

**PERSONNEL**

**5000**

Board Goal/Personnel

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

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

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

Policy History

Adopted on: July 12, 2016

Revised on:

**PERSONNEL**

**5100**

Hiring Process and Criteria

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

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

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

Guidelines

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

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4. When considering coaching assignments, preference for hiring will be given to a qualified certificated professional employee in the school where the coaching vacancy exists. The Superintendent will be responsible for assuring that all qualified and interested applicants within the building have been given consideration. Giving such individuals consideration does not mean that such an individual will necessarily be retained for a coaching position or that another individual may receive the position who is not an employee of the building in question.
5. As required in Idaho Code 65-505, the District will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.
6. As required in Idaho Code 33-130 and 33-512(15), the District will conduct a criminal history check for applicable positions. See Policy 5110.
7. Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

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

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

### Notice of Vacancies

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

1. Job Vacancy Notices: Any notice from South Lemhi School District No. 292 will contain the following information:
  - A. The Superintendent will post notice of any vacancy and job description within the District. Such notice shall be posted for ten (10) school days within the District for current teacher or administrators to apply for the position, during the school year. Postings during the summer break may be in and out of the District concurrently, and run for a shorter time period.
  - B. Requirements for completed application, as applicable for position, include but are not limited to: 1) a completed District application form; 2) official transcripts of all university or college credits; 3) a placement center file; 4) a

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personal resume; 5) verification or eligibility of Idaho certification; and 6) a signed statement/release for current and past school district employers.

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

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

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

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### Screening

1. The Superintendent or Board may establish a committee to assist in the final screening process.
2. The committee, upon receiving the written applications from the appropriate administrator, will review those applications for the purpose of:
  - A. Determining those most suited to the position;
  - B. Making personal telephone contact with one or more references submitted by the applicant;
  - C. Contacting individuals who might know the candidate, but were not listed as references, if needed; and
  - D. Inviting the top candidates to be interviewed for the position.
3. The committee will establish the procedures at the building or program level for interviewing the successful applicants.
4. For those applicants who have no prior public school work experience or whose out-of-state former employers will not release documentation requested pursuant to I.C. § 331210, the screening committee or administrator may engage in whatever background checks it deems appropriate, but at a minimum shall verify all prior work experience and educational achievement listed by the applicant as the committee or administrator deems appropriate, preferably by contacting the prior employers and/or educational institutions listed by the applicant, and shall communicate with every person listed as a reference by the applicant.
5. Upon determining the qualified applicant, the building administrator will submit to the Superintendent the written recommendation for the applicant to be offered a contract.

### Acceptance Procedure

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

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

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Board may not identify any reason for non-issuance of a standard contract not based on the documentation received. If, within 30 days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to the applicant, the employee will be deemed to be employed pursuant to a Category A contract. During this provisional employment, the applicant shall be provided the same

- B. Compensation and benefits as if the employee had been employed on a standard certificated contract.

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

- C. 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.
- D. Submit to the Board of Trustees such recommendation.

### Board Action

The Board of Trustees of South Lemhi School District No. 292 will:

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

### Approval

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

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or the contract is not signed and returned to the Board, the Superintendent will remand the situation to the building administrator and screening committee to provide the next applicant's name for consideration.

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

### Certification

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

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

Legal Reference: I.C. § 33-130	Criminal History Checks for School District Employees or Applicants for Certificates
I.C. § 33-512	Governance of Schools
I.C. § 33-513	Professional Personnel
I.C. § 33-1210	Information on Past Job Performance
I.C. § 65-505	Officials to Observe Preference
I.C. § 67-2345(a)	Executive Sessions

### Policy History

Adopted on: July 12, 2016

Revised on: February 13, 2017





**South Lemhi School District No. 292**

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

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

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

This form:

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

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

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**§ 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.

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**REQUEST TO EMPLOYER**

**5100F2**

**South Lemhi School District No. 292  
IDAHO CODE 33-1210**

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

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

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

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

South Lemhi School District No. 292  
Superintendent Michael Jacobson  
mjacobson@leadoreschool.org  
P.O. Box 119  
Leadore, ID 83464  
(208)768-2441

It should be noted that this statute provides that any School District or employee acting on behalf of the School District, who in good faith discloses information pursuant to this section either in writing, printed material, electronic material, or orally is immune from civil liability for the disclosure. An employer is presumed to be acting in good faith at the time of the disclosure under this section unless the evidence establishes one or more of the following:

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

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

\_\_\_\_\_ at the above contact information.

\_\_\_\_\_  
Superintendent

**SOUTH LEMHI SCHOOL DISTRICT #292**

**REQUEST FOR VERIFICATION OF CERTIFICATE STAUS**

**5100F3**

South Lemhi School District No.292

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

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

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

D.O.B.: \_\_\_\_\_

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

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

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

Sincerely,

\_\_\_\_\_ School District Superintendent

Certificated Personnel Reemployment

Definitions

**Category 1 Certificated Employees:** Certificated personnel hired on a limited one year contract after August 1<sup>st</sup>.

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

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

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

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

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

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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. The Board may provide written notification to each person entitled to be employed on a renewable contract in May. 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.

### Supplemental Contracts

Extra duty supplemental contracts are for an assignment which is not part of a certificated employee's regular teaching duties.

Any 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.

### 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.

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### 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.

Cross Reference: Policy 5340  
Policy 6100

Evaluation of Certificated Personnel  
Superintendent

Legal Reference I.C. § 33-513  
I.C. § 33-514  
I.C. § 33-514A  
I.C. § 33-515  
I.C. § 33-515A

Professional Personnel  
Issuance of Annual Contracts – Support programs –  
Categories of Contracts – Optional Placement  
Issuance of Limited Contract – Category 1 Contract  
Issuance of Renewable Contracts  
Supplemental Contracts

### Policy History

Adopted on: July 12, 2016

Revised on:



**PERSONNEL**

**5107**

Informal Review

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

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

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

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

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: July 12, 2016

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 submit to criminal history checks. The list is to include, but is not limited to:

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

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

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

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

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

### Employee Arrest or Conviction

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

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

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

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

### Substitute Teachers

The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal history check every five years. If a substitute teacher has undergone a criminal history check within five years as a result of employment with another District, the District, may in its sole

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

### Other Employees

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

### Volunteers

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

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

### Contractors

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

### Confidentiality

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

Legal Reference: I.C. § 33-130      Criminal History Checks for School District Employees or Applicants for Certificates  
I.C. §33-512      Governance of Schools  
I.C. §9-340(C)      Records Exempt from Disclosure  
Public Law 105-251, Volunteers for Children Act

### Policy History

Adopted on: July 12, 2016

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Administrative 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 or paid suspension if the Superintendent or designee believes that such action is in the best interest of the District.

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

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

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

Policy History

Adopted on: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5200**

#### Applicability of Personnel Policies

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

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

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

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

#### Policy History

Adopted on: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5205**

#### Job Descriptions

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

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

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

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

#### Policy History

Adopted on: July 12, 2016

Revised on:



## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5210**

#### Work Day

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

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

The length of a work day for a certified employee shall be 9 hours for a full-time certified employee. The work day is generally exclusive of extracurricular assignments, but inclusive of preparation time and assigned duties. Arrival time shall generally be one-half hour before classes begin and departure time shall generally be one-half hour after classes or as otherwise directed by the Superintendent.

#### 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 a ten hours per day, 40 hours per week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by the individual contract. The schedule will be established by the supervisor. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

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: July 12, 2016

Revised on:

Page 1 of 1

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

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

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

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

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

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

Policy History

Adopted on: July 12, 2016

Revised on:

**Sexual Harassment/Sexual Intimidation in the Workplace**

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

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

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

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

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

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

Employees who believe they may have been sexually harassed or intimidated should contact the Superintendent, 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.

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### Investigation

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

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

### Confidentiality

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

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

Cross Reference: 5250      Uniform Grievance Procedure

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

### Policy History

Adopted on: July 12, 2016

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.

Grievance Procedure

A staff member with a grievance is encouraged to first discuss it with their head teacher, 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 Superintendent. 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 the Superintendent. The written grievance shall state:

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

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

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

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

If the grievant is not satisfied with the decision of the Superintendent or designee, the individual shall have a period of five working days to advance the grievance to the school board.

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: July 12, 2016

Revised on:

Abused and Neglected Child Reporting

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

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

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

"Neglected" means a child:

*Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his or her well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items;*  
-I.C. § 16-1602(25).

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

Employees of the District shall notify the Superintendent of the case, who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person



## SOUTH LEMHI SCHOOL DISTRICT #292

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

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

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

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

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

### Policy History

Adopted on: July 12, 2016

Revised on:

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].

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### Reporting

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

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

The Superintendent and/or the 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: July 12, 2016

Revised on:

PERSONNEL

5280

Professional Standards Commission (PSC) Code of Ethics

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

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

1. **Principle I:** A professional educator abides by all federal, State, and local laws and statutes.
2. **Principle II:** A professional educator maintains a professional relationship with all students, both inside and outside the classroom.
3. **Principle III:** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.
4. **Principle IV:** A professional educator exemplifies honesty and integrity in the course of professional practice.
5. **Principle V:** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.
6. **Principle VI:** A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation.
7. **Principle VII:** A professional educator complies with State and federal laws and local School Board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law.
8. **Principle VIII:** A professional educator fulfills all terms and obligations detailed in the contract with the local Board of Education or education agency for the duration of the contract.
9. **Principle IX:** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators, and submits reports as required by Idaho Code.

10. **Principle X:** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights, and responsibilities while following recognized professional principles.

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

Code of Ethics for Idaho Professional Educators

**01. Aspirations and Commitments.**

- a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future.
- b. The professional educator provides an environment that is safe to the cognitive, physical, and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen.
- c. The professional educator, recognizing that students need role models, will act, speak, and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs.
- d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local School Board to assist in the Board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged.
- e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession.
- f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and

community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons.

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

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

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

**04. Principle III – Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

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

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

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

- h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and,
- i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification.

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

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

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

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

**08. Principle VII – Confidentiality.** A professional educator complies with State and federal laws and local School Board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is



not limited to:

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

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

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

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

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

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

## SOUTH LEMHI SCHOOL DISTRICT #292

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

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

- 01. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators.
- 02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code.
- 03. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse, or school librarian (Section 33-1201, Idaho Code).
- 04. Certificate Denial.** The refusal of the State to grant a certificate for an initial or reinstatement application.
- 05. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code.
- 06. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate, or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint.

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- 07. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 331209(10), Idaho Code).
- 08. Contract.** Any signed agreement between the School District and a certificated educator pursuant to Section 33-513(1), Idaho Code.
- 09. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred, or withheld.
- 10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code).
- 11. Education Official.** An individual identified by local School Board policy, including, but not limited to, a Superintendent, principal, assistant principal, or school resource officer (SRO).
- 12. Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder.
- 13. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers.
- 14. Hearing Panel.** A minimum of three educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint.
- 15. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education.
- 16. Minor.** Any individual who is under 18 years of age.
- 17. Not-Sufficient Grounds.** A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's certificate.
- 18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the State of Idaho while performing duties as educators in both the private and public sectors.

**SOUTH LEMHI SCHOOL DISTRICT #292**

- 19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder’s Certificate.
- 20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators.
- 21. Revocation.** The invalidation of any Certificate held by the educator.
- 22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission.
- 23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12.
- 24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint.

Violations of the Code of Ethics of the Idaho Teaching Profession

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

Legal Reference: I.D.A.P.A. 08.02.02.076 Code of Ethics for Idaho Professional Educators  
I.D.A.P.A. 08.02.02.077 Definitions for Use with  
the Code of Ethics for Idaho Professional  
Educators

- I.C. § 33-513 Professional Personnel
- I.C. § 33-1208 Revocation, Suspension, Denial, or Place Reasonable  
Conditions on Certificate—Grounds
- I.C. § 33-1208A Reporting Requirements and Immunity
- I.C. § 33-1209 Proceedings to Revoke, Suspend, Deny or Place  
Reasonable Conditions on a Certificate—Letters of  
Reprimand—Complaint—Subpoena Power—Hearing

Policy History

Adopted on: July 12, 2016

Revised on:

Tobacco Free Policy

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

Definition

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

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

Policy History

Adopted on: July 12, 2016

Revised on:

Drug- and Alcohol-Free Workplace Purpose

The South Lemhi School District No. 292 is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public.

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

All employees are prohibited from:

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

As a condition of employment, each employee shall:

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

Definitions as Used in This Policy

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

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

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

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

Controlled Substance” means any drug or substance that is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;
3. Legally obtainable, but has not been legally obtained;
4. Referenced in federal or State controlled substance acts.

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

### Confidentiality

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

### Pre-Employment Testing

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

An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the District, and such will be considered as a withdrawal of the individual's application for employment. If substance screening shows a confirmed

## **SOUTH LEMHI SCHOOL DISTRICT #292**

positive result for which there is no current physician's prescription, a second confirming test may be requested by the Superintendent or his or her designee. If the first or any requested second confirming test is positive, any job offer shall be revoked.

### Physical Examination/Screening Based Upon Reasonable Suspicion

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

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

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

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

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

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

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

1. Observed use, possession, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol, and/or the illegal use or sale of prescription drugs;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors;
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents,



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- whether or not they involve actual or potential injury; and
5. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violations of drug statutes.

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

### Post-Accident Testing

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

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

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

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

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

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

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

### Opportunity to Contest or Explain Test Results

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

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### Return to Duty Testing

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

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

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

### Inspections

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

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

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### District Action Upon Violation of Policy

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

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

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

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

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

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

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

### Policy History

Adopted on: July 12, 2016

Revised on:

**SOUTH LEMHI SCHOOL DISTRICT #292**

**PERSONNEL**

**5320F1**

Drug and Alcohol Abuse Testing Acknowledgment

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Date

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 all certificated personnel, both pupil instructional personnel and non-instructional personnel.

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

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 the Superintendent; 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;

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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 and guardians, and other interested parties;
8. Creating a procedure for remediation for employees that receive evaluations indicating that remediation would be an appropriate course of action; and
9. Creating an individualized evaluation rating system for how evaluations will be used to identify proficiency and record growth over time with a minimum of three rankings used to differentiate performance of certificate holders including: unsatisfactory being equal to a rating of 1; basic being equal to a rating of 2; and proficient being equal to a rating of 3.

The Superintendent is 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
4. Completing training on the District's Performance Evaluation Program.

### Written Evaluation

A written evaluation will be completed for each certificated employee. A copy will be given to the employee. The original will be retained by the Superintendent. 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.

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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.

### Meeting with the Employee

**Counseling Sessions:** Counseling sessions between the Superintendent 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 Superintendent.

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

1. Discuss the evaluation with the employee, emphasizing strong and weak points in job performance. Commend the employee for a job well done if applicable and discuss specific corrective action if warranted. Set mutual goals for the employee to reach before the next performance evaluation. Recommendations should specifically state methods to correct weaknesses and/or prepare the employee for future promotions.
2. Allow the employee to make any written comments he or she desires. Inform the employee that he or she may turn in a written rebuttal/appeal of any portion of the evaluation within seven days and outline the process for rebuttal/appeal. Have the employee sign the evaluation indicating that he or she has been given a copy and initial after the Superintendent's comments.

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

### Rebuttals/Appeal

Within seven days from the date of the evaluation meeting with the Superintendent, 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.

## **SOUTH LEMHI SCHOOL DISTRICT #292**

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

If the Superintendent 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 Board, or the designee, for review in a sealed envelope, marked Personnel-Evaluation. The Superintendent will also retain a copy of the completed form.

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

By July 1, The District shall report the rankings of individual certificated personnel evaluations annually to the State Department of Education.



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	Evaluation
I.C. § 33-515	Issuance of Renewable Contracts
I.C. § 33-518	Employee Personnel Files
IDAPA 08.02.02.120	Local District Evaluation Policy

Policy History

Adopted on: July 12, 2016

Revised on:

**SOUTH LEMHI SCHOOL DISTRICT #292**

**PERSONNEL**

**5340F**

Parent or Guardian Input Form—Classroom Teacher Evaluation

Teacher: \_\_\_\_\_

Grade(s)/Classes: \_\_\_\_\_

School Year: \_\_\_\_\_

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**Instructions:**

1. Please complete the evaluation by circling the most appropriate number.
2. This form should be mailed to:  
  
South Lemhi School District No. 292  
Attn: Superintendent Jacobson  
P.O. Box 119  
Leadore, ID 83464
3. Only one form should be completed by each parent for this teacher for each school year.
4. If a parent has a concern with regard to an event occurring in their child’s classroom and wishes to more directly address this issue, please understand that this form alone will not directly address the parental concern. The parent should raise the concern with the teacher and/or building administration.
5. Please offer specific comments when possible. Specific comments will be considered in the preparation of the teacher’s evaluation and will aid both the District and the teacher in addressing performance.

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

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

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

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

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

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**SOUTH LEMHI SCHOOL DISTRICT #292**

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

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Certified Personnel Resignation (Release from Contract)

Applicants for teaching positions with South Lemhi School District No. 292 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 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 Superintendent 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 Superintendent 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 Superintendent feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.

A determination of availability of a suitable replacement will be made by the Superintendent before recommendation will be made to the Board that the employee be released from contract. If, in the judgment of the Superintendent, there is not a suitable replacement, and/or if retention of a new employee is not approved by the Superintendent, 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.

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### 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.

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

### Policy History

Adopted on: July 12, 2016

Revised on:



Nonschool Employment by Professional Staff Members

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

1. Prevent the employee from performing assigned responsibilities in an effective manner;
2. Be prejudicial to proper effectiveness in the position or compromise the District; or
3. 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's 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.

Except by prior written authorization from the Superintendent, 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.

Policy History

Adopted on: July 12, 2016

Revised on:

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 21 days from the date of such action.

Sick Leave

All classified employees and certificated employees shall be granted sick leave and other leaves in accordance with State law. At the beginning of each new employment year and thereafter during the employment year, each certificated and non-certificated employee of the District will be entitled to one day of sick leave for each month of service. Sick leave for classified employees shall be calculated proportionate to the average hours worked per day. The District, may in its discretion, require proof of illness when deemed appropriate, including but not limited to abuse of sick leave or false claims of illness.

Compensation shall not be provided for unused sick leave.

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

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

Accumulation of Unused Sick Leave

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

Bereavement Leave

An employee who has a death in the immediate family shall be eligible up to four (4) days of bereavement leave or if there is a death in the extended family shall be eligible up to two (2) days of bereavement leave. “Immediate family” for purposes of bereavement leave shall mean spouse, father, mother, brother, sister or children. “Extended family” for the purposes of bereavement leave shall mean aunt, uncle, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent, and grandchild.

## **SOUTH LEMHI SCHOOL DISTRICT #292**

Bereavement leave shall be not exceed 4 days per year. Special circumstances must be approved by the Board.

### Personal and Emergency Leave

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

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

Legal Reference: 42 USC 2000(e)

I.C. § 33-513

I.C. § 33-1216 *et seq.*

I.C. § 33-1228

Equal Employment Opportunities

Professional Personnel

Sick and Other Leave

Severance Allowance at Retirement

### Policy History

Adopted on: July 12, 2016

Revised on:

Family and Medical Leave

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

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

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

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

Employees will not be required to use appropriate paid leave while on FMLA Leave but may choose to substitute paid leave.

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

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

Legal 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

Policy History

Adopted on: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5420**

#### Long-Term Illness/Temporary Disability

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

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

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

Cross Reference: 5410 – 5410P      Family Medical Leave

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

#### Policy History

Adopted on: July 12, 2016

Revised on:

**SOUTH LEMHI SCHOOL DISTRICT #292**

**PERSONNEL**

**5430**

Insurance Benefits for Employees/ Trustees

Newly hired certificated employees will be eligible for insurance benefits offered by the District.

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

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

Legal Reference: I.C. § 33-517A      School Districts – Non-Certificated Employees – Group Health Insurance  
I.C. § 67-5763      Governmental Body Authorized to Make Contracts for Group Insurance for Officers and Employees

Policy History

Adopted on: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5440**

#### School Holidays

The District designates the following days as school holidays:

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

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

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

Legal Reference: I.C. § 33-512      Governance of Schools  
                          I.C. § 73-108      Holidays Enumerated

#### Policy History

Adopted on: July 12, 2016

Revised on:

**SOUTH LEMHI SCHOOL DISTRICT #292**

**PERSONNEL**

**5450**

Vacation Leave

12 month classified and administrative employees will receive 10 days of annual vacation leave benefits not to be accumulated.

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

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

Policy History

Adopted on: July 12, 2016

Revised on:



Workers' Compensation Benefits

All employees of the District are covered by Workers' Compensation benefits. In the event of an injury or accident:

1. The injured employee shall immediately obtain first aid or emergency medical care as necessary to stabilize their medical condition.
2. The injured employee shall promptly report the accident and injury to the Superintendent within forty-eight (48) hours.
3. The employee shall, if possible, immediately remediate the hazardous condition. If immediate remediation is not possible, the employee shall report the hazardous condition so it can be remediated as soon as possible.
4. Call or visit with Superintendent after medical treatment if needed to complete the necessary report of accident and injury.

If the Superintendent is not available, a designee will be appointed and the Superintendent shall be consulted when in completing any and all reporting as the required reports.

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

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

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

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

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

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

Policy History

Adopted on: July 12, 2016

Revised on:

Leadership Premiums

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

The decision as to whom and how many instructional employees receive leadership premiums shall not be subject to collective bargaining and shall not become a part of the negotiated agreement.

Leadership Criteria

The Board may award leadership premiums of a minimum of \$900 to certificated instructional employees in recognition of the additional time they will spend fulfilling one or more of the following leadership roles:

- Providing instruction in a subject in which the employee holds a content area master's degree;
- Teaching a course in which the student earns both high school and college credit;
- Teaching a course to middle school students in which the students earn both middle school and high school credit;
- Holding and providing service in multiple non-administrative certificate or subject endorsement areas;
- Serving in an instructional position designated as hard to fill by the Board;
- Providing mentoring, peer assistance, or professional development to teachers in their first two years in the profession;
- Having received professional development in career and academic counseling, and then providing career or academic counseling for students, with such services incorporated within or provided in addition to the teacher's regular classroom duties; and
- Various other criteria designated by the Board, excluding duties related to student activities or athletics, that require the employee to work additional time such as:
  - Curriculum development;
  - Assessment development;
  - Data analysis;
  - Grant writing;
  - Special program coordinator;
  - Research project;
  - Teaching professional development course;

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The Board may grant multiple leadership premiums to those performing multiple duties, but no employee shall receive leadership premiums that exceed 25% of the employee's base salary amount.

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

Legal Reference: I.C. § 33-1004F

Obligations to Retirement and Social Security  
Benefits

I.C. § 33-1004J

Leadership Premiums

### Policy History

Adopted on: July 12, 2016

Revised on:

Classified Employment, Assignment, and Grievance

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

All classified employees shall be regarded as “at-will” employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason, so long as the same does not violate public policy or violate any other provision of law.

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 with the Superintendent. If the Superintendent has not addressed the grievance, they may address the grievance with the board.

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: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5820**

#### Evaluation of Non-Certified Staff

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

The Superintendent 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 Board. If the staff member refuses to sign the evaluation, the Superintendent should note the refusal and submit the evaluation to the Board. 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: July 12, 2016

Revised on:

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### **PERSONNEL**

**5830**

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

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

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

Legal Reference: 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)  
49 C.F.R. Parts 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 382 Controlled Substance and Alcohol Use and Testing, and 395 Hours of Service of Drivers  
49 U.S.C. § 5331, 31306 Omnibus Transportation Employee Testing

#### Policy History

Adopted on: July 12, 2016

Revised on:



Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

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

Pre-Employment Tests

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

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

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

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

Post-Accident Tests

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

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



## **SOUTH LEMHI SCHOOL DISTRICT #292**

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

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

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

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

### Random Tests

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

### Reasonable Suspicion Tests

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

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

The Superintendent who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his or her observations within 24 hours of the

## **SOUTH LEMHI SCHOOL DISTRICT #292**

observed behavior or before the results of the drug test are released, whichever is earlier.

### Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

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

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

### Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

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

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

### Follow-Up Tests

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

### Records

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

### Notifications

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

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

## **SOUTH LEMHI SCHOOL DISTRICT #292**

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

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

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

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

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

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

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

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

### Policy History

Adopted on: July 12, 2016

Revised on: