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## Swan Valley School District No. 92

### PERSONNEL

5000

#### Board Goal/Personnel

The human resources of the District are valuable and significant in creating an effective educational program and learning environment. Schools function most efficiently and successfully when highly qualified individuals are employed to staff the needs of the District.

Opportunities for staff development should be provided periodically. Supervision is a necessary, ongoing function of the District's leadership. The board seeks to promote an efficient and positive school climate in all educational endeavors, in order that students may work toward their greatest potential, and the community will be proud of its investment.

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

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

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5100

#### Hiring Process and Criteria

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

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

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

#### Guidelines

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

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

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

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

#### Notice of Vacancies

Vacancies will be posted after the Board has approved written resignation from a contracted professional employee of the District, a termination or non-renewal has occurred, a release from contract has been granted, a new position is created within the District, or a vacancy has otherwise occurred. When that official resignation has been received or a position is otherwise available, the Superintendent will post notices in all school buildings and the District Office.

The Superintendent's Office will post notice of any vacancy within the District for 5 school days for current teachers or administrators to apply for the position.

1. Upon the conclusion of the 5 school day period, the administrator will review all requests to apply for the open position. The building/program administrator will have the responsibility to interview all final applicants who meet the qualifications needed for the position, and may or may not make recommendation for such applicants after review.
2. If an applicant is recommended by the administrator and such transfer would create a vacancy in another location, notice of that vacancy will be posted as specified above, with the exception that if the same grade level vacancy for the school has already been posted, the above building notice requirement may be waived and the existing applicant pool utilized.
3. Should the building/program administrator determine that he or she does not wish to accept the request of any internal applicants, or no internal applicants have requested to apply, the administrator will prepare a job notice to be posted externally.

4. An application or letter of interest will be maintained within the District file for a period of one year from the date of inquiry. It is the responsibility of any applicant who desires to be considered for positions within the District to reactivate his or her file annually.
5. The Superintendent may deviate from the processes outlined in sections A through E above if he or she determines that such deviation is in the best interest of the District.

### Screening

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

### Acceptance Procedure

Once the Committee has selected the final candidate, the name will be provided to the Superintendent who will review the applicant's credentials. If the Superintendent concurs with the recommendation, the Superintendent will:

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

for non-issuance of a standard contract not based on the documentation received. If, within 30 days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to the applicant, the employee will be deemed to be employed pursuant to a Category 1 contract. During this provisional employment, the applicant shall be provided the same compensation and benefits as if the employee had been employed on a standard certificated contract.

If no documentation is received from out of state employers, the District may employ the applicant on a standard Category 1 contract without utilizing the provisional, non-contracted employment.

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

#### Board Action

The Board of Trustees will:

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

#### Approval

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

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

Certification

To qualify for employment, each teacher or administrator must have, and maintain during the entire school year, a valid Idaho teaching/administrative certificate on file in the District Office at the beginning of the school year. If at any time the teacher/administrator's certification lapses, is revoked, or suspended, the certificated employee may be subjected to action declaring a contract violation and possible action to terminate the employment of the individual with the District.

Cross Reference:

5110	Fingerprinting and Criminal Background Investigations
5120	Equal Employment Opportunity and Non-Discrimination
5100F1-5100F3	Hiring Process and Criteria Forms
5740PA1 – 2	Reduction in Force Procedures and Forms

Legal Reference:

I.C. § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates
I.C. § 33-512	Governance of Schools
I.C. § 33-513	Professional Personnel
I.C. § 33-1210	Information on Past Job Performance
I.C. § 65-501 et seq.	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

Policy History:

Adopted on: April 15, 2004  
Reviewed on: March 16, 2009  
Revised on: October 21, 2019



Swan Valley School District #92  
3389 Swan Valley Highway  
PO Box 220  
Irwin, ID 83428

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

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

Before hiring an Applicant for any position, the District must request the Applicant sign this form. Should the Applicant refuse or fail to sign this form, the District is not permitted to hire the Applicant for any position. This authorization does not limit any employer from seeking additional information or disclosures from any Applicant.

This form:

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

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

**I.C. § 33-1210 RELEASE:**

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

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

\_\_\_\_\_  
Date

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

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

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

**Swan Valley School District No. 92**

**PERSONNEL**

**5100F2**

Swan Valley School District #92  
3389 Swan Valley Highway  
PO Box 220  
Irwin, ID 83428

**REQUEST TO EMPLOYER  
IDAHO CODE 33-1210**

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

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

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

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

**Vanessa Hagan  
Business Manager/Secretary  
Swan Valley Elementary School  
208-483-2405  
Fax 208-483-2415  
vhagan@sveidaho.com**

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 Vanessa Hagan at the above contact information.

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District Representative

**Swan Valley School District No. 92**

**PERSONNEL**

**5100F3**

Swan Valley School District #92  
3389 Swan Valley Highway  
PO Box 220  
Irwin, ID 83428

**REQUEST FOR VERIFICATION OF CERTIFICATE STATUS**

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

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

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

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

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

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

Sincerely,

Swan Valley School District HR Department

Procedures for Obtaining Personnel Records for Applicants

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

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

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

goal of the District to avoid any situation where an applicant or provisional employee is employed by default or without a written contract.

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

Procedure History:

Promulgated on: October 21, 2019

Revised on:

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5100P2

Swan Valley School District #92  
3389 Swan Valley Highway  
PO Box 220  
Irwin, ID 83428

#### Veteran's Preference

The District 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 District shall post this procedure on the District'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 District 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 Superintendent 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 chose.

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 district court under Section 65-506, Idaho Code.

Procedure History:

Promulgated on: October 21, 2019

Revised on:

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5105

#### Certificated Personnel Reemployment

##### Definitions:

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

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

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

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

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

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

**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 District 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 District 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 District to terminate the contract at the conclusion of the contract year.
2. Category 2 certificated employees shall be provided a written statement of reason for non- reemployment by no later than July 1<sup>st</sup> 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 1<sup>st</sup> and shall, upon written request, be given the opportunity for an informal review of such decision by the Board. The parameters for the informal review will be determined by the Board. Before the Board determines not to renew the contract for the unsatisfactory performance of category 3 certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following at least one evaluation. In no case shall the probationary period be less than eight weeks. The probation shall be preceded by written notice from the Board, with the reasons for the probationary period and the areas of work which are deficient and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.
4. Contracts for all renewable contracted certificated employees shall be issued by July 1<sup>st</sup>. All employees on renewable contracts must timely return their contract. The employee's failure to timely return a renewable contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract. Before the Board determines not to renew the contract for the unsatisfactory performance of renewable contracted certificated employees, such employees shall be entitled to a defined period of probation as established by the Board, following an observation, evaluation, or partial evaluation. The probation shall be preceded by written notice from the Board, or its designee, with the reasons for the probationary period and with provisions for adequate supervision and evaluation of the employees' performance during the probationary period.
5. Contracts for retired teachers are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the District to terminate the contract at the conclusion of the contract year.

### Supplemental Contracts

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

Board. The contract shall be in a form approved by the state superintendent of public instruction.

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

### Delivery of Contract

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

### Return of the Contract

A person who receives a proposed contract from the district shall have 7 days (no less than ten days) from the date of delivery to sign and return the contract.

### Failure to Accept or Acknowledge

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

### Cross Reference:

5340	Evaluation of Certificated
6100	Superintendent

### Legal Reference

I.C. § 33-507	Limitation upon Authority of Trustees
I.C. § 33-513	Professional Personnel
I.C. § 33-514	Issuance of Annual Contracts – Support programs – Categories of Contracts – Optional Placement
I.C. § 33-514A	Issuance of Limited Contract – Category 1 Contract
I.C. § 33-515	Issuance of Renewable Contracts
I.C. § 33-515A	Supplemental Contracts
IDAPA 08.02.02.016	Idaho Interim Certificate
IDAPA 08.02.02.042	Alternate Routes to Certification

Policy History:

Adopted on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

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 Contract teachers;
2. An administrative employee reassignment;
3. Non-reissuance of Supplemental Extra-Day 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 district will use the following procedure:

1. The employee must request, in writing, an Informal Review within 7 days of the date notice of the events creating a right to Informal Review, discussed above is mailed or hand delivered to the employee. The request must be submitted to the Board Clerk. Failure to request Informal Review within 7 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 21 days of the date that the request for Informal Review is submitted to the Board, or alternately, at the next regularly scheduled Board meeting, as determined by the Board. At the option of the Board, the employee may be permitted to provide the Board with documentation in support of the employee's position. The Board, in its discretion, may limit the amount of time allotted for presentation of any additional information by the employee during the Informal Review.
3. The Administration shall have the right to be present during the Informal Review and may respond to the employee's presentation and/or respond to any inquiries by the Board.
4. The Board shall make a decision to uphold the earlier employment decision, or make some other decision regarding the issue(s) raised during the executive session. Such decision must be made by the Board in open session, identifying the employee by number or letter (i.e.: "Subsequent to the Informal Review, the Board upholds the prior employment decision regarding employee "A").
5. The Board may notify the employee, in writing, of its final decision in the matter within fifteen (15) days of the date of the Informal Review.

The employee does not have the right to be represented by an attorney or a representative of the state teachers' association, present evidence other than that detailed above and present and cross-examine witnesses unless specifically agreed to by the Board. The Board may elect to ask questions of the employee or administrator present at the Informal Review, but this does not confer upon the employee the right to ask questions of the Board or the Administration.

Cross Reference:

5105                      Certificated Personnel Reemployment

Legal Reference

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

Policy History:

Adopted on: March 14, 2012  
Revised on: October 21, 2019  
Reviewed on:



## Swan Valley School District No. 92

### PERSONNEL

5110

#### Criminal History / Background Checks

##### General

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

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

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

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

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

##### Initial Hires

In order to protect the health, safety and welfare of the students of the District, Idaho law requires the following employees hired on or after July 1, 2008 to submit to criminal history checks. This 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 card or scan and include, at a minimum, the following:

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

Employees will be required to undergo a criminal history check within five days of.

The forty-dollar (\$40.00) fee charged for an employee background check shall be paid by the district. 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.

### Employee Arrest or Conviction

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

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

The District reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

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

### Substitute teachers

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

check within the last five (5) years to undergo an additional criminal history check, the District will pay the costs of such check.

### Other Employees

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

### Volunteers

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

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

### Contractors

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

### Confidentiality

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

#### Legal Reference:

I.C. § 33-130	Criminal history checks for school district employees or applicants for certificates
I.C. §33-512	Governance of Schools
I.C. §74-106	Records Exempt from Disclosure
Public Law 105-251	Volunteers for Children Act

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5120

#### Equal Employment Opportunity and Non-Discrimination

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

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

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

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

#### Cross Reference:

5250	Uniform Grievance Procedure
5100	Hiring Process and Criteria

#### Legal Reference:

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

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

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

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

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

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

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

Legal Reference:

I.C. § 72-1601et seq.                      State Directory of New Hires

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5130**

Administrative Leave

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

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

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

Legal Reference:

I.C. § 33-513

Professional Personnel

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:



## Swan Valley School District No. 92

### PERSONNEL

5200

#### Applicability of Personnel Policies

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

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the Board to effectively and efficiently manage the District shall govern.

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

#### Legal Reference:

*Metcalf v. Intermountain Gas Co.*, 116 Idaho 622 (Idaho 1989)

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5205

#### Job Descriptions

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

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

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

#### Cross Reference:

5500 Personnel Records

#### Legal Reference:

I.C. § 33-514	Issuance of Annual Contracts
I.C. § 33-515	Issuance of Renewable Contracts
I.C. § 33-517	Non-Certificated Personnel

#### Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5210

#### Work Day

For purposes of this policy, workday 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 workday for a certified employee shall be Seven and One-Half (7 1/2) hours for a full-time certified employee. The workday is generally exclusive of lunch and extracurricular assignments, but inclusive of preparation time and assigned duties. Arrival time shall generally be one-half (1/2) hour before classes begin or as otherwise directed by the building principal.

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

#### Length of Work Day - Classified

The length of a classified workday is governed by the number of hours for which the employee is assigned. A "full-time" employee shall be considered to be seven and one half (7 1/2) hours per day, thirty-seven and one half (37 1/2) hours per week employee. The workday is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The supervisor will establish the schedule. Normal office hours in the District will be 7:45 a.m. to 3:30 p.m.

#### Cross Reference:

5810 Compensatory Time and Overtime/Classified Employees

#### Legal Reference:

29 USC 201 to 219

Fair Labor Standards Act of 1985

29 CFR 516, *et seq.*

FLSA Regulations, Idaho Department of Labor

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5220

#### Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment, and/or transfer of position and duties by the Board and/or Superintendent.

Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. The Superintendent 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 Board and/or Superintendent. Written notice of a reassignment or involuntary transfer shall be given the employee. Opportunity shall be given for the staff member to discuss the proposed transfer or reassignment with the Superintendent.

#### 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 reference:

5107	Informal Review
6100-6100P	Superintendent
6200	District Organization

#### Legal Reference:

I.C. § 33-513	Professional Personnel
I.C. § 33-515	Issuance of Renewable Contracts

#### Policy History:

Adopted on: March 14, 2012  
Revised on: October 21, 2019  
Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5230

#### Accommodating Individuals with Disabilities

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

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

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

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

Individuals with disabilities should notify the Superintendent or building principal if they have a disability which will require special assistance or services and, if so, what services are required.

This notification should occur as far as possible before the school-sponsored function, program, or meeting.

#### Cross Reference:

5250

Uniform Grievance Procedure

#### Legal Reference:

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

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5235

#### Health Examination

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

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

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

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

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

#### Legal Reference:

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

#### Policy History:

Adopted on: March 14, 2012  
Revised on: October 21, 2019  
Reviewed on:

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

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

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

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

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

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

Investigation

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

1. Protect the grievant from further harassment;
2. Discuss the matter with and obtain a statement from the accused and his or her representative, if any;
3. Obtain signed statements of witnesses; and
4. Prepare a report of the investigation.

### Confidentiality

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

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

### Cross Reference:

4120 Uniform Grievance Procedure

### Legal Reference:

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

### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019



## Swan Valley School District No. 92

### PERSONNEL

5250

#### Certificated Staff Grievances

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

#### Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board approved District policies or a written allegation of a violation of the Master Agreement between the District and the teachers' association.

#### Grievance Procedure

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

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

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall file the written grievance with their immediate building principal. The written grievance shall state:

1. The policy or provision of the Master Agreement the employee believes was violated;
2. The alleged date of violation;
3. The actor involved in the alleged violation; and
4. The remedy requested by the employee.

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

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

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

If the grievant is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within five days of receiving the Superintendent's decision. The Board is the policy-making body of the District, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

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

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

Abused and Neglected Child Reporting

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

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

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

"Neglected" means a child:

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

-I.C. § 16-1602(25).

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

The employee shall notify the Superintendent or Principal that a report has been made by the employee. An employee does not discharge the obligation to personally report by notifying the Superintendent or Principal.

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as

required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per I.C. § 16-1606.

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

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

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

Legal Reference:

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

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5260F**

Report of Suspected Child Abuse, Abandonment or Neglect

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

Copy to: Superintendent \_\_\_\_

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

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

Persons contacted: \_\_ Principal \_\_ Teacher \_\_ School Nurse \_\_ Other

Name of Minor: \_\_\_\_\_ Address: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone: \_\_ Attendance Pattern: \_\_\_\_\_

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

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

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

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

Any suspicion of injury/neglect to other family members:

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

Previous action taken, if any:

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

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

Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

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

Intervention

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

Intervention shall be designed to:

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

Professional Development

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

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

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

## Student Discipline

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

## Reporting

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

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

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

## Policy Distribution

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

### Cross Reference:

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

### Legal References:

I.C. § 18-917	Hazing
I.C. § 18-917A	Student Harassment – Intimidation – Bullying
I.C. § 33-1631	Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
IDAPA 08.02.03.160	Safe Environment and Discipline

### Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

Personal Conduct

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

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

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

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

Personnel Conflict of Interest

It is not uncommon for a District 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 thirty-day period, the department head, or next level of administrator, will resolve the situation.

Nothing in this policy shall require the Superintendent or Board, in the case when the conflict of interest directly relates to the Superintendent, 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 District.

### 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 Reference:

I.C. § 33-1208

I.C. § 33-1209

IDAPA.08.02.02.076

Revocation, Suspension or Denial of Certificate – Grounds Proceedings to Revoke, Suspend or Deny or Place Reasonable Conditions on a Certificate

Code of Ethics of the Idaho Teaching Profession

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

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 School District and a certificated educator pursuant to Section 33-513(1), Idaho Code.

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

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

**11. Education Official.** An individual identified by local School Board policy, including, but not limited to, a Superintendent, principal, assistant principal, or school resource officer (SRO).

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

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

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

**15. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive



Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education.

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

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

**18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the State of Idaho while performing duties as educators in both the private and public sectors.

**19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder’s Certificate.

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

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

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

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

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

Violations of the Code of Ethics of the Idaho Teaching Profession

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

Legal Reference:

I.D.A.P.A. 08.02.02.076	Code of Ethics for Idaho Professional Educators
I.D.A.P.A. 08.02.02.077	Definitions for Use with the Code of Ethics for Idaho Professional Educators
I.C. § 33-513	Professional Personnel
I.C. § 33-1208	Revocation, Suspension, Denial, or Place Reasonable Conditions on Certificate—Grounds
I.C. § 33-1208A	Reporting Requirements and Immunity

I.C. § 33-1209

Proceedings to Revoke, Suspend, Deny or Place Reasonable  
Conditions on a Certificate—Letters of Reprimand—  
Complaint—Subpoena Power—Hearing

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

## Swan Valley School District No. 92

### 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 District may seek an elective office, or advocate for or against a political candidate or ballot measure, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met.

The District assumes no obligation beyond making such opportunities available.

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

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

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

No District employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment.

#### Legal Reference:

5 USC 7321, et seq.                      Hatch Act  
I.C. § 74-601                              Public Integrity in Elections Act  
Idaho Constitution Article III, Section 1

#### Policy History:

Adopted on: April 15, 2004  
Reviewed on: March 16, 2009  
Revised on: October 21, 2019

**Swan Valley School District No. 92**

**PERSONNEL**

**5310**

Tobacco Free Policy

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

Definition

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

Legal Reference:

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

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

Drug-and Alcohol-Free Workplace

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

1. Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District;
2. Distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.
3. Taking prescription drugs above the level recommended by the prescribing physician and using prescribed drugs for purposes other than those for which they are intended. In addition, employees will not distribute a prescribed drug to another employee or student.

As a condition of employment, each employee shall:

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

Definitions as Used in This Policy

"Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful. Such term does not include the use of a drug taken under the supervision of a licensed health care professional.

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

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

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

"Controlled Substance" means any drug or substance that is:

1. not legally obtainable;
2. being used in a manner different than prescribed;
3. legally obtainable, but has not been legally obtained; or
4. referenced in federal or state-controlled substance acts.

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

### Confidentiality

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

### Pre-Employment Testing

Applicants being considered for employment positions may be required to submit to a urinalysis test for the detection of the illegal use of drugs. Applicants shall be given a copy of this policy in advance of employment. Applicants must acknowledge having read or had this policy explained to them and should understand that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Superintendent or his or her designee.

An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the District, and such will be considered as a withdrawal of the individual's application for employment. If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the Superintendent or his or her designee. If the first or any requested second confirming test is positive, any job offer shall be revoked.

### Physical Examination/Screening Based Upon Reasonable Suspicion

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

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

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

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

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

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

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

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

The circumstances under which substance screening may be considered, as outlined above, are strictly limited in time and place to employee conduct on duty or during work hours, or on or in District property, or at District-approved or school-related functions.

#### Post-Accident Testing

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

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

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

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

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

Testing for alcohol must be done within eight hours of the time of the accident. Testing for controlled substances must be done within 32 hours of the time of the accident.

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

#### Opportunity to Contest or Explain Test Results

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

#### Return to Duty Testing

An employee who has been given the opportunity to undergo rehabilitation for drugs or alcohol shall, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the Superintendent or his or her designee. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Superintendent or his or her designee is to review the conditions of continued employment with the employee prior to the employee returning to work. Any such condition for continued employment shall be given to the employee in writing. This agreement must be signed by the employee before the employee is allowed to return to the job. Prior to the employee coming back on the job, the employee must complete a drug and/or alcohol test which shows negative results.

The Superintendent or his or her designee may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall



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

Any employee subject to return to duty testing that has a confirmed positive drug test shall be in violation of this policy. Violation of this policy shall constitute grounds for immediate termination in accordance with Board policy and State law.

### Inspections

Employees may be assigned District-owned offices, vehicles, lockers, desks, cabinets, etc. for the mutual convenience of the District and personnel. Employees have no expectation of privacy in any of these locations or any personal belongings which they may place in such areas.

Whenever the Board reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs or that an employee has sold, purchased, used, or possessed alcohol, drugs, or drug paraphernalia on District premises, the Board may search the employee and the employee's locker, desk, or other District property under the control of the employee.

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

### District Action Upon Violation of Policy

Employees in violation of the provisions of this policy shall be subject to disciplinary action up to and including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse employee-assistance rehabilitation program. The fact that an employee has been referred for assistance and his or her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

Should the District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent or his or her designee shall notify the appropriate State or federal agency from which the District receives contract or grant moneys of the employee's conviction, within ten days after receiving notice of the conviction.

In determining whether and to what extent an employee will be disciplined or discharged in regard to violating this policy, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the District's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the

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

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

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

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

Legal Reference:

Drug Free Workplace Act of 1988

29 CFR 94.205

What Must I Include in my Drug-free  
Workplace Statement

34 CFR 84.205-215

I.C. § 72-1701 through 72-1716

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

Employee Electronic Mail and On-Line Services Usage

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

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

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

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

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

The District e-mail and Internet systems are intended to be used for educational purposes only.

Use for informal or personal purposes is permissible within reasonable limits. All email/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. Additionally, District records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, employees should always ensure that the educational information contained in e-mail/Internet messages is accurate, appropriate and lawful. E-mail/Internet messages by employees may not necessarily reflect the views of the District. Abuse of the e-mail or Internet systems, through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

## Unacceptable Uses of Network

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

1. Uses that violate the law or encourage others to violate the law including local, State, or federal law; accessing information pertaining to the manufacture of weapons; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials;
2. Uses that cause harm to others or damage their property, person, or reputation, including but not limited to engaging in defamation; employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating; reading or sharing another person's communications or personal information; or otherwise using his or her access to the network or the Internet;
3. Uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information. Staff will immediately notify the school's system administrator if they have identified a possible security problem. Staff will not go looking for security problems, because this may be construed as an illegal attempt to gain access;
4. Uses amounting to harassment, sexual harassment, bullying, or cyber-bullying (defined as using a computer, computer system, or computer network to convey a message in any format that is intended to harm another individual);
5. Uses that jeopardize the security of access and of the computer network or other networks on the Internet; uses that waste District resources;
6. Uses that are commercial transactions, including commercial or private advertising;
7. The promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations, ballot issues, or proselytizing in a way that presents such opinions as the view of the District;
8. Sending, receiving, viewing, or downloading obscene materials, materials harmful to minors, materials that depict the sexual exploitation of minors, or other inappropriate materials;
9. Sharing one's password with others or allowing them to use one's account;
10. Downloading, installing, or copying software or other files without authorization of the Superintendent or the Superintendent's designee;
11. Posting or sending messages anonymously or using a name other than one's own;
12. Attempting to access the Internet using means other than the District network while on campus or using District property;
13. Sending unsolicited messages such as advertisements, chain letters, junk mail, and jokes;
14. Sending e-mails that are libelous, defamatory, offensive, or obscene;
15. Notifying patrons or the public of the occurrence of a school election by providing anything other than factual information associated with the election – such as

location, purpose, etc. Such factual information shall not promote one position over another;

16. Forwarding or redistributing the private message of an e-mail sender to third parties or giving the sender's e-mail address to third parties without the permission of the sender; and/or
17. Downloading or disseminating copyrighted or otherwise protected works without permission or license to do so.

### Records

District records, including e-mail and Internet records are subject to public records requests, disclosure to law enforcement or government officials, or to other third parties through subpoena or other processes. The District may review any and all e-mail of any employee, at any time, with or without cause. Consequently, employees should always ensure that all information contained in e-mail and Internet messages is accurate, appropriate, and lawful. E-mail can be

used to communicate with parents however, it is important that confidential information about a student never be transmitted via email. A letter, telephone call, or a parent conference may be more appropriate. Please be aware that student-teacher and parent-teacher communication via email is not secure and that any email can become a public record or possibly be obtained by unauthorized users. When communicating with students and parents by e-mail, employees should use their District e-mail rather than a personal e-mail account. E-mail and Internet messages by employees may not necessarily reflect the views of the District. Abuse of the e-mail or Internet systems, through excessive and/or inappropriate personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment. E-mail messages and Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by the Superintendent.

### Privacy

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

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

Evaluation of Certificated Personnel

The District has a firm commitment to performance evaluation of District personnel, whatever their category and level, through the medium of a formalized system. The primary purpose of such evaluation is to assist personnel in professional development and in achieving District goals. This policy applies to all certificated personnel, both pupil instructional personnel and non-instructional personnel.

Each certificated staff member shall receive at least one written evaluation to be completed by no later than 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. 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.

Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible and aligned to the pupil service staff's applicable national standards.

Objectives

The formal performance evaluation system is designed to:

1. Maintain or improve each employee's job satisfaction and morale by letting him/her know that the supervisor is interested in his/her job progress and personal development.
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/her supervisor

7. Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions, disciplinary action, and termination.

### Responsibility

The Superintendent has the overall responsibility for the administration of the Performance Evaluation Program and will ensure the fairness and efficiency of its execution, including:

1. The distribution of proper forms in a timely manner.
2. Ensuring completed forms are returned for file by a specified date.
3. Reviewing forms for completeness.
4. Identify discrepancies.
5. Ensuring proper safeguard and filing of completed forms.

The Immediate Supervisor (Evaluator) is the employee's "evaluator" and has the responsibility for:

1. Continuously observing and evaluating an employee's job performance.
2. Holding periodic counseling sessions with each employee to discuss job performance.
3. Completing Performance Evaluation Forms as required.
4. Completing training on the District's Performance Evaluation Program.

The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five (5) years of conducting any evaluations.

### Procedures

#### Evaluation Form:

An Evaluation Form will be completed for each certificated employee, except where excluded under this policy. A copy will be given to the employee. The original will be retained by the immediate supervisor. This form should be reviewed annually and revised as necessary to indicate any significant changes in duties and/or responsibilities. The form is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the immediate supervisor (evaluator) and the employee as to the job description and major performance objectives.

Periodic classroom observations will be included in the evaluation process.

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

## Evaluation Measures

**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.

**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 of data.

**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.

An individualized teacher evaluation rating system with (4) rankings will be used to differentiate performance of teachers and pupil personnel certificate holders including:

1. Unsatisfactory being equal to “1”;
2. Basic being equal to “2”;
3. Proficient being equal to “3”; and
4. Distinguished, being equal to “4”.

#### Meeting with the Employee

**Counseling Sessions:** Counseling sessions between immediate supervisors and employees will 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 well or how badly he/she has performed to date. In the case of derogatory comments, the employee should be informed of the steps necessary to improve performance to the desired level.

Counseling sessions should include, but not be limited to, the following: job responsibilities, performance of duties and attendance. A memorandum for record will be prepared following each counseling session and maintained by the supervisor.

**Communication of Results:** Each evaluation shall include a meeting with the affected employee. At the scheduled meeting with the employee, the Immediate Supervisor will:

Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.

Allow the employee to make any written comments he/she desires. Inform the employee that he/she may turn in a written response within 7 days. Have the employee sign the evaluation form indicating that he/she has been given a copy and initial after supervisor's comments.

### 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.

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 Board of Trustees.

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

### Records

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

## Reporting

Any subsequent changes to the District's evaluation plan shall be resubmitted to the State Department of Education for approval. The District 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 Reference:

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. § 33-518 Employee Personnel Files  
I.C. § 33-1001 Definitions  
IDAPA 08.02.02.120 Local District Evaluation Policy

### Policy History:

Adopted on: April 15, 2004  
Reviewed on: November 14, 2017  
Revised on: October 21, 2019

Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with Swan Valley School District who are issued a contract and employees who are on contract should recognize that their contract with the District 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 Superintendent.

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

The Employee may make a written request for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to the District offices 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 District offices will advise the person submitting the request that the administration will recommend to the Board that the request be denied. The District offices will also give the person making the request the opportunity to hold the request until finding a suitable replacement is imminent at which time the resignation would then be submitted to the Board. If no time is specified for the request to be submitted to the Board, it will be submitted when the administration feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.

A determination of availability of a suitable replacement, approved by the building principal as per Idaho Code, will be made by the administration before recommendation will be made to the Board that the employee be released from contract. If, in the judgment of the administration, there is not a suitable replacement, and/or if retention of a new employee is not approved by the building principal, recommendation will be made that the Board NOT release the employee from contract.

Should any certificated employee abandon the contract of employment with the District without the prior written release from the contract by the Board, the Board of trustees 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 the contract of employment with the District without the prior written release from the contract by the Board, the District 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, legal fees, etc.

### Classified Personnel

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

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

Any classified personnel who, without approval or without taking leave, does not show up for work for more than 5 consecutive days will be considered to have abandoned his or her position, and shall be deemed to have resigned.

### Legal Reference

I.C. § 33-524	Principals to Determine New Staffing
I.D.A.P.A. 08-02.02.076.09	Code of Ethics for Idaho Professional Educators
I.C. § 72-1366	Personal Eligibility Conditions

### Policy History:

Adopted on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5400

#### Leaves of Absence

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

The Board has the authority to grant any employee's request for a leave of absence. 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.

Through this policy, the Board has delegated this ongoing authority to the Superintendent, 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 Superintendent's action to place a certificated employee on a period of involuntary leave of absence, the Board shall ratify or nullify action of the Superintendent 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. Whether such leave is with pay or without pay shall be determined when applying the appropriate principles of Section 33-513(7), Idaho Code.

A Superintendent'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 twenty-one (21) days, whichever comes first.

#### 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.

Sick leave will be taken in one-half day increments.

The District, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness.

Compensation shall not be provided for unused sick leave.

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

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

#### Accumulation of unused sick leave

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

#### Bereavement Leave

An employee who has a death in the “immediate family” shall be eligible for bereavement leave. “Immediate family” for the purpose of bereavement leave shall mean father, mother, husband, wife, children, sister, brother, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparents, and grandchildren. The Superintendent shall have the authority to give bereavement leave for up to five (5) days. Bereavement leave of greater than five (5) days must be approved by the Board. Such leave shall not exceed ten (10) days, unless prescribed by a physician.

#### Personal Leave

Full Time Staff will be granted personal leave on the following basis:

For the first through second consecutive year of employment with the District, Employees shall earn personal leave at the rate of three (3) days per school year.

For the third or subsequent consecutive year of employment, Employees shall earn personal leave at the rate of four (4) days of personal leave per school year.

Full time staff will be able to accumulate unused days year to year, up to five (5) days. Days not taken will be paid at an amount equal to the daily pay for substitute teachers of \$65.00 in June.

Personal leave will be taken in one-half day increments

### Dependent Care

Under certain conditions, employees can qualify for dependent care leave. To qualify, the employee must first utilize five (5) days of personal leave, sick leave or vacation days. Once five (5) consecutive days are used, an employee can then use up to five (5) dependent care leave days to be used consecutively. A maximum of five (5) days will be allocated to an employee each fiscal year.

Newborn infants, adoption, or long-term hospitalization are some of the conditions that meet this requirement. All other circumstances require preapproval from the Superintendent. The district reserves the right to request necessary documentation to ensure compliance.

### Professional Leave

Professional leave days may be granted by the Superintendent. Professional leave is generally limited to two (2) days per year but may be extended with the Superintendent's approval.

### Emergency Leave

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

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

### Overages of Leave

Payroll deductions for sick leave and personal leave that exceeds this policy shall be on the basis of the individual's prorated salary and health benefits for each day absent.

Legal Reference:

42 USC 2000e

Equal Employment Opportunities



I.C. § 33-513  
I.C. § 33-1216 et seq.  
I.C. § 33-1228

Professional Personnel  
Sick and other leave  
Severance allowance at retirement

Policy History:

Adopted on: April 15, 2004

Revised on: July 20, 2020

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5405**

Proof of Illness for Sick Leave

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

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

Legal Reference:

I.C. § 33-1216

Sick and other leave

Policy History:

Adopted on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5410

#### Family and Medical Leave

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

1. The birth of a child;
2. The placement of a child for adoption or foster care 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 twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested. Further, an employee may only be eligible if there have been at least fifty (50) District employees within a seventy-five (75) mile radius.

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

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

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

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

#### Legal Reference:

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

**NOTE:** The FMLA applies to all School Districts as they are public agencies, and therefore covered employees under the act. However, depending on the size of the District, District

employees may not be eligible employees. This policy applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment.

Policy History:

Adopted on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5410P

#### Family and Medical Leave Procedure

**Who Is Eligible:** Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there are at least fifty (50) District employees within a seventy-five (75) mile radius.

**Benefit:** Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks leave with continuing participation in the District's group insurance plan.

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

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

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

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

1. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (2) or (3) above.
2. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
3. Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy.
4. Whenever appropriate workers' compensation absences shall be designated FMLA leave.

**When spouses Are District Employees:** if spouses are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, where the reason for the leave is for birth of a child, or because of adoption or foster care, or to care for a sick parent, such leave may be limited to an aggregate of 12 weeks, between the spouse/employees.

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

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

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

**Intermittent/Reduced Leave:** FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the District.

Where FMLA leave is taken to care for a sick family member or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District's payroll system uses to account for absences or use of leave.

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

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

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

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

#### Special Rules for Instructional Employees

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

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

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

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

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

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

1. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
2. Transfer to an alternate but equivalent position.

#### Procedure History:

Promulgated on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5412

#### Jury Duty

Serving on a jury is a fundamental responsibility of citizenship, and the Swan Valley School District #92 supports this important role in our society. Upon receipt of the initial official notification, an employee selected for jury duty must submit a copy of such notice to the immediate supervisor and to the District office as soon as possible so that appropriate substitute needs can be met. If the absence would pose a significant hardship for the School District, the employee may be asked to request a postponement of jury duty from the court.

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

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

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:



**Swan Valley School District No. 92**

**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, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required at the Board's discretion.

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

Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy related complications. Such leave shall not exceed six (6) weeks unless prescribed by a physician.

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

Cross Reference:

5410-5410P                      Family Medical Leave

Legal Reference:

Pregnancy Discrimination Act                      Family Medical Leave Act – National Defense  
29 CFR 825, 29 USC 2601, et seq.              Authorization Act for FY 2008 (NDAA), Pub. L. 110-181  
29 CFR 1604.10                      Pregnancy Discrimination Act - Employment Policies  
   Relating to Pregnancy and Childbirth

Policy History:

Adopted on: April 15, 2004  
Revised on: October 21, 2019  
Reviewed on:

Long-Term Illness/Temporary Disability

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

1. When any illness or temporarily disabling condition is “prolonged”, an employee will be asked by the administration to produce a written statement from a physician stating that the employee is temporarily disabled and is unable to perform the duties of his/her position until such a time.
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. Generally, unless mandated otherwise by a physician, maternity leave does not exceed six (6) weeks. As a disabling condition, maternity leave is not available to fathers.

Procedure History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5430**

Insurance Benefits for Employees/ Trustees

Newly hired certificated employees who work thirty (30) hours or more per week will be eligible for insurance benefits offered by the District consistent with the terms of the current collective bargaining agreement, if applicable.

Classified employees who work thirty (30) hours or more per week shall be entitled to the same group health insurance benefits as applicable to certificated personnel.

Trustees will not be allowed to participate in the District's group health insurance program.

Legal Reference:

I.C. § 33-517A	School districts – Non-certificated employees – Group health insurance
I.C. § 67-5763	Governmental Body Authorized to Make Contracts for Group Insurance for Officers and Employees

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5440**

School Holidays

The District designates the following days as school holidays:

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

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

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

Legal Reference:

I.C. § 33-512

Governance of schools

I.C. § 73-108

Holidays enumerated

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

**Swan Valley School District No. 92**

**PERSONNEL**

**5450**

Vacation Leave

Maintenance/Custodial position shall accrue annual vacation leave benefits according to the following schedule:

Years of Service with the District 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 thirty (30) days.

Leave credits may not be advanced nor may leave be taken retroactively.  
Prior approval by the administration must be given before vacation leave is taken.

Upon termination of employment, unused vacation leave (up to thirty (30) days) will be paid an amount equal to the daily pay for substitute teachers of \$65.00.

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 District in accordance with staffing needs.

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

Policy History:

Adopted on: April 15, 2004

Revised on: July 8, 2018

Revised on: October 21, 2019

Workers' Compensation Benefits

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

1. The injured employee shall immediately obtain first aid or emergency medical care as necessary to stabilize their medical condition. This treatment shall, to the extent possible, be in accordance with the requirements of the District's Worker's Compensation insurance policy.
2. The injured employee shall promptly report the accident and injury to his or her immediate supervisor.
3. correct, or report as needing correction, the hazardous situation as soon as possible after the emergency is stabilized;
4. report the injury or disabling condition (whether actual or possible) to the immediate supervisor within forty-eight (48) hours; and
5. call or visit the administrative office after medical treatment if needed to complete the necessary report of accident and injury.

The administrator shall notify the immediate supervisor of the report and shall include the immediate supervisor in completing any and all reporting as required. An employee who is injured in an accident may be eligible for Workers' Compensation benefits.

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

1. Whether continuing hazardous conditions exist that need to be eliminated, and
2. Whether in fact an accident attributable to the District's working environment did occur as reported.

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

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

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

Policy History:  
Adopted on: April 15, 2004  
Revised on: October 21, 2019  
Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5470

#### Leaves of Absence - Military Leave

##### General Policy

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

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

##### Notice to District

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

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

Employees who are required to attend 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 District may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

#### Medical Insurance

Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee's military service is for 31 days to 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the District for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The District's obligation to provide health benefits ends once an employee's military leave exceeds 24 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had he or she not been absent for military service.

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

The standard military service length and reporting times are:

**1 to 30 Days of Military Service:** The employee reports to the District by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.

**31 to 180 Days of Military Service:** The employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14<sup>th</sup> day falls on a day when the District's offices are not open or available to accept a reemployment application, the time extends to the next business day.

**181 Days or More of Military Service:** The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90<sup>th</sup> day falls on a day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.

**Cases of Disability:** Employees who are hospitalized or recovering from a disability that was incurred or aggravated during the period of military service leave have up to two years to submit an application for reemployment.

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

#### Disqualification From Returning to Work

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

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 District Once Military Leave is Complete” above.

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

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

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

Legal Reference:

I.C. § 46-224	Militia and Military Affairs/Entitled to Restoration of Position After Leave of Absence for Military Training
I.C. § 46-407	Militia and Military Affairs/Reemployment Rights
I.C. § 46-225	Militia and Military Affairs/Vacation, Sick Leave, Bonus and Advancement Unaffected by Leave
38 USC §§ 4301	Uniformed Services Employment and Reemployment Act (“USERRA”).
5 USC § 6323	Military Leave; Reserves and National Guardsmen

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

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 District stakeholders and approved by the Board. The decision as to whom and how many instructional and pupil service employees receive leadership premiums shall not be subject to collective bargaining and shall not become a part of the negotiated agreement.

Leadership Criteria

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

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

- F. Research project; and
- G. Teaching professional development course;

[Note: Should the Board choose to identify various other criteria as eligible, a description of those duties should be included in the plan or identified in this policy.]

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

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

Legal Reference:

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

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5490

#### Professional Growth and Development

Swan Valley School employees are encouraged to participate in professional development and further their education. The Board recognizes that training and pursuing educational opportunities contribute to skill development necessary to better serve the needs of the District.

The cost of in-service, training, professional development, or courses required by law or by The District will be covered 100% by The District.

Swan Valley School District will help pay for teachers and classified staff that wish to pursue an education related degree, 50% of the cost of tuition up to \$3,000 in a school year. The District does not cover books, materials, supplies, insurance, etc. Employees will be required to pay the cost of tuition and submit receipts for reimbursement. Employees will be reimbursed after each monthly scheduled board meeting.

All cost associated with professional development or college courses require pre-approval from the building Administration. Expense reimbursement request will not be accepted without pre-approval.

This policy will be evaluated annually and may be adjusted based on distributions of federal and state funds.

#### Policy History:

Adopted on: June 5, 2018

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5500

#### Personnel Files

The District maintains a complete personnel record for every employee, certificated and classified. Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Superintendent, Principal, the employee, the employee's designee or representative, and school districts requesting information based upon Idaho Code for hiring.

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

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of District employees is governed by Policy 4260 Records Available to the Public.

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

The District shall maintain official district files for employees.

An employee's official file shall be kept in the administrative office. It should contain the following records:

1. Application materials;
2. contracts of employment;
3. communications from the administration
4. Performance evaluations;
5. Rebuttals to performance evaluations;
6. Parental input materials;
7. Written reprimands, directives, commendations, or awards;
8. Original statements and releases to and from hiring school districts;
9. A copy of the employee's job description signed by the employee;
10. A signed acknowledgement that the employee has received a copy of the District's sexual harassment policy;

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

The building file may contain performance evaluations, notes and observations. Letters of recommendation will not be kept in employee personnel files, but will be kept in a separate file maintained by the Superintendent. Personal notes of supervisors need not be placed in the building file, but may be maintained in the supervisor's own file(s).

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

Upon request, an employee or the employee's designee or representative will have access to the employee's personnel file and will be provided copies, upon request within a reasonable period of time.

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

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

1. Records required for ALL employees:
  - A. Name in full (same name as used for Social Security);
  - B. Employee's home address, including zip code;
  - C. Date of birth if under the age of 19;
  - D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss);
  - E. Time of day and day of week on which the employee's workweek begins;
  - F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
  - G. Any payment made which is not counted as part of the "regular rate";
  - H. Total wages paid each pay period.
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 workday (consecutive twenty-four- (24)-hour period);
- C. Hours worked in any workweek (or work period in case of 207 [k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week, but excluding premium pay for overtime);
- E. Total overtime premium pay for a workweek;
- 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;
- L. The contract agreements, which discuss compensatory time, or written understandings with individual employees. Access to information contained in the personnel records of District employees is governed by Policy 4340.

Cross Reference:

4260	Public Access to District Records
5100	Hiring Process and Criteria
5205	Job Descriptions
5240F	Sexual Harassment/Intimidation in the Workplace Policy Acknowledgement
5330F	Employee Electronic Mail and On-Line Services Use Acknowledgment
5340	Evaluation of Certificated Personnel
5820	Evaluation of Non-Certified Staff

Legal Reference:

29 USC 201, et seq.	Fair Labor Standards Act
29 C.F.R. § 516.2 and 3	Record Keeping Requirements
I.C. § 33-517	Non-certificated Personnel
I.C. § 33-518	Employee personnel files
I.C. § 33-1210	Information on Past Job Performance
I.C. § 74-106	Records Exempt from Disclosure – Personnel Files, etc.

Policy History:

Adopted on: April 15, 2004  
 Reviewed on: April 20, 2009  
 Revised on: October 21, 2019

Procedures for Releasing Personnel Records to Hiring School Districts

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

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

1. All annual evaluations;
2. Letters of reprimand;
3. Letters of direction;
4. Letters of commendation or award;
5. Disciplinary actions and documentation of disciplinary investigations;
6. Recommendations for probation;
7. Notices of probation and notices of removal from probation;
8. Recommendations for termination or nonrenewal;
9. Notices of termination or nonrenewal;
10. Notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate; and
11. Any rebuttal documentation filed by the employee relative to any of the above documents.

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

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

4. In fulfilling a request from a hiring school district, the District shall expunge information from an employee's personnel file on any materials for which disclosure would violate

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

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

Procedure History:

Promulgated on: October 21, 2019

Revised on:

Reviewed on:

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

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

Contagious or Infectious Diseases

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

An employee with a contagious or infectious disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a

contagious or infectious disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The District reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

### Confidentiality

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

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

### Legal Reference:

29 U.S.C. 794, Section 504 of the Rehabilitation Act

29 CFR, Section 1630.14(c)(1)(2)(3)

41 U.S.C. 12101, et seq. Americans with Disabilities Act

### Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### PERSONNEL

5600

#### Prevention of Disease Transmission

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

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

#### Policy History:

Adopted on: April 15, 2004

Reviewed on: April 20, 2009

Revised on: October 21, 2019

**Swan Valley School District No. 92**

**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. Subject to the terms of a current collective bargaining agreement, no fringe benefits are given to substitute teachers.

Cross Reference:

5110 Criminal History / Background Checks

Legal reference:

I.C. § 33-130 Criminal History Checks for School District Employees or Applicants for Certificates

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

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

Paraprofessionals, Teachers' Aides and Paraeducators

Teachers' Aides and paraeducators, as defined in the appropriate job descriptions, are under the supervision of a principal, and a teacher to whom the principal may have delegated responsibility for close direction. The nature of the work accomplished by aides 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.

Aides are employed by the District mainly to assist the teacher. An aide is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program to have 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 (2) 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 principal and teacher to provide adequate training for an aide. This training should take into account the unique situations in which an aide works, and should be designed to cover the general contingencies that might be expected to pertain to that situation.

Cross Reference:

Policy 2010

District Plan

Legal Reference:

20 USC § 6312 Local Agency Plans, as amended by ESSA of 2015

20 USC § 6314 School Wide Programs, as amended by ESSA of 2015

20 USC §§ 7011, 7801 Definitions, as amended by ESSA of 2015

IDAPA 08.02.02.0007.10.a Paraprofessional.



Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5730

#### Volunteers / Contractors

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

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

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

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

#### Cross Reference:

5122 Fingerprints and Criminal Background Investigations

#### Legal Reference:

I.C. § 33-512 Governance of schools

#### Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

Reduction in Force

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

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

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

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

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

1. An entire program or portions of programs;
2. Positions in certain grade levels only;
3. Positions by category;
4. Positions in an overall review of the District;
5. A portion or percentage of a position or positions; or
6. Any combination of the above.

Legal Reference:

I.C. § 33-514	Issuance of Annual Contracts
I.C. § 33-515	Issuance of Renewable Contracts
I.C. § 33-522	Financial Emergency
I.C. § 33-522A	Reductions in Force

Policy History:

Adopted on: April 15, 2004

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### 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 District who holds a certificate issued by the State Board of Education who is employed in a teaching or administrative position, below the rank of Superintendent.

#### 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 District 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 District;
  - 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 District; 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 District 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 District 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 District'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 District'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 of their concern of an error, in writing, by the close of the school day on the fifth (5<sup>th</sup>) 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 District 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 District 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.
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- 6. If the Board determines that a reduction in force will be implemented, the Superintendent 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.

Procedures History:

Promulgated on: October 21, 2019

Revised on:

Reviewed on:

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 schools within the District. As such, retired employees who leave the District in good standing may be re-employed according to the following guidelines:

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

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

2. Any employment contract between the District and retirees shall be separate and apart from the collective bargaining agreement or master agreement between the District and the local teachers association.
3. Retirees employed consistent with this policy and State law shall accrue one (1) day per month of sick leave. No annual sick leave shall be accumulated unless additional sick leave has been negotiated between each individual retiree and the District at the time of employment. Sick leave accrued under Idaho Code § 33-1004H does not qualify for unused sick leave benefits under Idaho Code § 33-1228.
4. The District will provide health insurance and life insurance benefits for retirees hired consistent with this policy.
5. The District shall not employ certificated teachers and administrators who receive or received benefits under the previously existing early retirement program provided in now repealed Idaho Code 33-1004G.
6. Retirees who qualify to be rehired are those who have:
  - A. Reached the Rule of 90;
  - B. Are not participating in the early retirement program; and
  - C. Who are retired at or after 60 years of age.
7. Employees hired pursuant to this policy and who are assigned to work in a specific District building will only be hired and placed into the building upon the approval and consent of the building principal as per Idaho Code 33-523.



Cross Reference:  
5100 Hiring Process and Criteria

Legal Reference:

I.C. § 33-513	Professional Personnel
I.C. § 33-1004H	Employing Retired Teachers and Administrators
I.C. § 33-1228	Severance Allowance at Retirement
I.C. § 59-1356	Employment of Retired Members

Policy History:

Adopted on: March 14, 2012

Revised on: October 21, 2019

Reviewed on:

## Swan Valley School District No. 92

### PERSONNEL

5800

#### Classified Employment and Assignment

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

With the exception of those classified employees who are hired for a stated specified time, all classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason (so long as the same does not violate public policy or violate any other provision of law).

Such at-will designation will be included in all job descriptions and related written documentation, should the same be implemented by the District. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written contract shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the District so long as the employment relationship continues.

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

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

The grievance procedure for classified employees shall be the procedure set forth in Idaho Code. Classified employees may file a written grievance alleging a violation of current, written District approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training. However, neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

#### Cross Reference:

5800P

Grievance Procedure for Classified Employees

#### Legal Reference:

I.C. § 33-517

Non certificated personnel

I.C. § 33-1201

Certificate required

Metcalfe v. Intermountain Gas Co., 116 Idaho 622 (1989)

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

Classified Employment and Assignment

Classified employees may file a written grievance alleging a violation of current, written 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.

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 Superintendent 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 the building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

**Level 2: Principal**

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 principal within five (5) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the principal's decision, the grievance may be advanced to Level 3 by requesting in writing that

the Superintendent review the principal's decision. This request must be submitted to the Superintendent within five (5) days of the principal's decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented.

If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

### **Level 3: Superintendent**

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal, the matter may be resolved as deemed appropriate by the Superintendent.

If the classified employee is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within ten (10) days of receiving the Superintendent's decision. The Board is the policy-making body of the 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 Superintendent to the Board bears the burden of proving a failure to follow Board policy.

### **Level 4: The Board**

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and provided in writing to the classified employee within twenty (20) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: October 21, 2019

**Swan Valley School District No. 92**

**PERSONNEL**

**5820**

Evaluation of Non-Certified Staff

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

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

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

Cross Reference:  
5205

Job Descriptions

Legal Reference:  
I.C. § 33-517  
I.C. § 33-518

Non-certificated Personnel  
Employee Personnel Files

Policy History:

Adopted on: April 15, 2004

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Revised on: October 21, 2019

**Swan Valley School District No. 92**

**PERSONNEL**

**5825**

Evaluation of School Bus Drivers

Each school bus driver shall be evaluated annually by the transportation supervisor or the District'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:

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

Standards for Idaho School Buses and Operations

Policy History:

Adopted on: October 21, 2019

Revised on:

Reviewed on:



**Swan Valley School District No. 92**

**PERSONNEL**

**5830**

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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

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

Legal Reference:

49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)

49 C.F.R. Parts 40                      Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 382 Controlled Substance and Alcohol Use and Testing, and 395 Hours of Service of Drivers

49 U.S.C. § 5331, 31306              Omnibus Transportation Employee Testing

Policy History:

Adopted on: April 15, 2004

Reviewed on: April 20, 2009

Revised on: October 21, 2019

## Swan Valley School District No. 92

### 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 sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

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

#### Pre-Employment Tests

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

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

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

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

#### Post-Accident Tests

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

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

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

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

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

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

#### Random Tests

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

#### Reasonable Suspicion Tests

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

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

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

### Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

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

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

### Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties. Employees whose conduct involved **drugs** cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

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

### Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing

shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

### Records

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

### Notifications

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

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

alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

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

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

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

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

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

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

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

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