules Concerning District-Sponsored Social Media Activity

If an employee wishes to use Facebook, Twitter, or other similar social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or a school-based activity or an official school-based organization, the employee must

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Recommended Practices for Use of Social Media Sites, Including Personal Sites 5325P

Think Before Posting

Privacy does not exist in the world of social media, therefore the District recommends that employees consider what could happen if a post becomes widely known or how that may reflect on the poster, the District, or its patrons. 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 or a colleague, consider the propriety of posting it online.

Be Respectful

Posts should be considered carefully in light of how they would reflect on the poster, colleagues, the District, and its students, patrons, 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 unnecessarily alienate, harm, or provoke any of these groups.

Contact with Students

Pursuant to the Code of Ethics for Idaho Professional Educators, individuals shall maintain a professional relationship with all students, both inside and outside of the classroom. In order to avoid the appearance of partiality or impropriety, all electronic communications with students should be through the official District e-mail or your work phone. Do not list current students as friends on social media sites, do not give students your personal e-mail address or phone number, and do not text students.

Keep Personal and Professional Use Separate

Staff members who decide to engage in personal social media activities will maintain separate professional and personal email addresses. Staff members will not use their District email address for personal social media activities. Such uses will be considered a violation of District policy and may result in disciplinary action. The District reserves the right to monitor communications transmitted and received through the District network. This may include social media messages and updates sent to a District e-mail account.

District Social Media Sites

Notify the District: Employees that have or would like to start a school social media page should contact their Superintendent or designee. All District pages must have an appointed employee who is responsible for content. Districts 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. Superintendents should be aware of the content on the site, arrange for periodic monitoring of the site, and for the receipt and addressing of any complaints about the content on the site. The Superintendent reserves the right to shut down or discontinue the site if he or she believes it is in the best overall interest of the students.

Have a Plan: Districts should consider their messages, audiences, and goals as well as their strategy for keeping information on social media sites up to date, accurate, and in the best interest of the students.

Protect the District Voice: Posts on District affiliated social media sites should protect the District'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, compliance with District policy and State and federal laws with regard to student and employee confidentiality and the determination of content.

Procedure History:

Promulgated on:

Revised on:

Avery School District
#394
PERSONNEL

Employee Electronic Mail and On-Line Services Usage

5330

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 materials, and messages are sent and retrieved electronically on personal computers.

Internet access and interconnected computer systems are available to the District’s faculty. Electronic networks, including the Internet, are a part of the District’s instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the District to be able to continue to make its computer network and Internet access available, all users must take responsibility for appropriate and lawful use of this access.

The use of the District’s electronic networks shall comply with the selection criteria for instructional materials and library-media center materials. Staff may, consistent with the District’s educational goals, use the Internet throughout the curriculum.

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

The District e-mail and Internet systems are provided for educational purposes only. The District’s electronic network is part of the curriculum and is not a public forum for general use.

Uses

Use for other informal or personal purposes is permissible within reasonable limits provided it does not interfere with work duties and complies with District policy. All e-mail and Internet records are considered District records and should be transmitted only to individuals who have a need to receive them and only relating to educational purposes. Staff has no expectation of privacy in any materials that are stored, transmitted, or received via the District’s electronic network or District computers. The District reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.

Use for informal or personal purposes is not permissible and shall be considered a violation of District policy and may result in disciplinary action. Staff has no expectation of privacy in any materials that are stored, transmitted, or received via the District’s electronic network or District

computers. The District reserves the right to access, monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage, including email and instant messages.

Unacceptable Uses of Network

The following are considered examples of unacceptable uses and constitute a violation of this policy. Additional unacceptable uses can occur other than those specifically listed or enumerated herein:

1. Uses that violate the law or encourage others to violate the law including local, State, or federal law; accessing information pertaining to the manufacture of weapons; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials;
2. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation; employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading or sharing another person's communications or personal information; or otherwise using his or her access to the network or the Internet;
3. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information. Staff will immediately notify the school's system administrator if they have identified a possible security problem. Staff will not go looking for security problems, because this may be construed as an illegal attempt to gain access;
4. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying (defined as using a computer, computer system, or computer network to convey a message in any format that is intended to harm another individual);
5. Uses that jeopardize the security of access and of the computer network or other networks on the Internet; uses that waste District resources;
6. Uses that are commercial transactions, including commercial or private advertising;
7. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the District;
8. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, materials that depict the sexual exploitation of minors, or other inappropriate materials;
9. Sharing one's password with others or allowing them to use one's account;

10. Downloading, installing, or copying software or other files without authorization of the Superintendent or the Superintendent's designee;
11. Posting or sending messages anonymously or using a name other than one's own;
12. Attempting to access the Internet using means other than the District network while on campus or using District property;
13. Sending unsolicited messages such as advertisements, chain letters, junk mail, and jokes;
14. Sending e-mails that are libelous, defamatory, offensive, or obscene;
15. Notifying patrons or the public of the occurrence of a school election by providing anything other than factual information associated with the election – such as location, purpose, etc. Such factual information shall not promote one position over another;
16. Forwarding or redistributing the private message of an e-mail sender to third parties or giving the sender's e-mail address to third parties without the permission of the sender.
17. Downloading or disseminating copyrighted or otherwise protected works without permission or license to do so.

Records

District records, including e-mail and Internet records are subject to public records requests, disclosure to law enforcement or government officials, or to other third parties through subpoena or other processes. The District may review any and all e-mail of any employee, at any time, with or without cause. Consequently, employees should always ensure that all information contained in e-mail and Internet messages is accurate, appropriate, and lawful. E-mail can be used to communicate with parents however, it is important that confidential information about a student never be transmitted via email. A letter, telephone call, or a parent conference may be more appropriate. Please be aware that student-teacher and parent-teacher communication via email is not secure and that any email can become a public record or possibly be obtained by unauthorized users. When communicating with students and parents by e-mail, employees should use their District e-mail rather than a personal e-mail account. E-mail and Internet messages by employees may not necessarily reflect the views of the District. Abuse of the e-mail or Internet systems, through excessive and/or inappropriate personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment. 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 Superintendent.

Privacy

While the District does not intend to regularly review employees' e-mail and Internet records, employees have no right or expectation of privacy in e-mail or the Internet, and the District may

review any and all e-mail of any employee, at any time, with or without cause. Employees shall not use the District's equipment, e-mail, network, software, etc. to engage in otherwise confidential communications as there is no right or expectation of privacy in any communication using District property and any such communications are subject to review by District personnel. Depending upon content, email and Internet communications may potentially be disclosed to any member of the public through a public records request. The District owns the computer, networks, and software making up the e-mail and Internet system and permit employees to use them in the performance of their duties for the District.

Confidentiality of Student Information

Personally identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent or guardian and the student or, if the student is 18 or over, the permission of the student. Staff should be aware that conduct on the District's computer and/or using the District's server may be subject to public disclosure depending upon the nature of the communication. A supervising teacher or administrator may authorize the release of directory information, as defined by law, for internal administrative purposes or approved educational projects and activities.

Internet Access Conduct Agreements

Each staff member will be required to sign the Procedure 5330F Employee Electronic Mail and On-Line Services Use Policy Acknowledgment upon the adoption of this policy or upon hiring.

Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet, and any user is fully responsible to the District and shall indemnify and hold the District, its Trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user.

Violations

If any staff member violates this policy, he or she may be subject to disciplinary action. The system administrator and/or the Internet Safety Coordinator and/or the building principal will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations. Actions which violate local, State, or federal law may be referred to the local law enforcement agency.

Cross Reference: 5290 Political Activity-Staff Participation
5325 Employee Use of Social Media Sites, Including Personal Sites

Legal Reference: Idaho Attorney General Opinion No. 95-07
Board of County Commissioners v. Idaho Health Facilities Authority, 96
Idaho 498 (1975)

Policy History:

Adopted on: December 11, 2017

Avery School District
#394

Evaluation of Certificated Personnel

5340

The district has a firm commitment to performance evaluation of district 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, in achieving District goals, and to assist with decisions regarding personnel actions. This policy applies to all certificated personnel, both pupil instructional personnel and non-instructional personnel

Each certificated staff member shall receive at least one written evaluation to be completed by no later than May 1st for each annual contract year of employment and shall use multiple measures that are research based and aligned to the *Charlotte Danielson Framework for Teaching Second Edition*. The evaluation of certificated personnel shall annually include a minimum of two documented observations, one of which shall be completed prior to January 1st.

Objectives

The formal performance evaluation system is designed to:

1. Maintain or improve each employee's job satisfaction and morale by letting him or her know that the supervisor is interested in his or her job progress and personal development;
2. Serve as a systematic guide for supervisors in planning each employee's further training;
3. Assure considered opinion of an employee's performance and focus maximum attention on achievement of assigned duties;
4. Assist in determining and recording special talents, skills, and capabilities that might otherwise not be noticed or recognized;
5. Assist in planning personnel moves and placements that will best utilize each employee's capabilities;
6. Provide an opportunity for each employee to discuss job problems and interests with his or her supervisor; and
7. 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 Superintendent or his or her 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:

1. Distributing proper evaluation forms in a timely manner;
2. Ensuring completed evaluations are returned for filing by a specified date;
3. Reviewing evaluations for completeness;
4. Identifying discrepancies;
5. Ensuring proper safeguards and filing of completed evaluations;
6. Creating and implementing a plan for ongoing training for evaluators and certificated personnel on the District's evaluation standards, forms, and processes and a plan for collecting and using data gathered from evaluations;
7. Creating a plan for ongoing review of the District's Performance Evaluation Program that includes stakeholder input from teachers, Board Members, administrators, parents/guardians, and other interested parties;
8. Creating a procedure for remediation for employees that receive evaluations indicating that remediation would be an appropriate course of action; and
9. Creating an individualized evaluation rating system for how evaluations will be used to identify proficiency and record growth over time with a minimum of three rankings used to differentiate performance of certificate holders including: unsatisfactory being equal to a rating of 1; basic being equal to a rating of 2; and proficient being equal to a rating of 3.

The Superintendent is responsible for:

1. Continuously observing and evaluating an employee's job performance including a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1st of each year;
2. Holding periodic counseling sessions with each employee to discuss job performance;
3. Completing Performance Evaluations as required; and
4. Completing training on the District's Performance Evaluation Program.

Written Evaluation

Each certificated employee will receive a copy of the written evaluation. The original evaluation will be retained by the Superintendent. The evaluation may be reviewed annually and revised as necessary to indicate any significant changes in duties or responsibilities. The evaluation is

designed to increase planning and relate performance to assigned responsibilities through joint understanding between the evaluator and the employee as to the job description and major performance objectives.

The written evaluation will identify the sources of data used in conducting the evaluation. Aggregate data shall be considered as part of the district and individual school needs assessment in determining professional development offerings.

Evaluation Measures

Shall follow Idaho Code and State Board of Education rules.

Communication of Results: Each evaluation shall include a meeting with the affected employee to communicate evaluation results. At the scheduled meeting with the employee, the Superintendent will:

1. 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.
2. Allow the employee to make any written comments he or she desires. Inform the employee that he or she may turn in a written rebuttal/appeal of any portion of the evaluation within seven days and outline the process for rebuttal/appeal. Have the employee sign the evaluation indicating that he or she has been given a copy and initial after supervisor's comments.

No earlier than seven days following the meeting, if the supervisor has not received any written rebuttal/appeal, the supervisor will forward the original evaluation in a sealed envelope, marked "Personnel-Evaluation" to the Superintendent, or the designee, for review. The supervisor will also retain a copy of the completed form.

Rebuttals/Appeal

Within seven days from the date of the evaluation meeting with their superintendent/supervisor the employee may file a written rebuttal/appeal of any portion of the evaluation. The written rebuttal/appeal shall state the specific content of the evaluation with which the employee disagrees, a statement of the reason(s) for disagreement, and the amendment to the evaluation requested.

If a written rebuttal/appeal is received by the superintendent within seven days, the superintendent may conduct additional meetings or investigative activities necessary to address the rebuttal/appeal. Subsequent to these activities, and within a period of ten working days, the superintendent may provide the employee with a written response either amending the evaluation

as requested by the employee or stating the reason(s) why the superintendent will not be amending the evaluation as requested.

A copy of the final evaluation and the employee's rebuttal will be retained by the superintendent.

Frequency of Observation and Evaluation

Shall include a minimum of one documented observation being completed by January 1 of each year. A second Observation/Evaluation shall be conducted during the second half of each school year.

Action

Each evaluation will include identification of the actions, if any, available to the district as a result of the evaluation as well as the procedure(s) for implementing each action. Available actions include, but are not limited to, recommendations for renewal of employment, non-renewal of employment, probation, and others as determined. Should any action be taken as a result of an evaluation to not renew an individual's contract the district will comply with the requirements and procedures established by State law.

Records

Permanent records of each certificated personnel's evaluation and any properly submitted rebuttal/appeal documentation will be maintained in the employee's personnel file. All evaluation records, including rebuttal/appeal documentation, will be kept confidential within the parameters identified in State and federal law regarding the right to privacy.

Review

The Evaluation Policy will be reviewed annually at a regular Board of Trustees meeting. All stakeholders will be eligible to offer input to the Board of Trustees regarding the review.

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 District Evaluation Policy

Policy History:

Adopted on: 12/11/2017

Amended: 10/10/2022

Individual Professional Growth Plan Form

5340 F1

Calder School Year: _____ Date _____

Signature _____

1) Based on your self-assessment, your administrator's input, and any school or district initiatives, what goal have you identified?

2) What is an area of knowledge or skill that you would like to strengthen?

3) Describe the connection between this goal and your teaching assignment.

4) What would success on this goal look like?

5) How will you know when you have achieved it?

6) What would count as evidence of success?

7) Describe the activities you will do to work toward your goal, and their time lines.

Activity:

Time Line:

8) What resources will you need to better achieve your goal?

Annual Evaluation

5340F2

(Framework for Teaching Rubric)

EMPLOYEE'S NAME: _____

SCHOOL YEAR: _____

DATE: _____

EVALUATOR: _____

Employee Status: ___ Category 1 ___ Category 2/3 ___ Renewable Contract Summary of Performance

Domain 1: Planning and Preparation

Component	Does not meet Standards	Developing	Proficient
1a. Demonstrating Knowledge of Content and Pedagogy	The teacher's plans and practice display little knowledge of the content, prerequisite relationships between different aspects of the content, or the instructional practices specific to that discipline.	The teacher's plans and practice reflect some awareness of the important concepts in the discipline, prerequisite relationships between them, and the instructional practices specific to that discipline.	The teacher's plans and practice reflect solid knowledge of the content, prerequisite relationships between important concepts, and the instructional practices specific to that discipline.
1b. Demonstrating Knowledge of Students	The teacher demonstrates little or no knowledge of students' backgrounds, cultures, skills, language proficiency, interests, and special needs, and does not seek such understanding.	The teacher indicates the importance of understanding students' backgrounds, cultures, skills, language proficiency, interests, and special needs, and attains this knowledge for the class as a whole.	The teacher actively seeks knowledge of students' backgrounds, cultures, skills, language proficiency, interests, and special needs, and attains this knowledge for all students.
1c. Setting Instructional Outcomes	Instructional outcomes are unsuitable for students, represent trivial or low level learning, or are stated only as activities. They do not permit viable methods of assessment.	Instructional outcomes are of moderate rigor and are suitable for some students, but consist of a combination of activities and goals, some of which permit viable methods of assessment. They reflect more than one type of learning, but the teacher does not attempt at coordination or integration.	Instructional outcomes are stated as goals reflecting high-level learning and curriculum standards. They are suitable for students in the class, represent different types of learning, and can be assessed. The outcomes reflect opportunities for coordination.
1d. Demonstrating Knowledge of Resources	The teacher demonstrates little or no familiarity with resources to enhance own knowledge, to use in teaching, or for students who need	The teacher demonstrates some familiarity with resources available through the school or district to enhance own knowledge, to use in teaching, or for students who need	The teacher is fully aware of the resources available through the school or district to enhance own knowledge, to use in teaching, or for students who need them.

	them. The teacher does not seek such knowledge.	them. The teacher does not seek to extend such knowledge.	
1e. Designing Coherent Instruction	The teacher's plan for assessing student learning contains no clear criteria or standards, is poorly aligned with the instructional outcomes, or is inappropriate for many students. The results of assessment have minimal impact on the design of future instruction.	The teacher's plan for student assessment is partially aligned with the instructional outcomes, without clear criteria, and inappropriate for at least some students. The teacher intends to use assessment results to plan for future instruction for the class as a whole.	The teacher's plan for student assessment is aligned with the instructional outcomes, uses clear criteria, and is appropriate to the needs of students. The teacher intends to use assessment results to plan for future instruction for groups of students.
1f Designing Student Assessments	The teacher's plan for assessing student learning contains no clear criteria or standards, is poorly aligned with the instructional outcomes, or is inappropriate for many students. The results of assessment have minimal impact on the design of future instruction.	The teacher's plan for student assessment is partially aligned with the instructional outcomes, without clear criteria, and inappropriate for at least some students. The teacher intends to use assessment results to plan for future instruction for the class as a whole.	The teacher's plan for student assessment is aligned with the instructional outcomes, uses clear criteria, and is appropriate to the needs of students. The teacher intends to use assessment results to plan for future instruction for groups of students.

Domain 1: Planning and Preparation Performance Level _____

Domain 2: The Classroom Environment

Component	Does not meet Standards	Developing	Proficient
2a. Creating an Environment of Respect and Rapport	Classroom interactions, both between the teacher and students and among students, are negative, inappropriate, or insensitive to students' cultural backgrounds and are characterized by sarcasm, put-downs, or conflict.	Classroom interactions, both between the teacher and students and among students, are generally appropriate and free from conflict, but may be characterized by occasional displays of insensitivity or lack of responsiveness to cultural or developmental differences among students.	Classroom interactions between the teacher and students and among students are polite and respectful, reflecting general warmth and caring, and are appropriate to the cultural and developmental differences among groups of students.
2b. Establishing a Culture for Learning	The classroom environment conveys a negative culture for learning, characterized by low teacher commitment to the subject, low expectations for student achievement, and little or no student pride in work.	The teacher's attempt to create a culture for learning is partially successful, with little teacher commitment to the subject, modest expectations for student achievement, and little student pride in work. Both the teacher and	The classroom culture is characterized by high expectations for students and genuine commitment to the subject by both teacher and students, with students demonstrating pride in their work.

		students appear to be only “going through the motions.”	
2c. Managing Classroom Procedures	Much instructional time is lost because of inefficient classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties.	Some instructional time is lost because classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties are only partially effective.	Little instructional time is lost because of the consistent use of best practices in classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties occur smoothly
2d. Managing Student Behavior	There is no evidence that standards of conduct have been established, and little or no teacher monitoring of student behavior. Response to student misbehavior is repressive or disrespectful of student dignity	It appears that the teacher has made an effort to establish standards of conduct for students. The teacher tries, with uneven results, to monitor student behavior and respond to student misbehavior.	Standards of conduct are clear to students, and the teacher monitors student behavior against those standards. The teacher response to student misbehavior is appropriate and respects the students’ dignity

Domain 2: The Classroom Environment Performance Level _____

Domain 3: Instruction

Component	Does not meet Standards	Developing	Proficient
3a. Communicating with Students	Expectations for learning, directions and procedures, and explanations of content are unclear or confusing to students. The teacher’s use of language contains errors or is inappropriate for students’ cultures or levels of development.	Expectations for learning, directions and procedures, and explanations of content are clarified after initial confusion; the teacher’s use of language is correct but may not be completely appropriate for students’ cultures or levels of development.	Expectations for learning, directions and procedures, and explanations of content are clear to students. Communication anticipate possible student misconceptions are appropriate for students’ cultures and levels of development.
3b. Using Questioning and Discussion Techniques	The teacher’s questions are low-level or inappropriate, eliciting limited student participation and recitation rather than discussion.	Some of the teacher’s questions elicit a thoughtful response, but most are low-level, posed in rapid succession. The teacher’s attempts to engage all students in the discussion are only partially successful.	Most of the teacher’s questions elicit a thoughtful response, and the teacher allows sufficient time for students to answer. All students participate in the discussion, with the teacher stepping aside when appropriate.
3c. Engaging Students in Learning	Activities and assignments, materials, and groupings of students are inappropriate for the instructional outcomes or students’ cultures or levels of understanding, resulting in little intellectual	Activities and assignments, materials, and groupings of students are partially appropriate to the instructional outcomes or students’ cultures or levels of understanding, resulting in moderate intellectual	Activities and assignments, materials, and groupings of students are fully appropriate for the instructional outcomes and students’ cultures and levels of understanding. All students are engaged in work of a high level of rigor.

	engagement. The lesson has no structure or is poorly paced.	engagement. The lesson has a recognizable structure, but that structure is not fully maintained.	The lesson's structure is coherent, with appropriate pace.
3d. Using Assessment in Instruction	Assessment is not used in instruction, either through monitoring of progress by the teacher or students, or through feedback to students. Students are unaware of the assessment criteria used to evaluate their work.	Assessment is occasionally used in instruction, through some monitoring of progress of learning by the teacher and/or students. Feedback to students is uneven, and students are aware of only some of the assessment criteria used to evaluate their work.	Assessment is regularly used in instruction, through self-assessment by students, monitoring of progress of learning by the teacher and/or students, and high-quality feedback to students. Students are fully aware of the assessment criteria used to evaluate their work.
3e. Demonstrating Flexibility and Responsiveness	The teacher adheres to the instruction plan, even when a change would improve the lesson or address students' lack of interest. The teacher brushes aside student questions; when students have trouble, the teacher blames the students or their home environment.	The teacher attempts to modify the lesson when needed and to respond to student questions, with moderate success. The teacher accepts responsibility for student success, but has only a limited repertoire of strategies to draw upon.	The teacher promotes the successful learning of all students, making adjustments as needed to instruction plans and accommodating student questions, needs, and interests.

Domain 3: Instruction Performance Level _____

Domain 4: Professional Responsibilities

Component	Does not meet Standard	Developing	Proficient
4a. Reflecting on Teaching	The teacher does not accurately assess the effectiveness of the lesson and has no ideas about how the lesson could be improved.	The teacher provides a partially accurate and objective description of the lesson but does not cite specific evidence. The teacher makes only general suggestions as to how the lesson might be improved.	The teacher provides an accurate and objective description of the lesson, citing specific evidence. The teacher makes specific suggestions as to how the lesson might be improved.
4b. Maintaining Accurate Records	The teacher's systems of maintaining both instructional and non-instructional records are either nonexistent or in disarray, resulting in errors and confusion.	The teacher's systems for maintaining both instructional and non-instructional records are rudimentary and only partially	The teacher's systems for maintaining both instructional and noninstructional records are accurate, efficient, and effective.
4c. Communicating with Families	The teacher's communication with families about the instructional program or about individual	The teacher adheres to school procedures for communicating with families and makes modest attempts	The teacher communicates frequently with families and successfully engages them in the instructional program. The

	students is culturally inappropriate. The teacher makes no attempt to engage families in the instructional program.	to engage families in the instructional program. Communications are not always appropriate to the cultures of those families.	teacher successfully engages families in the instructional program, as appropriate.
4d. Participating in a Professional Community	The teacher avoids participating in a professional community or in school and district events and projects; relationships with colleagues are negative or self-serving.	The teacher becomes involved in the professional community and in school and district events and projects when specifically asked; relationships with colleagues are cordial.	The teacher participates actively in the professional community and in school and district events and projects, and maintains positive and productive relationships with colleagues.
4e. Growing and Developing Professionally	The teacher does not participate in professional development activities and makes no effort to share knowledge with colleagues. The teacher is resistant to feedback from supervisors or colleagues.	The teacher participates in professional development activities that are convenient or are required, and makes limited contributions to the profession. The teacher accepts, with some reluctance, feedback from supervisors and colleagues.	The teacher seeks out opportunities for professional development based on an individual assessment of need and actively shares expertise with others. The teacher welcomes feedback from supervisors and colleagues.

Domain 4: Professional Responsibilities Performance Level _____

Student Achievement: (Accounts for 33% of the teacher evaluation.)

Measure of growth may include :

- | |
|---|
| ISAT Results
Student Learning Objectives
Formative Assessments
Pre and Post Tests
Idaho Reading Indicator
504/IEP Quantifiable Goals
Behavior Improvement Plans
Other? |
|---|

Overall Performance Level _____

Areas of Improvement:

Parent/Guardian Input: Overall Rating: _____

Date of Classroom Observation prior to Jan. 1: _____

Professional Growth Plan developed in consultation with Principal/Superintendent: _____

Employee Comments:

Employee's Signature _____ Date _____

Evaluator's Signature _____ Date _____

**Avery School District
#394**

Parent or Guardian Input Form—Classroom Teacher Evaluation

5340F

Teacher: _____

Grade(s)/Classes: _____

School Year: _____

Instructions:

1. Please complete the evaluation by circling the most appropriate number.
2. This form should be delivered to the District Office at 1 School House Rd or mailed to Sheila Cottier %PO Box 7, Avery ID 83802.
3. Only one form should be completed by each parent for this teacher for each school year.
4. If a parent has a concern with regard to an event occurring in their child’s classroom and wishes to more directly address this issue, please understand that this form alone will not directly address the parental concern. The parent should raise the concern with the teacher and/or building administration.
5. Please offer specific comments when possible. Specific comments will be considered in the preparation of the teacher’s evaluation and will aid both the District and the teacher in addressing performance.

Area of Evaluation	Agree	Disagree	Don’t know			
1. The teacher engaged in frequent and informative communications with the parent about student progress, attendance, behavior, curriculum topics, and objectives.	1	2	3	4	5	0
	Comment:					

2. The teacher provided adequate suggestions for home support of learning.	1	2	3	4	5	0
--	---	---	---	---	---	---

	Comment:
3. The teacher is approachable and open to parental communication and parental input.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
4. The teacher is respectful of the family's culture and the social expectations of the family for the child.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
5. The teacher maintains a classroom in which my child feels physically and emotionally safe.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
6. The teacher administers discipline fairly and consistently.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
7. The teacher provides curriculum-based and developmentally appropriate homework.	<p>1 2 3 4 5 0</p> <p>Comment:</p>

8. The teacher has provided the child and family with knowledge of class expectations.	<p>1 2 3 4 5 0</p>
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	Comment:
9. Classroom work demonstrated the appropriate level of difficulty for my child.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
10. The teacher knows the content area and how to teach it.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
11. The teacher treated my child with respect, care, and knowledge of my child's needs.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
12. The teacher appropriately monitored and assessed student learning.	<p>1 2 3 4 5 0</p> <p>Comment:</p>
13. The teacher provided appropriate individual assistance to my child.	<p>1 2 3 4 5 0</p> <p>Comment:</p>

14. You were satisfied with your child's overall school experience as provided by this teacher.	<p>1 2 3 4 5 0</p>
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	Comment:	
Did you attend parent/teacher conferences?	YES	NO
Did you attend Open House?	YES	NO
Were you provided with a timely copy of your child's report cards?	YES	NO
Did your child's teacher ever contact you via telephone?	YES	NO
Did your child's teacher provide you information regarding your child and/or class activities via e-mail?	YES	NO
Did your child's teacher provide you information regarding your child and/or class activities via notes sent home to you?	YES	NO
Did you ever visit your child's classroom?	YES	NO
Did you ever volunteer in your child's classroom?	YES	NO

Any additional comments you wish to share not covered by the above questions (**please feel free to attach a separate page**):

Please complete and sign the form, and place it in a sealed envelope.

Name: _____

Signature: _____

Date: _____

Telephone No.: _____

Avery School District

#394

PERSONNEL

Evaluation of Certified Personnel

5340P

Category One Teachers (first year teachers in the district) and Category 2/3 & Renewable Contract Teachers (two - three years or more than three years in the district) are required to:

1. Demonstrate performance in each of these twenty two component areas from Charlotte Danielson's Framework for Teaching (Form 5340 F2). All 22 Components will be evaluated individually and recorded in the Evaluation. Domain scores will be determined by a composite of the components within each

Domain One – Planning and Preparation:

- 1a Demonstrating Knowledge of Content and Pedagogy
- 1b Demonstrating Knowledge of Students
- 1c Setting Instructional Outcomes
- 1d Demonstrating Knowledge of Resources
- 1e Designing Coherent Instruction
- 1f Designing Student Assessment

Domain Two – The Classroom Environment

- 2a Creating an Environment of Respect and Rapport
- 2b Establishing a Culture for Learning
- 2c Managing Classroom Procedures
- 2d Managing Student Behavior
- 2e Organizing Physical Space

Domain Three – Instruction

- 3a Communicating with Students
- 3b Using Questioning and Discussion Techniques
- 3c Engaging Students in Learning
- 3d Using Assessment in Instruction
- 3e Demonstrating Flexibility and Responsiveness

Domain Four – Professional Responsibilities

- 4a Reflecting on Teaching
- 4b Maintaining Accurate Records
- 4c Communicating with Families
- 4d Participating in a Professional Community
- 4e Growing and Developing Professionally
- 4f Showing Professionalism

2. Develop an Individual Professional Growth Plan (Form 5340 F1) for the school year following the first Formal Evaluation.
3. Be observed by an administrator each month of the first contract school year.
4. The new teacher shall be Formally Evaluated by an administrator during a lesson/class session once prior to Jan 1 and a second time prior to March of the school year.
5. The Superintendent will complete the Annual Evaluation (Form 5340 F2) based upon the employee's performance.

The Annual Evaluation will consider

- a. Parent Guardian Input (Form 5340 F3)
- b. student achievement, including how student achievement was measured

**Avery School District
#394
PERSONNEL**

Leaves of Absence

5400

The Board believes that the provision of leaves in addition to the contractual leaves provided by the Master Agreement helps to attract and retain staff members who will continue to grow professionally, maintain their physical health, and have a feeling of security.

The Board has the authority to grant any employee's request for a leave of absence. The Board may also delegate this authority to a designee. If the Board delegates this authority it shall ratify or nullify the action regarding the request for a leave of absence at the next regularly scheduled meeting, or at a special meeting should the next regularly scheduled Board meeting not be within a period of 21 days from the date of such action.

Sick Leave

Classified employees who regularly work 20 hours or more per week and certificated employees who work half time or more per week shall be granted sick leave and other leaves in accordance with State law. Each such employee shall be granted sick leave with full pay of one day as projected for the employment year for each month of service in which he or she works a majority portion of that month. Sick leave for classified employees shall be calculated proportionate to the average hours worked per day. Sick leave for certificated employees shall be calculated by the day, or percentage thereof, as defined in his or her individual employment contract. The District, 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” for purposes of sick leave 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 District in accordance with this policy and the needs of the District.

Abuse of sick leave is cause for discipline up to and including termination.

Accrual of Unused Sick Leave

Employees may accrue unused sick leave. Upon retirement, an employee’s accumulated unused sick leave must be reported by the District to the public employee retirement system.

Bereavement Leave

An employee who has a death in the immediate family shall be eligible for bereavement leave. “Immediate family” for purposes of bereavement leave shall be determined by the Superintendent. The Superintendent shall have the authority to give bereavement leave for up to five days. Bereavement leave of greater than five days must be approved by the Board. Such leave shall not exceed ten days.

Personal and Emergency Leave

Upon recommendation of the Superintendent, 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 District, 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 week is required for any personal leave of less than one week. Notice of one month is required for any personal leave exceeding one week;
4. The Superintendent, 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 any other District recognized leave. During any personal leave of greater than 15 days, the employee will not receive fringe benefits. During the leave, the employee may pay the District’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 2000(e)	Equal Employment Opportunities
I.C. § 33-513	Professional Personnel
I.C. § 33-1216 <i>et seq.</i>	Sick and Other Leave
I.C. § 33-1228	Severance Allowance at Retirement

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
Personnel**

Proof of Illness for Sick Leave

5405

The Board of Trustees or a designee of the Board of Trustees may require proof of illness in a form adequate to protect the District from any employee abusing sick leave through such actions as malingering or false claims of illness.

If the Board or a designee of the Board makes such a request of any employee, the employee shall provide written documentation from a provider of the healing arts as to the illness and/or necessity of the employee to be absent from work to the District's Administrative Office.

Legal Reference: I.C. § 33-1216 Sick and Other Leave

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Jury Duty

5412

Serving on a jury is a fundamental responsibility of citizenship, and the Avery School District 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 District, 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 or her assignment for the remainder of the regular work day if such return is feasible.

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

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Witness for Court Appearance Leave

5413

Avery School District 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 Superintendent. 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 four days prior to the next pay day.

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Long-Term Illness/Temporary Disability

5420

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 have 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: December 11, 2017

**Avery School District
#394
PERSONNEL**

Long-Term Illness/Temporary Disability

5420P

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 or 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.

Procedure History:

Promulgated on: December 11, 2017

**Avery School District
#394
PERSONNEL**

School Holidays

5440

The District designates the following days as school holidays:

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

Legal Reference: I.C. § 33-512
I.C. § 73-108

Governance of Schools
Holidays Enumerated

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Workers' Compensation Benefits

5460

All employees and volunteers of the District are covered by Workers' Compensation benefits pursuant to, and in accordance with, the terms of the District's Worker's Compensation insurance policy. In the event of an injury or accident:

1. The injured employee shall immediately obtain first aid or emergency medical care as necessary to stabilize their medical condition. This treatment shall, to the extent possible, be in accordance with the requirements of the District's Worker's Compensation insurance policy.

Absent the need for emergency medical care, all school employees who require medical attention in the event of a workplace injury should communicate with the district office staff with regard to seeking out medical attention at one of the designated Occupational Health Clinics.

2. The injured employee shall promptly report the accident and injury to the District Office.
3. The employee shall, if possible, immediately remediate the hazardous condition. If immediate remediation is not possible, the employee shall report the hazardous condition so it can be remediated as soon as possible.
4. The employee shall complete the District's Worker's Compensation report of injury forms with the District Office within forty-eight (48) hours of the accident (unless prohibited by the employee's medical condition, in which case the forms shall be completed as soon as the employee's medical condition reasonably allows).
5. On behalf of the employee, the District Office shall immediately report the injury and claim to the District's Worker's Compensation carrier to coordinate income, medical, and other benefits available to the employee under Idaho's Worker's Compensation Law.
6. In the event the employee is unable to work, the District shall allow the employee to take available sick leave benefits until the date that Worker's Compensation income benefits are made available to the employee under the District's Worker's Compensation insurance policy.

The District's Human Resources Department shall notify the immediate supervisor of the report and shall consult with the immediate supervisor when completing the required reports.

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

Upon receipt of a report of an accident, the District shall conduct an investigation to determine:

1. Whether continuing hazardous conditions exist that require remediation; and
2. Whether the employee's work environment caused or contributed to the reported accident.

The employee is required to cooperate with the District's Worker's Compensation insurance carrier to coordinate and effectuate appropriate medical treatment and to secure other available Worker's Compensation benefits, including but not limited to income benefits.

In all instances where an employee is unable to work as a result of an injury, the employee must obtain a written work release from their treating physician prior to returning to work. This release shall be provided to the employee's immediate supervisor who will make a copy and provide the original to the Human Resources Department for placement in the employee's personnel file.

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

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Leaves of Absence - Military Leave

5470

General Policy

All District 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.

The District shall notify each employee entitled to rights and benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA) of their rights, benefits, and obligations under USERRA and those of the District.

Notice to District

All employees should provide either written or oral notice of upcoming military training to the District 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 Superintendent. Notice shall include date of departure and date of return for purposes of military training 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 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, the employee shall give evidence of the satisfactory completion of such training immediately thereafter. The 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: **(Note: Federal law does not require an employer to pay the salary of an employee on military leave.)**

The Avery School District will not pay the 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 District 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 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the District for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The District's obligation to provide health benefits ends once an employee's military leave exceeds 24 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 District Once Military Leave is Complete

The standard military service length and reporting times are:

1 to 30 Days of Military Service: The employee reports to the District 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: The employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14th day falls on a day when the District'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: The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90th 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:

1. A dishonorable or bad conduct discharge;
2. Separation from the service under “other than honorable conditions”;
3. A commissioned officer’s dismissal via court martial or by order of the President; and
4. 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 are called to active duty for extended periods will be placed on “Military Leave of Absence” upon written application and will 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; and
2. They must report to claim reinstatement within _____ days after completion of service; or _____ days in the case of individuals who undergo only _____ months/days active training or less.

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

1. The employee submitted a timely application for reemployment;
2. The employee’s length of military service has not exceeded the five year limitation; and
3. 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 District 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: December 11, 2017

Avery School District
#394
PERSONNEL

Leadership Premiums

5480

The Board shall have in place a plan and criteria for providing leadership premium compensation to reward teachers and pupil service staff for serving in a leadership capacity in their schools.

Leadership priorities will be based upon one or more of the criteria below as identified by a committee consisting of teachers, administrators, and other District stakeholders and approved by the Board. The decision as to whom and how many instructional and pupil service employees receive leadership premiums shall not be subject to collective bargaining and shall not become a part of the negotiated agreement.

Leadership Criteria

The Board shall award leadership premiums of a minimum of \$900 to certificated instructional and pupil service employees, regardless of such employee's full or part time status, in recognition of the additional time they will spend fulfilling one or more of the following leadership roles:

1. Teaching a course in which the student earns both high school and college credit;
2. Teaching a course to middle school students in which the students earn both middle school and high school credit;
3. Holding and providing service in multiple non-administrative certificate or subject endorsement areas;
4. Serving, or being hired to serve, in an instructional position designated as hard to fill by the Board, including a career technical education program;
5. Providing mentoring, peer assistance, or professional development to teachers in their first two years in the profession;
6. Having received professional development in career and academic counseling, and then providing career or academic counseling for students, with such services incorporated within or provided in addition to the teacher's regular classroom duties; and
7. Various other criteria designated by the Board, excluding duties related to student activities or athletics, that require the employee to work additional time such as:
 - A. Curriculum development;
 - B. Assessment development;
 - C. Data analysis;
 - D. Grant writing;
 - E. Special program coordinator;
 - F. Research project; and
 - G. Teaching professional development course;
 - H. Other duties as specified by the Board

The Board may grant multiple leadership premiums to those performing multiple duties, but no employee shall receive leadership premiums that exceed 25% of the employee's minimum salary as designated on the career ladder.

These premiums shall be valid only for the fiscal year for which the awards are made. Duties related to student activities and athletics shall not be eligible for leadership premiums.

Legal Reference: I.C. § 33-1004F

I.C. § 33-1004J

Obligations to Retirement and Social Security
Benefits

Leadership Premiums

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Personnel Files

5500

The District 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 Superintendent, principal, supervisor, the employee, the employee's designee or representative, and school districts requesting information based upon Idaho Code for hiring.

A log of those persons other than the Superintendent, principal, or other administrative staff will be kept indicating the date and time of inspection; 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.

In accordance with federal law, the District 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 District employees is governed by Policy 4260 Records Available to the Public.

In accordance with state law, not later than 20 days after receiving a request from another Idaho public school, the District shall release information regarding job performance or job related conduct, as defined by Idaho Code, to school districts requesting such information for hiring purposes. See Policy 5100 Hiring Process and Criteria and Procedure 5500P Procedures for Obtaining Personnel Records for Applicants.

The District shall maintain official District files for employees.

An employee's official file shall be kept in the District administrative office. It should, at a minimum, contain 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, directives, commendations, or awards;
8. Original statements and releases to and from hiring school districts;
9. A copy of the employee's job description signed by the employee;
10. A signed acknowledgement that the employee has received a copy of the District's sexual harassment policy;

11. A signed acknowledgement that the employee has received a copy of the District's email and internet use policy;
12. Documentation of additional training received, course work completed, in-services attended, etc.;
13. Documentation of fingerprints and background checks;
14. Documentation of record and reference checks pursuant to Idaho Code 33-1210;
15. Rebuttal documents;
16. Copies of certifications from the Office of the Superintendent of Public Instruction;
17. Transcripts of credits earned for credit review purposes;
18. Salary schedule placement; and
19. Any information relevant to the evaluation of the employee.

The file may contain notes and observations. Letters of recommendation will be kept in a separate, sealed file maintained by the Superintendent or a separate, sealed portion of the personnel file. Personal notes of supervisors should be placed in the personnel file, if they are relevant to the evaluation of the employee.

Each employee will be provided written notice of all materials placed in an employee's personnel file. Notice shall be provided within ten 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 twenty-one 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, with the exception of letters of recommendation, 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 the person requesting access; description of the records copied, if any; and the initials of the person providing the access and/or copies requested.

Other Files upon Separation

Idaho law recognizes that other files may be kept relative to employees, such as investigative files. Upon separation of employment, all documents from such files, including investigative files, shall be moved into the employee's personnel file. Names of students, fellow employees, or complainants (with the exception of the employee's administrative supervisor or other administrative authors) shall be redacted from such documents before they are placed in the personnel file. Copies of such documents shall be provided to the employee within ten days of placement in the personnel file and written notice of their inclusion in the file by sending such to the employee's last known address via certified mail, return receipt requested. The employee shall be given the opportunity to file a rebuttal to such information in the same manner outlined above.

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 nineteen;
- D. Gender (may be indicated with Male/Female, M/F, or a Mr., Mrs., Miss, or Ms.);
- 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; and
- 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, meaning a consecutive 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 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:	4260	Public Access to District 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
	5340	Evaluation of Certificated Personnel
	5820	Evaluation of Non-Certified Staff
Legal Reference:	29 USC 201, et seq.	Fair Labor Standards Act
	29 C.F.R. § 516.2 and 3	Record Keeping Requirements
	I.C. § 74-106	Records Exempt from Disclosure – Personnel Files, etc.

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: December 11, 2017

Avery School District

#394

PERSONNEL

Personnel Files

5500-P(1)

1. No later than 20 days after receiving a request from a hiring school district under the provisions of I. C. § 33-1210 the District shall provide the information requested and make available to the hiring school district copies of all documents in the past or current employee's personnel file relating to job performance or job related conduct. *[NOTE: The District may provide records in electronic format.]*

Pursuant to State law, the only information or documentation that the District must provide pursuant to a request under I.C. § 33-1210 is:

- A. All annual evaluations;
- B. Letters of reprimand;
- C. Letters of direction;
- D. Letters of commendation or award;
- E. Disciplinary actions and documentation of disciplinary investigations;
- F. Recommendations for probation;
- G. Notices of probation and notices of removal from probation;
- H. Recommendations for termination or nonrenewal;
- I. Notices of termination or nonrenewal;
- J. Notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate; and
- K. Any rebuttal documentation filed by the employee relative to any of the above documents.

In an effort to save time and expense in responding to such requests, the District will provide only the above information in response to a request for documentation under I.C. § 33-1210. Names of students or fellow employee complainants, other than the employee's administrative evaluator or other administrative authors of communication to the employee, shall be redacted from information provided in response to a request.

2. No Board member or District employee shall enter into any agreement that has the effect of suppressing information about negative job performance by a present or former employee or expunge information about performance or misconduct from any document in an employee personnel file.
3. In fulfilling a request from a hiring school district, the District may choose to expunge information from an employee's personnel file relating to alleged verbal or physical abuse or sexual misconduct that has not been substantiated.
4. In fulfilling a request from a hiring school district, the District shall expunge information from an employee's personnel file on any materials for which disclosure would violate FERPA, HIPAA, or any other applicable federal law. The District shall also redact student names from investigative or other documentation in the employee or former employee's file

as well as any medical documentation.

5. No District employee who, in good faith, discloses information to the hiring school district either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Legal References	Description
29 CFR § 516.2	Employees Subject to Minimum Wage or Minimum Wage and Overtime Provisions Pursuant to Section 6 or Sections 6 and 7(a) of the Act.
29 CFR § 516.3	Bona Fide Executive, Administrative, and Professional Employees (Including Academic Administrative Personnel and teachers in Elementary or Secondary Schools), and Outside Sales Employees Employed Pursuant to Section 13(a)(1) of the Act.
29 USC § 201 et seq.	The Fair Labor Standards Act of 1985
IC § 33-1210	Information on Past Job Performance
IC § 33-517	Non-Certificated Personnel
IC § 33-518	Employee Personnel Files
IC § 74-106	Records Exempt from Disclosure

Cross References

Code	Description
3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions
3085-F(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Notice of Investigation & Allegation Template
3085-F(2)	Sexual Harassment, Discrimination, and Retaliation Policy - Reporting Form for Students
4260	Records Available to Public
4260-F(1)	Records Available to Public - Request for Public Records
5100	Hiring Process and Criteria
5100-P(1)	Hiring Process and Criteria - Procedures for Obtaining Personnel Records for Applicants
5100-P(2)	Hiring Process and Criteria - Veteran's Preference

5100-F(1)	<u>Hiring Process and Criteria - Authorization for Release of Information on Past Employment with School Employers</u>
5100-F(2)	<u>Hiring Process and Criteria - Request to Employer</u>
5100-F(3)	<u>Hiring Process and Criteria - Request for Verification of Certificate Status</u>
5205	<u>Job Descriptions</u>
5240	<u>Sexual Harassment/Intimidation in the Workplace</u>
5240-F(1)	<u>Sexual Harassment/Intimidation in the Workplace - Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment</u>
5330	<u>Employee Electronic Mail and Online Services Usage</u>
5330-F(1)	<u>Employee Electronic Mail and Online Services Usage - Employee Electronic Mail and Online Services Use Policy Acknowledgment</u>
5340	<u>Evaluaiion of Certificated Personnel</u>
5340-F(1)	<u>Evaluaiion of Certificated Personnel - Parent or Guardian Input Form—Classroom Teacher Evaluation</u>
5820	<u>Evaluation of Non-Certificated Staff</u>

Procedures for Releasing Personnel Records to Hiring School Districts

1. No later than 20 days after receiving a request from a hiring school district under the provisions of I. C. § 12-1210 the District shall provide the information requested and make available to the hiring school district copies of all documents in the past or current employee's personnel file relating to job performance or job related conduct. *[NOTE: The District may provide records in electronic format.]*

Pursuant to State law, the only information or documentation that the District must provide pursuant to a request under I.C. § 33-1210 is:

- A. All annual evaluations;
- B. Letters of reprimand;
- C. Letters of direction;
- D. Letters of commendation or award;
- E. Disciplinary actions and documentation of disciplinary investigations;
- F. Recommendations for probation;
- G. Notices of probation and notices of removal from probation;
- H. Recommendations for termination or nonrenewal;
- I. Notices of termination or nonrenewal;
- J. Notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate; and
- K. Any rebuttal documentation filed by the employee relative to any of the above documents.

In an effort to save time and expense in responding to such requests, the District will provide only the above information in response to a request for documentation under I.C. § 33-1210. Names of students or fellow employee complainants, other than the employee's administrative evaluator or other administrative authors of communication to the employee, shall be redacted from information provided in response to a request.

2. No Board member or District employee shall enter into any agreement that has the effect of suppressing information about negative job performance by a present or former employee or expunge information about performance or misconduct from any document in an employee personnel file.
3. In fulfilling a request from a hiring school district, the District may choose to expunge information from an employee's personnel file relating to alleged verbal or physical abuse or sexual misconduct that has not been substantiated.
4. In fulfilling a request from a hiring school district, the District shall expunge information from an employee's personnel file on any materials for which disclosure would violate

FERPA, HIPAA, or any other applicable federal law. The District shall also redact student names from investigative or other documentation in the employee or former employee's file as well as any medical documentation.

5. No District employee who, in good faith, discloses information to the hiring school district either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Procedure History:

Promulgated on:

Revised on:

Avery School District

#394

PERSONNEL

Personnel Files

5500

The District 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 Superintendent, principal, supervisor, the employee, the employee's designee or representative, and school districts requesting information based upon Idaho Code for hiring.

A log of those persons other than the Superintendent, principal, or other administrative staff will be kept indicating the date and time of inspection; 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.

In accordance with federal law, the District 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 District employees is governed by Policy 4260 Records Available to the Public.

In accordance with state law, not later than 20 days after receiving a request from another Idaho public school, the District shall release information regarding job performance or job related conduct, as defined by Idaho Code, to school districts requesting such information for hiring purposes. See Policy 5100 Hiring Process and Criteria and Procedure 5100P Procedures for Obtaining Personnel Records for Applicants.

The District shall maintain official District files for employees.

An employee's official file shall be kept in the District administrative office. It should, at a minimum, contain 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, directives, commendations, or awards;
8. Original statements and releases to and from hiring school districts;
9. A copy of the employee's job description signed by the employee;
10. A signed acknowledgment that the employee has received a copy of the District's sexual harassment policy;
11. A signed acknowledgment that the employee has received a copy of the District's email and internet use policy;

12. Documentation of additional training received, course work completed, in-services attended, etc.;
13. Documentation of fingerprints and background checks;
14. Documentation of record and reference checks pursuant to Idaho Code 33-1210;
15. Rebuttal documents;
16. Copies of certifications from the Office of the Superintendent of Public Instruction;
17. Transcripts of credits earned for credit review purposes;
18. Salary schedule placement; and
19. Any information relevant to the evaluation of the employee.

The file may contain notes and observations. Letters of recommendation will be kept in a separate, sealed file maintained by the Superintendent or a separate, sealed portion of the personnel file. Personal notes of supervisors should be placed in the personnel file, if they are relevant to the evaluation of the employee.

Each employee will be provided written notice of all materials placed in an employee's personnel file. Notice shall be provided within ten 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 twenty-one 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, with the exception of letters of recommendation, 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 the person requesting access; description of the records copied, if any; and the initials of the person providing the access and/or copies requested.

Other Files upon Separation

Idaho law recognizes that other files may be kept relative to employees, such as investigative files. Upon separation of employment, all documents from such files, including investigative files, shall be moved into the employee's personnel file. Names of students, fellow employees, or complainants (with the exception of the employee's administrative supervisor or other administrative authors) shall be redacted from such documents before they are placed in the personnel file. Copies of such documents shall be provided to the employee within ten days of placement in the personnel file and written notice of their inclusion in the file by sending such to the employee's last known address. The employee shall be given the opportunity to file a rebuttal to such information in the same manner outlined above.

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. Gender (may be indicated with Male/Female, M/F, or a Mr., Mrs., Miss, or Ms.);
 - 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; and
 - 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, meaning a consecutive 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 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;

In no case will attorney communications be placed in the employee file or produced to the employee.

Legal References

Legal References	Description
29 CFR § 516.2	Employees Subject to Minimum Wage or Minimum Wage and Overtime Provisions Pursuant to Section 6 or Sections 6 and 7(a) of the Act.
29 CFR § 516.3	Bona Fide Executive, Administrative, and Professional Employees (Including Academic Administrative Personnel and teachers in Elementary or Secondary Schools), and Outside Sales Employees Employed Pursuant to Section 13(a)(1) of the Act.
29 USC § 201 et seq.	The Fair Labor Standards Act of 1985
IC § 33-1210	Information on Past Job Performance
IC § 33-517	Non-Certificated Personnel
IC § 33-518	Employee Personnel Files
IC § 74-106	Records Exempt from Disclosure

Cross References

Code	Description
Updated 8/2024	

3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions
3085-F(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Notice of Investigation & Allegation Template
3085-F(2)	Sexual Harassment, Discrimination, and Retaliation Policy - Reporting Form for Students
4260	Records Available to Public
4260-F(1)	Records Available to Public - Request for Public Records
5100	Hiring Process and Criteria
5100-P(1)	Hiring Process and Criteria - Procedures for Obtaining Personnel Records for Applicants
5100-P(2)	Hiring Process and Criteria - Veteran's Preference
5100-F(1)	Hiring Process and Criteria - Authorization for Release of Information on Past Employment with School Employers
5100-F(2)	Hiring Process and Criteria - Request to Employer
5100-F(3)	Hiring Process and Criteria - Request for Verification of Certificate Status
5205	Job Descriptions
5240	Sexual Harassment/Intimidation in the Workplace
5240-F(1)	Sexual Harassment/Intimidation in the Workplace - Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment
5330	Employee Electronic Mail and Online Services Usage
5330-F(1)	Employee Electronic Mail and Online Services Usage - Employee Electronic Mail and Online Services Use Policy Acknowledgment
5340	Evaluaiion of Certificated Personnel
5340-F(1)	Evaluaiion of Certificated Personnel - Parent or Guardian Input Form—Classroom Teacher Evaluation
5820	Evaluation of Non-Certificated Staff

Avery School District
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PERSONNEL

Staff Health

5600

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 District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the State. The District 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 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, including full-time, regular part-time, and 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 District that he or she 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 (i.e. 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 District 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, District 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, such as 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: December 11, 2017

Avery School District
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PERSONNEL

Prevention of Disease Transmission

5610

All District 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: December 11, 2017

Avery School District
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PERSONNEL

Teachers' Aides and Paraprofessional Educators

5710

Teachers' aides and paraprofessional educators, as defined in the appropriate job descriptions, are under the supervision of a principal and a teacher to whom the principal 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 District 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 is responsible for the control and 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 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, mathematics, or the instruction of readiness of these subjects.

It is the responsibility of each principal 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 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 Superintendent shall develop and implement procedures for an annual evaluation of teachers' aides and 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: December 11, 2017

Avery School District
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PERSONNEL

Private Service Providers/Consultants

5725

The District 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 District. The District, through the Superintendent 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 District. Any contract the District 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 District.

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

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

Consultants shall exercise no authority over the work of District 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 District 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 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 assessments.

Definition

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

1. Is not an employee of the District or a public agency with legal jurisdiction over the circumstances related to the provider/consultant's involvement with the student; and
2. 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, and psychosocial rehabilitation specialist.

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
20 U.S.C. § 1232g; 34 CFR Part 99 Family Education Records and Privacy Act

Policy History:

Adopted on: December 11, 2017

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PERSONNEL

Reduction in Force

5740

It is recognized that the Board has the responsibility to maintain good public elementary and secondary schools and to implement the educational interest of the State, consistent with State and federal educational requirements, including District 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 law. 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:

1. Decreases in student enrollment;
2. Changes in curriculum or programs
3. Staffing limitations of the District; or
4. Negative changes in the financial conditions of the District.

The need for implementation of a reduction in force or the elimination of certificated positions is left to the sole discretion of the Board provided however, that no such decision shall be made until after completion of the written evaluation for each certificated staff member and that the decision as to which employee(s) shall be subject to such reduction shall not be made solely on consideration of seniority or contract status.

The Board may choose to implement a reduction in force through the elimination of:

1. An entire program or portions of programs;
2. Positions in certain grade levels only;
3. Positions by category;
4. Positions in an overall review of the District;
5. A portion or percentage of a position or positions; or
6. 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	Financial Emergency
	§ I.C. 33-522A	Reductions in Force

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Employing Retired Teachers and Administrators

5750

One of the Board's personnel goals is to recruit, select, and employ the best qualified personnel to staff the schools within the District. As such, retired employees who leave the District in good standing may be re-employed according to the following guidelines:

1. The District may employ certificated teachers and administrators who are receiving retirement benefits from the public employee retirement system of Idaho (PERSI) for positions requiring such certification. Said employees are hereinafter referred to as "retiree" or "retirees".

These employees shall be employed on a Standard Retired Teacher Contract or Standard Retired Administrator Contract form that has been approved by the State Superintendent of Public Instruction.

2. Retirees employed consistent with this policy and State law shall accrue one (1) day per month of sick leave. No annual sick leave shall be accumulated unless additional sick leave has been negotiated between each individual retiree and the District at the time of employment. Sick leave accrued under Idaho Code § 33-1004H does not qualify for unused sick leave benefits under Idaho Code § 33-1228.
3. The District will not provide health insurance and life insurance benefits for retirees hired consistent with this policy.
4. The District shall not employ certificated teachers and administrators who receive or received benefits under the previously existing early retirement program provided in now repealed Idaho Code 33-1004G.
5. Retirees who qualify to be rehired are those who have:
 - A. Reached the Rule of 90;
 - B. Are not participating in the early retirement program; and
 - C. Who are retired at or after 62 years of age.
6. Employees hired pursuant to this policy and who are assigned to work in a specific District building will only be hired and placed into the building upon the approval and consent of the building principal as per Idaho Code 33-523.

Cross Reference: 5100 Hiring Process and Criteria

Legal Reference: I.C. § 33-513 Professional Personnel

I.C. § 33-1004H	Employing Retired Teachers and Administrators
I.C. § 33-1228	Severance Allowance at Retirement
I.C. § 59-1356	Employment of Retired Members

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Classified Employment, Assignment, and Grievance

5800

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

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 and related written documentation, should the same be implemented by the District. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written documentation 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 District so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by the District’s Board. The District 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 Idaho Code.

Classified employees may file a written grievance alleging a violation of current, written District approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training. 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: December 11, 2017

Avery School District
#394
PERSONNEL

Overtime for Classified Employees

5810

Classified employees who work more than 40 hours in a given work week may receive overtime pay of one and one-half times the normal hourly rate unless the District and the employee agree to the provision of compensation time at a rate of one and one-half times all hours worked in excess of 40 hours in any work week. No overtime is authorized for any classified employee without the specific approval of the Superintendent, except as the Superintendent 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.

A general notice from the Department of Labor explaining the explaining the Fair Labor Standards Act, as prescribed by the Department's Wage and Hour Division, will be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or will be included in employee handbooks. No notification of rights under the Fair Labor Standards Act or related regulations should be construed to alter any applicable at-will employment relationship between the District and an employee.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
 29 CFR 516.4 Posting of Notices

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Employee Compensation by Annualized Election

5815

The School District offers its employees who are employed nine months or more, an annualized election. For the purpose of this policy, an annualized election means that the employee is allowed to choose between being paid only during the school year and being paid over a 12 month period and the employee chooses to be paid over the twelve month period. Employees who choose an annualized election are deferring part of their income from one year to the next.

Annualized Election

If an employee selects the annualized election option, the employee must do so no later than the end of the prior year. For example, if an employee would like to defer his or her salary that would be earned in 2008, then an election would need to be made by December 31, 2007. The employee shall cooperate with the following guidelines:

1. The employee must give written or electronic election to the District that notifies the District that the employee wants to defer compensation;
2. The election must be made before the beginning of the work period;
3. The election is to remain in place until the employee elects a change. Employees cannot change their election during the school year;
4. The election is irrevocable so that it cannot be changed after the work period begins; and
5. The election must state how the compensation is going to be paid if the election is made.

Legal Reference: I.C. §§ 45-606 through 45-617 Claims for Wages

Other Reference: Internal Revenue Service, Newsroom Article, Announcement IR-2007-142, August 7, 2007, "New Rule Will Not Affect Teacher Salaries in Upcoming Year"
Internal Revenue Service, Newsroom Article, August 7, 2007, "Frequently Asked Questions: Sec. 409A and Deferred Compensation"

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394**

Evaluation of Non-Certified Staff

5820

Each noncertified 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 Superintendent. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent. The employee will be allowed the opportunity to attach a rebuttal to any information contained in the evaluation.

This policy shall be made available to any District employee or person seeking employment with the District.

Cross Reference: 5205 Job Descriptions

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

Policy History:

Adopted on: December 11, 2017

Avery School District
#394
PERSONNEL

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers **5830**

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The Superintendent 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
49 U.S.C. § 5331, 31306 Omnibus Transportation Employee Testing

Policy History:

Adopted on: December 11, 2017

**Avery School District
#394
PERSONNEL**

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers **5830P**

School bus and commercial vehicle drivers 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 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 District.

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 or 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 District or paid work for any entity.

The tests shall be required of an applicant only after he or 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 months and participated in the drug testing program required by law within the previous 30 days, provided that the District 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 hours after the accident, or until after he or she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 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 District. 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 District official trained in accordance with law has reasonable suspicion that the driver has violated the District'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 hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his or her observations within 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 District prohibitions related to drugs and alcohol shall receive from the District 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. 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 or 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 or 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 District'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 District standards.

Follow-Up Tests

A driver who violates the District'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 or her use of drugs or alcohol, including any records pertaining to his or 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 District'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 District 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, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he or she has received a copy of the above materials. This statement shall be retained by the District.

Before any driver operates a commercial motor vehicle, the District shall provide him or 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 District 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 District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his or her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District 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 or her ability to safely operate a commercial motor vehicle.

Procedure History:

Promulgated on: December 11, 2017