

5000 SERIES

PERSONNEL

TABLE OF CONTENTS

5000	Board Goal/Personnel
5002	Accommodating Individuals with Disabilities
5010	Equal Employment Opportunity and Non-Discrimination
5011	Non-Discrimination
5012	Sexual Harassment/Sexual Intimidation in the Workplace
5021	Applicability of Personnel Policies
5105	Certificated Personnel Reemployment
5107	Informal Review
5120	Hiring Process and Criteria
5122	Criminal History / Background Checks
5122F	Authorization to Release Information
5130	Staff Health
5140-5140P	Classified Employment and Assignment
5220	Assignments, Reassignments, Transfers
5221	Work Day
5222A	Evaluation of Non-Certificated Staff
5222B	Evaluation of Certificated Staff
5223	Personal Conduct
5224	Political Activity - Staff Participation
5225	Tobacco Free Policy
5226	Drug-Free Workplace
5228 - 5228P	Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
5230	Prevention of Disease Transmission
5231	Personnel Records
5232	Abused and Neglected Child Reporting
5232F	Report of Suspected Child Abuse or Neglect
5235	Health Examination
5251	Resignations
5256	Reduction in Force
5314	Substitutes
5321	Leaves of Absence
5322	Proof of Illness for Sick Leave
5329 - 5329P	Long-Term Illness/Temporary Disability/Maternity Leave
5331	Insurance Benefits for Employees / Trustees
5333	Holidays
5334	Vacations
5337	Workers' Compensation Benefits
5410	Family and Medical Leave
5410P	Family and Medical Leave Procedure
5420	Aides
5430	Volunteers / Contractors

5450	Employee Electronic Mail and On-Line Services Usage
5480	Pay for Performance
5750	Employing Retired Teachers and Administrators

Swan Valley School District #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:

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: 4310P 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:

Swan Valley School District #92

PERSONNEL

5010

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, age, ancestry, marital status, military status, citizenship status, 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.

Cross Reference: 5240P Uniform Grievance Procedure
Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.
Title VII of Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R., Part 1601
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq., 34 C.F.R., Part 106
I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Non-Discrimination

Swan Valley School District #92 prohibits any form of discrimination of employees and/or students' participation in any district program or service. Employment with Swan Valley School District #92 is based on the individual's job qualifications, the work history of the applicant and the applicant's probability of making a contribution in the district. The district does not discriminate based on age, race, gender, national origin, color, disability or religion.

Policy History:

Adopted On: August 11, 2008

Reviewed on: March 16, 2009

Revised On:

Sexual Harassment/Sexual Intimidation in the Workplace

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.

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.

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.

Cross Reference: 3215 Uniform Grievance Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11

Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.

I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Swan Valley School District #92

PERSONNEL

5021

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.

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Certificated Personnel Reemployment

Definitions:

Non-Renewable Contract Certificated Employees

Non-renewable contracts shall be issued at the sole discretion of the Board.

Category A Certificated Employees—certificated personnel hired on a limited one-year contract as provided in I.C. § 33-514.

Category B Certificated Employees—certificated personnel in the fourth or greater years of continuous employment within the same school district as provided in I.C. § 33-514 and who, at the sole discretion of the Board, are eligible to be offered a limited two (2) year contract. The Board, at its sole discretion, may add an additional year to such a contract upon the expiration of the first year.

Renewable Contract Certificated Employees

Certificated personnel who may automatically renew their employment with this District for the next school year by giving written notice of acceptance of renewal by July 20th. Only certificated employees that attained renewable contract status prior to January 31, 2011 may be employed on a grandfathered renewable contract and shall have the right to continued automatic renewal of their employment 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. Alternatively, the District can place the certificated employee on a Category A or B contract. A certificated employee hired with previous out-of-state experience shall not be eligible for a renewable contract.

