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Forrest M. Bird Charter School No. 487

PERSONNEL

5000

Board Goal/Personnel

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

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

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

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

PERSONNEL

5100

Hiring Process and Criteria

The Board of Directors has the legal responsibility of hiring all employees. The Board assigns to the Executive Director the process of recruiting staff personnel. The Executive Director 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 Executive Director 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 Charter School will be a paramount consideration in the selection of teachers and administrators.

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

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 Charter School all information relating to job performance or job related conduct, and making available to the School copies of all documents in the applicant's previous personnel files, investigative files, 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 Charter School 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 Charter School's request. See Forms 5100F1 and 5100F2.

3. Applicants for high school and middle school positions should have a major or its equivalent in the specific teaching field(s). 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. When considering coaching assignments in secondary schools, preference for hiring will be given to a qualified certificated professional employee in the school where the coaching vacancy exists. The Executive Director will be responsible for assuring that all qualified and interested applicants within the building have been given consideration. Giving such individuals consideration does not mean that such an individual will necessarily be retained for a coaching position. Another individual who is not a School employee may receive the position in question.
6. As required in Idaho Code 65-505, the Charter School will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
7. As required in Idaho Code 33-130 and 33-512(15), the School will conduct a criminal history check for applicable positions. See Policy 5110.
8. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.
9. Applicants must have an understanding of the Charter School mission and vision and a desire to meet the intent of the Charter School in addressing its unique reason for establishment.

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 Charter School, a termination has occurred, or if a new position is created within the School. The Executive Director shall develop procedures for the posting of available positions within the Charter School.

1. Job Vacancy Notices: Any notice from Forrest M. Bird Charter School 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:
 - a. A completed Charter School application form;
 - b. Official transcripts of all university or college credits;
 - c. A placement center file;
 - d. A personal resume;
 - e. Verification or eligibility of Idaho certification; and
 - f. 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 Executive Director or the appropriate 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 Charter School 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 Charter School 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 Charter School. 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 Charter School Office.

Preliminary Screening

1. At either the time the job vacancy is published, or prior to the conclusion of the application period, the Executive Director will provide notice to the appropriate administrator of 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 administrator for final screening.
2. Should the Executive Director desire to have applicants prioritized, he or she shall make such known to the administrator who will provide the prioritized list of a number consistent with the pool.

Screening

1. The administrator may establish a committee to assist in the final screening process.
2. The committee, upon receiving the written applications from the 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 administrator will submit to the Executive Director the written recommendation for the applicant to be offered a contract.

Acceptance Procedure

Once the Committee or administrator has selected the final candidate, the name will be provided to the Executive Director who will review the applicant's credentials with the administrator. If the Executive Director concurs with the recommendation, the Executive Director 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 Charter School has not yet received documentation requested pursuant to I.C. 33-1210(3), the School may provisionally employ such applicant on a non-contracted basis for up to 30 days after receipt of the documentation. Within that 30 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 certificated employee 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 Charter School may employ the applicant on the School's certificated employee 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 Executive Director will prepare the necessary papers for recommendation to the Board of Directors at the next regular or special Board meeting.
 - C. Submit to the Board of Directors such recommendation.

Board Action

The Board of Directors of Forrest M. Bird Charter School 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 administrator and the screening committee the Board will not take action until all concerns have been reviewed by the administrator.

Approval

Upon approval by the Board of Directors, a contract, which may comply with the forms recommended by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-5206(4). 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 if the person willfully refuses to acknowledge receipt of the contract or if the contract is not signed and returned to the Board, the Executive Director will remand the situation to the 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 Charter School Office at the beginning of the school 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 School.

Cross References:	5100F1-F3	Hiring Process and Criteria Forms
	5110	Criminal History/Background Checks
	5120	Equal Employment Opportunity and Non-Discrimination
	740PA1 – 2	Reduction in Force Procedures and Forms

Legal References:	I.C. § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates or Individuals Having Contact with Students
	I.C. § 33-1210	Information on Past Job Performance
	I.C. § 33-5204	Nonprofit Corporation—Liability—Insurance

I.C. § 33-5206	Requirements and Prohibitions of a Public Charter School
I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules
I.C. § 65-505	Officials to Observe Preference
I.C. § 65-501, <i>et seq.</i>	Rights and Privileges of Veterans
I.C. § 74-206	Executive Sessions — When Authorized
IDAPA 21.01.06	Rules for the Enforcement of the Veteran’s Preference in Public Employment
IDAPA 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

PERSONNEL

5100P1

Procedures for Obtaining Personnel Records for Applicants

1. Before hiring an applicant for employment in a certificated or non-certificated position the Charter School shall have the applicant sign the statement/release (form 5100F1) and provide a list of their previous employers. The list may be obtained via resume or application. The Charter School will not hire an applicant who refuses or fails to sign the statement/release.
2. The signed statement/release will then be sent by the Charter School to each and every, current or past, in state or out of state, school district employer of the applicant along with a request for information relating to job performance and/or job related conduct (Form 5100F2).

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

3. The Charter School 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 Charter School may hire non-certificated applicants on a non-contractual 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 Charter School 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 Executive Director 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 Charter School shall also request the State Department of Education provide verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (form 5100F3).
5. When such information and documentation is not received prior to screening or interviews, the Charter School 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 Charter School 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 Charter School, a written contract should be provided

prior to the end of the 30 day period. It is the goal of the Charter School to avoid any situation where an applicant or provisional employee is employed by default or without a written contract.

6. The Charter School shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or Charter School employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

Procedure History:

Promulgated on: May 5, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5100P2

Veterans' Preference

The Charter School shall give preference in hiring, and in the case a reduction in force, consideration for a retention, to veterans, unmarried widows and widowers of veterans, and the spouse of any veteran who is unable to work in public employment due to a service-connected disability. Such applicants shall be referred to as "preference eligible applicants" throughout this policy.

This preference does not apply to temporary positions or to appointments to the Board.

For the purpose of this policy, "veterans" means any person who has been discharged or released from active duty in the armed forces under honorable conditions who served on active duty for at least 180 consecutive days.

The Charter School shall post this procedure on the School's website and shall note on all announcements and advertisements of applicable vacancies that preference will be given to preference eligible applicants. Applications for qualifying positions shall ask whether the applicant is claiming veterans' preference and whether the applicant has previously claimed such a preference. The form shall also indicate what documentation is required to confirm veteran status.

Any application for a position submitted by a preference eligible applicant shall be considered, provided it is received before a candidate is chosen to fill the position, regardless of whether the application is received before the deadline to receive applications.

The Charter School shall interview all preference eligible applicants who qualify for the position for which they have applied unless the total number of preference eligible applicants applying for a position exceeds ten.

A preference eligible applicant shall be hired in cases where no other employee is more qualified or there is no articulable reason to select another candidate.

Appeal Process

If an applicant or employee believes they have been denied preference to which they are entitled under this procedure, they may appeal the decision within 35 days of the alleged denial of preference by submitting a written request for appeal to the Board clerk. Such request must include:

1. The applicant or employee's full name and mailing address;
2. A request for either a telephonic or a face-to-face hearing. In the former case, the telephone number where a telephonic hearing may be conducted must be included;

3. The position applied for (if applicable);
4. A brief statement of the applicant or employee's basis of eligibility for a preference;
5. A brief statement of the issues the applicant or employee proposes to raise at the hearing; and
6. Any dates or times the petitioner or the petitioner's attorney cannot be available for a hearing.

The Board shall direct the Principal to notify the applicant or employee of the time and date of the hearing and that the Board shall be the presiding officer at the hearing. Such notice shall be provided at least seven days before the hearing and indicate:

1. Whether the meeting will be by phone or in person;
2. The location of the meeting, if it will be held in person. In person meetings may only be held in the city where the position is located unless the parties agree otherwise; and
3. The address to which relevant documents must be sent.

The hearing shall be held within 35 days of receipt of the request unless good cause to extend the hearing is shown by the Board or by the applicant/employee, in which case the hearing must be held within 70 days.

Prior to the hearing, each side shall notify the others of the witnesses they intend to call and provide one another with copies of any documents to be presented. Evidence may be considered or rejected in accordance with IDAPA 21.01.06.103.03.

The applicant or employee may be represented by an attorney, at their own expense, if they choose.

The Board shall issue a written order reflecting its decision on the matter within 35 days of the hearing. The order shall include:

1. Specific findings on all major facts at issue;
2. A reasoned statement in support of the decision;
3. All other findings and recommendations of the Board;
4. A preliminary decision finding that a preference was or was not applied by the public employer as required by Idaho law;
5. The procedure and time limits for filing an appeal to the Charter School court under Section 65-506, Idaho Code.

Procedure History:

Promulgated on: May 5, 2020

Revised on:

Reviewed on:

[CHARTER SCHOOL 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 Charter School Employer to obtain a copy of past public school employer personnel file materials and other documentation relating to the performance of the Applicant when such Applicant was employed by any other public school, whether in Idaho or any other state.

Before hiring an Applicant for any position, the Charter School 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 Charter School all information relating to the job performance and/or job related conduct of the Applicant and make available to the hiring Charter School 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 Forrest M. Bird Charter School and I consent to my current and former employers, both inside and outside the State of Idaho, upon receipt of this signed authorization, to comply with Idaho law. I further consent that such authorization may be provided to the hiring Charter School via electronic means.

Signature of Applicant

Date

Printed Name of Applicant

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

- Information obtained through the use of this Release will be used only for the purpose of evaluating the qualifications of the Applicant for employment. This information will not be disclosed in any manner other than as provided by Statute.
- A copy of this Release and all information obtained through use of this Release will be placed into the Applicant's Personnel File with the Charter School 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 Charter School's reporting of the individual to the Idaho Professional Standards Commission for a potential violation of the Code of Ethics for Professional Educators.
- By accepting an executed copy of this form, the hiring Charter School makes no guaranty or promise of employment to the Applicant. Further, the hiring Charter School may employ the Applicant on a conditional basis pending review of information gathered pursuant to this Release. Such conditional employment is not a guarantee or promise of continued employment with the hiring Charter School for any length of time or pursuant to any additional conditions.

**[CHARTER SCHOOL 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. [Idaho Code 33-5210 (3) requires public charter school to comply with laws governing safety including but not limited to sections . . . 33-130 (Criminal history checks for school district employees or applicants for certificates or individuals having contact with students) and Idaho Code 33-1210 is clearly designed as a safety measure for public schools hiring certificated employment candidates.]

The aforementioned statute requires Applicants to sign a statement “authorizing the applicant’s current and past employers, including employers outside of the State of Idaho, to release to the hiring Charter School all information relating to the job performance and/or job related conduct, if any, of the applicant and making available to the hiring Charter School copies of all documents in the previous employer’s personnel, investigative, or other files relating to the job performance by the Applicant.”

Enclosed please find a copy of the signed Authorization for Release of Information from _____, an Applicant for employment with the Forrest M. Bird Charter School. This individual has identified your Public School as a prior employer. Accordingly, we are requesting that you please provide to the Charter School a copy of all information relating to this individual’s performance as an employee with your Public School. 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 Charter School 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.

Forrest M. Bird Charter School HR

Forrest M. Bird Charter School No. 487

PERSONNEL

5100F3

[CHARTER SCHOOL 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 Forrest M. Bird Charter School ("the Charter School") is seeking information regarding the following individual:

Name of Applicant _____

D.O.B.: _____

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

1. Certificate status;
2. The existence of any past findings or complaints relating to violations of the Code of Ethics for Professional Educators;
3. The existence of any current complaints or investigations relating to alleged violations of the Code of Ethics for Professional Educators; 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 Charter School would greatly appreciate it if this information could be advanced to the attention of _____ on or before the _____ day of _____ in order to allow a timely decision as to employment matters. This information may be mailed at the above address or sent via electronic format to:

_____.

Sincerely,

Forrest M. Bird Charter School HR Department

PERSONNEL

5105

Certificated Personnel Employment

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 charter school/school district.

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

Renewable Contract Certificated Employees: At the Charter School's sole discretion, and upon being offered a contract for a fourth full consecutive year of employment as a certificated teacher, certificated personnel may automatically renew their employment with this Charter School, for the next school year, by timely returning their contract.

The Charter School shall have the option to grant renewable contract status when it hires a certificated employee who had been on a renewable contract with another Idaho charter school/school district or who has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho. Alternatively, the Charter School can place the certificated employee on a Category 3 contract. Such Category 3 placement may be for one, two, or three years.

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, will be hired as at-will employees on a form contract approved by the Superintendent of Public Instruction for Retired Teachers or Retired Administrators.

Interim Certificate Holder: A certificated employee who holds an interim certificate while they pursue an alternate route to certification must complete at least nine semester credits annually toward the completion of their alternate route to certification and meet their annual progress goals toward the completion of the alternate route. The Charter School may take action to terminate or non-renew a teacher with an interim certificate who fails to meet these requirements. Such termination or non-renewal shall be carried out in accordance with State law and administrative rules and Charter School policy.

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 Charter School 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 employee's 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 Charter School to terminate the contract at the conclusion of the contract year.

Supplemental Contracts

An extra duty assignment is, and extra duty supplemental contracts 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 should 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 Charter School. 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 the Charter School delivers contracts via electronic means, with return electronic receipt, and the School has not received a returned signed contract and has not received an electronic read receipt from the employee, the School 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 Charter School shall have 15 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 Executive Director **or** Human Resources Director 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 References:	5340 6100	Evaluation of Certificated Personnel Executive Director
Legal References:	I.C. § 33-507 I.C. § 33-513 I.C. § 33-514 I.C. § 33-514A I.C. § 33-515	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

I.C. § 33-515A Supplemental Contracts
I.C. § 33-5206 Requirements and Prohibitions of a Public Charter
School

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5107

Informal Review

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

The Charter School will use the following procedure:

1. The employee must request, in writing, an Informal Review within 3 work 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 4 work 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 10 work 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 shall be provided the opportunity to 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 Informal Review. Such decision shall 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 fifteen (15) days of the date of the Informal Review.

The employee does not have the right to be represented by an attorney or a representative of the state teachers’ association, present evidence 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 References:	I.C. § 33-514	Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-515A	Supplemental Contracts

Policy History:

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PERSONNEL

5110

Criminal History/Background Checks

General

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

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

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

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

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

Initial Hires

In order to protect the health, safety, and welfare of the students of the Charter School, Idaho law requires the following employees 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 Charter School of any arrest, charge or criminal conviction that occurs subsequent to being hired by the School. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged, or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he 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 Executive Director or designee upon receiving notification that an employee has been arrested or has a protection order served against him or her. The Charter School reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

It is the discretion of the Charter School 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 charter school, the Charter School may in its sole discretion, not require a substitute to undergo a criminal history check. If the Charter School 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 School will pay the costs of such check.

Other Employees

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

Volunteers

Any volunteer in the Charter School who has regular unsupervised access to students, as determined by the Executive Director or his or her designee, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the Charter School.

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

Contractors

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

Confidentiality

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

Legal References: Pub. L. 105-251 Volunteers for Children Act

I.C. § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates or Individuals Having Contact with Students
I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations Upon Authority
I.C. § 33-5211	Application of School Law – Accountability – Exception from State Rules
I.C. § 74-106	Records Exempt from Disclosure
IDAPA 08.02.04.300	Public Charter School Responsibilities

Policy History:

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PERSONNEL

5120

Equal Employment Opportunity and Non-Discrimination

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

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 Charter School 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 References:	5100	Hiring Process and Criteria
	5250	Certificated Staff Grievances

Legal References:	Pub. L. 99-603	Immigration Reform and Control Act of 1986
	20 U.S.C. §§ 1681 - 1682	Title IX of the Education Amendments of 1972
	29 U.S.C. § 206(d)	Equal Pay Act of 1963 -Prohibition of Sex Discrimination
	29 U.S.C. §§ 621-34	Age Discrimination in Employment Act of 1967
	29 U.S.C. § 701, <i>et seq.</i>	Section 504 of the Rehabilitation Act of 1973
	42 U.S.C. §§ 2000(e), <i>et seq.</i>	Title VII of the Civil Rights Act of 1964
	42 U.S.C. §§ 12101, <i>et seq.</i>	Title I of the Americans with Disabilities Act of 1990
	29 C.F.R. Part 1601	Implementing Title VII of Civil Rights Act
	29 C.F.R. § 1604.10	Pregnancy Discrimination Act -Employment Policies Relating to Pregnancy and Childbirth

34 C.F.R. Part 106

Nondiscrimination on the Basis of Sex in
Education Programs or Activities Receiving
Federal Financial Assistance (Implementing
Title IX)

I.C. § 33-5206

Requirements and Prohibitions of a Public
Charter School

I.C. § 67-5909

Commission on Human Rights - Acts
Prohibited

IDAPA 08.02.04.300

Public Charter School Responsibilities

Policy History:

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PERSONNEL

5125

Reporting New Employees

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

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

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

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

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

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

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

Policy History:

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Reviewed on:

PERSONNEL

5130

Administrative Leave

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

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. § 33-5210(3)

Application of School Law - Accountability -
Exemption from State Rules

Policy History:

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PERSONNEL

5200

Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the Charter School.

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

Legal Reference: *Metcalf v. Intermountain Gas Co.*, 778 P.2d 744 (Idaho 1989).

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PERSONNEL

5205

Job Descriptions

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

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

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

Cross Reference: 5500 Personnel Files

Policy History:

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PERSONNEL

5210

Work Day

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 8 hours for a full-time certified employee. The work day is generally exclusive of 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 Executive Director.

Other conditions pertaining to certified work day, preparation periods, lunches, etc., are found in the employee handbook approved by the Board of Directors. Such handbooks may change from time to time and a new handbook will be approved by the Board for each school year.

Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be an eight hours per day, 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. Normal office hours in the Charter School will be 7:30 a.m. to 3:30 p.m.

Cross Reference:	5810	Compensatory Time and Overtime/Classified Employees
Legal References:	29 U.S.C. § 201, <i>et seq.</i>	The Fair Labor Standards Act of 1985
	29 C.F.R. Part 516	Records to be kept by Employers (Implementing FLSA)
	I.D.A.P.A. 08.02.04.300	Public Charter School Responsibilities

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PERSONNEL

5220

Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment, and transfer of position and duties by the Board, Executive Director, supervisor, and/or other administrative staff member. Changes in assignment may also be made at the request of an employee. Assignment shall be based upon the qualifications of the candidate and the philosophy and needs of the Charter School.

If a change of assignment was not requested by the employee, he or she should be consulted and have an opportunity to express his or her preferences. However, the final decision on transfer or alteration of any assignment rests with the Executive Director.

Teachers shall be assigned at the levels and in the subjects that are appropriate and allowable for the certificates and endorsements they hold. The Executive Director shall provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions consistent with this policy and State law. Nothing in this policy shall prevent the reassignment of a staff member during the school year.

When the Board reassigns an administrative employee to a non-administrative position, the employee shall be entitled to an informal review as described Policy 5107.

Classified Staff

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

Teaching

All teachers shall be given notice of their teaching assignments relative to grade level, building, and subject area before the beginning of the school year, recognizing that such placement could change subsequent to this initial notice, including during the course of the school year.

Cross References:	5107	Informal Review
	6100-6100P	Executive Director
	6200	Charter School Organization

Policy History:

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Reviewed on:

PERSONNEL

5230

Accommodating Individuals with Disabilities

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 Charter School will provide auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

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

The Executive Director is designated the Americans with Disabilities Act, Title II Coordinator and, in that capacity, is directed to:

1. Oversee the Charter School's compliance efforts, recommend necessary modifications to the Board, and maintain the Charter School'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 Executive Director or other administrator if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 5250 Certificated Staff Grievances

Legal References:	42 U.S.C. §§ 12101, <i>et seq.</i>	The Americans with Disabilities Act
	28 C.F.R. Part 35	Nondiscrimination on the Basis of
		Disability in State and Local Government
	I.C. 33-5206	Services (Implementing the ADA)
		Requirements and Prohibitions of a Public
		Charter School
	IDAPA 08.02.04.300	Public Charter School Responsibilities

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PERSONNEL

5235

Health Examination

The Charter School has a legal obligation to protect the morals, health, and safety of the School'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 Charter School further has a legal obligation to assure that professional teaching personnel are free from contagious disease.

Should a situation arise where the Executive Director 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:

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 Executive Director 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 Executive Director and may put such employee on a period of paid leave, pursuant to Charter School 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 Charter School;
2. The information obtained by the Charter School 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. § 33-1202 Teachers - Eligibility for Certificate
 I.D.A.P.A. 08.02.04.300 Public Charter School Responsibilities

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5240

Sexual Harassment/Sexual Intimidation in the Workplace

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

The Charter School shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by State and federal law. In addition, 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.

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

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

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

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

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

Investigation

When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to:

1. Protect the grievant from further harassment;
2. Discuss the matter with and obtain a statement from the accused and his 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 Certificated Staff Grievances

Legal References:	20 U.S.C. §§ 1681 - 82	Title IX of the Education Amendments of 1972
	42 U.S.C. § 2000(e), <i>et seq.</i>	Title VII of the Civil Rights Act of 1964
	29 C.F.R. § 1604.11	Sexual harassment
	I.C. § 33-5210(3)	Application of School Law - Accountability
		- Exemption from State Rules
	I.C. § 67-5909	Commission on Human Rights - Acts
		Prohibited

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5240F

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment

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

Employee Signature

Employee Printed Name

Date

PERSONNEL

5250

Certificated Staff Grievances

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

Grievance Definition

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

Grievance Procedure

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 immediate building principal. The written grievance shall state:

1. The policy 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 Executive Director within ten working days of the date of the initial event allegedly giving rise to the grievance.

The Executive Director or his or her designee shall meet with the grievant and shall, at the discretion of the Executive Director or designee, seek whatever additional documentation the Executive Director deems appropriate, and conduct whatever additional meetings or investigative activities the Executive Director or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten working days, the Executive Director 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 Executive Director, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within five days of receiving the Executive Director's decision. The Board is the policy-making body of the Charter School, 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 Executive Director 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 Executive Director, 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 so long as received more than three days in advance of such meeting. If such is received within three days of such meeting, the Board may schedule a Special Meeting of the Board or alternatively such matter may be placed on the agenda for the next subsequently following Board 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.

Grievances will be processed according to the step-by-step process outlined in the Uniform Grievance Procedure 4120, however, in the case where a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step and the process shall be modified as needed to meet the objectives of the Grievance Procedure. If a grievance is directly based on official Board action, the grievance shall be directed to the Clerk of the Board. The grievance may be heard by the Board at the sole discretion of the Board.

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

PERSONNEL

5260

Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Directors, employees, and patrons of the Charter School. It is of particular importance that employees within the School 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 Executive Director 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 or her 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.

"Neglected" means a child:

Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items;

-I.C. § 16-1602(25).

A Charter School 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 Charter School shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Executive Director or his or her designee, who shall also, 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 Charter School employee who fails to report a suspected case of abuse, abandonment, or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination and if the employee is a certificated professional employee, reporting to the Professional Standards Commission for possible violation of the Code of Ethics for Idaho Professional Educators.

Legal References:	I.C. § 16-1602	Child Protective Act: Definitions
	I.C. § 16-1605	Child Protective Act: Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Child Protective Act: Immunity
	I.C. § 16-1607	Child Protective Act: Reporting in Bad Faith-Civil Damages
	I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules
	IDAPA 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5260F

Report of Suspected Child Abuse, Abandonment, or Neglect

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

Copy to: Executive Director _____
Building Principal _____

From: _____ Title: _____

School: _____ Phone: _____

Persons contacted: ☐ Executive Director ☐ Teacher ☐ Principal
☐ 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 Executive Director):

Date Received: _____

Date of Investigation: _____

PERSONNEL

5265

Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

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

Intervention

Charter School 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 Charter School 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 Charter School 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 Charter School policies, including Policies 3330 and 3340.

Reporting

Any Charter School 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 Charter School policy and procedure, including Policies 3295 and 3295P.

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

The Executive Director, school administrator, 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 Charter School office and reported as required by the State Department of Education.

Policy Distribution

The Executive Director 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 References:	3295-3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3330	Student Discipline
	3340	Corrective Actions and Punishment
Legal References:	I.C. § 18-917	Assault And Battery - Hazing
	I.C. § 18-917A	Student Harassment — Intimidation — Bullying
	I.C. § 33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development
	I.C. § 33-5210	Application of School Law – Accountability – Exemption from State Rules
	I.D.A.P.A. 08.02.02.111	Bullying, Harassment and Intimidation Prevention and Response
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline
	I.D.A.P.A. 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: May 5, 2020

Revised on:

Reviewed on:

PERSONNEL

5270

Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of Charter School business and are required to comply with and conform to Idaho law, the provisions of the School's Charter and policies, 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 Charter School, accept gifts or benefits, or participate in business enterprises or employment which create a conflict of interest with the faithful and impartial discharge of the employee's School duties. A Charter School employee may, prior to acting in a manner which may impinge on any fiduciary duty, disclose the nature of the private interest which creates a conflict. Care should be taken to avoid using, or avoid the appearance of using, official positions and confidential information for personal advantage or gain.

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

Charter School employees who are contacted by the media should direct such inquiries to either the individual in question or to the Executive Director, his or her designee, or to the designated board member to handle the inquiries.

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

Personnel Conflict of Interest

It is not uncommon for a Charter School to employ people who are related to one another or romantically involved with one another. However, it is inappropriate for one family member or romantic partner to have direct influence over the other's conditions of employment (i.e., salary, hours worked, shifts, evaluation, etc.).

For the purpose of this policy, family member or romantic partners are defined as spouse, domestic partner, daughter, son, parent, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, daughter-in-law, or son-in-law.

In any case, when employees are unsure about a potential conflict, they should fully disclose the circumstances in writing to their supervisor. If one family member or romantic partner has influence over another family member or romantic partner's conditions of employment, the following should occur:

1. In collaboration with the supervisor, the involved employees will be provided 30 days to make a decision regarding a change. Options include, but are not limited to:
 - A. One employee applying to transfer to another area; or,
 - B. Revising the reporting structure in the department so that one employee no longer has direct influence over the other employee's conditions of employment; or
2. If a decision is not reached by the end of the 30-day period, the department head, or next level of administrator, will resolve the situation.

Nothing in this policy shall require the Executive Director or Board, in the case when the conflict of interest directly relates to the Executive Director, to transfer an employee to a different position in an effort to avoid a conflict of interest if doing so would not be in the best interest of the Charter School.

Insubordinate Conduct

In the educational setting there are high expectations for employee behavior. This is necessary to ensure effective and efficient operation of the school and to model and reinforce appropriate professional interactions for our students. Accordingly, employees shall treat all administrators, students, and colleagues in an appropriate professional manner.

Employees shall comply with all work-related orders, instructions, and directives issued by a proper authority. Insubordination; manifest disrespect; acts or language which hamper(s) the school's ability to control, manage, or function; displays of unacceptable modeling of rules for students or staff; or any other serious breaches involving improper attitudes or improper action toward persons in positions of authority are just cause for and may result in employee discipline, up to and including possible termination.

Examples of improper conduct include, but are not limited to:

1. Disobeying an appropriate order, instruction, or directive of a supervising employee or administrator;
2. Refusing to accept a reasonable and proper work assignment or directive of a supervising employee or administrator;
3. Disputing or ridiculing authority;
4. Exceeding authority; and/or
5. Using vulgar or profane language to a supervising employee or administrator.

Legal References:	I.C. § 33-1208	Teachers - Revocation, Suspension, Denial, or Place Reasonable Conditions on Certificate — Grounds
	I.C. § 33-1209	Teachers - Proceedings to Revoke, Suspend or Deny or Place Reasonable Conditions on a Certificate
	I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	I.D.A.P.A. 08.02.02.076	Code of Ethics for Idaho Professional Educators

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5275

Adult Sexual Misconduct

This policy shall apply to all staff, contractors, and volunteers who have contact with students.

For the purposes of this policy, sexual misconduct is defined as any sexual activity directed at a student, regardless of age, with the purpose of developing a romantic or sexual relationship. It includes activities that are:

1. Physical and non-physical;
2. Conducted in person or through other modes of communication;
3. Conducted before, during, or after school;
4. On Charter School property or elsewhere; and
5. Legal and illegal.

Illegal sexual misconduct is characterized by sexual contact between an adult and a child under the age of 18 and includes explicit sexual conduct, solicitation of a minor child to participate in a sexual act, sexual exploitation and dissemination of sexual material harmful to minors. Sexual misconduct also includes such inappropriate verbal conduct as sexual comments or questions, jokes, taunting, and teasing and such inappropriate physical conduct as kissing, hair stroking, tickling, and frontal hugging.

Sexual misconduct is prohibited. Staff and volunteers who engage in sexual misconduct shall be subject to disciplinary activity, including termination. They may also be reported to law enforcement and/or the Department of Health and Welfare, as described in Policy 5260.

To avoid the appearance of impropriety, staff should avoid singling students out for personal attention such as frequent hugging or other physical contact, the giving of gifts, frequent compliments directed toward a particular student, overly personal cards, notes, or electronic communications, or teasing that references gender or contains sexual innuendo. Staff should take reasonable measures to avoid being alone with any student unless there is a legitimate, work-related need to be alone with the student. In cases such as before or after school tutoring, teachers may ask another teacher to be present in the classroom, or such tutoring may be conducted in a less private area with other adults present, such as in the school library.

The Charter School recognizes that some student interactions occur outside the classroom. School employees and volunteers should avoid the appearance of impropriety by refraining from the following behavior:

1. Conducting ongoing, private conversations with individual students that are unrelated to school activities or the well-being of the student and take place in locations inaccessible to others;

2. Inviting a student or students for home visits without informing parents;
3. Visiting the homes of students without the knowledge of parents;
4. Inviting students for social contact off school grounds without the permission or knowledge of the parents; and
5. Transporting students in personal vehicles without the knowledge of parents or supervisors.

Reporting Sexual Misconduct

Any staff member, contractor, or volunteer who has reasonable cause to believe a staff member, contractor, or volunteer has engaged in misconduct or that any other adult has engaged in sexual misconduct on Charter School property or at a Charter School event shall report the misconduct to his or her supervisor, who shall notify the Executive Director or designee. The matter shall be investigated in accordance with Policy 3290. Investigation of any report of sexual misconduct shall include an investigation of whether the incident constitutes a violation of Title IX.

The incident shall also be reported to the Charter School Title IX Coordinator to be investigated and addressed in the same manner as a report of sexual harassment.

The individual with reasonable cause to believe sexual misconduct has occurred shall also report the incident in accordance with Policy 5260, if applicable.

False Reports

Making a knowingly false report of sexual misconduct is prohibited and may result in the termination of a staff member or volunteer who makes such a report or in the suspension or expulsion of a student who makes such a false report.

Distribution of Policy and Training

This policy shall be posted on the Charter School website and provided to all new employees upon hiring, to all volunteers upon acceptance as volunteers. The employee or volunteer shall sign an acknowledgment, to be retained by the Charter School, indicating that they have received and reviewed a copy of this policy.

The Charter School shall provide training on preventing and reporting sexual misconduct to all staff who have contact with students.

Cross References:	3290	Sexual Harassment/Intimidation of Students
	5240	Sexual Harassment/Sexual Intimidation in the Workplace
	5260	Abused and Neglected Child Reporting
	5280	Professional Standards Commission (PSC) Code of Ethics
	5325	Employee Use of Social Media Sites, Including Personal Sites

Legal Reference: 20 U.S.C. §§ 1681 - 82 Title IX of the Education Amendments of 1972

Other Reference: US Department of Education: Office of Safe and Healthy Students Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, *A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting, Readiness and Emergency Management for Schools* (March, 2017) (available at <https://rem.s.ed.gov/docs/ASMTTrainingGuide.pdf>)

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

Professional Standards Commission (PSC) Code of Ethics

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 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 [Charter School] 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 References:	I.C. § 33-1208	Teachers - Revocation, Suspension, Denial, or Place Reasonable Conditions on Certificate — Grounds
	I.C. § 33-1208A	Teachers - Reporting Requirements and Immunity
	I.C. § 33-1209	Teachers - Proceedings to Revoke, Suspend or Deny or Place Reasonable Conditions on a Certificate
	I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	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.D.A.P.A. 08.02.04.300	Public Charter School Responsibilities

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5285

Solicitations

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 Executive Director.

Solicitations of Staff Members

No non-School organization may solicit funds from employees or distribute flyers related to fund drives through the School without the approval of the Executive Director.

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5290

Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the Charter School may seek an elective office, or advocate for or against a political candidate or ballot measure, provided that the staff member does not campaign during instructional times or while they are responsible for other duties, or while they are in settings where they are likely to have contact with students; and provided all other legal requirements are met. "Ballot measure" includes, but is not limited to, bond or levy elections.

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 Charter School 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 School employee to express his or her personal constitutionally protected political views.

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

No Charter School employee may work on election, political campaigns, ballot issues, or issues dealing with private or charitable organizations or foundations during the work day.

Legal Reference:	Pub. L. 76-252	The Hatch Act of 1939
	Id. Const. art. III, § 1	Initiatives and Referenda
	I.C. § 74-601, <i>et seq.</i>	Public Integrity in Elections Act

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5310

Tobacco Free Policy

The Charter School 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 Charter School. Nor will employees be allowed to use tobacco while on duty whether on School property, buses, vans, or vehicles that are owned, leased, or controlled by the Charter School.

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:

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Revised on:

Reviewed on:

PERSONNEL

5320

Drug- and Alcohol-Free Workplace

Purpose

The Forrest M. Bird Charter School is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public.

The use of alcohol and illegal drugs, and the misuse of prescription drugs is unacceptable. All Charter School 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 Charter School premises, while performing work for the Charter School, or in attendance at Charter School-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 Charter School premises, while performing work for the Charter School, 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 Charter School policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her Executive Director 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.

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, withheld judgment or imposition of a 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 Charter School’s employee required substance screens are recognized to be private and sensitive records. They shall be maintained by the Executive Director 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 Executive Director 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 Charter School, 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 Executive Director 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 Executive Director, 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 Charter School's Drug-Free Workplace Substance Abuse Policy, the employee may be required to submit a breath, saliva, urine, and/or blood sample for drug and alcohol testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that the employee is in violation of the Drug-Free Workplace Substance Abuse Policy, the supervisor shall notify the Executive Director.

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

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

1. Chronic 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 Charter School property, or at School-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 Charter School employee **may** be tested for alcohol misuse and controlled substance abuse.

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

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

Law enforcement officials may require a driver involved in an accident to submit to tests administered as part of their jurisdiction. For purposes of this policy, only the test results provided by the Charter School 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 Executive Director or his or her designee within five working days after the Executive Director 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 Executive Director 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 Executive Director 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 Executive Director 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 Executive Director or his or her designee more than one time within a 72 hour period. In the event of positive test results, the Executive Director 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 Charter School-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of the School and personnel. Employees have no expectation of privacy in any of these locations 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 Charter School premises, the Board may search the employee and the employee's locker, desk, or other School property under the control of the employee.

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

Charter School Action Upon Violation of Policy

Employees in violation of the provisions of this policy shall be subject to disciplinary action up to and including termination. 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 Charter School employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Executive Director or his or her designee shall notify the appropriate State or federal agency from which the School 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 Charter School's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the School's operations; the nature of the criminal offense; the nature of the employee's job with the School; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the Charter School.

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 submitting a sample that is not his or her own.

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

Legal References:	41 U.S.C. § 81	The Drug-Free Workplace Act of 1988
	29 C.F.R. § 94.205	What must I include in my drug-free workplace statement?
	34 C.F.R. Subpart B	Requirements for Recipients Other Than Individuals
	I.C. § 33-5211	Application of School Law – Accountability – Exception from State Rules

I.C. § 72-1366	Employment Security Law - Personal Eligibility Conditions
I.C. § 72-1701, et seq.	Idaho Employer Alcohol and Drug-Free Workplace Act
IDAPA 08.02.04.300	Public Charter School Responsibilities.

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5320P

Drug and Alcohol Abuse Testing Program and Procedures

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 Charter School as well as current Charter School employees.

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

If the Executive Director or designee determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the Executive Director 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 Charter School.

Designation of Laboratory: Bonner General Occupational Health has been selected to perform the testing on specimens submitted. Bonner General Occupational Health will be responsible for performing the required drug test. Bonner General Occupational Health will also be responsible for properly handling specimens for alcohol testing. Bonner General Occupational Health is a certified lab approved for drug testing. A breath analysis test will be performed by a certified Breath Alcohol Technician.

Collection Site: Bonner General Occupational Health, 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 Executive Director 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.

The following constitutes alcohol testing refusals:

1. Refusal by any employee to complete and sign the breath alcohol testing form;
2. Failure to provide adequate breath without a valid medical explanation in writing; or
3. Failure of an employee to remain readily available for testing for eight hours following an accident that requires testing.

The following constitute 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 Bonner General Occupational Health. Bonner General Occupational Health shall 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 Executive Director 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 Executive Director within an average of five days after receiving the specimens. The Executive Director or his or her designee will interview the person to determine if there is any satisfactory explanation for the positive result. The Executive Director 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 Executive Director 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 Executive Director or designee only upon the written consent of the individual, except that results may be released and relied upon by the Charter School in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

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 Charter School'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 Executive Director 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 Executive Director will suspend the procedures at that point.

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

The Executive Director 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 Executive Director 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 Executive Director or designee and, upon request, to provide the Executive Director 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 Executive Director or his or her designee shall make arrangements to 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 Executive Director'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 by two days from the start of each school, the employee should be advised that under Board Policy refusal is insubordination. If the employee continues to refuse, the employee should be transported back to the Executive Director's office. The Executive Director 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 Executive Director 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 Executive Director 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 Executive Director 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 Executive Director, 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 Executive Director in the event an employee refuses to test or does not arrive for testing. In the event of positive test results, the Executive Director 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 June 23, 2020

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Reviewed on:

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5320F1

Drug and Alcohol Abuse Testing Acknowledgment

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

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

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

PERSONNEL

5325

Employee Use of Social Media Sites, Including Personal Sites

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

Protect Confidential and Proprietary Information

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

Do Not Use the Charter School's Name, Logos, or Images

Employees shall not use the Charter School logos, images, iconography, etc. on personal social media sites.

Employees shall not use the School name to promote a product, cause, political party, or political candidate.

Employees shall not 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 Charter School Time and Property

Limited Use of Social Media on Charter School Equipment Permitted

Employees will use email and social media for personal purposes only during non-work times, such as during lunch or before or after school. Any use must occur during times and places that the use will not interfere with job duties, negatively impact job performance, be observable by students, or otherwise be disruptive to the school environment or its operation.

On Personal Sites

If you identify yourself as a Charter School employee online, it should be clear that the views expressed, posted, or published are personal views, not necessarily those of the Charter School, 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 Charter School email address for personal social media activities. Use of School email for this purpose is prohibited and will be considered a violation of Charter School 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, which requires professional relationships with students both inside and outside the classroom;
2. Contacting students through electronic means other than the Charter School’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 Charter School; and
5. Inappropriate contact of any kind including via electronic media.

Nothing in this policy prohibits Charter School 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 Charter School’s Administration and may result in employment action up to and including possible termination.

Rules Concerning Charter School-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 also comply with the following rules:

1. The employee must set up the club, activity, etc. as a group list which will be “closed and moderated”;
2. The employee must set up mechanisms for delivering information to students who are not members of the group via non-electronic means;
3. Members will not be established as “friends” but as members of the group list;
4. Anyone who has access to the communications conveyed through the site may only gain access by the permission of the employee. Persons desiring to access the page may join only after the employee invites them and allows them to join;
5. Parents shall be permitted to access any site that their child has been invited to join .Parents shall report any communications by students or school personnel they believe to be inappropriate to Charter School administration;
6. Access to the site may only be permitted for educational purposes related to the club, activity, organization, or team;
7. The employee responsible for the site will monitor it regularly;
8. The Executive Director shall be permitted access to any site established by the employee for a School-related purpose;
9. Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such Charter School-sponsored social media activity. This includes maintaining a separation between the School activity pages and employees’ personal social media profiles and pages;
10. Postings made to the site must comply with the Charter School’s Policy 5335 Employee Use of Electronic Communications Devices; and
11. The Executive Director reserves the right to shut down or discontinue the group if he or she believes it is in the best overall interest of the students.

Cross References: 5335 Employee Use of Electronic Communications Devices
 3270P Acceptable Use of Electronic Networks

PERSONNEL

5325P

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

Think Before Posting

Privacy does not exist in the world of social media, therefore the Charter School recommends that employees consider what could happen if a post becomes widely known and how that may reflect on the poster, the School, and 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, and the Charter School and on 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 official Charter School 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 Charter School email address for personal social media activities. Such uses will be considered a violation of School policy and may result in disciplinary action.

The Charter School reserves the right to monitor communications transmitted and received through the School network. This may include social media messages and updates sent to a School e-mail account.

Charter School Social Media Sites

Notify the Charter School: Employees that have or would like to start a School social media page should contact their Executive Director or designee. All Charter School pages must have an appointed employee who is responsible for content. The School 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. The Executive Director 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 Executive Director 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: The Charter School 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 Charter School Voice: Posts on Charter School affiliated social media sites should protect the School's voice by remaining professional in tone and in good taste. Carefully consider the naming of pages or accounts, the selecting of pictures or icons, compliance with School policy and State and federal laws with regard to student and employee confidentiality and the determination of content.

Procedure History:

Promulgated on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5330

Employee Email and Online Services Usage

Electronic mail (“e-mail”) is defined as a communications tool whereby electronic messages are prepared, sent, and retrieved on personal computers. Online 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 Charter School’s faculty. Electronic networks, including the Internet, are a part of the School’s instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

In order for the School 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 Charter School’s electronic networks shall comply with the selection criteria for instructional materials and library/media center materials. Staff may, consistent with the School’s educational goals and Charter, use the Internet throughout the curriculum.

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

The Charter School email and Internet systems are provided for educational purposes only. The School’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 Charter School policy. All email and Internet records are considered School records and should be transmitted only to individuals who have a need to receive them and only relating to educational purposes. Staff have no expectation of privacy in any materials that are stored, transmitted, or received via the Charter School’s electronic network or School computers/technology. The Charter School 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;
6. Uses that waste Charter School resources;
7. Uses that are commercial transactions, including commercial or private advertising;
8. 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 Charter School;
9. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, materials that depict the sexual exploitation of minors, or other inappropriate materials;
10. Sharing one's password with others or allowing them to use one's account;
11. Downloading, installing, or copying software or other files without authorization of the Executive Director or the Executive Director's designee;
12. Posting or sending messages anonymously or using a name other than one's own;

13. Attempting to access the Internet using means other than the Charter School network while on campus or using School property;
14. Sending unsolicited messages such as advertisements, chain letters, junk mail, and jokes;
15. Sending e-mails that are libelous, defamatory, offensive, or obscene;
16. 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;
17. Forwarding or redistributing the private message of an email sender to third parties or giving the sender's email address to third parties without the permission of the sender; and/or
18. Downloading or disseminating copyrighted or otherwise protected works without permission or license to do so.

] The Technology Coordinator will hear staff claims that the Charter School Internet filtering system has denied access to Internet material that is not inappropriate or within the prohibitions of School policy. The Technology Coordinator will determine whether these materials should be unblocked, and direct them to be unblocked when appropriate. If a staff member disagrees with the decision of the Internet Safety Coordinator, they may appeal the decision to the Executive Director.

Records

Charter School records, including email 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 School may review any and all email of any employee, at any time, with or without cause. Consequently, employees should always ensure that all information contained in email and Internet messages is accurate, appropriate, and lawful. Email 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 email, employees should use their Charter School e-mail rather than a personal email account. Email and Internet messages by employees may not necessarily reflect the views of the School. Abuse of the email or Internet systems, through excessive and/or inappropriate personal use, or use in violation of the law or School policies, will result in disciplinary action, up to and including termination of employment. Email 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 Executive Director.

Privacy

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

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/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 Charter School's computer and/or using the School'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 Email and Online Services Use Policy Acknowledgment upon the adoption of this policy or upon hiring.

Warranties/Indemnification

The Charter School 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 School 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 Charter School will not be responsible for any unauthorized charges or fees resulting from access to the Internet, and any user is fully responsible to the School and shall indemnify and hold the Charter School, its Board Members, 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 Technology Director 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 References: 5290 Political Activity-Staff Participation
 5325 Employee Use of Social Media Sites, Including Personal Sites

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

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

Employee Electronic Mail and Online Services Use Policy Acknowledgment

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

Employee Signature

Employee Printed Name

Date

PERSONNEL

5335

Employee Use of Electronic Communications Devices

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

Charter School-Issued Communications Devices

Communication devices issued by the Charter School may include, for example, cellular telephones; walkie-talkies; personal digital assistants (PDA's); mobile computing devices; tablets, laptop computers; citizens band (CB) radios, either installed in vehicles or hand-held; and pagers/beepers.

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

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

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

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

Personally-Owned Communications Devices

Employees may carry and use personally-owned cellular telephones, pagers/beepers, and PDA's, mobile computing devices, tablets, or laptops during the school day on school property.

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

Cellular telephones, pagers, beepers, and PDA's should not be used during the employee's

normal duty times to send or receive messages of a personal nature, but such use is allowable during normal break times, lunch times, and preparation times. Use of cellular telephones or audible pagers or beepers should be curtailed during instructional time or at school-sponsored programs, meetings, in-services, parent/guardian conferences, or any other time when there would be a reasonable expectation of quiet attentiveness.

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

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

MOBILE COMPUTING DEVICE AGREEMENT

Every staff member must read and sign below:

I have read, understand, and agree to abide by the terms of the Forrest M. Bird Charter School's policies regarding School-provided mobile computing devices (Policy No. 5335). Should any violation or misuse of the device occur while it is in my custody, I understand that I may be subject to disciplinary action, and will forfeit any fees paid for use of the device, regardless of whether the misuse was committed by me or another person.

I accept full responsibility for the safe and secure handling of the device for this school year. I accept full responsibility for the proper use and safeguarding of the device under all applicable policies. I understand that it is my responsibility to immediately report any damage, theft, or problems with the device to the designated administrator.

_____ I do not wish to take the device home at this time.

User's Name (Print) _____ Home Phone: _____

User's Signature: _____ Date: _____

Address: _____

Signature: _____

PERSONNEL

5340

Evaluation of Certificated Personnel

The Charter School has a firm commitment to performance evaluation of Charter School personnel, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development, in achieving School goals, and to assist with decisions regarding personnel actions. This policy applies to certificated personnel, but the Charter School shall differentiate between non-instructional and pupil instructional personnel. The Executive Director is hereby directed to create procedures that differentiate between certificated non-instructional and certificated pupil instructional personnel in a way that aligns with the *Charlotte Danielson Framework for Teaching Second Edition* to the extent possible and aligns to the pupil staff's applicable national standards.

Each certificated staff member shall receive at least one written evaluation to be completed by no later than June 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* domains and components. The evaluation of certificated personnel shall annually include a minimum of two documented observations, one of which shall be completed prior to January 1st. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

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 Executive Director or his or her designee shall have the overall responsibility for the administration and monitoring of the Performance Evaluation Program and shall 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 Charter School'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 Charter School'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. A fourth rating of distinguished being equal to 4 may also be used.

The Immediate Supervisor is the employee's evaluator and 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

The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five years of conducting any evaluations.

Written Evaluation

A written summative evaluation will be completed for each certificated employee by June 1st. A copy will be given to the employee. The original will be retained by the Immediate Supervisor. The evaluation should 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 Charter School and individual school needs assessment in determining professional development offerings.

Evaluation Measures

Observations: Periodic classroom observations will be included in the evaluation process with a minimum of two documented observations annually for certificated personnel, one of which shall be completed prior to January 1st. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

Professional Practice: A majority of the evaluation of certificated personnel will be comprised of Professional Practice based on the *Charlotte Danielson Framework for Teaching Second Edition*. The evaluation will include at least one of the following as a measure to inform the Professional Practice portion: input received from parents/guardians, input received from students, and/or portfolios. The Charter School has chosen Portfolio as its measure to inform the Professional Practice portion. The Board shall determine the manner and weight of parental input, student input, and/or portfolios on the evaluation.

Student Achievement: Instructional staff evaluation ratings must, in part, be based on measurable student achievement as defined in Section 33-1001, Idaho Code, applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one or both years' data. Growth in student achievement may be considered as an optional measure for all other school-based and Charter School-based staff, as determined by the Board.

Charlotte Danielson Framework: The evaluation will be aligned with minimum State standards and based upon the *Charlotte Danielson Framework for Teaching Second Edition* and will include, at a minimum, the following general criteria upon which the Professional Practice portion will be based. Individual domain and component ratings must be determined based on a combination of professional practice and student achievement as specified above.

1. Planning and Preparation

- A. Demonstrating Knowledge of Content and Pedagogy;
- B. Demonstrating Knowledge of Students;
- C. Setting Instructional Outcomes;
- D. Demonstrating Knowledge of Resources;
- E. Designing Coherent Instruction; and
- F. Designing Student Assessments.

2. Classroom Learning Environment

- A. Creating an Environment of Respect and Rapport;
- B. Establishing a Culture for Learning;
- C. Managing Classroom Procedures;
- D. Managing Student Behavior; and
- E. Organizing Physical Space.

3. Instruction and Use of Assessment

- A. Communicating with Students;
- B. Using Questioning and Discussion Techniques;
- C. Engaging Students in Learning;
- D. Using Assessment in Instruction; and
- E. Demonstrating Flexibility and Responsiveness.

4. Professional Responsibilities

- A. Reflecting on Teaching;
- B. Maintaining Accurate Records;
- C. Communicating with Families;
- D. Participating in a Professional Community;
- E. Growing and Developing Professionally; and
- F. Showing Professionalism.

Meeting with the Employee

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

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 supervisor 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 Executive Director, 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 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 supervisor within seven days, the supervisor 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 supervisor may provide the employee with a written response either amending the evaluation as requested by the employee or stating the reason(s) why the supervisor will not be amending the evaluation as requested.

If the supervisor chooses to amend the evaluation as requested by the employee then the amended copy of the evaluation will be provided to, and signed by, the employee. The original amended evaluation will then be forwarded to the Executive Director, or the designee, for review in a sealed envelope, marked Personnel-Evaluation. The supervisor will also retain a copy of the completed form.

If the supervisor chooses not to amend the evaluation as requested by the employee then the evaluation along with the written rebuttal/appeal, and the supervisor's response, if any, will be forwarded to the Executive Director, or the designee, for review in a sealed envelope, marked Personnel-Evaluation. The supervisor will also retain a copy of the completed evaluation including any rebuttal/appeal and responses.

Action

Each evaluation will include identification of the actions, if any, available to the Charter School as a result of the evaluation as well as the procedure(s) for implementing each action. 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 School 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.

Reporting

Any subsequent changes to the Charter School's evaluation plan shall be resubmitted to the State Department of Education for approval. The School shall report the summative rankings, the number of components rated as unsatisfactory, whether a majority of the certificated personnel's students met their measurable student achievement or growth targets or student success indicators as well as what measures were used, and whether an individualized professional learning plan is in place for all certificated personnel evaluations, annually to the State Department of Education.

Legal References:	I.C. § 33-1001	Foundation Program — State Aid —
	IDAPA 08.02.02.120	Apportionment – Definitions
		Local District Evaluation Policy -- Instructional Staff and Pupil Service Staff Certificate Holders

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5340F

Parent or Guardian Input Form—Classroom Teacher Evaluation

Teacher: _____

Grade(s)/Classes: _____

School Year: _____

Instructions:

1. Please complete the evaluation by circling the most appropriate number.
2. This form should be placed into the box located at _____ or mailed to:

[POSITION]

614 S Madison Ave.

Sandpoint, ID 83864

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 Charter School 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:		

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

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

PERSONNEL

5350

Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with Forrest M. Bird Charter School who are issued a contract and employees who are on contract should recognize that their contract with the School carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless:

1. There are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and
2. Until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Executive Director or her or his designee.

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

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

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

Should any certificated employee abandon the contract of employment with the Charter School without the prior written release from the contract by the Board of Directors, the Board will report such event to the Professional Standards Commission, alleging that the certificated employee is guilty of unethical practices and has violated the Code of Ethics for Idaho Professional Educators.

In addition, should any certificated employee abandon a contract of employment with the Charter School without the prior written release from the contract by the Board, the School and/or Board

may, in its discretion, pursue any and all available legal remedies, including damages to recoup all losses caused by such breach of contract, including without limitation costs for substitutes, recruiting, loss of State funding, and legal fees.

Classified Personnel

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

All resignations should be in writing. The Board has delegated authority to the Executive Director to accept such resignations, and the Board will subsequently be provided notice as part of the regular personnel report.

Any classified personnel who, without approval or without taking leave, does not show up for work for more than four consecutive days will be considered to have abandoned his or her position, and shall be deemed to have resigned.

Legal Reference(s): IDAPA 08.02.02.076.09

Code of Ethics for Idaho Professional Educators - Principle VIII - Breach of Contract or Abandonment of Employment.
Employment Security Law - Personal Eligibility Conditions

[OPTIONAL] I.C. § 72-1366

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on

PERSONNEL

5360

Dress and Appearance

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

-Harry K. Wong

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

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

Dressing up is encouraged.

Employees must at all times meet or exceed standards set for our students in each of their respective schools.

Enforcement

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

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5370

Nonschool Employment by Professional Staff Members

A staff member's outside work or self-employment is of concern to the Board insofar as it may:

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

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

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

Except by prior written authorization from the Executive Director, School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with the Charter School.

A staff member is not permitted to provide tutoring for pay to any student assigned to the educator classes unless the educator has received specific written permission from the Board.

Legal Reference: IDAPA 08.02.02.076.07.c Code of Ethics for Idaho Professional Educators - Compensation for Tutoring

Policy History:

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Reviewed on:

PERSONNEL

5380

Professional Research and Publishing

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

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

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

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

Cross Reference: 4250 Educational Research

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5390

Employment Referrals and Prevention of Sexual Abuse

All employees, contractors, and agents of the Charter School are prohibited from providing any recommendation for employment or otherwise helping an employee, contractor or agent of the Charter School in obtaining a job if they know or have probable cause to believe the individual has engaged in sexual misconduct with a student or minor in violation of the law.

This prohibitions does not include following routine procedures regarding the transmission of administrative or personnel files.

These prohibitions shall not apply to cases in which the alleged misconduct was properly reported to law enforcement and any other authorities required by federal, state, or local law; and

- 1) The matter was officially closed.
- 2) The prosecutor or police with jurisdiction over the case investigated the allegations and notified Charter School officials that there is insufficient information to establish probable cause that the individual engaged in sexual misconduct with a minor or student in violation of the law.
- 3) The individual alleged to have engaged in sexual misconduct with a student or minor has been charged with and acquitted or otherwise exonerated of the sexual misconduct; or
- 4) The case or investigation has remained open and no indictment or other charges have been brought within four years of the date on which the information was provided to law enforcement.

Legal Reference: 20 U.S.C. § 7926 Prohibition on Aiding and Abetting Sexual Abuse

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5395

Whistleblowing

The Board of Directors expects employees of the Charter School to be trustworthy and to conduct themselves in an honorable manner, abiding by all School policies and procedures and by all applicable State and federal laws and administrative rules.

When Charter School employees know or have reasonable cause to believe that serious wrongful conduct has occurred, they should report such wrongful conduct to the Executive Director or designee or his or her designee.

For the purposes of this policy, the term “wrongful conduct” shall mean:

1. Theft or misuse of Charter School funds, property, or resources;
2. Fraud;
3. Violation of federal and state laws or administrative rules; and/or
4. Material violation of School policy or procedure aimed at protecting the health and safety of staff and students.

Disclosure and Investigation

Employees who know or have reasonable cause to believe that wrongful conduct has occurred shall report such activity to the Executive Director or designee or his or her designee. Upon receiving a report of wrongful conduct, the Executive Director or designee or designee shall take immediate steps to conduct an investigation.

If the person alleged to have committed the wrongful conduct is the designee, the Executive Director or designee shall conduct the investigation. If the person alleged to have committed the wrongful conduct is the Executive Director or designee, the investigation shall be addressed in accordance with Policy 4120.

The Executive Director or designee or designee shall maintain a written record of the allegation; conduct an investigation, refer the matter to law enforcement or other appropriate authorities, if applicable; and notify the Board of the allegation and of the results of the investigation.

The Executive Director or designee or designee shall attempt to protect the identity of a whistleblower, provided that doing so does not interfere with the investigation of the allegations or with the taking corrective action.

Complaints of Retaliation

The Charter School shall not take adverse employment action against an employee who has notified the School of wrongdoing, allowing the School the opportunity to investigate and correct the misconduct. The School shall not take adverse action against an employee who has reported misconduct to another government agency or who has cooperated with an investigation of wrongful conduct. Likewise, School employees are prohibited from retaliating against an individual for these actions.

There shall be no adverse employment action or retaliation against an individual who refuses to carry out a directive which he or she believes constitutes a violation of state or federal law or administrative rule.

An employee who alleges they have been subject to retaliation in the form of adverse employment action may contest the action as specified in the appropriate employee grievance policy. The Charter School shall investigate any complaints of such retaliation and take immediate steps to stop any retaliation.

Charter School employees who have engaged in retaliation shall be subject to discipline, which may include dismissal.

These protections do not apply to cases in which an employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Executive Director or designee shall establish any procedures necessary to implement this policy.

This policy and any related procedures may be published in employee handbooks, posted in employee lounges, and/or given to all employees on an annual basis.

Cross References:	5250	Certificated Staff Grievances
	5800	Classified Employment, Assignment, and aGrievance
	5800P	Classified Employee Grievance Procedure

Legal Reference:	I.C. § 6-2101, <i>et seq.</i>	Protection of Public Employees
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Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5400

Leaves of Absence

The Board believes that the provision of leave 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. A leave of absence may be at the request of the employee or may be done involuntarily by action of the Board. The Board may also delegate this authority to a designee.

Delegation of Authority

Through this policy, the Board has delegated this ongoing authority to the Executive Director, both with regard to acceptance of an employee's request for leave of absence as well as an action of placing a certificated employee on an involuntarily leave of absence.

Upon the Executive Director's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Executive Director at the next regularly scheduled meeting of the Board or at a special meeting of the Board should the next regularly scheduled meeting of the Board not be within a period of 21 days from the date of the action.

An Executive Director's acceptance of a certificated employee's request for leave of absence shall be put before the Board for ratification at the next regularly scheduled meeting of the Board or within 21 days, whichever comes first.]

The Executive Director is delegated the authority to address classified personnel leave without notification to the Board and is delegated authority to address classified personnel discipline and termination without Board approval.]

Considerations for Involuntary Leave

If the Executive Director or Board is making a decision as to whether or not to place an employee on a period of involuntary leave of absence, some of the considerations in making such a decision may include:

1. Whether or not the conduct at issue involves a possible:
 - A. Criminal act;
 - B. Violation of the Code of Ethics for Idaho Professional Educators;
 - C. A violation of federal or state education laws or regulations; or

D. A violation of Charter School Policy and/or Procedure.

2. Whether or not the conduct at issue involves the health, welfare, or safety of the Charter School's students or employees.
3. Whether or not there is an event identified.
4. If the event involves an allegation of abuse of a student or minor, is there an "identified victim" or some other information that provides indicia of credibility.
5. If the event involves an allegation of abuse of a student or minor, is the report in question anonymous or are there any other indicia of credibility.
6. Whether or not there is an identified victim or identified event that the Charter School could investigate.
7. Whether or not there a concern that the presence of the employee on school property could be detrimental to the investigation process and/or a concern that the employee and/or the presence of the employee interfere with the investigation process.
8. Whether or not there is an ongoing/related criminal investigation associated with the same alleged event or allegations.]

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 Charter School, may in its discretion, require proof of illness when deemed appropriate, including but not limited to suspicion of 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 Charter School in accordance with this policy and the needs of the Charter School.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits. Seniority will not accumulate unless an employee is in a paid status.

Abuse of sick leave is cause for discipline up to and including termination. For a certificated employee, falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves is a violation of the Code of Ethics for Idaho Professional Educators and may result in a report to the Professional Standards Commission.

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 Charter School to the public employee retirement system.

Bereavement Leave

An employee who has a death in the immediate family shall be eligible for bereavement leave. "Immediate family" for purposes of bereavement leave shall mean mother, father, spouse, child, brother, sister, grandparents, and in-laws that relate in the previous list. The Executive Director shall have the authority to give bereavement leave for up to five days. If the death is of a spouse or child, the Executive Director may grant an additional 5 bereavement days for a total of ten bereavement days without approval by the Board.

Bereavement leave of greater than five days must be approved by the Board. Such leave shall not exceed ten days and it shall be the discretion of the Board as to whether such additional days are with or without pay and/or the application of other possible paid leave benefits can cover such absence with pay.

Personal and Emergency Leave

Upon recommendation of the Executive Director, and in accordance with law and Charter School 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 Charter School, the leave approval will so state;
2. Leave will only be granted in units of half or full days;
3. Notice of at least one 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 Executive Director, 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 Charter School 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 Charter School's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier. Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence.

Legal References:	42 U.S.C. § 2000(e), et seq.	Title VII of the Civil Rights Act of 1964 – Subchapter VI – Equal Employment Opportunities
	I.C. § 33-1228	Teachers - Severance Allowance at Retirement
	IDAPA 08.02.02.076	Code of Ethics for Idaho Professional Educators

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5405

Proof of Illness for Sick Leave

The Board of Directors or a designee of the Board may require proof of illness in a form adequate to protect the Charter School 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 Charter School's Administrative Office.

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5410

Family and Medical Leave

In accordance with the provisions of the Family Medical Leave Act (FMLA) of 1993, a leave of absence of up to twelve 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons:

1. The birth of a child;
2. The placement of a child for adoption or foster care with the employee;
3. A serious health condition that makes the employee unable to perform the functions of the job;
4. To care for the employee's spouse, child, or parent with a serious health condition; or
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in the Armed Forces.

An employee is eligible to take FMLA leave if the employee has been employed for at least 12 months, and has worked at least 1,250 hours during the 12 months immediately prior to the date when the leave is requested and otherwise qualifies pursuant to applicable federal laws

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

Employees will not be required to use appropriate paid leave while on FMLA Leave. Workers Compensation absences will not be designated FMLA Leave.

The Board has determined that the 12 month period during which an employee may take FMLA leave is July 1 to June 30.

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

Legal References:	Pub. L. 103-3	Family Medical Leave Act of 1993 (FLMA)
	Pub. L. 110-181	National Defense Authorization Act (NDAA) for FY 2008
	29 C.F.R. Part 825	Implementing the Family Medical Leave Act of 1993

Policy History:

Adopted on: June 23, 2020

Revised on:
Reviewed on:

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5410

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3. A serious health condition that makes the employee unable to perform the functions of the job;
4. To care for the employee's spouse, child, or parent with a serious health condition; or
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in the Armed Forces.

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	Pub. L. 110-181	National Defense Authorization Act (NDAA) for FY 2008
	29 C.F.R. Part 825	Implementing the Family Medical Leave Act of 1993

Policy History:

Adopted on: June 23, 2020

Revised on:
Reviewed on:

PERSONNEL

5412

Jury Duty

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

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

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: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5413

Witness for Court Appearance Leave

Forrest M. Bird Charter School employees who are subpoenaed into court as a witness will be allowed leave for required court appearances. Employees are expected to use only the portion of the work day of days required for their appearance as a witness. Employees are required to receive prior approval of the Executive Director and their immediate supervisor, such as the maintenance, school lunch, or bus supervisor or principal. 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 Charter School office as soon as possible and such testimony is in behalf of their position as an employee of the School.

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5420

Long-Term Illness/Temporary Disability

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

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

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

Cross References:	5410 – 5410P	Family Medical Leave
Legal References:	Pub. L. 103-3 Pub. L. 110-181 29 C.F.R. Part 825 29 C.F.R. § 1604.10	Family Medical Leave Act of 1993 (FLMA) National Defense Authorization Act (NDAA) for FY 2008 Implementing the Family Medical Leave Act of 1993 Pregnancy Discrimination Act -Employment Policies Relating to Pregnancy and Childbirth

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5420P

Long-Term Illness/Temporary Disability

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

1. When any illness or temporarily disabling condition is “prolonged”, an employee will be asked by the administration to produce a written statement from a physician stating that the employee is temporarily disabled and is unable to perform the duties of his 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: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5430

Insurance Benefits for Employees/ Trustees

Newly hired certificated employees will be eligible for insurance benefits offered by the Charter School consistent with the terms of the current collective bargaining agreement, if applicable.

Board Members will be allowed to participate in the Charter School's group health insurance program provided that any Board Member who desires to participate in such program shall pay the monthly premium to the School on the 15th of each month. Should any Board Member fail to make premium payments as set forth herein, his or her insurance coverage will be automatically cancelled.

Legal Reference: I.C. § 67-5763 Governmental Body Authorized to Make Contracts for
Group Insurance for Officers and Employees

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5440

School Holidays

The Charter School 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.

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

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

Legal Reference: I.C. § 73-108

Construction of Statutes - Holidays Enumerated

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5450

Vacation Leave

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

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

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

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

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

If a legal holiday should fall within an employee's vacation period, the employee will be entitled to an additional day for that holiday. An employee is eligible for holiday pay if the employee worked during the payroll week in which the holiday fell or during the preceding payroll week. No additional time will be given if the employee is absent due to illness or if on unpaid leave.

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

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

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

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5460

Workers' Compensation Benefits

All employees and volunteers of the Charter School are covered by Workers' Compensation benefits pursuant to, and in accordance with, the terms of the School'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 Charter School'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 School's Human Relations Director or Executive Director 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 his or her Executive Director.
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 Charter School's Worker's Compensation report of injury forms with the School's Human Resources Department within 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 Charter School's Human Resources Department or School Office shall immediately report the injury and claim to the School'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 Charter School 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 School's Worker's Compensation insurance policy.

The Charter School's Human Resources Department or School Office 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 Charter School 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 Charter School'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 or School Office for placement in the employee's personnel file.

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

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5470

Leaves of Absence - Military Leave

General Policy

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

The Charter School 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 School.

Notice to Charter School

All employees should provide either written or oral notice of upcoming military training to the Charter School as soon as reasonably practical. The employee or an appropriate officer of the branch of military in which the employee will serve may provide the notice. Employees who are ordered for such duty shall provide one copy of their orders to the Executive Director. 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 active duty, inactive-duty training, funeral honors duty, or field or coast defense training as a Reserve of the armed forces or member of the National Guard shall not suffer any loss of salary, seniority, or efficiency rating during the first 15 work days of such absence in any fiscal year. Leave will be without loss of benefits.

In the case of a part-time employee, military leave for training or short-term duty shall accrue at a rate of 15 days per year multiplied by a percentage determined by dividing by 40 the number of hours in the regularly scheduled workweek of that employee during that fiscal year. Unused leave shall accumulate until it totals 15 days.

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

(Note: Federal law does not require an employer to pay the salary of an employee on military leave except as specified in “Military Leave for Training or Short Term Duty” above.)

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 Charter School may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

Medical Insurance

Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee’s military service is for 31 days to 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the Charter School for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The Charter School’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 Charter School 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 Charter School by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.

31 to 180 Days of Military Service: 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 Charter School’s offices are not open or available to accept a reemployment application, the time extends to the next business day.

181 Days or More of Military Service: 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 the timelines specified under “Reporting to Charter School Once Military Leave is Complete” above.

After an employee has been absent for 31 days or more of military service, the Charter School 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 Charter School will make reasonable efforts to accommodate the disability.

Legal References:	5 U.S.C. § 6323	Military Leave; Reserves and National Guardsmen
	38 U.S.C. §§ 4301–35	Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
	I.C. § 46-224	Officers and Enlisted Men - Entitled to Restoration of Position After Leave of Absence for Military Training
	I.C. § 46-225	Officers and Enlisted Men -Vacation, Sick Leave, Bonus, Health Insurance and Advancement Unaffected By Leave of Absence
	I.C. § 46-407	Militia and Military Affairs - Immunities and Privileges - Reemployment Rights

Policy History:

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PERSONNEL

5480

Leadership Premiums

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 Charter School stakeholders and approved by the Board.

Leadership Criteria

The Board shall award leadership premiums of a minimum of \$950 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. Teaching Summer School Courses

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 References: I.C. § 33-1004F Obligations to Retirement and Social Security Benefits
 I.C. § 33-1004J Leadership Premiums

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5500

Personnel Files

The Charter School maintains a complete personnel record for every employee, certificated and classified. Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Executive Director, principal, supervisor, the employee, the employee's designee or representative, and Idaho public schools requesting information based upon Idaho Code for hiring.

A log of those persons other than the Executive Director, 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 Charter School shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of Charter School employees is governed by Policy 4260 Records Available to the Public.

Not later than 20 days after receiving a request from another Idaho public school, the Charter School shall release information regarding job performance or job related conduct, as defined by Idaho Code, to the Idaho public school requesting such information for hiring purposes. See Policy 5100 Hiring Process and Criteria and Procedure 5100P1 Procedures for Obtaining Personnel Records for Applicants.

The Charter School shall maintain official Charter School files for employees.

An employee's official file shall be kept in the School 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 Charter Schools;
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 Charter School's sexual harassment policy;

11. A signed acknowledgement that the employee has received a copy of the School'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 Executive Director 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 21 days from the date of 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 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 \$15/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 References:	4260	Records Available to the Public
	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 References:	29 U.S.C. § 201, <i>et seq.</i> The Fair Labor Standards Act of 1985	

29 C.F.R. § 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 C.F.R. § 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.
I.C. § 33-517	Non-Certificated Personnel
I.C. § 74-106	Records Exempt from Disclosure – Personnel Files, etc.

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5500P

**OPTIONAL – IF THE CHARTER SCHOOL IS CHOOSING TO FOLLOW THE
PARAMETERS OF SECTION 33-1012, IDAHO CODE.]**

Procedures for Releasing Personnel Records to Hiring Idaho Public Schools

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

Pursuant to State law, the only information or documentation that the Charter School 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 Charter School 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 Charter School 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 Idaho public school, the School 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 Idaho public school, the Charter School 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 School 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 Charter School employee who, in good faith, discloses information to the hiring Idaho public school either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Procedure History:

Promulgated on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5600

Staff Health

Medical Examinations

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

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

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a commencement of work, the Charter School may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the State. The School may condition an offer of employment on the results of such examination, if all entering employees in the applicable job category are subject to such examination. If approved by personnel services, a 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 Executive Director or other responsible person designated by the Charter School that he or she has a contagious or infectious disease which could be life threatening to an immune compromised person. The Executive Director 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 Charter School reserves the

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

Confidentiality

In all instances, Charter School personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential information. Only those individuals with a legitimate need to know, 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 of 1973 - Nondiscrimination under Federal grants and programs

42 U.S.C. §§ 12101, *et seq.*, & 12131, *et seq.* The Americans with Disabilities Act of 1990

29 C.F.R. §1630.14(c)

Medical examinations and inquiries specifically permitted - Examination of Employees

Policy History:

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Reviewed on:

PERSONNEL

5610

Prevention of Disease Transmission

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

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

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5700

Substitutes

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

The State Department of Education shall maintain a statewide list of substitute teachers.

To remain on the statewide substitute teacher list the substitute teacher shall undergo a criminal history check every five years.

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

The Board annually establishes a daily rate of pay for substitute teachers. Substitutes for classified positions will be paid by the hour.

Cross Reference: 5110 Criminal History / Background Checks

Legal Reference: I.C. § 33-130 Criminal History Checks for School District Employees or
Applicants for Certificates or Individuals Having Contact
with Students

Policy History:

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Reviewed on:

PERSONNEL

5710

Paraprofessionals, Teachers' Aides and Paraeducators

Teachers' aides and paraeducators, as defined in the appropriate job descriptions, are under the supervision of a Executive Director or his or her designee and a teacher to whom the Executive Director/designee 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."

Under federal law, a paraprofessional, also known as a "paraeducator," an "education assistant" or an "instructional assistant," is defined as an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certificated or licensed teacher, and includes persons employed in language instruction educational programs, special education programs, and migrant education programs.

Paraeducators are employed by the Charter School mainly to assist the teacher. A paraeducator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and 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 a high school diploma or general equivalency diploma (GED) **and**:

1. Demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; **or**
2. Have completed at least two years of study at an accredited postsecondary educational institution; **or**
3. Obtained an associate degree or higher level degree;

It is the responsibility of each Executive Director/designee 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 Executive Director shall develop and implement procedures for an annual evaluation of teachers' aides and paraeducators. Evaluation results shall be a factor in future employment decisions.

Cross Reference:	1315	Continuous Improvement Plan
Legal References:	20 U.S.C. § 6312	Local Educational Agency Plans
	20 U.S.C. § 6314	Schoolwide programs
	20 USC §§ 7011 & 7801	Definitions
	IDAPA 08.02.02.007.14	Paraprofessional Defined

Policy History:

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PERSONNEL

5725

Private Service Providers/Consultants

The Charter School encourages the use of private service providers and professional consultants as resource individuals when such consultative services will be helpful in the improvement of the educational program of the School. The Charter School, through the Executive Director 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 Charter School as well as any applicable provisions of the School’s approved Charter. Any contract the School enters into with the PSP shall provide the responsibility for eligibility determination, choice of educational methodology, and other determinations of educational services and programs which shall be retained at all times by the Charter School.

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

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

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

Compensation

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

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

Confidentiality

The PSP shall at all times maintain confidentiality pursuant to the Family Educational Records and Privacy Act (FERPA) and the applicable provisions of Section 33-133, Idaho Code of all

records of services, including, but not limited to, identifying information regarding the student and services, observations, evaluations, and assessments.

Further, consistent with the provisions of Section 33-133, Idaho Code, the Charter School shall ensure that when entering into contracts that govern databases, online services, assessments, special education, or instructional supports with private vendors they shall include in each such contract a provision that private vendors are permitted to use aggregated data; or an individual student's data for secondary uses, but only if the vendor discloses in clear detail the secondary uses and receives written permission from the student's parent/legal guardian. The contract shall also include either of the following:

1. A prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing, or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or
2. A requirement that the private vendor disclose in detail any secondary uses of student data, including, but not limited to, sales, marketing or advertising, and the Board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

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 Charter School 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 References:	4600	Volunteer Assistance
	4420	Sex Offenders
	5110	Criminal History/Background Checks

Legal References:	20 U.S.C. § 1232g, <i>et seq.</i>	Family Education Right to Privacy Act (FERPA)
	34 C.F.R. Part 99	Implementing FERPA

I.C. § 33-133

I.C. § 33-5210(3)

Idaho Student Data Accessibility,
Transparency, and Accountability Act
Application of School Law - Accountability -
Exemption from State Rules

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5730

Volunteer—Authorization to Release Information

To Whom it May Concern:

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

This document is effective until revoked in writing by me.

Signature: _____ Date: _____

Printed Full Name: _____

Printed Full Address: _____

Birth Date: _____ Social Security Number: _____

State of Idaho, County of Bonner

On this _____ day of _____, 20____, before me, a notary public of the State of Idaho, personally appeared _____, known to me to be the person named in the foregoing Release, and acknowledged to me that _____ executed the same as _____ free act and deed, for the uses and purposes therein mentioned.

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

Notary Public, State of Idaho
County of Boundary
My commission expires _____

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5740

Reduction in Force

It is recognized that the Board has the responsibility to maintain good public schools and to implement the educational interest of the State, consistent with State and federal educational requirements, including the Charter School's approved Charter and Performance Certificate, 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 Charter School; or
4. Negative changes in the financial conditions of the Charter School.

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 Charter School;
5. A portion or percentage of a position or positions; or
6. Any combination of the above.

Legal Reference: I.C. § 33-522A

District Trustees - Reduction in Force

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5740P

Reduction in Force Procedures

The following definition and procedures shall be used for conducting a reduction in force.

Definition

As used in this procedure, “teacher” shall apply to any employee of the Charter School who holds a certificate issued by the State Board of Education who is employed in a teaching or administrative position, below the rank of Executive Director.

Procedures

1. Prior to commencing action to terminate teacher contracts under these procedures, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:
 - A. Voluntary retirements;
 - B. Voluntary resignations;
 - C. Transfer of existing staff members; or
 - D. Voluntary leaves of absence.
2. In the event a reduction in force is required, teachers who are retained pursuant to these procedures may be reassigned if suitable position openings are available in instructional areas for which they are highly qualified and for which the principal has approved transfer pursuant to Idaho Code.
3. In the Board’s determination as to the individuals to be released pursuant to the Reduction in Force, consideration will be given to the criteria set out below. Each criterion shall be considered in terms of the total context when selecting those employees who are to be considered for release pursuant to the provisions of these procedures. The following criteria will be considered:
 - A. Area(s) of certification for which the teacher is highly qualified which are classified by the Charter School as hard to fill positions;
 - B. Number of areas of certification for which the teacher is highly qualified;
 - C. Educational or degree status;
 - D. National certifications held;
 - E. Position as a Lead or Master Teacher within the Charter School;
 - F. Whether or not the teacher is highly qualified in a course necessary for high school graduation requirements;

- G. Whether or not the teacher is highly qualified in a course necessary for middle school advancement;
- H. Contribution and/or involvement in extracurricular or cocurricular positions with students;
- I. Compliance with Professional Standards and Conduct over the course of employment with the Charter School; and
- J. Teacher evaluation, including components required by Idaho Code to be encompassed in teacher evaluation.

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

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

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

- 4. The Human Resources Department shall advance notice of the possible reduction in force to all teachers who may be released, based upon the number of teachers who may be released, in whole or in part, and the school programs, teacher positions, or categories of positions that may be affected.
- 5. Upon receipt of this notification, it is recommended that the subject teachers review their personnel file materials with the Charter School's Administrative Office to assure that the school has appropriate information relating to the various criteria referenced above.
 - A. If a teacher receiving a teacher profile believes that there is an error, the teacher shall notify the Human Resources Department or the Executive Director of their concern of an error, in writing, by the close of the school day on the fifth school day after the teacher has received notice of the possible reduction in force.
 - B. This written notice shall specifically identify what element or elements of the teacher's personnel file and criteria are believed to be erroneous and explain specifically why the element(s) is believed to be in error.
 - C. If the Charter School receives notice of possible error, each such written notice, timely received, shall be individually reviewed for possible reconsideration or evaluation of the information used in consideration of the Reduction in Force.

- D. Should a teacher fail to inspect his or her personnel file and have inaccurate information in their personnel file and/or have failed to provide the Charter School with updated information, the information contained in the file will be utilized for the Reduction in Force determination and the teacher will not have the opportunity to subsequently correct such information after the Reduction in Force has been implemented.
6. If the Board determines that a reduction in force will be implemented, the Executive Director shall submit a list of the teachers recommended for release, through use of the above process, and shall make recommendation to the Board as to what due process, if any, the Board needs to implement for each individual personnel situation.
 7. All releases shall be done in conformance with the applicable provisions of Idaho Code and all affected teachers will be promptly notified, in writing, of the Board's decision or actions that need to be taken by the Board relating to applicable due process activities, if any.
 8. Recall Provisions: If the contract of employment of a teacher is terminated because of the implementation of a reduction in force, the name of the teacher shall be placed upon a reappointment list and remain on such list for a period of one year.

If a position becomes open during such period, and the teacher has been selected by the Board as a person on the recall list who is highly qualified and most capable of holding the position, then the teacher will be notified in writing by certified mail, sent to the last known address, at least 30 days prior to the anticipated date of employment, when possible.

In determining whether a teacher is qualified for reappointment, the Board shall consider the criteria as set forth in these procedures. The teacher shall accept or reject the appointment in writing within seven days after receipt of such notification. If the appointment is accepted, the teacher shall receive a written contract within 20 days of receipt of the teacher's reply by the Board. If the teacher rejects the appointment offer or does not respond according to this procedure within seven days after receipt of such notification, the name of the teacher will be removed from the recall list.

Procedure History:

Promulgated on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5750

Employing Retired Teachers and Administrators

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

1. The Charter School 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 provided such individuals were not promised "rehire" by the Charter School before their retirement was in effect. Said employees are hereinafter referred to as "retiree" or "retirees".

These employees shall be employed on a written contract for Retired Teachers or Retired Administrators conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder.

2. Retirees employed consistent with this policy and State law shall accrue one 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 Charter School 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 Charter School will provide health insurance and life insurance benefits for retirees hired consistent with this policy.
4. The Charter School 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;
 - C. Who are retired at or after 60 years of age;
 - D. Have never received a "promise of rehire" before their retirement date; and
 - E. Have received at least one payment from their PERSI retirement account;

Cross Reference: 5100

Hiring Process and Criteria

Legal References:	I.C. § 33-1004H	District Trustees - Employing Retired Teachers and Administrators
	I.C. § 33-1228	Teachers - Severance Allowance at Retirement
	I.C. § 33-5206	Requirements and Prohibitions of a Public Charter School
	I.C. § 33-5208	Public Charter Schools - Public Charter School Financial Support
	I.C. § 59-1356	Public Employee Retirement System - Reemployment of Retired Members

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5800

Classified Employment, Assignment, and Grievance

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

With the exception of those classified employees specifically hired by the Board as holding a status of not at-will, 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 Charter School. 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 Charter School so long as the employment relationship continues.

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

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

The grievance procedure for classified employees shall be the procedure set forth in Idaho Code Section 33-517. Classified employees may file a written grievance alleging a violation of current, written Charter School 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 References: I.C. § 33-517 Non-Certificated Personnel
 I.C. § 33-1201 Teachers - Certificate Required
 Metcalf v. Intermountain Gas Co., 778 P.2d 744 (Idaho 1989).

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5800P

Classified Employee Grievance Procedure

Classified employees may file a written grievance alleging a violation of current, written Charter School 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 in strict accordance with the procedure set forth herein. For the purposes of this procedure, current, written Charter School policy means the policy in place and approved by the Board as of the date of the incident giving rise to the grievance and not any previous or subsequent policy.

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.

A classified employee filing a grievance pursuant to this procedure shall be entitled to a representative of their choosing at each step of the grievance process outlined herein. Additionally, the person against whom the grievance is filed and the Executive Director or his or her designee shall be entitled to a representative at each step of the grievance process outlined herein. None of these individuals will be qualified to sit on the advisory grievance panel.

Neither the Board nor any member of the administration shall take reprisals affecting the employment status of any party in interest. The employee filing a grievance shall not take any reprisals regarding the course of the outcome of the grievance nor take any reprisals against any party or witness participating in the grievance.

Level 1: Informal

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

Level 2: Administration

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating:

1. The nature of the grievance; and
2. The remedy requested.

It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Charter School's human resources administrator within six working days of the event or incident giving rise to the grievance.

Within six working days of receipt of the grievance, the Charter School's human resources administrator shall schedule an informal grievance meeting with the grievant, the employee against whom the grievance is filed, any known advocates, as well as a School administrator who will not be involved in the statutory grievance process. The purpose of the meeting shall be to attempt to find a resolution to the employee grievance.

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

Level 3: Executive Director

If a resolution is not reached during the informal grievance meeting, the individual against whom a grievance is filed shall file a written response to the employee grievance within six working days after the conclusion of the informal grievance meeting. Thereafter, the employee may appeal the grievance to the Executive Director or his or her designee within six working days of the receipt of the written response or within six working days from the date the written response was due if the classified employee received no written response. Within six working days of an appeal, the Executive Director or designee shall provide a written response to the employee.

Level 4: Hearing Panel

If the classified employee is not satisfied with the decision of the Executive Director or his or her designee or there is no response from the Executive Director or designee, the employee may request a review of the grievance by a hearing panel within six working days of the response or lack thereof. A written appeal must be submitted to the Board and within ten working days of receiving the appeal. The Board shall convene a hearing panel consisting of three persons; one to be selected by the Board, one to be selected by the employee and one to be mutually agreed upon by the two appointed members of the panel. The panel shall submit its decision in writing to the employee, the Executive Director, and the Board within ten working days of completing its review.

Level 5: The Board

The panel's decision shall be final unless the Board overturns the panel's decision by resolution at the Board's next regularly scheduled public meeting. The decision of the Board will be final,

unless appealed within 42 calendar days of the Board's resolution to overturn the panel's decision in the district court in the county in which the School is located.

Procedure History:

Promulgated on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5810

Compensatory Time and Overtime for Classified Employees

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 Charter School 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 Executive Director, except as the Executive Director 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 up to and including possible termination.

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 Charter School and an employee.

Legal References:	29 U.S.C. § 201, et seq.	The Fair Labor Standards Act of 1985
	29 C.F.R. § 516.4	Records to be kept by Employers - Posting of Notices

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

Forrest M. Bird Charter School No. 487

PERSONNEL

5815

Employee Compensation Non-Annualized Election

The Forrest M. Bird Charter School does not offer its employees an annualized election. For the purposes of this policy, an annualized election means that an 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 12 month period.

Legal Reference: I.C. § 45-601, *et seq.* Claims for Wages

Other References: 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: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5820

Evaluation of Non-Certificated Staff

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 Executive Director. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Executive Director. 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 Charter School employee or person seeking employment with the School.

Cross Reference: 5205

Job Descriptions

Legal Reference: I.C. § 33-517

Non-Certificated Personnel

Policy History:

Adopted on: June 23, 2020

Revised on:

Reviewed on:

PERSONNEL

5825

Evaluation of School Bus Drivers

Each school bus driver shall be evaluated annually by the transportation supervisor or the Charter School's school bus driver trainer for the purpose of assessing driver performance. This evaluation shall be conducted in accordance with Policy 5820, and may use the model driver evaluation form provided by the State Department of Education's Transportation Department.

The completed evaluation and any rebuttal attached by the driver shall be retained in the driver's personnel file.

Cross Reference: 5205 Job Descriptions
 5800 Classified Employment, Assignment, and Grievance
 5820 Evaluation of Non-Certified Staff

Legal Reference: Standards for Idaho School Buses and Operations (available at:
 <https://boardofed.idaho.gov/resources/standards-for-idaho-school-buses-and-operations/>)

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5830

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The Forrest M. Bird Charter School 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 Executive Director shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

Legal References:	Pub. L. 102-143	Omnibus Transportation Employee Testing Act of 1991
	49 C.F.R. Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing Programs
	49 C.F.R. Part 382	Controlled Substances and Alcohol Use and Testing
	49 C.F.R. Part 395	Hours of Service of Drivers

Policy History:

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Revised on:

Reviewed on:

PERSONNEL

5830P

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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 Forrest M. Bird Charter School.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he 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 Charter School 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 Charter School has been able to make all verifications required by law.

Post-Accident Tests

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

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

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

No such driver shall use alcohol for eight 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 Charter School 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 Charter School. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

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

Reasonable Suspicion Tests

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

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the Charter School 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 Charter School 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 Charter School prohibitions related to drugs and alcohol shall receive from the School the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. 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 Charter School's drug or alcohol prohibition returns to performing safety-sensitive duties.

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

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

Follow-Up Tests

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

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his 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 Charter School's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the Charter School to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;

10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, Charter School 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 School.

Before any driver operates a commercial motor vehicle, the Charter School 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 School shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

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

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

Procedure History:

Promulgated on: June 23, 2020

Revised on:

Reviewed on: