

Section 5000

PERSONNEL

# Table of Contents

## Personnel

Hiring Process and Criteria	5100
Procedures for Obtaining Personnel Records for Applicants	5100P
Release of Information Form	5100F1
Certificated Personnel Reemployment	5105
Informal Review	5107
Criminal History / Background Checks	5110
Equal Employment Opportunity and Non-Discrimination	5120
Reporting New Employees	5125
Administrative Leave	5130
Employee Rights, Responsibilities and Conduct Applicability of Personnel Policies	5200
Salary Changes	5203
Job Descriptions	5205
Work Day	5210
Assignments, Reassignments, Transfers	5220
Accommodating Individuals with Disabilities	5230
Health Examinations	5235
Sexual Harassment/Sexual Intimidation in the Workplace	5240
Sexual Harassment/Intimidation in the Workplace Policy Acknowledgement Form	5240F
Certificated Staff Grievances	5250
Abused and Neglected Child Reporting	5260
Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying	5265
Report of Suspected Child Abuse, Abandonment or Neglect	5270
Personal Conduct	5280
Professional Standards Commission (PSC) Code of Ethics	5281
Solicitations	5285
Political Activity - Staff Participation	5290
Tobacco Free Policy	5310
Drug and Alcohol -Free Workplace	5320
Drug and Alcohol Abuse Testing Acknowledgment Form	5320F1
Drug and Alcohol Abuse Testing Agreement Form	5220F2
Drug and Alcohol Abuse Testing Program and Procedures	5320P
Employee Use of Social Media Sites, Including Personal Sites	5325
Recommended Practices for use of Social Media Sites, Including Personal Sites	5325P
Employee Access to Electronic Information Services and Networks	5330
Employee Internet Access and Network Conduct Agreement Form	5330F
Employee Use of Electronic Communications Devices	5335
Evaluation of Certificated Personnel	5340
Certified Personnel Resignation (Release from Contract)	5350
Non-school Employment	5370
Employment Referrals and Prevention of Sexual Abuse	5390

## Compensation and Benefits

Leaves of Absence	5400
Proof of Illness of Sick Leave	5405
Sick Leave Bank	5407

Family Medical Leave	5410
Family Medical Leave Procedure	5410P
Jury Duty	5412
Witness for Court Appearance Leave	5420
Witness for Court Appearance Leave Procedure	5420P
Long-Term Illness/Temporary Disability/Maternity Leave	5420
Long-Term Illness/Temporary Disability/Maternity Leave Procedure	5420P
Insurance Benefits for Employees/Trustees	5430
School Holidays	5440
Professional Leave	5445
Vacation Leave	5450
Workers Compensation Benefits	5460
Leave of Absence – Military Leave	5470
Leave of Absence	5480
Certified Personnel Records	
Personnel Records	5500
Request to Employer Form	5500F2
Request for Verification of Certificate Status Form	5500F3
Employee Health and Welfare	
Staff Health	5600
Prevention of Disease Transmission	5610
Mandatory Medical Examination	5620
Employment Practices	
Substitutes	5700
Teachers Aides/Para Educators	5710
Volunteers/Contractors	5720
Private Service Providers/Consultants	5725
Volunteer-Authorization to Release Information	5730
Reduction in Force	5740
Reduction in Force Procedures	5740PF
Employing Retired Teachers and Administrators	5750
Classified Employees	
Classified Employment Assignment and Grievance	5800
Classified Employment Assignment and Grievance Procedure	5800P
Evaluation of Non-Certificated Staff	5820
Evaluation of School Bus Drivers	5825
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers	5830
Drug and Alcohol Testing for School Bus and Commercial Procedure	5830P
Vehicle Drivers Procedure	
Bus Drivers and Prescription Medications	5840

**Hiring Process and Criteria**

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

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

**Guidelines**

1. There will be no discrimination in the hiring process. See Policy 5120.
2. Applicants for teaching positions shall provide evidence of meeting State requirements for certification and sign a statement authorizing current and past school district employers, including those outside the state of Idaho, to release to the District all information relating to job performance or job related conduct, and making available to the District copies of all documents in the applicant's previous personnel files, investigative, or other files. Such statement will also release the applicant's current and past employers from any liability for providing such information and documentation. Applicants who do not sign the statement/release shall not be considered for employment. The District will consider information received from current and past school district employers only for the purpose of evaluating applicants' qualifications for employment in the position for which they have applied and no one shall disclose such information to anyone, other than the applicant, who is not directly involved in the process of evaluating the applicants' qualifications for employment. Applicants may be employed on a non-contracted provisional basis as allowed by law. Applicants shall not be prevented from gaining employment if current or past out-of-state employers are prevented from or refuse to cooperate with the District's request. See Forms 5100F1 and 5100F2.
3. Applicants for high school and middle school positions should have a major or its equivalent in the specific teaching field(s). Elementary applicants should have a major or its equivalent in elementary education or in the special area of assignment(s). Applicants for specific teaching positions shall also meet the applicable State standards.
4. Applicants for all teaching positions should have a minimum over-all grade point average of 2.5 (A-4, B-3, C-2, D-1). All candidates should have a grade point average of 2.75 in their respective major teaching field(s).

5. As required in Idaho Code 65-505, the District will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
6. As required in Idaho Code 33-130 and 33-512(15), the District will conduct a criminal history check for applicable positions. See Policy 5110.
7. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

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

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

#### **I. Notice of Vacancies**

- A. Vacancies will be posted after the Board has approved written resignation from a contracted professional employee of the District, a termination or non-renewal has occurred, a release from contract has been granted, a new position is created within the District, or a vacancy has otherwise occurred. When that official resignation has been received or a position is otherwise available, the Superintendent will post notices on the District website.
- B. Current teachers and administrators will be considered in all vacancies prior to interviewing all external candidates.
- C. The appropriate administrator will meet with the appropriate building or program administrator, and review all requests to apply for the open position. The building/program administrator will have the responsibility to interview all final applicants who meet the qualifications needed for the position, and may or may not make recommendation for such applicants after review.
- D. If an applicant is recommended by the building principal, it will be submitted in writing to the Superintendent immediately following such determination. If such transfer would create a vacancy in another location, notice of that vacancy will be posted as specified above.
- E. An application or letter of interest will be maintained within the District file for a period of one year from the date of inquiry. It is the responsibility of any applicant who desires to be considered for positions within the District to reactivate his/her file annually.
- F. The Superintendent may deviate from the processes outlined in sections A through E above if he/she determines that such deviation is in the best interest of the District.

#### **II. Job Vacancy Notices**

Any notice from Jefferson School District No. 251 will contain the following information:

- A. Position available and job description.
- B. Requirements for completed application, as applicable for position, include but are not limited to: 1) completed District application form; 2) official transcript of all university or college credits; 3) placement center file; 4) personal resume; 5) verification or eligibility of Idaho certification; and 6) signed statement/release for current and past school district employers.
- C. Timeline for receiving application.
- D. Process notification of how applications will be handled.

### III. **Application Procedures**

It will be the responsibility of any applicant to provide the information listed in II B above.

- A. Such information must be received prior to the cutoff date for receiving applications as specified in the vacancy notice.
- B. It will be the discretion of the Superintendent, the appropriate administrator, and the building administrator to determine whether such deadlines should be extended to accommodate individuals where placement center files, transcripts or other materials are not yet received by the District for consideration. Such time extension will be restricted to a reasonable time frame.
- C. In addition to the certification information provided by the applicant, the District will also request from the Office of the Superintendent of Public Instruction verification of certification status, any past or pending violations of the professional code of ethics, any detail as to any prior or pending conditions placed upon a certificate holder's certificate, any prior or pending revocation, suspension or the existence of any prior letters of reprimand and information relating to job performance.
- D. Within three (3) business days of receipt of the statement releasing information from prior school district employers, as required by I. C. 33-1210, such statement shall be sent to the prior employers with a request for release of information and documentation to be provided as required by that section.

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

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

### V. **Screening**

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

## VI. Acceptance Procedure

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

- A. Authorize a statement of intention to employ, pending Board approval, to be made to the candidate.
  - 1. If, at the time the statement of intention to employ is made, the District has not yet received documentation requested pursuant to I.C. 33-1210(3), the District may provisionally employ such applicant on a non-contracted basis for up thirty (30) days after receipt of the documentation. Within that thirty day time period, the Board may issue a written statement to the applicant identifying why a standard contract will not be issued and specifying which information justifies such decision. The Board may not identify any reason for non-issuance of a standard contract not based on the documentation received. If, within thirty (30) days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to

the applicant, the employee will be deemed to be employed pursuant to a Category A contract. During this provisional employment, the applicant shall be provided the same compensation and benefits as if the employee had been employed on a standard certificated contract.

- a. If no documentation is received from out of state employers, the District may employ the applicant on a standard Category A contract without utilizing the provisional, non-contracted employment.
- B. Upon receiving a verbal or written statement of intention to accept employment, pending Board approval, by the candidate, the Superintendent will prepare the necessary papers for recommendation to the Board of Trustees at the next regular or special Board meeting.
- C. Submit to the Board of Trustees such recommendation.

## VII. **Board Action**

The Board of Trustees of Jefferson School District No. 251 will:

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

## VIII. **Approval**

Upon approval by the Board of Trustees, a contract, in a form approved by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-513. The applicant must sign the contract and return it within ten (10) days from the date the contract is delivered to them. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board in the designated period of time, the Board or designee may declare the position vacant. Should the candidate not be approved, or the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board, the Superintendent will remand the situation to the building administrator and screening committee to provide the next applicant's name for consideration.

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

## IX. **Certification**

To qualify for employment, each teacher or administrator must have, and maintain during the entire school year, a valid Idaho teaching/administrative certificate on file in the District Office

at the beginning of the school year. Salary will be withheld if the certificate is not on file by September 10 of the given year. If at any time the teacher/administrator's certification lapses, is revoked, or suspended, the certificated employee may be subjected to action declaring a contract violation and possible action to terminate the employment of the individual with the District.

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

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates  
I.C. § 33-512 Governance of schools  
I.C. § 33-513 Professional personnel  
I.C. § 33-523 Principals to determine new staffing  
I.C. § 33-1210 Information on past job performance  
I.C. § 65-505 Officials to observe preference  
I.C. § 67-2345(a) Executive sessions

Policy History:

Adopted on: Feb. 6, 2013

Revised on:

**PERSONNEL**

**5100P**

Procedures for Obtaining Personnel Records for Applicants

1. Before hiring an applicant for employment in a certificated or non-certificated position the District shall have the applicant sign the statement/release (form 5500F1) and provide a list of their previous school district employers (the list may be obtained via resume or application). The District will not hire an applicant who refuses or fails to sign the statement/release.
2. The signed statement/release will then be sent by the District to all of the applicant's current or past, in state or out of state, school district employers along with a request for information relating to job performance and/or job related conduct (form 5100F2). Note – The District does not have to request the information for all applicants. The District only has to request the information for the top applicant(s) for the position.
3. The District may follow up with current or past school district employers if the information requested has not been received within thirty (30) days from the date the request was sent. The District may hire non-certificated applicants on a conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school district employer refuses to comply with the request. The District will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school district employer. The written refusal shall be kept as a part of the applicant's file.

4. The District shall also request State Department of Education verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position (form 5100F3).
5. The District shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or District employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

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

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

Policy History:

Adopted on: August 10, 2011

Revised on:



# Jefferson Joint School District #251

Every Student Can Learn and Succeed

3850 E. 300 N.-- P.O. Box 150  
Rigby, Idaho 83442  
208-745-6693

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

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

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

This form:

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

### § 33-1210 RELEASE:

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

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

\_\_\_\_\_  
Date

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

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

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

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

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

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

Policy History:

Adopted on: August 10, 2011

Revised on:

Certificated Personnel Employment

Definitions

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

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

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

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

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

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

**Interim Certificate Holder:** A certificated employee who holds an interim certificate while they pursue an alternate route to certification must complete at least nine semester credits annually toward the completion of their alternate route to certification and meet their annual progress goals toward the completion of the alternate route. The District may take action to terminate or non-renew a teacher with an interim certificate who fails to meet these requirements. Such termination or non-renewal shall be carried out in accordance with State law and administrative rules and District policy. Personnel who hold an interim certificate and/or emergency authorization and have not been issued their five year renewable certificate shall not exceed a Category 3 Contract until conditions have been met.

Notice

1. Category 1 certificated employees' contracts are specifically offered for the limited duration of the ensuing school year, and no further notice is required by the District to terminate the contract at the conclusion of the contract year.

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

#### Supplemental Contracts

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

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

## Delivery of Contract

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

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

## Return of the Contract

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

## Failure to Accept or Acknowledge

Should a person willfully refuse to acknowledge receipt of the contract or if the contract is not signed and returned to the Board within the designated time period, the Board may declare the position vacant. Through this policy the Board delegates to the Superintendent the power, as the designee of the Board, to declare such position vacant should a signed contract not be returned within the designated period.

Cross Reference:      Policy 5340                      Evaluation of Certificated Personnel  
                                 Policy 6100                      Superintendent

Legal References:    I.C. § 33-507                      Limitation upon Authority of Trustees  
                                 I.C. § 33-513                      Professional Personnel  
                                 I.C. § 33-514                      Issuance of Annual Contracts – Support Programs

## Categories of Contracts – Optional Placement

I.C. § 33-514A              Issuance of Limited Contract – Category 1 Contract  
I.C. § 33-515                Issuance of Renewable Contracts  
I.C. § 33-515A              Supplemental Contracts  
IDAPA 08.02.02.016      Idaho Interim Certificate  
IDAPA 08.02.02.042      Alternate Routes to Certification

## Policy History:

Adopted on: November 13, 2019

Revised on: September 8, 2021

## **PERSONNEL**

**5107**

### **Informal Review**

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

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

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

The request for an Informal Review must be in writing and include a statement explaining the reasoning for disagreement with the Board’s decision. The statement must not exceed two (2) pages.

The District will use the following procedure:

- 1) The employee must request, in writing, an Informal Review within 10 days of the date notice of the events creating a right to Informal Review. The request must be submitted to the Board Clerk. Failure to request Informal Review within 10 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 30 days of the date that the request for Informal Review is submitted to the Board, or alternately, at the next regularly scheduled Board meeting, as determined by the Board. At the option of the Board, the employee may be permitted to provide the Board with documentation in support of the employee’s position. The Board, in its discretion, may limit the amount of time allotted for presentation of any additional information by the employee during the Informal Review.
- 3) The Administration shall have the right to be present during the Informal Review and may respond to the employee’s presentation and/or respond to any inquiries by the Board.
- 4) The Board shall make a decision to uphold the earlier employment decision, or make some other decision regarding the issue(s) raised during the executive session. Such decision must be made by the Board in open session, identifying the employee by number or letter (i.e.: “Subsequent to the Informal Review, the Board upholds the prior employment decision regarding employee “A”).
- 5) The Board shall notify the employee, in writing, of its final decision 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/or cross-examine witnesses unless specifically agreed to by the Board. The Board may elect to ask questions of the employee or administrator present at the Informal Review, but this does not confer upon the employee the right to ask questions of the Board or the Administration.

Cross Reference: 5105                      Certificated Personnel Reemployment

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

Policy History:

Adopted on: 7/10/2013

Revised on:

Criminal History / Background Checks***General***

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

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

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

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

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

***Initial Hires***

In order to protect the health, safety and welfare of the students of the District, Idaho law requires the following employees hired on or after July 1, 2008 to subject to criminal history checks. The list is to include, but is not limited to:

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

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

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

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

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

### Employee Arrest or Conviction

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

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

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

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

### Substitute teachers

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

### Other employees

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

### Volunteers

Any volunteer in the District who has regular unsupervised access to students, as determined by the Superintendent or the Superintendent's designee, shall submit to a fingerprint criminal background

investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the schools of this District.

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

### Contractors

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

### Confidentiality

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

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

### Policy History:

Adopted on: Nov. 5, 2008

Revised on:

## **PERSONNEL**

**5120**

### Equal Employment Opportunity and Non-Discrimination

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

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

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

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

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

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

Policy History:

Adopted on: July 15, 2010

Revised on: November 13, 2019

**PERSONNEL**

**5125**

Reporting New Employees

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

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

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

This district will report the hiring or rehiring of any individual to the department within twenty (20) calendar days of the date the employee actually commences employment for wages or remuneration. The

report will be deemed submitted on the postmarked date or, if faxed or electronically submitted, on the date received by the department. A copy of the report will be retained by the district, and the copy will set forth the date on which the report was mailed, faxed, or electronically transmitted.

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

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

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

Policy History:

Adopted on: Sept. 9, 2009

Revised on:

## **PERSONNEL**

**5130**

### 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.

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

Policy History:

Adopted on: Feb. 6, 2013

Revised on:

## **PERSONNEL**

**5200**

### Applicability of Personnel Policies

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

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

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

Policy History:

Adopted on: Nov. 5, 2008

Revised on: May 11, 2011

**Salary Changes**

**5203**

Notification in writing shall be given to the District Office by August 25<sup>th</sup> of an intent to move across the salary schedule by virtue of earning additional credits. Failure to give the notice will prohibit the teacher from the horizontal increase for that salary. Transcripts must be submitted by September 1<sup>st</sup>. It shall be the responsibility of each and every teacher to ascertain whether or not he/she has been properly placed on the salary schedule prior to the signing of his or her annual contract. It is understood and agreed that while the District does maintain files containing individual teacher transcripts, the District does not review transcripts each year to insure proper placement. The necessary verification of training and experience must be supplied by the teacher for proper placement on the schedule. (an official transcript of credit must be on file in the Administrative Office).

**PERSONNEL**

**5205**

Job Descriptions

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

Once each year or as provided by Idaho Code, the supervisors of all employees shall confer with each person under his or her supervision to review the individual's work. The evaluation shall be documented by use of the district evaluation form for classified or certified personnel. No evaluation should be signed before it is fully discussed by both the employee and the supervisor. One signed copy will be given to the employee and one signed copy will be given to the superintendent to be maintained in the employee's personnel file.

Cross Reference: 5500

Legal Reference: I.C. § 33-514

I.C. § 33-515

I.C. § 33-517

Personnel Records

Issuance of Annual Contracts

Issuance of Renewable Contracts

Non-certificated Personnel

Policy History:

Adopted On: September 13, 2006

Revised on:

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 eight (8) hours for a full-time certified employee. The work day is generally exclusive of lunch and extracurricular assignments, but inclusive of preparation time and assigned duties. Arrival time shall generally be one-half (1/2) hour before classes begin or as otherwise directed by the building principal.

Length of Work Day - Classified

The length of a classified work day is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour per day/forty (40)-hour per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the district will be 8:00 a.m. to 5:00 p.m.

Breaks

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

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: Feb. 8, 2012

Revised on:

## Assignments, Reassignments, Transfers

All staff shall be subject to assignment, reassignment, and transfer of position and duties by the Board and/or Superintendent. Changes in assignment may also be made at the request of an employee. Assignment shall be based upon the qualifications of the candidate and the philosophy and needs of the District.

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

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

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

## Classified Staff

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

## Teaching

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

Cross reference:	5107	Informal Review
	6100-6100P	Superintendent
	6200	District Organization

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

## Policy History:

Adopted on: July 10, 2013

Revised on: November 13, 2019

## **PERSONNEL**

**5230**

## Accommodating Individuals With Disabilities

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

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

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

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

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

Cross Reference: 5250 Uniform Grievance Procedure  
Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

Policy History:  
Adopted On: September 13, 2006  
Revised on:

## **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: Feb. 8, 2012

Revised on:

**PERSONNEL**

**5240**

Sexual Harassment/Sexual Intimidation in the Workplace

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

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

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

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

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

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

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

### Investigation

When an allegation of sexual harassment is made of any employee, the designated school officials will take immediate steps to: (1) Protect the grievant from further harassment; (2) Discuss the matter with and obtain a statement from the accused and his representative, if any; (3) Obtain signed statements of witnesses; (4) Prepare a report of the investigation. Confidentiality Due to the damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with co-workers and/or other persons not directly involved in resolving the matter.

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

It is Board policy that all reports of harassment will be thoroughly investigated, and violations of this policy will be treated as serious disciplinary infractions. No employee shall be subjected to adverse employment action in retaliation for any good faith report of harassment or participating in an investigation about harassment under this policy. To the extent possible, all reports of harassment will be kept confidential.

Cross Reference: 5250 Uniform Grievance Procedure  
Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11  
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.  
I.C. § 67-5909 Acts Prohibited

### Policy History:

Adopted On: September 13, 2006

Revised on:

**PERSONNEL**

**5240F**

Sexual Harassment/Intimidation in the Workplace Policy Acknowledgment

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

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

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

\_\_\_\_\_  
Date

Policy History:

Adopted on: August 10, 2011

Revised on:

**Certificated Staff Grievances**

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

**Grievance Definition**

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

**Grievance Procedure**

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

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

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

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

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

The immediate building principal or designee of the building principal shall meet with the grievant and shall, at the discretion of the principal or designee, conduct whatever additional

meetings or investigative activities the principal or designee believes are necessary to address the grievance.

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

If the grievant is not satisfied with the decision of the principal or designee, the individual shall have a period of five working days to advance the grievance to the Superintendent by submitting a written objection to the decision with the Superintendent.

If the principal or designee does not provide a written response to the grievance at the conclusion of ten working days and no extension of this time period has been agreed to between the grievant and principal or designee, the grievance shall be advanced to the Superintendent without written response of the principal or designee.

Upon receipt by the Superintendent, the Superintendent or his or her designee 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 or designee shall, within a period of 15 working days, decide the matter notifying all the parties in writing of the decision. The decision of the Superintendent or designee shall be controlling, regardless of whether it is in agreement or in disagreement with the decision of the principal.

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

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

Policy History:

Adopted on: April 14, 2010

Revised On: June 14, 2017

## **PERSONNEL**

**5260**

### Abused and Neglected Child Reporting

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

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

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

"Neglected" means a child: Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; .... See I.C. § 16-1602(24).

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

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

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Idaho Code § 16-1619 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed. I.C. § 16-1620.

In addition, "any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater." I.C. § 16-1620A

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

Legal Reference: I.C. § 16-1619 Reporting of Abuse, Abandonment or Neglect  
I.C. § 16-1620 Immunity  
I.C. § 16-1620A Reporting in Bad Faith-Civil Damages  
I.C. § 16-1602 Definitions

Policy History:

Adopted On: September 13, 2006

Revised on:

**PERSONNEL**

**5265**

Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying

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

Intervention

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

Intervention shall be designed to:

- a. Correct the problem behavior;
- b. Prevent another occurrence of the problem;
- c. Protect and provide support for the victim of the act; and
- d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Professional Development

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

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

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

Student Discipline

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

## Reporting

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

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

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

## Policy Distribution

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

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

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

## Policy History:

Adopted on: May 11, 2016

Revised on:

## PERSONNEL

5280

### 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.

District Employees who are contacted by the media should direct such inquiries to either the individual in question or to the Superintendent, or his/her designee.

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: September 13, 2006

**PERSONNEL**

**5281**

**CODE OF ETHICS AND STANDARD PRACTICES FOR IDAHO EDUCATORS**

**PREAMBLE**

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

**ASPIRATIONS and COMMITMENTS**

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

The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen.

The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs.

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

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

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

## **PRINCIPLES I - X**

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

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

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

**Principle III.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes but is not limited to:

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

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

- a) Fraudulently altering or preparing materials for licensure or employment;
- b) Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment and/or licensure;
- c) Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate/license from another state;
- d) Failure to notify the state of past criminal convictions at the time of application for licensure;
- e) Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students and/or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.);
- f) Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves;
- g) Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry and/or investigation; and,
- h) Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues.

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

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

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

- a) Unauthorized soliciting of students and/or parents of students to purchase equipment or supplies from the educator who will directly benefit;
- b) Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
- c) Tutoring students assigned to the educator for remuneration unless approved by the local board
- d) of education; and,
- e) Soliciting, accepting or receiving a pecuniary benefit greater than fifty (\$50.00) dollars as defined in Idaho Code §18-1359(b).

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

- a) Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and
- b) assessment/testing results with inappropriate individuals or entities; and,
- c) Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities.

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

- a) Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;
- b) Willfully refusing to perform the services required by a contract; and,
- c) Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students.

**Principle IX.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes but is not limited to:

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

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

- a) Any conduct that seriously impairs the certificate holder's ability to teach or perform his or her professional duties;
- b) Committing any act of harassment toward a colleague;
- c) Conduct that is offensive to the ordinary dignity, decency, and morality of others;

- d) Failure to cooperate with the Professional Standards Commission in inquiries and/or investigations or hearings;
- e) Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections;
- f) Deliberately falsifying information presented to students.
- g) Willfully interfering with the free participation of colleagues in professional associations; and,
- h) Taking inappropriate pictures (digital, photographic or video) of colleagues.

## RELATED STATUTES

For information concerning statutes pertinent to allegations of violations of state statute and/or the Code of Ethics for Idaho Professional Educators, please visit the Certification/Professional Standards website below:

[www.sde.idaho.gov/site/teacher\\_certification/code\\_ethics.htm](http://www.sde.idaho.gov/site/teacher_certification/code_ethics.htm)

Idaho Code 33-1208. Revocation, suspension, denial, or place reasonable conditions on certificate - Grounds.

1. “The state board of education may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds: ...” (Refer to web site)
2. “The state board of education shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child ...” (Refer to web site)

Idaho Code 33-1209. Proceedings to revoke, suspend, deny or place reasonable conditions on a certificate—Letters of Reprimand—Complaint—Subpoena Power—Hearing.

This statute addresses who may and how a complaint must be filed; who has the authority to investigate; and how a due process hearing will be conducted.

Who may file a complaint?

- An individual with a substantial interest in the matter;
- A board of trustees; or,
- The Idaho Chief Certification Officer.

Note: A student in an Idaho public school **may not** file.

A complaint must be written and signed by the complainant stating the specific grounds for the allegation.

Upon receiving the written complaint, the Chief Certification Officer and Deputy Attorney General will review the complaint to determine if an investigation will be conducted.

The Executive Committee of the PSC will review the evidence of a completed investigation to determine if action is to be considered against an educator’s certificate/license.

Subsequent to a recommendation from the Executive Committee, an Administrative Complaint is filed by Idaho’s Chief Certification Officer. The educator may request a due process hearing.

## NASDTEC CLEARINGHOUSE

The National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse is a searchable database of the 50 state jurisdictions. This database contains information regarding professional educators where action was taken against their certificates/licenses. Action includes suspension, denial or revocation.

The state of Idaho notifies the NASDTEC Clearinghouse when it has adjudicated a case with a certificate revocation, denial, or suspension.

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

Policy History:  
Adopted on: Sept. 9, 2009  
Revised on:

## **PERSONNEL**

**5285**

### Solicitations

#### Solicitations By Staff Members

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

#### Solicitations Of Staff Members

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

#### Policy History:

Adopted On: September 13, 2006  
Revised on:

## **PERSONNEL**

**5290**

### Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the District may seek an elective office, provided that the staff member does not campaign during instructional times or while they are responsible for other duties, or while they are in settings where they are likely to have contact with students; and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available.

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

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

No district employee may use public facilities, equipment, including, but not limited to, telephones, fax machines, copy machines, computers, e-mail, etc., or supplies, including, but not limited to, paper clips,

staples, pens, pencils, paper, envelopes, tape, etc., that are purchased with public funds for election or political campaigns, private or charitable organizations or foundations or ballot issues.

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

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

Policy History:

Adopted on: December 12, 2012

Revised on:

**PERSONNEL**

**5310**

Tobacco Free Policy

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

Definition

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

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

Policy History:

Adopted on: December 11, 2013

Revised on:

**PERSONNEL**

**5320**

Drug- and Alcohol-Free Workplace

Purpose

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

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

All employees are prohibited from:

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

As a condition of employment, each employee shall:

1. abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. notify his or her Superintendent of his or her conviction under any criminal drug statute including but not limited to the use of controlled substances, alcohol, prescription drugs, or over-the-counter drugs for a violation occurring on the District premises or while performing work for the District, no later than five (5) days after such a conviction.

#### Definitions as Used in This Policy

1. "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful. Such term does not include the use of a drug taken under the supervision by a licensed health care professional.
2. "Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act found in Chapter 27, Title 37 Idaho Code.
3. "Conviction" means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. "Criminal Drug Law" means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
5. Controlled Substance – means any drug or substance that is: 1. not legally obtainable; 2. being used in a manner different than prescribed; 3. legally obtainable, but has not been legally obtained; or 4. referenced in federal or state controlled substance acts.
6. "Substance Abuse" Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances, including but not limited to marijuana, heroin, or cocaine.

## Confidentiality

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

## Pre-Employment Testing

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

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

## Physical Examination/Screening Based Upon Reasonable Suspicion

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

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

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

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

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

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

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

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

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

### Post-Accident Testing

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

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

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

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

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

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

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

#### Opportunity to Contest or Explain Test Results

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

#### Return to Duty Testing

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

The Superintendent or his designee may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall such screening be ordered by the Superintendent or his designee more than one (1) time within a seventy-two (72) hour period. In the event of positive test results, the Superintendent or his designee will work out disciplinary procedures, if any, in accordance with Board policy and state law.

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

#### Inspections

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

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

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

#### District Action Upon Violation of Policy

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

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

In determining whether and to what extent an employee will be disciplined or discharged in regard to violating this policy, the Board will consider the following factors: the degree to which the nature of the criminal offense reduces the District's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the District's operations; the nature of the criminal offense; the nature of the employee's job with the District; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the District.

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

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

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

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

Policy History:

Adopted on: 7/10/2013

Revised on:

Drug and Alcohol Abuse Testing Acknowledgment

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

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

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

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

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

\_\_\_\_\_  
Date

Policy History:

Adopted on            July 8, 2009

Revised on:

Drug and Alcohol Abuse Testing Agreement

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

I understand that agreeing to be tested according to the drug and alcohol testing policy and procedures is a condition of employment and continuing employment by the District.

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

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

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

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

\_\_\_\_\_  
Date

Policy History:

Adopted on            July 8, 2009

Revised on:

Drug and Alcohol Abuse Testing Program and ProceduresDrug and Alcohol Abuse Testing Program

1. Purpose. The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of applicants for positions with the District as well as current District employees.
2. Program Responsibility. The Superintendent or his designee has the overall responsibility for this program and will be responsible for reviewing the results of drug tests; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; conducting an interview with the individual testing positive to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the Superintendent or his designee deems it necessary; and verifying that the laboratory report and the specimen are correct.

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

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

3. Designation of Laboratory. The District will select a laboratory to direct the testing on specimens submitted. A representative of the laboratory selected will be responsible for performing the required drug test. That representative will also be responsible for properly handling specimens for alcohol testing. A breath analysis test will be performed by a certified Breath Alcohol Technician for the selected laboratory.
4. Collection Site: The Jefferson County School District #251 transportation center is the designated collection site for collecting urine specimens.
5. Authorization for Testing. When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist in completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the Superintendent, or his designee about the required drug and/or alcohol test.
6. Refusal to Test. The following constitutes refusal to test:
  1. Refusing to sign any of the following forms:
    - a. Statement that a copy of alcohol and drug testing procedures and policy has been given and explained.
    - b. Agreement to be tested according to the alcohol and drug testing procedures and policy.
  2. The following constitutes alcohol testing refusals:
    - a. Refusal by any employee to complete and sign the breath alcohol testing form.
    - b. Failure to provide adequate breath without a valid medical explanation in writing.
    - c. Failure of employee to remain readily available for testing for eight (8) hours following an accident that requires testing.

3. The following constitutes drug testing refusals:
  - a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing.
  - b. Conduct that clearly obstructs testing procedures.
4. Failure of employee to remain readily available for testing for thirty-two (32) hours following an accident requiring testing
  
7. Specimen Retention. The retention of specimens for possible future analysis is the responsibility of Minert and Associates. Minert and Associates will retain all specimens for a minimum period of one (1) week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one (1) year. Within this one (1) year period, the person tested or the Superintendent or his designee can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one (1) year period, the sample may be discarded.
  
8. Notification and Administrative Processing of Positive Results. All analytical results, negative and positive, will be reported by the laboratory to the Superintendent or his designee within an average of five (5) days after receiving the specimens. The Superintendent or his designee will interview the person to determine if there is any satisfactory explanation for the positive result. The Superintendent or his designee may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.
  
9. Record Retention. Confidentiality Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to insure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the Superintendent or his designee's discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results is confidential and will be released by the Superintendent or his designee only upon the written consent of the individual, except that results may be released and relied upon by the District in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

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

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

## Drug and Alcohol Abuse Testing Procedures for Job Applicants

1. All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.
2. Applicants will be asked to sign an authorization for the tests which will release the Superintendent to disclose the results of the drug and alcohol test. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, the Superintendent will suspend the procedures at that point.
3. The Superintendent or his designee will review the analytical results of the drug and alcohol tests, and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.
4. The Superintendent or his designee may require the original specimen to be reanalyzed if necessary.
5. The Superintendent or his designee will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three (3) days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the Superintendent or his designee to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the Superintendent or his designee and, upon request, to provide the Superintendent or his designee with evidence of all drugs taken by prescription.

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

1. Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Superintendent or his designee should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.
2. Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.
3. Once the procedure has been completed, the employee should be transported back to the Superintendent's office where the employee will be placed on administrative leave with pay until the results of the tests are available.
4. If the employee refuses to sign the release or refuses to be tested by Minert and Associates the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Superintendent's office. The Superintendent will place the employee on administrative leave with pay with instructions to call his/her office before the normal reporting time for that employee on the following workday.
5. If the Superintendent or his designee feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, the Superintendent or his designee should tell the employee that if he/she gets in a vehicle to drive that he/she will call the police or the Sheriff's Department and give them the location, license plate number, etc.
6. In the event of positive test results, the Superintendent or his designee will review other records of the employee and work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

7. Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If in the sole discretion of the Superintendent, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.
8. Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Superintendent in the event an employee refuses to test or does not show for testing. In the event of positive test results, the Superintendent will then review other records of the employee work out proper disciplinary procedures, if any, in accordance with Board policy and state law.

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

Policy History:

Adopted on July 8, 2009  
Revised on

**PERSONNEL**

**5325**

Employee Use of Social Media Sites, Including Personal Sites

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

**Protect Confidential and Proprietary Information**

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

**Do Not Use District Name, Logos, or Images**

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

## **Respect District Time and Property**

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

### **On Personal Sites**

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

#### Policy History:

Adopted on: July 14, 2010

Revised on:

## **PERSONNEL**

**5325P**

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

#### **Think Before Posting**

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

#### **Be Respectful**

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

#### **Remember Your Audience**

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

### District Social Media Sites

#### **Notify the District**

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

## **Have a Plan**

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

## **Protect the District Voice**

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

### Policy History:

Adopted on: July 14, 2010

Revised on:

Jefferson Joint School District #251

## **PERSONNEL**

**5330**

### **Employee Access to Electronic Information, Services, and Networks**

Internet access, electronic mail (e-mail) and interconnected computer systems are available to district employees to help employees fulfill their job responsibilities. Electronic networks, including the Internet, are a part of the district's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication.

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

Employees utilizing school-provided Internet access are responsible for good behavior on-line as outlined by the Acceptable Use of Electronic Networks for Students and Staff procedure (3270P) and the Code of Ethics for Idaho Professional Educators.

Employees must understand that one employee's misuse of the network and Internet access may jeopardize the ability of all employees to have access. The Board empowers the administration to monitor employees' use of the district's networks, e-mail system, and Internet access.

In conjunction with the Acceptable Use of Electronic Networks for Students and Staff Procedure (3270P), this policy outlines specific rules regarding e-mail and the Internet that are in place for all employees to help protect district's electronic records. The following rules have been established:

- The District e-mail and Internet systems are intended to be used for educational purposes only.
- All employees using the district's network, e-mail, or Internet Access, must sign an Employee Internet Access and Network Conduct Agreement.
- Employees will keep their network username and password secured and not disclose this information to anyone.
- No district employee may use the District's e-mail or Internet systems for the promotion of election or political campaigns, issues dealing with private or charitable organizations or foundations or ballot issues, however, use for other informal or personal purposes is permissible within reasonable limits.

- All e-mails and documents stored on the network are considered district records and should be transmitted only to individuals who have a need to receive them.
- E-mail, documents stored on the network, and Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process.
- Employees should always ensure that the educational information contained in e-mail messages and documents is accurate, appropriate and lawful.
- E-mail messages by employees may not necessarily reflect the views of the district.
- Abuse of the e-mail, network storage, 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.
- All employees will only access information housed on the network in district databases that are relative to their position and job requirements. Accessing information that is not related to their job will result in disciplinary action.
- Falsifying any district electronic records will result in disciplinary action up to and including termination.

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, documents stored on the network, or the Internet. The District owns the computer and software making up the email, network, and Internet system and permits employees to use them in the performance of their duties for the District. Email messages, stored documents, 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 or designee.

Cross Reference:       5290 Political Activity-Staff Participation  
                               3270P Acceptable Use of Electronic Networks for Students & Staff

Legal Reference:       Idaho Constitution Article III, Section 1  
                               Idaho Attorney General Opinion No. 95-07  
                               Code of Ethics for Idaho Professional Educators

Policy History:

Adopted On: September 13, 2006

Revised on: August 11, 2010

**Employee Internet Access and Network Conduct Agreement**

*Every employee must read and sign this agreement before network and Internet access can be granted:*

By signing below I acknowledge that I have been given a copy of and have read and understand the Employee Access to Electronic Information, Services, and Networks policy (Policy No. 5330) and the Acceptable Use of Electronic Networks for Students and Staff Procedure (Procedure No. 3270P). Further, I agree to abide by the rules and regulations set forth in said policies and understand that should I commit any violation or in any way misuse my access to the district's computer network, e-mail, and/or the Internet that my access may be revoked and disciplinary action may be taken against me.

I understand that it is my responsibility as an employee of the district to stay informed regarding rules and regulation changes associated with network access, e-mail, and the internet imposed by the State of Idaho, Code of Ethics for Idaho Professional Educators, or the Board of Trustees.

Employee Name (Print) \_\_\_\_\_ Home Phone: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

This agreement will remain in place for the duration of employment in the Jefferson Joint School District. A copy of this will be placed in the employees personnel file.

## Employee Use of Electronic Communications Devices and Technology

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

### **District-Issued Communications Devices and Technology**

Communication devices or technology issued by the District may include, but is not limited to the following: cellular telephones, walkie-talkies, citizens band radios, either installed in vehicles or hand-held, pagers/beepers, personal digital assistants (PDA's) or laptop computers with Wi-Fi capabilities, interactive whiteboards, clicker response systems, and slates.

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

Any such devices issued shall be with the expectation that they are to be used, almost exclusively, for District related business purposes and are not intended for personal use except in emergencies involving employee health or safety. A District issued device, such as a cell phone or laptop, should only be used by the employee assigned to that device. The employee that is assigned to a device is responsible for all activities and content found on the device while it was assigned to them.

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

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

### **Personally-Owned Communications Devices and Technology**

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

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

Cellular telephones and pagers/beepers should not be used during the employee's normal duty times to send/receive messages of a personal nature, but such use is allowable during normal break times, lunch times, and preparation times. Use of cellular telephones or audible pagers/beepers should be curtailed during instructional time or at school-sponsored programs, meetings, in-services, parent/guardian conferences, or any other time when there would be a reasonable expectation of quiet attentiveness.

Personally owned computers, laptops, PDA's, etc. may be used by employees; however, they may not have access to the district network, Wi-Fi, or the internet gateway. Unauthorized attempts to connect or

unauthorized connections may result in disciplinary action up to and including recommendation for termination.

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

Policy History:

Adopted On: September 13, 2006

Revised on: August 11, 2010

## **PERSONNEL**

**5340**

### 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, in achieving District goals, and to assist with decisions regarding personnel actions. This policy applies to certificated personnel, but the District shall differentiate between non-instructional and pupil instructional personnel. The Superintendent is hereby directed to create procedures that differentiate between certificated non-instructional and certificated pupil instructional personnel in a way that aligns with the *Charlotte Danielson Framework for Teaching Second Edition* to the extent possible and aligns to the pupil staff's applicable national standards.

Each certificated staff member shall receive at least one written evaluation to be completed by no later than June 1<sup>st</sup> for each annual contract year of employment and shall use multiple measures that are research based and aligned to the *Charlotte Danielson Framework for Teaching Second Edition* domains and components. The evaluation of certificated personnel shall annually include a minimum of two documented observations, one of which shall be completed prior to January 1<sup>st</sup>. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

### Objectives

The formal performance evaluation system is designed to:

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

## Responsibility

The Superintendent or his or her designee shall have the overall responsibility for the administration and monitoring of the Performance Evaluation Program and will ensure the fairness and efficiency of its execution, including:

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

The Immediate Supervisor is the employee's evaluator and is responsible for:

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

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

## Written Evaluation

A written summative evaluation will be completed for each certificated employee by June 1<sup>st</sup>. A copy will be given to the employee. The original will be retained by the Immediate Supervisor. The evaluation should be reviewed annually and revised as necessary to indicate any significant changes in duties or responsibilities. The evaluation is designed to increase planning and relate performance to assigned responsibilities through joint understanding between the evaluator and the employee as to the job description and major performance objectives.

The written evaluation will identify the sources of data used in conducting the evaluation. Aggregate data shall be considered as part of the 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 1<sup>st</sup>. In situations where certificated personnel are unavailable for two documented classroom observations, due to situations such as long-term illness, late year hire, etc., one documented classroom observation is acceptable.

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

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

**Charlotte Danielson Framework:** The evaluation will be aligned with minimum State standards and based upon the *Charlotte Danielson Framework for Teaching Second Edition* and will include, at a minimum, the following general criteria upon which the Professional Practice portion will be based. Individual domain and component ratings must be determined based on a combination of professional practice and student achievement as specified above. Individuals who hold a Professional or Advanced Professional Endorsement will be annually evaluated in at least two domains, including **Domain 2 or Domain 3**. Whether the District evaluates on only two domains or all domains is left to the discretion of the individual principal and may be decided on a case-by-case basis for each employee. All other instructional or pupil service staff employees must be evaluated across all domains.

## 1. Planning and Preparation

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

## 2. Classroom Learning Environment

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

## 3. Instruction and Use of Assessment

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

## 4. Professional Responsibilities

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

### Meeting with the Employee

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

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

1. Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next

performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.

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

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

### Rebuttals/Appeal

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

If a written rebuttal/appeal is received by the supervisor within seven days, the supervisor may conduct additional meetings or investigative activities necessary to address the rebuttal/appeal. Subsequent to these activities, and within a period of ten working days, the supervisor may provide the employee with a written response either amending the evaluation as requested by the employee or stating the reason(s) why the supervisor will not be amending the evaluation as requested.

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

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

### Action

Each evaluation will include identification of the actions, if any, available to the 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 References:	I.C. § 33-514	Issuance of Annual Contracts – Support Programs – Categories of Contracts – Optional Placement – Written Evaluation
	I.C. § 33-515	Issuance of Renewable Contracts
	I.C. § 33-518	Employee Personnel Files
	I.C. § 33-1001	Foundation Program — State Aid — Apportionment - Definitions
	IDAPA 08.02.02.120	Local District Evaluation Policy

### Policy History:

Adopted on: June 8, 2012

Revised on: October 12, 2022

## **PERSONNEL**

**5350**

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

Applicants for teaching positions with Jefferson #251 School District who are issued a contract and employees who are on contract should recognize that their contract with the District carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless (1) there are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and (2) until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Superintendent.

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

The Employee may make a written request for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to the District offices so that a search for a suitable replacement can be initiated. The request for release will be submitted to the Board at the time specified by the employee. If finding a replacement is not imminent, the District offices will advise the person submitting the request that the administration will recommend to the Board that the request be denied. The District offices will also give the person making the request the opportunity to hold the request until finding a suitable replacement is

imminent at which time the resignation would then be submitted to the Board. (If no time is specified for the request to be submitted to the Board, it will be submitted when the administration feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.)

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

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

In addition, should any certificated employee abandon the contract of employment with the District without the prior written release from the contract by the Board, the District and/or Board may, in its discretion, pursue any and all available legal remedies, including damages to recoup all losses caused by such breach of contract, including without limitation costs for substitutes, recruiting, loss of state funding, legal fees, etc.

#### Classified Personnel

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

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

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

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

#### Policy History:

Adopted on: Feb. 8, 2012

Revised on:

## **PERSONNEL**

### **Non-school Employment by Professional Staff Members**

**5370**

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

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

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

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

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

### **TUTORING FOR PAY**

Except by prior written authorization from the Superintendent or a designee

- School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with the District. There will be no rental fee charged to district music instructors who offer tutoring to students.
- A staff member is not permitted to provide tutoring for pay on school grounds to any student who attends or is registered in any of the staff member’s own classes with the exception of music students.
- The principal shall provide safeguards to assure that equal opportunity is provided each student in every music department where a teacher may be involved in tutoring or private lessons.
- Teachers are not to be alone with students after regular school hours. When private tutoring sessions are held it is required that teachers make arrangements for additional students or adults to be in the vicinity of the location where the lessons take place.

This policy does not apply to group camps sponsored by district assigned coaches or advisors outside of the school year in subjects that are not tied directly to the academic requirements of the school.

## **PERSONNEL**

**5390**

### Employment Referrals and Prevention of Sexual Abuse

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

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

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

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

Legal Reference: 20 USC § 7926 Prohibition on Aiding and Abetting Sexual Abuse

Policy History:

Adopted on: September 11, 2019

Revised on:

Reviewed on:

## **PERSONNEL**

**5400**

### Leaves of Absence

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

### Sick Leave

Classified employees who regularly work twenty (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 (1) day as projected for the employment year for each month of service in which he/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/her individual employment contract. The District, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness.

Compensation shall not be provided for unused sick leave.

“Sick leave” means a leave of absence, with pay, for a sickness suffered by an employee or his or her immediate family. For the definition of “Immediate family” for purposes of sick leave refer to the definition of immediate family in Article VII- Leaves Section C of Professional Agreement.

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. It is further understood that for extreme illness of the teacher's spouse, children, parents, and siblings of the teacher and spouse, the teacher shall be allowed sick leave where the teacher is the one who must care for the person who is seriously ill.

### Bereavement Leave

An employee who has a death in the immediate family shall be eligible for bereavement leave as follows:

- (1) Be allowed a maximum of three (3) days' absence without salary deduction per occurrence per year; one of which may be used at the discretion of the teacher for funeral services;
- (2) Be allowed to use sick or personal leave as needed for absence beyond three (3) days.
- (3) Additional days may be granted for extenuating circumstances by Superintendent.

For the definition of "Immediate family" for purposes of bereavement leave refer to the definition of immediate family in Article VII- Leaves Section C of Professional Agreement.

### Personal and Emergency Leave

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

1. Leave will be without pay unless otherwise stated. If leaves are to include expenses payable by the District, the leave approval will so state;
2. Leave will only be granted in units of half or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week. Notice of one (1) month is required for any personal leave exceeding one (1) week.
4. The 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.

Legal Reference: 42 USC 2000(e)	Equal Employment Opportunities
I.C. § 33-513	Professional personnel
I.C. § 33-1216 <i>et seq.</i>	Sick and other leave
I.C. § 33-1228	Severance allowance at retirement

### Policy History:

Adopted on: Feb. 6, 2013

Revised on: March 11, 2026

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: Feb. 8, 2012

Revised on:

Sick Leave Bank

- (1) Each professional employee of the District covered by this contract may participate in the sick leave bank. Additionally, any certificated administrator may participate in the sick leave bank. To join, each employee shall contribute two (2) days of his/her earned sick leave days to the sick leave bank prior to November 1 of the current contract year, or prior to any illness for which a claim is made, whichever is earlier. Sick leave days thus contributed shall be deducted from the individual's annual sick leave entitlement. The contributed sick days shall form a fund of sick leave days that will be available to all eligible participating professional employees upon recommendation of the Sick Leave Bank Committee.
- (2) The Sick Leave Bank Committee shall consist of three (3) teachers appointed by the Association and three (3) members of the Board or their designees. In the event that a deadlock occurs, the Board shall have the final decision after a hearing between the teacher and the Board has been held. The Committee shall develop and distribute rules and procedures for orderly administration of the bank not inconsistent with the terms of this Agreement. The Committee shall be responsible for reporting to the District's accounting office the names of contributors and the number of days contributed. It shall report all days granted by the bank and all other information necessary for the employees' records.
- (3) Application for use of the bank shall be submitted to the Sick Leave Bank Committee for their recommendation. If the Committee deems necessary, it shall require proof of illness at the time of application and from time to time after a grant has been made.
- (4) The Committee shall have the authority to establish such guidelines as it deems necessary to implement this program. Guidelines shall have the approval of the Association's Executive board and the Board of Trustees. After complete review of the application, the committee shall have the authority to make final decisions within the guidelines as to the disposition of the case.
- (5) In order for a professional employee to be eligible to apply for sick leave benefits from the sick leave bank, the employee must first: (1) Be a contributor to the bank; and (2) Have been absent from work due to illness or accident for all his/her accumulated sick leave days and suffered five (5) days loss of salary.
- (6) The professional employee must apply for sick leave benefits after each additional illness. Twenty (20) days will be the maximum number granted per individual with twenty (20) additional days to be

granted for extenuating circumstances if approved by the Sick Leave Bank Committee. Employees receiving workmen's compensation or on maternity leave will not be eligible to draw from the Sick Leave Bank.

(7) The maximum number of days that can be granted in any one (1) fiscal year will be the remaining number of days an employee is scheduled to work under his/her current contract. In no case will the granting of leave cause an employee to receive more than annual salary for that year.

(8) Bank grants to individual employees will not be carried over from one (1) fiscal year to another and all such grants will end at the termination of the school year.

(9) If a teacher should resign or retire, the sick leave days donated to the sick leave bank remain in the bank and are forfeited by the teacher.

#### Policy History:

Revised on: March 11, 2026

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

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

Medical certification shall be required to determine 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:

**PERSONNEL**

**5410P**

Family and Medical Leave Procedure

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

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

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

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

- 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.

#### Employee Notification of Policy

A general notice from the Department of Labor explaining the FMLA's provisions and complaint procedures will be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or will be included in employee handbooks or other written guidance concerning benefits or leave rights. No notification of rights under the FMLA or related regulations should be construed to alter any applicable at-will employment relationship between the District and an employee.

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: December 12, 2012

Revised on:

Serving on a jury is a fundamental responsibility of citizenship, and the Jefferson Jt. School District #251 supports this important role in our society. Upon receipt of the initial, official notification, an employee selected for jury duty must submit a copy of such notice to the immediate supervisor and to the district office as soon as possible so that appropriate substitute needs can be met. If the absence would pose a significant hardship for the School District, the employee may be asked to request a postponement of jury duty from the court.

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

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

While on jury duty, an employee will receive salary in an amount equal to full pay from the district Court and School District.

Policy History:

Adopted On: September 13, 2006

Revised on:

**PERSONNEL**

**5413**

Witness for Court Appearance Leave

Jefferson Jt. School District #251 employees who are subpoenaed into court as a witness will be allowed leave for required court appearances. Employees are expected to use only the portion of the work day of days required for their appearance as a witness. Employees are required to receive prior approval of the superintendent and their immediate supervisor (maintenance, school lunch, bus supervisor and principals). The employee will be granted leave to be a witness for court appearance with pay providing the person submits a copy of the subpoena to the district office as soon as possible.

Policy History:

Adopted On: September 13, 2006

Revised on:

**PERSONNEL**

**5420**

Long-Term Illness/Temporary Disability

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

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

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 and family medical leave has been exhausted.

Cross Reference: 5410 – 5410P  
Legal Reference:

Family Medical Leave

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

29 CFR 1604.10 Pregnancy Discrimination Act -  
Employment Policies Relating to Pregnancy and Childbirth

Policy History:

Adopted on: July 14, 2010

Revised on:

**PERSONNEL**

**5420P**

Long-Term Illness/Temporary Disability

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

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

Cross Reference: 5410 – 5410P

Family Medical Leave

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

29 CFR 1604.10 Pregnancy Discrimination Act -  
Employment Policies Relating to Pregnancy and Childbirth

Procedure History:

Adopted on: July 14, 2010

Revised on:

**PERSONNEL**

**5430**

## **Insurance Benefits for Employees/ Trustees**

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

Effective September 1, 2014 employees who work thirty (30) hours or more per week shall be entitled to group health insurance benefits.

Legal Reference: I.C. § 33-517A School districts – Non-certificated employees – Group health insurance

I.C. § 67-5763 Governmental body authorized to make contracts for group insurance for officers and employees

The school district shall provide the following insurance benefits for twelve (12) month full time non-certificated employees:

- a. Employee hospital, surgical and major medical insurance
- b. Employee dental insurance
- c. \$50,000 group life insurance policy

Upon request, payroll deductions shall be made available to those employees who wish to provide the additional payment for full family premiums

### Policy History:

Adopted On: June 11, 2014

Revised on:

## **Legal Days When the District Will be Closed**

5440

Saturdays

Sundays

January 1—New Years Day

President's Day in February

Memorial Day in May

July 4—Independence Day

July 24 (if it falls between Monday-Friday)

Labor Day in September

Thanksgiving Day in November

December 25—Christmas Day

All full time classified and central office employees will receive the following additional vacation days after a complete year of service

Two weekdays during Christmas/New Year holiday

Two weekdays during spring break

One weekday—the day after Thanksgiving

Arrangements for taking any of these four days will be made in advance by the concerned personnel with the district supervisor/administrators.

At the discretion of the principal, teachers may be granted leave without loss of pay and substitute provided for the following purposes directly related to improvement of instruction: attendance at professional meetings, workshops, conferences or seminars interschool or intraschool visiting, other activities deemed appropriate by the District. Requests for such leave shall be made to the principal, subject to approval of the Superintendent, at least 2 weeks in advance of the date of the leave.

1. SCHOOL VISITATIONS AND EDUCATIONAL PROGRAMS: School visitations and other educational programs directly related to improving instruction are permitted with the District paying the substitute teachers salary with expenses for the teacher to be approved by the Board.
2. DISCIPLINE AREA ASSOCIATION MEETINGS: Discipline area association meetings should be scheduled so that they do not interfere with school time.

**PERSONNEL**

**Vacation Leave**

Superintendent and Directors

The Superintendent, Assistant Superintendent, and Directors of Elementary and Secondary Education are entitled to twenty (20) days of vacation per year. Vacation time may accrue for up to two (2) years and up to a total of twice the number of the yearly vacation days, up to a total of forty (40) days.

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

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

Prior approval by the administration must be given before vacation leave is taken. Nothing in this policy guarantees approval of specific days. Each request will be judged by the District in accordance with staffing needs.

Classified

Year around full-time classified regular employees are entitled to six days (48 hours) of vacation with pay, accrued at 4 hours per month during their first full year (12 months) of service. At the beginning of the second year of continuous service with the district, employees shall be entitled to twelve days (96 hours) of vacation with pay accrued at 8 hours per month. The exception is the Business Manager, who shall be entitled to 18 days of vacation with pay (accrued at 1.5 days per month).

Classified employees who are assigned to work at least 35 hours a week during the nine-month school year and not included in the above classified category, shall be entitled to 3 vacation days (24 hours) per year. Vacation may accrue for up to two (2) years and up to a total of twice the number of the yearly vacation days up to a total of six days (48 hours).

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

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

Each supervisor shall establish a vacation schedule for non-certified employees under their direction. Prior approval by supervisor must be given before vacation leave is taken. Nothing in this policy guarantees approval of specific days. Each request will be judged by the District in accordance with staffing needs.

Policy History

Adopted on: September 13, 2006

Revised on: August 12, 2020

**PERSONNEL**

**5460**

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 the 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: September 13, 2006

Revised on:

**PERSONNEL**

**5470**

Leaves of Absence - Military Leave

**Long Term**

Military leave is a leave granted without pay to employees who enlist in or are inducted into the military services of the United States, or to employees who are members of the National Guard, or any component of the military forces of the State, or Reserve Forces of the United States who are ordered to duty by the proper authority of the State of Idaho or of the United States for training active service in time of war, or other emergency situations.

### **Short Term**

Members of a reserve unit or the National Guard shall attempt to arrange active duty assignments or training sessions at times when *school is not in session*.

### General Policy

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

### Notice to District

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

### Military Leave for Training or Short Term Duty

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

### Completion of Military Training

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

For any period of active duty up to 12 months, the employee shall be entitled to receive from the District salary or wages equal to the difference between the employee's military pay and the employee's District salary, provided the employee's military pay does not exceed his or her District salary or wages. The employee must provide the District with all documentation necessary to permit the aforementioned computation. For periods beyond 12 months, the Board will review and consider approval for any further extensions. Employees who do not request District pay or who fail to provide the documentation required in this policy shall not be entitled to receive any District salary or wages as set forth in this policy.

### Pension and Retirement Plans.

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

#### Medical Insurance.

Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee's military service is for 31 days to 2 months, the health plan will offer continuous coverage.

An employee on military leave may elect to continue health care coverage through the District for up to 12 months after the military leave begins or for the period of military service, whichever is shorter. The District's obligation to provide health benefits ends once an employee's military leave exceeds 12 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had he or she not been absent for military service.

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

The standard military service length and reporting times are:

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

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

#### Disqualification From Returning to Work

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

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

#### Reinstatement to Positions After Extended Duty

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

1. They must not have remained on active duty beyond their first opportunity for honorable or general release.
2. They must report to claim reinstatement within 10 days after completion of service; or 5 days in the case of individuals who undergo only 2 months/days active training or less.

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

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

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

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

Policy History:

Adopted On: September 13, 2006

Revised on:

**PERSONNEL**

**Leave of Absence**

**5480**

Teachers desiring a leave of absence must make formal application through his/her immediate supervisor to the Board. The Board shall review the request and if granted shall allow the following:

- A. No loss of accumulated benefits of sick leave and tenure
- B. Allow teachers to participate in group insurances while on leave with the teacher paying the premium.
- C. A written guarantee that upon return from the leave the teacher shall be assigned to the same position, if available; or if not, to at least an equivalent position, if such is available in his/her area of preparation.
- D. Leaves can be extended beyond one year with a written request from the teacher on leave; prior to May 1 of the year the leave would have ended.

Leaves of absence could be granted for many reasons and would include: personal illness, military service, child rearing and caring for a sick family member.

## Policy History

Adopted on: May 12, 1976

## **PERSONNEL**

**5500**

### Personnel Files

The District maintains a complete personnel record for every employee (certificated and classified). Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Superintendent, Principal, the employee, the employee's designee or representative.

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 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;
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/her 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 work week begins;
- F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
- G. Any payment made which is not counted as part of the "regular rate";
- H. Total wages paid each pay period

2. Additional records required for non-exempt employees:

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

Access to information contained in the personnel records of District employees is governed by Policy 4130.

Cross Reference: 4130 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: September 13, 2006

Revised on:



## *Jefferson Joint School District #251*

### **Every Student Can Learn and Succeed**

---

3850 E. 300 N.-- P.O. Box 150  
Rigby, Idaho 83442  
208-745-6693

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

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

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

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

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

Jefferson School District  
P.O. Box 150  
Rigby, Idaho 83442  
**Email address**

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

Should you have any question regarding this matter, please contact Dr. Ron Tolman at the above contact information.

#### Policy History:

Adopted on: August 10, 2011

Revised on"

At the discretion of the principal, teachers may be granted leave without loss of pay and substitute provided for the following purposes directly related to improvement of instruction: attendance at professional meetings, workshops, conferences or seminars interschool or intraschool visiting, other activities deemed appropriate by the District. Requests for such leave shall be made to the principal, subject to approval of the Superintendent, at least 2 weeks in advance of the date of the leave.

1. SCHOOL VISITATIONS AND EDUCATIONAL PROGRAMS: School visitations and other educational programs directly related to improving instruction are permitted with the District paying the substitute teachers salary with expenses for the teacher to be approved by the Board.
2. DISCIPLINE AREA ASSOCIATION MEETINGS: Discipline area association meetings should be scheduled so that they do not interfere with school time.



***Jefferson Joint School District #251***  
**Every Student Can Learn and Succeed**

---

3850 E. 300 N.-- P.O. Box 150  
Rigby, Idaho 83442  
208-745-6693

**REQUEST FOR VERIFICATION OF CERTIFICATE STATUS**

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

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

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

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

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

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

Jefferson School District #251  
P.O. Box 150  
Rigby, Idaho 83442

**Email address**

Sincerely,

Policy History:

Adopted on: August 10, 2011

Revised on:

Staff HealthMedical 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.

**Mandatory Medical Examinations**

In the event that the Superintendent has reasonable grounds to believe that a classified staff member is suffering from physical or mental illness, and that such illness impairs the ability of the staff member to perform his/her contract responsibilities, the Superintendent may require the staff member to secure a physical or mental examination and obtain a written medical certificate to be submitted to the Office of the Superintendent. Any information gained in this manner shall remain confidential.

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

Physical Examinations

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

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

Contagious or Infectious Diseases

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

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

Confidentiality

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

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

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

Policy History:

Adopted On: September 13, 2006  
Revised on:

**PERSONNEL**

**5610**

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: September 13, 2006  
Revised on:

**PERSONNEL**

**5700**

Substitutes

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

The state department of education shall maintain a statewide list of substitute teachers.

To remain on the statewide substitute teacher list the substitute teacher shall undergo a criminal history check every five (5) years.

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The 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. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour.

Cross Reference: 5110 Criminal History / Background Checks

Legal Reference: I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates  
I.C. § 33-512(15) Governance of schools

Policy History:

Adopted on: Nov. 5, 2008

Revised on: May 11, 2011

**PERSONNEL**

**5710**

Paraprofessionals, Teachers' Aides and Paraeducators

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

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

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

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are newly hired in a Title I school-wide program to have a high school diploma or general equivalency diploma (GED) **and:**

1. Demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; **or**

2. Have completed at least two (2) years of study at an accredited postsecondary educational institution; **or**
3. Obtained an associate degree or higher level degree;

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

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

Legal Reference: 20 USC § 6312 Local Agency Plans, as amended by ESSA of 2015  
20 USC § 6314 School Wide Programs, as amended by ESSA of 2015  
20 USC §§ 7011, 7801 Definitions, as amended by ESSA of 2015  
IDAPA 08.02.02.0007.10.a Paraprofessional.

Policy History:

Adopted on: September 13, 2006

Revised on: August 8, 2018

**PERSONNEL**

**5720**

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.

Volunteers who have unsupervised access to children are subject to the District's policy mandating criminal background checks.

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: 5110 Fingerprints and Criminal Background Investigations  
Legal Reference: I.C. § 33-512 Governance of schools

Policy History:

Adopted On: September 13, 2006

Revised on:

**Private Service Providers /Consultants**

5725

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

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

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

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

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

Compensation

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

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

Confidentiality

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

Definition

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

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

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

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

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

Policy History:

Adopted on: May 9, 2007

Revised on

## **PERSONNEL**

**5740**

### Reduction in Force

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

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

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

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

The Board may choose to implement a RIF through:

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

any combination of the above.

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

Policy History:

Adopted on: 7/10/2013

Revised on:

**PERSONNEL**

**5740PF**

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Subject of Instruction: \_\_\_\_\_

<b>CRITERIA AND MEASURE</b>	<b>POINT VALUE</b>	<b>DATA SOURCE</b>	<b>TOTAL POINTS</b>
<b>TEACHER EVALUATION</b>	<b>30 Maximum Points Possible in this area</b>		
For the most recent evaluation exceeding expectations on District Evaluation	30 points		
For the most recent evaluation meeting expectations on District Evaluation	25 points		
<b>PROFESSIONAL STANDARDS AND CONDUCT</b>	<b>20 Maximum Points Possible in this area</b>		
No documented offenses in violation of professional standards or District Policies.	20 points		
For each documented offense in violation of professional standards or District Policy, as documented through a reprimand, suspension or other documented notation, subtract 5 points from the total possible points.	-		
<b>EDUCATIONAL</b>	<b>25 Maximum Points</b>		

<b>CERTIFICATION AND CREDENTIALS</b>	<b>Possible</b>		
Highly Qualified in currently assigned Subject Matter of Instruction	15 points		
Highly Qualified in Hard to Fill Position as Determined by Board*	20 points		
Highly Qualified in Multiple Subject Matters of Instruction	5 points per each subject matter of instruction for which Highly Qualified		
Advanced Degree – MA/MS	2 points per degree		
Advanced Degree – Doctorate	2 points per degree		
Other Advanced Degree	1 point per degree		
National Board Certification	10 points		
<b>PROFESSIONAL CONTRIBUTIONS</b>	<b>25 Maximum Points Possible in this area</b>		
Participated as a member of a School Leadership or District Leadership Team.	10 points		
Service as a grade level chair or department head.	5 points		
Service on a district level task force or committee (i.e. curriculum committee, ESL task force, etc.)	10 points		
Advisor of a co-curricular activity	5 points		
Advisor of extra-curricular activity	5 points		
<b>LEVEL 1 TIE BREAKER</b>			
Number of Certifications for which Highly Qualified	5 points per highly qualified endorsement or certification		
<b>LEVEL 2 TIE BREAKER</b>			
Years of service in the district	1 point per year		
<b>TOTAL SCORE</b>			

\*Highly qualified hard to fill positions have been determined by the Board to Include: Speech Language Pathologists, School Psychologists, and Special Education Teachers.

Form History:

Adopted on: 7/10/2013

Revised on:

## **PERSONNEL**

**5750**

### Employing Retired Teachers and Administrators

One of the Board's personnel goals is to recruit, select and employ the best qualified personnel to staff the 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 teacher's 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 not 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. § 33-51423	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: Feb. 8, 2012

Revised on:

**PERSONNEL**

**5800**

Classified Employment, Assignment, and Grievance

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

With the exception of those classified employees specifically hired by the Board as holding a status of not at-will, all classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason, so long as the same does not violate public policy or violate any other provision of law. Such at-will designation will be included in all job descriptions and related written documentation, should the same be implemented by the District. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written documentation shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the District so long as the employment relationship continues.

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

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

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

terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

Cross Reference: 5800P                      Classified Employee Grievance Procedure

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

Policy History:

Adopted on: November 5, 2008

Revised on: June 14, 2017

**PERSONNEL**

**5800P**

Classified Employee Grievance Procedure

Classified employees may file a written grievance alleging a violation of current, written District approved policy, procedure, or employee handbook, a condition or conditions that jeopardize the health or safety of the employee or another, or tasks assigned outside of the employee's essential job functions and for which the employee has no specialized training in strict accordance with the procedure set forth herein. For the purposes of this procedure current, written District policy means the policy in place and approved by the Board as of the date of the incident giving rise to the grievance and not any previous or subsequent policy.

Neither the rate of pay nor the decision to terminate an employee during the initial 180 days of employment shall be regarded as a proper grievable matter.

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

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

Level 1: Informal

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

Level 2: Administration

If the complaint is not resolved at Level 1, the grievant may file a written grievance stating: 1. The nature of the grievance; and 2. The remedy requested. It must be signed and dated by the grievant. The Level 2

written grievance must be filed with the District's human resources administrator within six working days of the event or incident giving rise to the grievance.

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

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the person who received the written grievance shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The 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 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 shall 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 15 days of receiving the report of the Coordinator to the Board for a hearing.

### Level 3: Superintendent

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

### Level 4: Hearing Panel

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

### Level 5: The Board

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

### Procedure History:

Adopted On: September 13, 2006

Revised on: June 14, 2017

Compensatory Time and Overtime/Classified Employees

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

Compensatory time is limited to a maximum of 40 hours per fiscal year.

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

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

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

Policy History:

Adopted On: September 13, 2006

Revised on: May 9, 2007

Evaluation of Non-Certified Staff

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

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

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

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

I.C. § 33-518 Employee Personnel Files

Policy History:

Adopted On: September 13, 2006

Revised on: July 10, 2013

Evaluation of School Bus Drivers

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

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

<b>Legal References</b>	<b>Description</b>
IC § 33-517	Non-Certificated Personnel
IC § 33-518	Employee Personnel Files
<b>Other References</b>	<b>Description</b>
Idaho State Department of Education Specifications & Procedures	Standards for Idaho School Buses and Operations National School Transportation Specifications & Procedures, Identification and Evaluation of School Bus Route and Hazard Marking Systems

**Cross References**

<b>Code</b>	<b>Description</b>
5205	Job Descriptions
5800	Classified Employment, Assignment, and Grievance
5800-P(1)	Classified Employment, Assignment, and Grievance - Classified Employee Grievance Procedure
5820	Evaluation of Non-Certificated Staff

Policy History:  
Adopted On: August 13, 2025

**PERSONNEL 5830**

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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

**Curriculum and Test**

All new bus drivers in School District # 251 will complete the Idaho School Bus Driver Training Curriculum, dated October 17, 1996, or a comparable, prior-approved training program, have ten (10) hours observation and behind-the-wheel training, and pass all knowledge and skill tests contained in the Idaho School Bus Driver Training Curriculum with a minimum score of eighty percent (80%) before being allowed to drive a school bus loaded with students.

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)

Policy History:

Adopted On: September 13, 2006

Revised on:

## **PERSONNEL**

**5830P**

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

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

Other persons who drive vehicles designed to transport 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: September 13, 2006

Revised on:

The most important duty of the bus driver is the safety of the students on the bus. No distractions, personal matters, physical conditions, or other matters should detract from this primary responsibility. Specifically, the driver is expected to:

1. Obey all traffic laws while operating the bus
2. Extend courtesy to other drivers on the road
3. Exercise reasonable discipline of the students while they are on the bus
4. Give a warm greeting to each student as they enter and depart the bus
5. Keep current on all traffic laws and keep current in your driving skills
6. Immediately report any violations of the "School Bus Passing Law" to proper officials
7. Immediately report any discipline problems with students to the appropriate school administrator
8. Keep your bus clean and in good operating condition at all times

### **Bus Drivers and Prescription Medication**

**5840**

Drivers are cautioned regarding the use of prescription medication which contains a warning label stating the use of that drug may impair their ability to safely operate a commercial vehicle. Drivers may be allowed to work while using such medication when the drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties, and who has advised the driver that the prescribed medication will not adversely affect their ability to safely perform their job as bus driver.