Notice:

1. **Category A Certificated Employees**
Category A Certificated Employees' contract are limited one year contracts for certificated personnel in their first or greater year(s) of continuous employment with the same school district. Upon a decision by the local school Board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than July 1st.
2. **Category B Certificated Employees**
Category B Certificated Employees' contracts are limited two year contracts that may be offered at the sole discretion of the Board. Upon the decision by a Board of Trustees not to reemploy the person employed on a Category B contract for the following year, the certificated employee shall be provided a written statement of reason for non-reemployment by no later than July 1st.

Category B Certificated Employees 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.

3. Grandfathered Renewable Contract

The Board shall provide written notification to each person entitled to be employed on a renewable contract by July 1st. All employees on grandfathered renewable contracts must give written notice of acceptance of automatic renewal of contract to the Board no later than July 20th. These dates are specified in the Idaho Code, and may not be altered by contract or agreement. The employee's failure to timely provide written acceptance of renewal of contract may be interpreted by the Board as a declination of the right to automatic renewal or the offer of another contract. Before the Board determines not to renew the contract for the unsatisfactory performance of grandfathered 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.

4. Superintendents, Principals, and Administrators

The Board shall make a determination as to how long administrators have to sign and return their contracts. If the Board makes no such determination the default time limit shall be twenty-one (21) days after the contract is delivered to the administrator.

Supplemental Contracts

Supplemental Contracts may be for extra days or for extra duties. Extra duty supplemental contracts are for an assignment which is not part of a certificated employee's regular teaching duties. Extra day supplemental contracts are an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of the District.

The Board shall provide the same rights to due process and procedures for extra day supplemental contracts as those provided by the underlying contract (Category A, Category, B, or grandfathered renewable). Written notice of non-reissuance of extra day supplemental contracts should be treated in the same way as notice of non-reissuance of the underlying contract.

Any supplemental contract for extra duties shall be separate and apart from the certificated employee's underlying contract (Category A, B, or grandfathered renewable) and no property rights shall attach and thus there is no process due for non-reissuance.

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

Policy History:

Adopted on: March 14, 2012

Revised 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 B Contract teachers; and
- 2) An administrative employee reassignment; and
- 3) Non-reissuance of Supplemental Extra-Day Contracts for Category B teachers.

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 to 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:

Swan Valley School District #92

PERSONNEL

5120

Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and making hiring recommendations to the Board. Educational support personnel applicants are initially screened by the principal. The District shall hire the best-qualified personnel, consistent with budget and staffing requirements, and shall comply with Board policy and state law on equal employment opportunities. All applicants must complete a District application form in order to be considered for employment.

Each person hired by the District will undergo a criminal history check consistent with Idaho law. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification of Professional Personnel

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

Upon receipt of a proposed contract for the ensuing school year, the person shall deliver the signed contract to the District within 14 (days) of receipt of the same. Delivery of a contract may be made only in person or by certified mail, return receipt requested. Should any person refuse to acknowledge receipt of a contract or not return a signed contract to the District within the time period set forth herein, the District may declare the position vacant and offer the contract to another person.

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

Cross Reference: 5122 Fingerprinting and Criminal Background Investigations

Legal Reference: I.C. § 55-512 Governance of schools
I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates
I.C. § 33-513 Professional personnel

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Criminal History / Background Checks

General

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.

Initial Hires/ Those employed less than 5 years

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

- (1) Those initially hired by a school district;
- (2) Those in the employ of the District for less than five (5) years

A criminal history check shall include the following:

- (1) Statewide criminal identification bureau;
- (2) Federal bureau of investigation (FBI) criminal history check;
- (3) National crime information center; and
- (4) Statewide sex offender register.

Employees will be required to undergo a criminal history check within three (3) months of starting employment, or within three (3) months from the date the employee is requested to submit to a criminal history check, whichever the case may be.

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.

It is the discretion of the District to terminate, dismissal or take other action against any employee that has been convicted of one (1) or more of the felony offenses set forth in I.C. § 33- 1208.

Substitute teachers

If a substitute teacher has undergone a criminal history check within three (3) 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 three (3) years to undergo an additional criminal history check, the District will pay the costs of such check.

Other employees

The District may require that employees in the employ of the District for greater than five (5) years 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.

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates
I.C. §33-512 Governance of schools
Public Law 105-251 Volunteers for Children Act

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

VOLUNTEER -- AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I, _____, am seeking a volunteer assignment with the Swan Valley School District. I acknowledge that a complete investigation into my background is necessary to protect the safety and welfare of the children in the Swan Valley School District.

I hereby expressly and voluntarily give the Swan Valley School District the right to make a thorough investigation of my past employment, education, and activities. I understand that the Swan Valley School District reserves the right to use any lawful method of investigation that, in its sole discretion, it deems reasonable and necessary.

This document is effective until revoked in writing by me.

SIGNATURE _____ DATE

Print Full Name: _____

Print Full Address: _____

Birth Date: _____ Social Security Number: _____

STATE OF IDAHO)
 : ss.
County of :)

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

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

Notary Public, State of Idaho

County of _____

My commission expires _____

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.

Administrative Leave

Delegation and Limited Use of Unpaid Leave

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

Should this authority be exercised and any certificated employee placed onto a period of paid administrative leave or suspension, this action shall be presented to the Board within twenty-one (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.

Further, **only** in the circumstance where an employee of the District is in a position where a court order exists preventing the employee from being in the presence of minors or students, and thus unable to perform the essential functions of their job, the Board may place such employee onto a period of unpaid leave of absence.

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
I.C. § 33-513 Professional Personnel

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Swan Valley School District #92

PERSONNEL

5140

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 as mandated by I.C. § 33-517 and in written contracts, 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 Policy No. 5140P.

Cross Reference: 5140P Grievance Procedure for Classified Employees
Legal Reference: I.C. § 33-517 Non certificated personnel
I.C. § 33-1201 Certificate required
Metcalf v. Intermountain Gas Co., 116 Idaho 622 (1989)

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Classified Employment and Assignment

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

Level 1: Informal

A classified employee with a complaint is encouraged to first discuss it with 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.

Cross Reference: 5140 Grievance Procedure for Classified Employees

Legal Reference:

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Swan Valley School District #92

PERSONNEL

5210

Page 1 of 2

Assignments, Reassignments, Transfers

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

Nothing in this policy shall prevent the reassignment of a staff member during the school year.

Classified Staff

The right of assignment, reassignment and transfer shall remain that of the District. 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.

Provisions governing vacancies, promotions and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.

Work Day

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

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

The length of a work day for a certified employee shall be seven and one half (7½) hours for a full-time certified employee. The work day is generally inclusive of lunch, preparation time, and assigned duties, and is generally exclusive of extracurricular assignments. Arrival time shall generally be one-half (1/2) hour before classes begin or as otherwise directed by the building principal.

Length of Work Day – Hourly Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour per day/forty (40)-hour per week employee. The work day is inclusive of lunch and inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the district will be 7:45 a.m. to 3:15 p.m.

Length of Work Day-Salaried Classified

The length of the workday for salaried classified employees shall be 7 ½ hours per day for all full time salaried classified employees. The work day is inclusive of lunch and preparation and assigned duties. Normal hours for all salaried classified employees will be 8:00 a.m. to 3:30 p.m. unless otherwise specified in the individual contract.

Cross Reference: Policy 5810

Compensatory Time and
Overtime/Classified Employees

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

Fair Labor Standards Act of 1985
FLSA Regulations
Idaho Department of Labor

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on: March 14, 2012

PERSONNEL

Assignments, Reassignments, Transfers

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

For certificated employees, no employee shall be transferred to a principal’s school or newly hired with an assignment to a principal’s school without the additional approval of the building’s principal, unless a transfer is being made due to shifting student population levels. In a situation where a reassignment and/or transfer is being made due to shifting student population levels, the principal shall be provided with a choice of at least two (2) individuals to be transferred for each position to be filled, unless there is only one (1) individual whose certificates or endorsements qualify them for the position.

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.

Classified Staff

The right of assignment, reassignment and transfer shall remain that of the Board and/or 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:	6100-6100P 6200	Superintendent District Organization
Legal Reference	I.C. § 33-513 I.C. § 33-515 I.C. § 33-523	Professional Personnel Issuance of Renewable Contracts Principals to Determine New Staffing

Policy History:

Adopted on: March 14, 2012

Revised on:

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.

Workday 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 8:00 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: August 13, 2015

Swan Valley School District #92

PERSONNEL

5222A

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.

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

Policy History:
Adopted on: April 15, 2004
Reviewed on: March 16, 2009
Revised 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 and Criteria

The formal performance evaluation system is designed to:

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

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

Responsibility

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

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

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

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

- i. Unsatisfactory being equal to “1”;
- ii. Basic being equal to “2”;
- iii. Proficient being equal to “3”; and
- iv. 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: November 14, 2017

Revised on: January 16, 2018

Swan Valley School District

PERSONNEL

5223

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.

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

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Swan Valley School District #92

PERSONNEL

5224

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, 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.

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. However, nothing in this section is intended to restrict the right of a District employee to express his personal political views.

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

Policy History:

Adopted on: April 15, 2004

Reviewed on: March 16, 2009

Revised on:

Swan Valley School District #92

PERSONNEL

5225

Tobacco Free Policy

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

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

Policy History:

Adopted on: April 15, 2004

Revised on:

Drug-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.

For purposes of this policy, a controlled substance is one which 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.

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.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

1. provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees; and
4. inform employees of available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs.

District Action Upon Violation of Policy

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

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

Should 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 shall notify the appropriate state or federal agency from which the District receives contract or grant moneys of the employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: Drug Free Workplace Act of 1988

Policy History:
Adopted on: April 15, 2004
Revised on:

Swan Valley School District #92

PERSONNEL

5228

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)
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Policy History:
Adopted on: April 15, 2004
Reviewed on: April 20, 2009
Revised on:

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.

Policy History:

Adopted on: April 15, 2004

Reviewed on: April 20, 2009

Revised on:

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:

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.

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.

Certificated Employees

The District may maintain the following files for employees:

1. District File (Official); and
2. Building File.

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; and
3. communications from the administration.

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.

Classified Employees

Prior to the placement of any information in the personnel file of a classified employee, the employee shall review and sign any records made to his/her personnel file. Should an employee refuse to sign any entry or record in her/his personnel file, a notation shall be placed in the file documenting such refusal. A classified employee cannot prevent the placement of information in his/her file by refusing to sign any document.

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: 4340 Public Access to District Records
Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
I.C. § 33-517 Non-certificated Personnel
I.C. § 33-518 Employee personnel files

Policy History:
Adopted on: April 15, 2004
Reviewed on: April 20, 2009
Revised on:

PERSONNEL

Swan Valley School District #92
Report of Suspected Child Abuse, Abandonment or Neglect

Original to: Local Law Enforcement ___
Department of Health and Welfare ___
Copy to: Superintendent ___
Building Principal ___

From: _____ Title: _____

School: _____ Phone: _____

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

Name of Minor: _____ Date of Birth: _____

Address: _____ Phone: _____

Date of Report: _____ Attendance Pattern: _____

Father: _____ Address: _____ Phone: _____

Mother: _____ Address: _____ Phone: _____

Guardian or Step-Parent: _____ Address: _____ Phone: _____

Any suspicion of injury/neglect to other family members: _____

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

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

Date Received:

Date of Investigation:

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:

1. And that such illness 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

Resignations

Certified and classified 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.

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- (2)-week notice.

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

Policy History:

Adopted on: April 15, 2004

Revised on:

Reduction in Force

The Board has the exclusive authority to determine the appropriate number of employees. A reduction of certified employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations, or other reasons deemed relevant by the Board.

Generally, the reduction in certified employees, other than administrators, will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the Board may terminate certified employees.

The Board shall consider performance evaluations, staff needs and other reasons deemed relevant by the Board in order to determine the order of dismissal if it reduces classified staff or discontinues some type of educational service.

In addition, in the event of necessary reduction of staff, the following criteria shall be weighed out carefully in determining who shall be retained when qualified staff members outnumber available positions:

1. Excellence of teaching performance (based on annual evaluations and other relevant data).
2. Specific preparation in the grade level or subject area to be taught (total college credits in that field and/or ongoing continuing education credits).
3. Total teaching experience in the grade level or subject area.

Policy History:

Adopted on: April 15, 2004

Revised on: May 11, 2011

Swan Valley School District #92

PERSONNEL

5314

Substitutes

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.

Substitutes for classified positions will be paid by the hour.

Cross Reference: 5122 Criminal History / Background
Checks

Policy History:
Adopted on: April 15, 2004
Revised on:

PERSONNEL

Leaves of Absence

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

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 Professional Personnel
I.C. § 33-1216 et seq. Sick and other leave
I.C. § 33-1228 Severance allowance at retirement

Policy History:

Adopted on: April 15, 2004
Revised on: November 14, 2017
Effective July 1, 2018

PERSONNEL

5322

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:

Long-Term Illness/Temporary Disability/Maternity Leave

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. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness or temporary disability plans in the event of maternity leave, shall apply under the same conditions as other long-term illness or temporary disability leaves.

The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Idaho.

Legal Reference:

Pregnancy Discrimination Act

Policy History:

Adopted on: April 15, 2004

Revised on:

Long-Term Illness/Temporary Disability/Maternity Leave

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. 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.
3. 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.

Procedure History:

Adopted on: April 15, 2004

Revised on:

Swan Valley School District #92

PERSONNEL

5333

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:

Swan Valley School District #92

PERSONNEL

5334

Vacation Leave

12-month classified and administrative employees 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 at the employee's daily rate of pay.

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

Workers' Compensation Benefits

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

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

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

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

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

Policy History:
Adopted on: April 15, 2004
Revised on:

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 Staffing	I.C. § 33-524	Principals to Determine New
	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:

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) because of a serious health condition that makes the employee unable to perform the functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; or 5) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in 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 or other specific dates

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:

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:

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

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

- a) Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b) Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c) Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy.
- d) 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:

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

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

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

Leave Less Than Three (3) Weeks Before End of Term—If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than three (3) weeks before the end of term, the 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:

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

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

Procedure History:

Promulgated on: March 14, 2012

Revised on:

Aides

Aides, 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."

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.

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.

Policy History:

Adopted on: April 15, 2004

Revised on:

Swan Valley School District #92

PERSONNEL

5430

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:

Employee Electronic Mail and On-Line Services Usage

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

Because of the unique nature of e-mail/Internet, and because of the 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.

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:

PERSONNEL

5480

Pay for Performance

The District shall have in place a plan for “Pay for Performance” provisions of compensation as such is addressed in Section 33-1004I, Idaho Code and any related provision of the Idaho Administrative Procedures Act, as such may change from time to time.

This plan as such relates to local shares for student achievement growth and excellence shall be developed in consultation with certificated employees of the District. The local share awards identified in any plan presented for Board approval shall be based upon one or more of the criteria specifically enumerated by the Idaho Legislature.

Legal Reference: I.C. § 33-1004I

Pay for Performance

Policy History:

Adopted on: March 14, 2012

Revised 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".
 - a. 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 / 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 on or after 62 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.

Legal Reference:

I.C. § 33-1004H	Employing Retired Teachers and Administrators
I.C. § 33-523	Principals to Determine new Staffing
I.C. § 33-513	Professional Personnel
I.C. § 33-1228	Severance Allowance at Retirement
I.C. § 59-1356	Employment of Retired Members

Cross Reference: 5100 Hiring Process and Criteria

Policy History:

Adopted on: March 14, 2012

Revised on: